

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 09-329

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

WHEREAS, the proposed "Town Code Chapter 17.128 Zoning Map and Zoning Text Amendment Procedures," is declared to be a public record by adopting Resolution No. 09-1052; and

WHEREAS, pursuant to Arizona Revised Statutes § 9-802, three (3) copies of Town Code Chapter 17.128 Zoning Map and Zoning Text Amendment Procedures are on file in the Office of the Town Clerk, and referred to in this Ordinance by reference; and

WHEREAS, the Town of Pinetop-Lakeside desires to repeal the existing "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 Town Code Chapter 17.128 Zoning Map and Zoning Text Amendment Procedures is repealed in its entirety.

Section 2. Town Code Chapter 17.128 Zoning Map and Zoning Text Amendment Procedures is hereby adopted by reference, as if fully set forth herein. A copy of the full text of this new Chapter 17.80 Conditional Use Permits is attached as Exhibit "A."

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of "Town Code Chapter 17.128 Zoning Map and Zoning Text Amendment Procedures" 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.

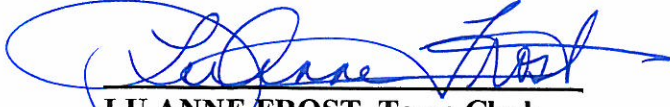
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 18th day of June 2009.

TOWN OF PINETOP-LAKESIDE



LUKE S. SMITH, Mayor

ATTEST:



LU ANNE FROST, Town Clerk

APPROVED:



ROSEMARY H. ROSALES, Town Attorney

Chapter 17.128

ZONING MAP AND ZONING TEXT AMENDMENT PROCEDURES

Sections:

- 17.128.010 Purpose.**
- 17.128.020 Authority to make application.**
- 17.128.030 Application for zoning map amendment**
- 17.128.040 Zoning map amendment criteria.**
- 17.128.050 Zoning regulations text amendments.**
- 17.128.060 Public hearing required.**
- 17.128.070 Planning and Zoning Commission recommendation.**
- 17.128.080 Town Council action.**
- 17.128.090 Fees.**

17.128.010 Purpose.

The purpose of this chapter is to allow amendments 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. 97-142 § 2 (part); Ord. 90-82 § (1X2701))

17.128.020 Authority to make application.

A. Zoning Map Amendments. A zoning map amendment may be initiated by:

1. The owner(s) of the property described in the application.
2. An agent, authorized in writing, to act on behalf of the owner(s) of the described property.
3. The Town, by the Town Council, the Planning and Zoning Commission, or the Director.

B. Zoning Text Amendments. A zoning text amendment may be initiated only by the Town through its Town Council, the Planning and Zoning Commission, or the Director. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1X2702))

17.128.030 Application for zoning map amendment.

A completed application, non-refundable filing fee and an advertising fee shall be submitted to the Community Development Department, and shall contain the following information:

- A. The name(s) and address(es) of the owner(s) of the affected property.
- B. A statement of the reasons for the request.
- C. A narrative of the applicable criteria listed in Section 17.128.040.
- D. 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.
- E. An accurate legal description for the affected property.
- F. 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.
- G. 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.

17.128.030

H. The current land use zoning classification or conditional use permit, with any specified conditions.

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

J. Facilities and services impact analyses, including traffic/access, water system, sewer system, 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. 97-142 § 2 (part): Ord. 90-82 § (1X2703) Ord. 06-263) (Ord. 09-329)

17.128.040 Zoning map amendment criteria.

The narrative of the zoning map amendment criteria shall be part of the application process and be made available 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?

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?

Is 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 towns' 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?

N. Public Participation

How has the applicant engaged the public? Has the applicant considered or held a neighborhood meeting?

O. For projects containing fifty (50) or more dwelling units, the applicant should evaluate the following questions:

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

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

What effect will the proposed change have on population density?

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

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

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

Are there other relevant circumstances which exist? Please specify. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1X2704)) (Ord. 09-329)

17.128.050 Zoning regulations text amendments.

Applications for amendments to the text of these zoning regulations shall be accompanied by a proposed form of the ordinance adopting the amendment, and shall be submitted to the Community Development Department, and shall contain the following information:

A. The reasons for the requested amendment.

B. A discussion of the relationship of the amendment to the current zoning regulations, the general plan, the subdivision code, or any other applicable ordinances, codes, rules, or regulations. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1X2705) Ord. 06-263)

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. 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 post offices, and at such other places as directed by the Planning and Zoning Commission. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1X2706))

17.128.070 Planning and Zoning Commission recommendation.

After public hearing and consideration of the application, the Planning and Zoning Commission shall submit its recommendation for approval or disapproval of the application to amend the official zoning map or text of these zoning regulations to the Town Council. The recommendation shall include the Planning and Zoning Commission's evaluation of the criteria listed in Section 17.128.040 and 17.128.050 for proposed amendments to the zoning map or text. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1)(2707))

17.128.080 Town Council action.

Amendments to the official zoning map or to the text of these zoning regulations shall be accomplished by ordinance of the Town Council, which ordinances shall be adopted as required by Arizona Revised Statutes. Ordinances authorizing amendments to the official zoning map shall clearly state the new zoning designation for the real property along with any additional conditions or restrictions required by the Town Council as a condition of the zoning change. These conditions or restrictions may include time restrictions for construction and development, density restrictions, agreements between the owner/developer and the Town, or other lawful conditions or restrictions imposed by the Town Council. (Ord. 97-142 § 2 (part); Ord. 90-82 § (1X2708) Ord. 07-297)

17.128.090 Fees.

The Town Council shall establish a schedule of fees for a zoning map amendment from time-to-time by resolution. (Ord. 06-263)