

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 11-358

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE ARIZONA, AMENDING TOWN CODE CHAPTER 17.128 ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES.

WHEREAS, the Town wishes to amend the Pinetop-Lakeside Town Code Chapter 17.128, Zoning Map and Zoning Text Amendment Procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, as follows:

Section 1:

Town Code Section 17.128.010 Purpose, is amended as follows:

17.128.010 Purpose.

The purpose of this chapter is to allow amendments (i.e. rezoning or zone changes) to the official zoning map and to the text of these regulations. The provisions of this chapter are not intended to relieve particular hardships nor confer special privileges for property owners. (Ord. 09-329 § 2 (Exh. A) (part))

Section 2:

Town Code Section 17.1128.030 Application for zoning map amendment, is amended as follows:

17.128.030 Application for zoning map amendment.

A. For requests that conform to the General Plan, the an completed application, non-refundable filing fee and an advertising fee shall be submitted to the Community Development Department, and ~~shall~~ will contain the following information:

1 A. The name(s) and address(es) of the owner(s) of the affected property.

2 B. A statement of the reasons for the request.

~~C. A Narrative of the applicable criteria listed in Section 17.128.040.~~

3. If the applicant is a person other than the owner(s) of the affected property, written consent signed by all of the owners of the affected property authorizing the filing of the application and authorizing the zoning change requested.

4. An accurate legal description for the affected property.

5. That portion of the official assessor's map maintained by the Navajo County Tax Assessor reflecting the actual boundaries of the property affected, or a certified survey. Maps must be legible and reasonably useful for the purposes herein intended.

6. A map showing the affected property as well as the surrounding property located within a distance of three hundred (300) feet. A portion of the official assessor's map maintained by the Navajo County Tax Assessor will suffice.

7. ~~The current land use~~ A description of the intended uses, the proposed zoning classification and or conditional use permit, with any specified conditions other entitlements which the Planning and Zoning Commission should be made aware of.

~~I. The land use zoning classification or conditional use classification requested.~~

~~J. Facilities and services impact analyses, including traffic/access, water system, sewer system, drainage, electric power, or other public or private facilities/services analyses as requested by the Director.~~

~~K. A description of the intended use(s) of the affected property.~~

~~L. A conceptual site plan and schedule of development if applicable (Ord. 09-329 § 2 (Exh. A)(part))~~

B. For requests not in conformance with the General Plan, the following information will be provided:

1. All application materials listed in Section 17.128.030.A.

2. A narrative of the applicable criteria listed in Section 17.128.040.

3. Major Amendments will be evaluated on an annual basis per Section 17.128.060 Public hearing required.

C. The Community Development Director has the authority to present any application request to the Planning & Zoning Commission for comment prior to finalizing the application for consideration by the Commission.

Section 3:

Town Code Section 17.128.040 Zoning map amendment criteria, is amended as follows:

17.128.040 Zoning map amendment criteria.

~~The A narrative of the zoning map amendment criteria required by 17.128.030.B. shall be part of the application process and be made available and submitted to the Planning and Zoning Commission for consideration based on the following criteria:~~

A. Proposed zone change and proposed uses. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Are there other adequate sites in the Town for the proposed use in zoning districts already permitting such use?

B. Compatibility with the surrounding land uses and zoning patterns. List the surrounding land uses and zoning designations (i.e., north, south, east, and west of the property). Does the proposal create a transition between incompatible land uses?

~~C. Compliance with the general plan and other adopted plans. Does the proposal comply with the land use plan? Statement of how the proposal varies from the General Plan or other adopted plans.~~

D. Proposed style and siting of structure(s), and relationship to surrounding properties. Does the proposal comply with the Town's design guidelines (i.e., building height, architectural theme, and color palette)?

E. Access and traffic; pedestrian, bicycle and vehicular circulation. Will the proposed change create traffic congestion, traffic safety, or other public safety issues?

F. Dedication and development of streets adjoining the property. Will the proposed change have any effect on the improvement or development of adjacent property in accordance with existing regulations?

G. Noise, vibration, lighting, visual, and other considerations. What effect will the proposed change have on living conditions in the surrounding neighborhood?

H. Landscaping and screening provision. What type of landscaping will be installed and will there be any walls or fencing?

I. Open space provisions. Does the proposal meet open space requirements relative to the size and scale of the project? Explain.

J. Drainage improvements. Will the proposed change create a water drainage problem? Are there any floodplain or topographical issues that need to be addressed?

K. Signage and outdoor lighting. Does the proposed signage and outdoor lighting comply with the Town's requirements?

L. Impacts on historical, cultural, wildlife or natural resources.

M. Impacts on public and private utilities or services. List all utility providers. What effect will the proposed change have on all public facilities and services, including but not limited to schools, parks, utilities, streets, access, fire prevention, police protection, etc.? Will the proposed change create fire suppression or fire safety problems?

O. Requests for projects a Planned Unit Development containing fifty (50) or more dwelling units, ~~the~~ an applicant should evaluate the following additional questions:

1. Public Participation. How has the applicant engaged the public? Has the applicant considered or held a neighborhood meeting?

2. Has the applicant completed a market study for the proposed project?

3. Is the proposed amendment necessary or advisable in light of current or future conditions?

4. What effect will the proposed change have on population density?

5. Will the proposed change adversely affect property values in the neighborhood?

6. Will the proposed change constitute a grant of special privilege to an individual owner?

7. Is the requested change consistent with the needs of the neighborhood and the Town?

8. Are there other relevant circumstances which exist? Please specify. (Ord. 09-329 § 2 (Exh. A)(part))

Section 4:

Town Code Section 17.128.060 Public hearing required, is amended as follows:

17.128.060 Public hearing required.

A. No zoning map amendment or zoning text amendment will be granted without the public hearing(s) and notice(s) required by Arizona Revised Statutes, Title 9, Chapter 4, Article 6.1.

B. A major amendment is defined in the currently approved General Plan. A major amendment shall address the applicable criteria listed in 17.128.040. All major amendments to the General Plan shall be presented at a single public hearing during the calendar year. All amendments other than major amendments can be heard at any properly scheduled public hearing. A zoning map amendment request may go to a public hearing concurrently with any amendments to the General Plan, if in compliance with state statutes.

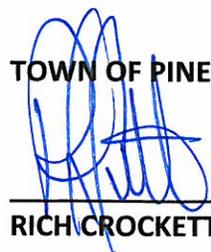
BC. In addition to the notice requirements set forth in subsection A of this section, notice of the public hearing for the requested zoning map amendment shall be posted on the Town Hall bulletin board, ~~the Pinetop and the Lakeside~~ up to two U.S. Post Offices within town boundaries, and at such other places as may be required or provided by statute or town ordinance. ~~directed by the Planning and Zoning Commission.~~ (Ord. 09-329 § 2 (Exh. A) (part))

Section 5:

This Ordinance will become effective on the 19th day of December 2011.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 17th day of November 2011.

TOWN OF PINETOP-LAKESIDE



RICH CROCKETT, Mayor

ATTEST:



LU ANNE FROST, Town Clerk

APPROVED AS TO FORM:



W. KENT FOREE, Town Attorney