
CHAPTER 15 - ZONING PROCEDURES

SECTION 15.0 GENERAL:

- A. **Application Process:** The purpose of this Chapter is to provide procedures for the processing of applications for amendments to the text of this Zoning Ordinance (“*the Ordinance*”), the *Official Zoning Map(s)*, the *General Plan*, *Special Uses*, *Variances*, *Disability Accommodation Permits*, *Site Plan Reviews*, *Applications for Development*, and *Appeals*. Although the specific procedures followed in reviewing the various applications differ, the procedures for all applications have three (3) common elements: (1) submittal of a completed Town of Cave Creek (“*the Town*”) application, together with the required fee payment and appropriate information; (2) review of the submittal by appropriate Town staff, agencies, Commission, and Boards; and (3) action to approve, approve with conditions, or deny the request or application. The pre-submittal process is organized as follows:
1. **Pre-Application Conference Application:** Prior to submitting for any application listed in Section 15.0, Subsection A of this Ordinance, the applicant shall submit a Pre-Application Conference Application on a form provided by the Town. At the time of submittal, the applicant shall provide the assigned project manager with a site plan and a tentative development proposal for the property. A site plan and tentative development proposal are not required for a community residence located in an existing structure if the structure’s footprint will not be altered. Once the Pre-Application Conference Application is determined to be complete and has been routed to the appropriate departments for review, the assigned project manager will schedule a meeting between the applicant and the Town (Amended by Ord. 2025-13).
 2. **Pre-Application Conference Meeting:** The applicant shall meet with Town Staff to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application (Amended by Ord. 2025-13).
 3. **Formal Application Submittal:** Following The applicant may only formally submit their specific application after the *Pre-Application Conference*, where applicable, has been conducted Only complete applications shall be accepted (Amended by Ord. 2025-13).
- B. **Planning Commission:** The Planning Commission (“*the Commission*”) shall hold regularly scheduled public hearings to receive and review public input as required by this Ordinance. On those items where it has review authority, the Commission shall recommend that the Town Council (“*the Council*”) approve,

approve with conditions or deny the application. Commission recommendations shall be based on, but not limited to, all of the following:

1. Conformance with this Ordinance, the *Subdivision Ordinance*, and all other applicable Town policies, codes, rules and regulations;
 2. Conformance to the *Cave Creek General Plan* and other adopted plans;
 3. Staff recommendations;
 4. Review agency input;
 5. Public input and testimony received at the hearing;
 6. Effects of the proposal on the health, safety and welfare of the neighborhood, area, and community-at-large;
 7. Conformance with applicable *Arizona Revised Statutes* (“A.R.S.”).
- C. **Records:** The Commission shall provide for action minutes to be recorded and shall retain a record of all evidence submitted. The action minutes along with a summary of the considerations and recommendations made by the Commission shall be forwarded to the Council.
- D. **Town Council:** The Council shall hold regularly scheduled public hearings to act upon all items as required by this Ordinance. The Council shall decide whether to approve, approve with conditions, or deny an application. Council action shall be based on, but not limited to, all of the following:
1. Planning Commission recommendations;
 2. Conformance with this Ordinance, the *Subdivision Ordinance*, and all other applicable Town policies, codes, rules and regulations;
 3. Conformance with the *General Plan*, and other adopted plans;
 4. Staff recommendations;
 5. Review agency input;
 6. Public input and testimony received at the hearing;

7. Effects of the proposal on the health, safety and welfare of the neighborhood, area, and community-at-large;
 8. Conformance with applicable *A.R.S.*
- E. **Scope of Action:** The reviewing body may take any action on the application that is consistent with the public notice. The reviewing body may allow amendments to the application if the effect of the amendments is to decrease the intensity or density from that requested on the original application, or to reduce the impact of the development or the amount of land involved in the development. The reviewing body shall not, in any case, permit a greater intensity or density of development, a greater modification or a use permitted only in a different general use category, or affecting a larger land area than indicated in the application and notice.

SECTION 15.1 NOTIFICATION FOR PUBLIC HEARINGS:

- A. **Notice Requirements:** Notification of public hearing(s) required by this Ordinance shall be subject to the notice requirements set forth in *A.R.S.* and within this Ordinance.
1. The applicant shall be responsible for providing the Town with mailing labels containing the names and addresses of all property owners within five hundred feet (500') of the proposed request. Failure to provide a complete list of mailing labels shall constitute an incomplete application. The Town shall be responsible for the first-class mailing of the required notices.
 2. The Town shall post notice of the date and time of Public Hearings for Planning Cases on the Town of Cave Creek web site.
 3. If one parcel in a subdivision is included in the notification radius, then that property shall be noticed as well as the Homeowners Association for that subdivision.
 4. For a request for Special Use, the applicant shall be responsible for providing the Town with mailing labels containing the names and addresses of all property owners within a half-mile (2640') radius of the boundaries of the proposed request.

- B. **Notification Procedures:** Notice of the date, time, and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, shall be given at least fifteen (15) days before the hearing.
- C. **Town Initiated Rezoning or Ordinance Amendments:** The Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - 1. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the proposed changes;
 - 2. If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings;
 - 3. The Town shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the Town. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.
 - 4. If notice is provided pursuant to subparagraphs C(2) or C(3) of this subsection, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice. The Town may charge the recipient a fee not to exceed five dollars (\$5) per year for providing this service and may adopt procedures to implement this provision.
- D. Notwithstanding the notice requirements set forth within this Ordinance, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Town for which the notice was given.

SECTION 15.2 NOTIFICATION SIGNAGE:

- A. All development applications requiring a Public Hearing shall be required to provide notification signage. The notification signage shall comply with the following standards:
 - 1. The applicant shall install, at a minimum, one (1), four foot (4') x four foot (4') wooden, double-faced sign, attached to two inch (2") x four inch (4") posts (see attached Exhibit 15.1 for reference)

2. The maximum overall sign height shall not exceed six feet (6').
3. The subject sign shall be placed perpendicular to a major street frontage and generally adjacent to the public right-of-way as designated by the Zoning Administrator.
4. The sign shall be painted to contrast with bold black lettering (see attached Exhibit 15.1 for reference).
5. The sign shall be posted a minimum of fifteen (15) days prior to the date of the first public hearing.
6. The applicant shall submit a notarized affidavit stating the sign has been posted in accordance with these provisions and shall provide a dated photograph showing the sign on the site.
7. The sign shall remain posted until the final Town Council public hearing, after which the applicant shall have ten days (10) to remove the subject sign.

**THE NOTIFICATION SIGN SHALL FOLLOW THE LAYOUT SHOWN BELOW:
(4' x 4' Notification Sign)**

TOWN OF CAVE CREEK ZONING HEARING	
REQUEST:	
ZONING CASE NUMBER: ___ - ___ - ___	
PLANNING COMMISSION: DATE: _____	TIME: 7:00 p.m.
TOWN COUNCIL: DATE: _____	TIME: 7:00 p.m.
LOCATION: CAVE CREEK TOWN HALL @ 37622 N. CAVE CREEK RD.	
TOWN OF CAVE CREEK	
PHONE: 480-488-1400	FAX: 480-488-2263

EXHIBIT 15.1

SECTION 15.3 VARIANCES and APPEALS:

- A. **Purpose:** The Board of Adjustment (“*the Board*”) may decide appeals from the decisions of the Zoning Administrator and grant variances from the terms of the *Zoning Ordinance* regulations that meet the criteria set forth within this Section.
- B. **Application:**
 - 1. Before the Town accepts a variance application; the petitioner shall submit a *Pre-Application Conference* Application. The purpose of the *Pre-Application Conference* is to discuss, in general, the procedures and requirements for the variance (Amended by Ord. 2025-13).

2. A request for variance shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development *Site Plan* showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. In all cases, the application shall address, in writing, the evaluation criteria as set forth in this Ordinance and include the required written statement as a part of the *Variance Application* submittal.
3. An applicant may appeal a Zoning Administrator's determination to the Board of Adjustment ("*the Board*"). The appeal shall be filed on a Zoning Administrator's *Determination-Appeal Form* available in the Planning Department.

C. Evaluation Criteria:

1. Appeals of Decisions of the Zoning Administration:
 - a. The Board is authorized to hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement or interpretation of this Ordinance.
 - b. The Board's review is limited to determining whether the decision or interpretation was in accordance with the intent and requirements of this Ordinance.
 - c. The Board may reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Board.
2. Variances:
 - a. The Board is authorized to hear and decide appeals for variances from the terms of this Ordinance, only if, because of special circumstances applicable to the property based upon the following:
 - 1) The parcel size, shape, topography, location, or surroundings.
 - 2) That the strict application of the *Zoning Ordinance* will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

- 3) That any variance granted is subject to such conditions as will assure that the adjustment 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 located.
 - 4) The granting of the adjustment may not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.
- b. Variance Requests: A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in the §ASRS and within this Ordinance. The Board of Adjustment may not:
- 1) Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the *Zoning Ordinance*, provided the restrictions in this paragraph shall not affect the authority to grant variances.
 - 2) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

SECTION 15.4 PROCEDURES:

- A. **Public Meetings:** Notice of the meeting at which the variance or appeal will be heard, shall be provided in compliance with in the §ASRS. In all cases the notice shall be posted in a conspicuous place on the affected property.
- B. **Validity Limit:** Rights and privileges established by the granting of a variance shall be exercised within twelve (12) months following the date of approval unless the Board specifies a different time limit at the time the variance is granted. A variance that is not exercised within the time limits specified shall be determined to be null and void.
- C. **Appeals of Board of Adjustment Decision:** A person aggrieved by a decision of the Board, a taxpayer who owns or leases the adjacent property or a property within three hundred feet from the boundary of the immediately adjacent property, or an officer or department of the Town of Cave Creek affected by a decision of the Board may at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board's decision.
- D. **Stay of Proceedings:** An appeal to the Board stays all proceedings in the

matter appealed from, unless the Zoning Administrator certifies to the Board in writing that, in the Zoning Administrator's opinion, based on the facts stated, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by an order granted by the Board or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appeal requests relief, which has previously been denied by the Board except pursuant to a special action in Superior Court.

SECTION 15.5 ZONING TEXT AMENDMENT and ZONING MAP CHANGES:

- A. **Purpose:** In accordance with the provisions of the §ASRS, the Council may from time to time adopt text amendments to this Ordinance and/or amend the *Official Zoning Map(s)*.
- B. **Application:**
 - 1. **Applicant:** Any person, Town staff, the Commission, or the Council may request an amendment to the text of the *Zoning Ordinance*. Only the property owner, the Commission, or the Council may initiate an amendment to the *Zoning Map*.
 - 2. **Pre-Application Conference:** Before the Town accepts any *Zoning Ordinance* text amendment or *Zoning Map* change applications, the applicant other than the Council, Commission, or Town staff shall submit a *Pre-Application Conference* Application. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for the *Zoning Ordinance* text amendment or *Zoning Map* change (rezoning) pursuant to these regulations.
 - 3. **Formal Application Submittal:** Following the *Pre-Application Conference*, the application shall be filed on a form provided by the Town and shall be accompanied by the applicable fees and supporting documentation required by this Ordinance and/or on the application form. Additional materials or studies may be required by the Town in order to adequately review the application.
- 2. **Administrative Completeness Review Timeframe for Zoning Applications:** Zoning applications shall be reviewed for administrative completeness within thirty (30) days after receiving the application. The applicant will be informed of any deficiencies and advised to submit missing or incomplete information in accordance with the requirements of *A.R.S.*, which shall also be reviewed by the Town within the time prescribed by *A.R.S.*
- C. **Initiation of Ordinance Text Amendment:** The application must include the

exact Section of this Ordinance proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment.

- D. **Initiation of a Rezoning:** An owner of real property within the Town, or that owner's authorized representative, may, upon proof of ownership, apply for a change in zoning district boundaries (rezoning) for that landowner's property. The Town staff, the Commission and the Council also may initiate such amendments. If a rezoning application filed by a party other than the Commission or Council includes property not owned by the applicant, the application shall include the signatures of the real property owners in favor of the request. The required signatures shall represent the owners of at least seventy-five (75%) percent of the land in the area proposed to be changed.
- E. **Submittal Requirements:**
1. As a prerequisite to the Commission hearing for any rezoning, a neighborhood meeting shall be conducted by the applicant. The purpose of the meeting is to provide information to the adjacent property owners and residents and to allow the neighbors and residents to express any issues or concerns that they may have with the proposed rezoning before the public hearing is conducted.
 - a. The applicant shall provide notice of the meeting to all landowners within a half-mile (2640') radius of the boundaries of the proposed development, the Town, and any Neighborhood Associations on record with the Town, by first class mail a minimum of thirty (30) days prior to the scheduled Commission meeting.
 - b. The applicant shall submit a list of the attendees and minutes of the meeting(s) to the Town Planning Department a minimum of fifteen (15) days prior to the scheduled public hearing on the requested rezoning.
 - c. All meeting(s) shall be held within the Town of Cave Creek corporate limits.
 2. All *Zoning Ordinance* text amendments and Zoning Change applications shall comply with the submittal requirements outlined within this Ordinance, and those on the associated application form.
- F. **Procedures:** All *Zoning Ordinance* text amendments and zoning change

applications (rezoning) shall be processed in accordance with this Ordinance and ASRS.

1. Approval of a petition to rezone land may not be enacted as an emergency measure and the rezoning shall not become effective for at least thirty (30) days after Council approval.
 2. If the proposed rezoning is inconsistent with the *General Plan – General Land Use Plan*, an application for an amendment to the *General Land Use Plan* shall be submitted by the applicant in accordance with the *A.R.S.* and this Ordinance.
- G. **Protest:** If a protest is filed in accordance with the requirements of the §ASRS, as amended, the amendment shall not pass, unless approved by a vote of three-fourths (3/4) of the Council. The protest petition shall be filed in writing with the Town Clerk at or before noon on the date of the Council hearing.
- H. **Subsequent Applications:** In the event that an application for amendment is denied by the Council or that the application is withdrawn after the Commission hearing, the Commission shall not accept another application for the same amendment within one year of the original hearing unless authorized by a vote of three-fourths (¾) of the Commission.

SECTION 15.6 CITIZENS REVIEW PROCESS:

- A. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed within this Ordinance:
1. A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
 2. A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 3. An increase or reduction in the allowable number of stories of buildings.
 4. A ten percent (10%) or more increase or decrease in setback or open space requirements.
 5. An increase or reduction in permitted uses.
- B. In proceedings governed by *Subsection A* of this Section, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:

1. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by changes.
 2. Notice of such changes shall be included within utility bills or other mass mailings that periodically include notices of other informational or advertising materials.
 3. Notice of such changes shall be published prior to the first hearing on such changes in a newspaper of general circulation in the Town. The changes shall be published in a “display ad” covering not less than one-eighth (1/8) of a full page.
- C. If notice is provided pursuant to items #2 or #3 of *Subsection B*, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice. The Town may charge a fee not to exceed five (\$5.00) dollars per year for providing this service and may adopt procedures to implement this provision.
- D. Notwithstanding the notice requirements set forth in *Subsection A* of this Section, the failure on any person or entity to receive notice shall not constitute ground for any court to invalidate the actions of the Town for which the notice was given.

SECTION 15.7 GENERAL PLAN AMENDMENT:

A. Application:

1. In accordance with the provisions of *A.R.S.*, the Council may update and amend the *General Plan*. Such amendments or changes may be initiated by the Council, the Commission, Town staff or by a property owner or his/her designated representative. By resolution, the Council may establish a schedule prescribing when and how frequently *General Plan Amendments* will be considered.
2. Before any *General Plan Amendment* applications are accepted by the Town, the applicant shall submit a *Pre-Application Conference* Application. The purpose of the pre-application process is to discuss, in general, the procedures and requirements for the *General Plan Amendment* pursuant to these regulations and the *General Plan*. All applications shall be filed on a form provided by the Town and shall be accompanied by the required fee and all materials required by this Ordinance and/or on the application form. Additional materials may

be required by the Town in order to adequately review the application.

- B. **Procedures:** An application for a *General Plan Amendment* shall be processed and public hearings shall be held in accordance with the requirements of *A.R.S.*
1. The applicant shall be responsible for providing the Town with mailing labels containing the names and addresses of all property owners within a half-mile (2640') radius of the boundaries of the proposed request.
- C. **Approval Criteria:** In determining whether the proposed amendment shall be approved, the Commission and the Council shall consider the following factors:
1. The development pattern contained in the land use plan does not adequately provide appropriate optional sites for the use proposed in the amendment.
 2. That the amendment constitutes an overall improvement to the *Town of Cave Creek General Plan* and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 3. That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - a. Significantly altering acceptable existing land use patterns.
 - b. Adversely impacting existing uses due to increased traffic on existing systems.
 - c. Affecting the livability of the area or the health and safety of the residents.
 4. That the amendment is consistent with the overall intent of the *General Plan*.
 5. Whether events subsequent to the *General Plan* adoption have changed the character and/or condition of the area so as to make the application acceptable.
- D. **Notification Signage:** The applicant shall post a notification sign on the subject property, as noted on the Town's General Plan Amendment application form.