

ORDINANCE NO. 24-478

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, NAVAJO COUNTY, ADOPTING AN AMENDMENT TO TOWN CODE TITLE 17 BY ADDING CHAPTER 17.128.025- APPROVAL OF RESIDENTIAL ZONING APPLICATIONS; INCORPORATING THE RECITALS BY REFERENCE; ESTABLISHING A PURPOSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature adopted S.B. 1162, codified as Ariz. Rev. Stat. § 9-462.10, which mandates that cities and towns adopt zoning code amendments on or before January 1, 2025, related to the approval of residential zoning applications; and

WHEREAS, The Mayor and Town Council wish to adopt this Ordinance to comply with the mandates under SB 1162; and

WHEREAS, Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, a public hearing was held on September 26th, 2024, by the Planning and Zoning Commission as required by the Zoning Code.

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

- Section 1 **General**. Title 17 of the Town Code of Pinetop-Lakeside, Arizona, is hereby amended, adding Chapter 17.128.025, Approval of Residential Zoning Applications, to read as follows:
- Section 2. **Providing for Repeal of Conflicting Ordinances**. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.
- Section 3. **Prior Residential Zoning Applications**. This Ordinance does not apply to residential zoning applications submitted prior the effective date of this Ordinance.
- Section 4. **Providing for Severability** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 6. **Adoption by Reference**. Pursuant to A.R.S. §9-802, the Town hereby adopts the addition of Town Code Chapter 17.128.025 - Approval of Residential Zoning

EXHIBIT A

Proposed Town of Pinetop-Lakeside Town Code Chapter 17.128.025

Section 1. Approval of Residential Zoning Applications.

(A) Administrative completeness review time frame.

For each residential zoning application, the Community Development Director shall designate a staff member to review the application. The designated Town staff member shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the staff member will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the staff member receives the resubmitted application. The staff member shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(B) Approval or Denial of Residential Zoning Applications.

After determining that a residential zoning application is administratively complete, the Town Council shall approve or deny the application within one hundred eighty (180) days. The Town may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

- (1) staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
- (2) staff may grant extensions in thirty (30) day increments at the applicant's request.

(C) Exceptions. This Section does not apply to:

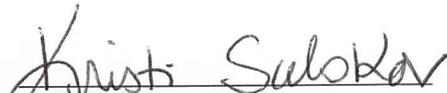
- (1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and
- (2) An area that is designated as historic on the National Register of Historic Places.
- (3) Land that is already zoned as a planned unit development (PUD).

Applications, as set forth in (Exhibit A), a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, located at 325 W. White Mountain Blvd. Lakeside, AZ 85929.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting of the Town Council, Town of Pinetop-Lakeside, Arizona, this 7th day of November 2024, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. § 9-812.



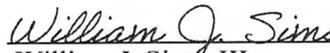
ATTEST:


Kristi Salskov, CMC
Town Clerk

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

APPROVED AS TO FORM:


William J. Sims, III
Town Attorney