



TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION

TUESDAY, NOVEMBER 12, 2024, at 6:00 PM
TOWN OF SPRINGERVILLE COUNCIL CHAMBERS
418 E. MAIN STREET SPRINGERVILLE, AZ 85938

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Planning and Zoning Commission and to the general public, that the Commission will hold a meeting open to the public at the Springerville Town Hall Council Chambers, 418 E. Main St., Springerville, Arizona. The Planning and Zoning Commission reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

1. **CALL MEETING TO ORDER:** Chairwoman Shove called the meeting to order at 6:00 pm.
2. **PLEDGE OF ALLEGIANCE:** Tony Contreras led the Pledge of Allegiance.
3. **ROLL CALL:** Members of the Planning and Zoning Commission or Legal Counsel that are unable to be present in person at a scheduled Commission meeting, may participate in the meeting by telephone or video conference.

Present: Chairwoman Terry Shove; Commissioner Teresa Becker; Commissioner Bill Lucas; Commissioner Tony Contreras

Absent: None

A quorum is present.

Staff Present: Planning and Zoning Director Stormy Palmer

4. **PUBLIC PARTICIPATION:** This portion of the agenda is set aside for the public to address the Commission regarding items, whether they are listed on the agenda for discussion or not. However, the Commission cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action. (A.R.S. §38-431.02(H)).

NONE

5. **CONSENT ITEMS:**

- A. Consider approval of the October 8, 2024, Planning and Zoning Commission regular meeting minutes.

Motioned by: Commissioner Becker; seconded by: Commissioner Contreras to approve consent item A as presented.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Lucas, Commissioner Contreras

4-0 Passed – Unanimously

6. **ZONING ADMINISTRATORS REPORT:** Ms. Palmer advised the Commission that the old Honey Shack building has been demolished, and that the owner is thinking of placing some break-away type fencing to keep people from parking there. She told them that there had been very few permits issued in October, just one for a fence and the demo permit. She let them know that a Right-of-Way Permit had been issued to Ethos Broadband, who was placing the new internet cables in Springerville and Eagar. She explained that the company is working closely with public works as well, in locating lines and that the installation company has stated that in the event they need to close a road they will let everyone know. She stated that a reinspection of the Furniture Store was set for November 7th, she as well as RVFMD and the State Fire Marshal Deputy were there but there was no owner or representative on site to allow entry, at this point she is working on other avenues. She stated that she has updated several code enforcement cases, and sent out four or five letters last week, and will do inspections and updates as necessary. She advised that the annual inspection of the dispensary was completed on October 21st, the annual inspection is a condition of their CUP. The Fire Department as well as the Police Department attended. The dispensary is working on a building permit for the storage shed in the back, the shed was investigated and it is strictly storage for paper products, like receipt tape, and display shelves, no product is being stored there. Ms. Palmer stated that she has finally finished the review of the physical files in the Planning and Zoning Office. That with it being all completed and in order it will help with the address list the County is requesting is completed by the end of the year. The address list being completed will help with the GIS mapping and shape files on the County's website as well as the Town's. She stated that she will be working on the ordinance to update the building codes in Title 15, she has also received updates and tentative changes to the flood plain parts of Title 15 after a meeting with the FEMA representatives. Because the ordinance is so large changing it all at one time is more cost effective. She added that both ordinances will be on the Council's agenda for a first reading next week, she did state that a 2nd public hearing would need to be held, after review of the statute she wasn't sure that the advertising had been in compliance with it. She will have all public hearings advertised on the utility bills going forward to make sure she is in compliance.
7. **LIAISON REPORT:** Chairwoman Shove stated that the last Council meeting was short, and that Title 6 has finally passed.

OLD BUSINESS

8. Discussion and possible action regarding recommendation to the Town Council to adopt the updated Planning and Zoning Rules of Procedure.
Chairwoman Shove introduced the item, and asked if anyone had comments before she starts, no one had comments at this time. Chairwoman Shove states that she has her notes and that "we" didn't do well and states to Ms. Palmer "Storm, you missed a bunch of stuff." At this time Chairwoman Shove has a different copy of the Rules of Procedure in her hand, Ms. Palmer asks her if she has the old copy or the new copy; Chairwoman Shove states that she has the copy that is in the agenda and the "original," that was from when Ms. Palmer was given direction. Ms. Palmer reminds Chairwoman Shove that those (the "original") were never adopted and that she researched from 1999 forward and that the copy that is in the agenda is the only one that she could find that was adopted by Council, and we have to go by what was adopted. Chairwoman Shove then stated that she was confused and asked if there were two sets of Rules in the agenda packet; Ms. Palmer stated there are not two sets, that one is the original adopted copy and the other is a red-lined copy from the changes requested. Chairwoman Shove states she understands, and she still has some issues, she passes out papers with a paragraph on them and then reads Item B from the unadopted set of Rules "Chair will preside at all meetings, decide points of order, review the Commission agenda, and perform other duties," she states that this statement does not seem to be in the "new" Rules anywhere. Chairwoman Shove then states she would like the following added to the Rules "The Zoning Administrator, in the role of Secretary, will gather agenda items and documentation for those items and create an agenda. The Secretary then will share the agenda with the Commission Chair for discussion, before sending the agenda to the commission. The Chair will approve the items on the agenda and/or suggest other needed agenda items." Chairwoman Shove states that this comes from procedures of three other boards that she is on, that the Chair sees the agenda before it is published. Ms. Palmer states that she disagrees, that they should be able to review agenda items together, but part of the problem is certain things or items that have time constraints, with advertisements, public hearings, or letters that needs to be sent out weeks in advance with certain applications. She continued, that with the Chair having to approve the agenda a week before it's sent out does not fit with the time constraints. Ms. Palmer furthered that she's happy to discuss what items are tentatively on there, but things change consistently. She then goes on to say that to have the Chair have final approval, when the Town Manager already approves the agenda, she doesn't understand why that would be necessary. Chairwoman Shove states that is the procedure on other boards she is on, but if that isn't the procedure here, it isn't the procedure here. Ms. Palmer responds she does not know, but usually, and even with the Council agenda, the Town Manager has final approval and at this point Mr. Rasmussen and Ms. Miller usually discuss what is going to be on the agenda, and they keep whiteboards with upcoming items, and that she has started keeping a whiteboard with agenda items for both the Commission and Council. Chairwoman Shove states that what reminded her was the comment that was on the other set that she had. Ms. Palmer says that if Chairwoman Shove wants it added it can be added, but that she still disagrees, because the other agendas are not done that way. She adds that if the Chair, or any other Commission member, would like to add an item she is more than willing to do so, if the item has advertising or hearings that need to be set it may

need to go on the next agenda, depending on time. Commissioner Lucas states he concurs, that is a Zoning Administrator job function, they are responsible for putting it (the agenda) together. He continues that the Chair, or any person on the Commission, that would like an item on the agenda, that has questions, should get with the Administrator. Chairwoman Shove takes a few moments at this time to look over her notes and the other copies of the Rules, and then states she doesn't have any other comments. There is no further discussion on this matter.

Motioned by: Commissioner Becker; seconded by: Commissioner Lucas to recommend the Town Council the updated Rules of Procedure.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Lucas, Commissioner Contreras

4-0 Passed – Unanimously

9. Continued discussion and direction to staff regarding draft ordinance regulating backyard fowl in single-family residential zones.
Chairwoman Shove introduced the item. Ms. Palmer stated that one copy of the ordinance is adjustments she made after the last meeting after the Commission discussed wanting a definition of a coop and other items. She stated the other is a more defined version that the attorney drafted. She explained that she liked some of the parts of each, but that it was the Commission's decision if they wanted to keep one or the other, or have a mixture of both drafted. That because of the recent signing of the bill by the Governor, they were starting from scratch, and it could be redone as many times as need be until they liked it. Commissioner Lucas stated that he liked what the attorney set forward in the parts about mobile home parks. Commissioner Lucas inquired if there would be a permit requirement, or if enforcement would be complaint based. Ms. Palmer stated that will most likely be complaint based, with a two-pronged approach between code enforcement, and animal control. Chairwoman Shove stated that she's not one to over-regulate, but she likes the ordinance the attorney wrote. Commissioner Becker stated that the attorney is more detailed with the definitions added. Further discussion is held regarding parts of each draft that they liked. Staff was directed to make a combination of the two drafts and bring it back at a later meeting for review.

10. Discussion and direction to staff regarding draft ordinance regulated home occupations regarding delivery vehicles and conditional use permits.
Chairwoman Shove introduced the item. Ms. Palmer stated that the draft has been legally reviewed, and the intent of changing the delivery vehicle portion was to modernize the code somewhat. Commissioner Lucas asked questions and discussion was held regarding the requirement of business licenses in Town. Chairwoman Shove stated that no further changes were needed for this draft. Staff was directed to set the matter for a public hearing at the next regularly scheduled meeting.

NEW BUSINESS

11. Discussion and possible action regarding conditional use permit application for 1751 East 2nd Street (Parcel #105-48-001). Applicant is wanting to utilize two (2) shipping containers/Connex

boxes for temporary storage, and then later turn them into a barn/shop structure on the property.

Chairwoman Shove introduced the item. The applicant, Michael Taylor came up to the podium and explained his application, he stated that he would like to build the structure within a year. Commissioner Lucas asked Mr. Taylor if these are the containers that currently exist on property on Becker Lake Road. Mr. Taylor responded that they are, that they are currently on his son-in-law's property, but would like to move them to his property. Further discussion was held regarding if this would be a storage barn or a barn to house animals, building permit requirements and time frames to build.

Motioned by: Commissioner Lucas; seconded by: Commissioner Becker to not schedule a meeting in December.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Lucas, Commissioner Contreras

4-0 Passed – Unanimously

12. Discussion and possible action regarding scheduling a meeting in December.

Chairwoman Shove introduced the item. Ms. Palmer stated that generally there is no Town Council meeting held in December, and currently there is nothing time sensitive on the calendar.

Motioned by: Commissioner Lucas; seconded by: Commissioner Becker to approve the Conditional Use Permit with a 12-month time frame, and that all Town Ordinances and zoning requirements are followed.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Lucas, Commissioner Contreras

4-0 Passed – Unanimously

13. ADJOURNMENT:

Meeting adjourned at 7:07 PM

Terry Shove Chairperson

ATTEST:

Planning & Zoning Administrator

I hereby certify that the foregoing is a true copy of the minutes of the Springerville Planning and Zoning Commission in a regular meeting held on October 8, 2024. I further certify that the meeting was duly called, and a quorum was present.

Dated this ____ day of _____, 20____

Planning & Zoning Administrator

ORDINANCE NO. 2024-005

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.090 "HOME OCCUPATIONS" RELATED TO DELIVERY VEHICLES AND CONDITIONAL USE PERMITS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and,

WHEREAS, pursuant to Arizona Revised Statutes Section 9-462.01 the Town is authorized to regulate zoning; and,

WHEREAS, regulating home occupations will help promote the public health, safety and general welfare of the Town; and,

WHEREAS, this Ordinance shall become effective thirty (30) days after its passage and adoption; and,

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE AS FOLLOWS:

Section 1: That Title 17 Chapter 17.28 Section 17.28.090 is amended to read as follows:

17.28.090 Home occupations.

Home occupations may be permitted in any residential zones, subject to the following requirements:

- A. Home Occupations. Shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the residential character thereof.
- B. Home occupations must meet all licensing, certification and/or regulatory requirements of the town of Springerville.
- C. Area. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the home occupation.
- D. Delivery Vehicles—Commercial Vehicle Parking. ~~No business shall be conducted which requires delivery vehicles or other services not customary to a residence. No home occupation business shall be conducted which requires the home occupation itself to~~

park at the residence or otherwise utilize its own delivery vehicles or other services not customary to a residence. Such requirement does not prohibit delivery vehicles coming to residences, whether for a home occupation or otherwise, to make deliveries to the residences so long as such deliveries are no longer than thirty (30) minutes and comply with applicable parking and roadway obstruction restrictions.

- E. Nuisances. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines. There shall be no indication of business activities other than those typical of a residential dwelling before eight a.m. or after eight p.m. No flammable liquids or hazardous materials shall be handled, used or stored in association with a home occupation.
- F. Prohibited Home Occupations. The following home occupations are prohibited in residential zones: motor vehicle repair or similar services; kennels, stables or veterinary clinics; restaurants, clubs or drinking establishments; undertaking or funeral parlors; adult entertainment establishments, adult retail establishments, or adult theaters; outdoor storage of firewood for sale; or any business determined by minute order of the planning and zoning commission to be similar to the uses listed or detrimental to the health, safety and welfare of the community.
- G. Home Occupations Requiring a Conditional Use Permit. The following home occupations may be allowed in residential zones with a conditional use permit: barber shops and beauty salons; medical and dental clinics; day care centers; bed and breakfast establishments that are owner-occupied and do not exceed four units; ~~any use generating more than two customers or client visits per day~~; uses requiring more off-street parking than is typical for a residence; ~~uses employing a nonresident~~; or any business determined by minute order of the planning and zoning commission to be similar to the uses listed and not detrimental to the health, safety and welfare of the community.

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: Zoning Considerations. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 4: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, Arizona, this _____ day of _____, 2024.

Shelly Reidhead, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelsi Miller, Town Clerk

Town Attorney
Mangum, Wall, Stoops & Warden
PLLC

I, KELSI MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, ON THE _____ DAY OF _____ 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 ZONING CHAPTER 17.28 GENERAL PROVISIONS, BY ADDING SECTION 17.28.240 "BACKYARD FOWL" RELATED TO REGULATION OF KEEPING BACKYARD FOWL IN SINGLE-FAMILY DETACHED RESIDENCES, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and,

WHEREAS, pursuant to Arizona Revised Statutes Section 9-462.01, the Town is authorized to regulate zoning; and,

WHEREAS, regulating backyard fowl will help promote the public health, safety and general welfare of the Town in compliance with new state law; and,

WHEREAS, this Ordinance shall become effective thirty (30) days after its passage and adoption; and,

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE AS FOLLOWS:

Section 1: That Title 17 Chapter 17.28 Section 17.28.240 is added as follows:

"17.28.240 BACKYARD FOWL

A. Purpose and Intent. The purpose of this section is to outline conditions under which Town of Springerville residents may safely keep or maintain a reasonable number of chickens, to ensure appropriate chicken coops or structures in which to house chickens, and to protect the health, safety and welfare of the general population of the Town of Springerville.

B. Definitions. For the purpose of this section, the following terms shall have the meaning indicated:

ABUTTING PROPERTY: Real property that abuts an applicant's real property at one or more points but not including public streets.

CHICKEN: Chicken shall mean a female hen of any age, including chicks. This definition does not include other kinds of fowl, including, but not limited to, ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus or ostriches.

ROOSTER: Rooster shall mean a male chicken of any age, including chicks. This definition does not include other kinds of fowl, including, but not limited to, ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus or ostriches.

COOP: Coop shall mean an enclosed structure, building or pen within which chickens roost or are housed. Maximum height of Coops will not exceed eight feet (8').

YARD, REAR: Rear yard shall be defined the same as in Town of Springerville Code Chapter 17.08-Definitions.

YARD, SIDE: Side yard shall be defined the same as in Town of Springerville Code Chapter 17.08-Definitions.

C. Keeping of Chickens. Chickens may be kept or maintained in the Town of Springerville as follows:

- (1) Up to six (6) Chickens may be raised ~~kept~~ within a lot zoned single-family residential or two-family residential ~~the yard of a single-family residence.~~
- (2) Rental tenants of a single-family dwelling or a two-family dwelling shall abide by the rules set forth in Subsection E herein and shall obtain the written approval of their landlord prior to the keeping or maintaining of Chickens on the rental premises. ~~The landlord's written approval must accompany the applicant's permit application.~~
- (3) ~~Educational facilities are allowed to keep up to six (6) Chickens for educational purposes only.~~
- (4) ~~Chickens may be allowed in a local veterinarian's office of any number for the purpose of observation or treatment so long as they are properly kept in Coops.~~
- (5)(3) In addition to six (6) adult Chickens, chicks living in a brooder may be kept in a residence or outbuilding up to the age of three (3) weeks.
- (6)(4) No Roosters are allowed in any case.

D. Chickens Not Allowed. Chickens are not allowed to be kept or maintained in or upon the following:

- (1) Mobile home parks.
- (2) Vacant lots, unless the person requesting resides on the Abutting Property and the Coop cannot be easily seen from the street.
- (3) ~~Any property zoned multifamily residential.~~
- (4)(3) Condominiums or apartment buildings.
- (5)(4) The keeping of Chickens in any nonresidential district will only be allowed with the special approval of the Town of Springerville through a conditional use permit.

E. Property requirements.

- (1) A Coop and any attached enclosure shall be not less than ten (10) feet from any lot line, not less than fifteen (15) feet from a neighboring structure, shall be located in

the Rear Yard or Side Yard of the permit holder's residence property, and shall meet all other applicable requirements for accessory buildings as set forth in the Town of Springerville Code.

- (2) All enclosures or containment areas must be maintained, with manure being picked up and disposed of, or composted, at least twice weekly. Composted manure must be kept in a manner that prevents the migration of insects. Feed is required to be stored in insect-proof and rodent-proof containers.
- (3) Water sources are required to have adequate overflow drainage.
- (4) Chickens are prohibited from running at large."

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: Zoning Considerations. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 4: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, Arizona, this ____ day of _____, 2025.

Shelly Reidhead, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelsi Miller, Town Clerk

Town Attorney
Mangum, Wall, Stoops & Warden
PLLC, Attorneys

I, KELSI MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, ON THE _____ DAY OF _____ 2025, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2025.

Kelsi Miller, Town Clerk



TOWN OF SPRINGERVILLE

"GATEWAY TO THE WHITE MOUNTAINS"

APPLICATION FOR CONDITIONAL USE PERMIT

Trey Walker

Name of Applicant(s)

Kamri Walker

Mailing Address

Applicant telephone number(s)

Trey Walker

Kamri Walker

Signature of Applicant(s)

12/2/2024

Date

249 Castillo Dr.

Address of proposed site

105-22-027B

Parcel Number

Agricultural Residential

Current Zoning Classification

Type of proposed business (if possible, use name/type of business listed in the zoning code)

NOTE: The Springerville Planning and Zoning Commission normally meet the second Tuesday of the month, but may, occasionally, change the meeting date. Deadline for applications is twenty (20) calendar days in advance of the meeting date. It is the responsibility of the applicant to verify the meeting date and submit a complete application by 4:00 p.m. on the deadline day.

Fee: \$ 125

Received By: Jess

Date Stamp:

received
12/2/2024

Approved: Y ___ N ___

Minutes Attached: _____

Confirmed By: _____

Date Stamp:

All documentation MUST be submitted before an application is complete

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1.

Town of Springerville Conditional Use Permit Requirements

(Consult the Zoning Code for detailed development requirements)

The following factors of potential impact on persons residing or working in the vicinity shall be considered in granting a Conditional Use Permit (attach additional sheets if necessary):

- Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
- Hazard to persons and property from possible explosion, contamination, fire or flood.
- Hazard occasioned by unusual volume or character of traffic.
- Character of proposed building and site.
- A demonstrated need of such use.

Documents required

- _____ Site plan: A map, drawn to scale, at least 8½" by 11", showing the dimensions of the property and name and width of all internal and abutting streets, roads or alleys, and any existing buildings, fences, easements, etcetera, with distances to property lines.
- _____ Vicinity map: A map, drawn to scale, at least 8½" by 11", showing all parcels in the vicinity adjacent to and surrounding the property described above, within a radius of one hundred fifty feet (150') from the exterior boundaries of the property.
- _____ Legal description: An accurate description of the property, either a lot or tract of a recorded subdivision, or a metes and bounds description.
- _____ Letter of explanation: A letter explaining the nature and intent of the proposed development and reasons justifying the request. References to effects produced by the request proposed upon surrounding neighborhoods and the Town at large should be included.
- _____ Other materials: Development plans, elevations, planned area development maps and other materials may be required in accordance with the stipulations of the Code and at the request of the Zoning Administrator.

Town of Springerville Conditional Use Permit Requirements

Site Plan Review

When development in any commercial, industrial and multi-family district and in the mobile home park and trailer/camping districts, other than single-family and duplex residences, is proposed, a site plan shall be submitted to the Zoning Administrator.

- Three copies of the site plan drawn to scale and not less than 8½" by 11" nor larger than 24" by 36", containing the following information shall be submitted:
- Lot dimensions.
- Location, site, height, use and exterior materials of all buildings and structures.
- Size and dimension of yards and space between buildings.
- Location and height of walls and fences.
- Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas, driveways, access ways, and pedestrian walkways.
- The location, dimensions, area, material, and lighting of signs.
- Location and general nature of lighting.
- Street dedications and improvements.
- Existing and proposed grades and drainage systems.
- The size and location of all existing and proposed public and private utilities. All easements must be shown.
- Natural features such as mesas, rock outcroppings, or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
- Landscaping, including all surfacing material around buildings and in all open spaces.
- A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
- A legal description of the land included in the site plan and of the lot, the name, address and telephone number of the owner, developer and designer.
- Any other information which the Zoning Administrator may find necessary to establish compliance with this and other codes.

The Zoning administrator shall have ten (10) working days from submission of the plan application to review said plan and approve, conditionally approve or reject said plan based on its compliance with all provisions of the Ordinance, all other ordinances and Master Plans of the Town of Springerville, and to notify the applicant of his/her decision in writing. If, however, the Zoning Administrator wishes to obtain the opinion of the Planning and Zoning Commission, he may, at his discretion, forward the plan to the Commission for action at their next regular meeting. In such case, the Zoning Administrator must render his decision within five (5) working days after Commission action, the decision set forth in detail, the reasons for denial, or, in the event of a conditional approval, the changes or additions which are necessary to make the plan acceptable.

All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One (1) copy of said approved plan and conditions shall be mailed to the applicant and one (1) copy shall be filed with the Building Inspector.

Town of Springerville Conditional Use Permit Application

The Town of Springerville Zoning Code was updated April, 2007 by Ordinance 2007-004. This application form conforms to Chapter 17.84 and to the adopted Zoning Map of the Town. A complete copy of the Zoning Code is available upon payment of the fee set forth by the Town Council in the town fee schedule. The Zoning Code lists development standards for minimum lot sizes, signs, parking, setbacks, fences, environmental impacts, and other criteria to be met.

Requests for Conditional Use Permits for those uses stipulated as such in the Zoning Code shall be presented to the Planning and Zoning Commission for consideration. Permits granted by the Commission shall be void if the use does not commence within six (6) months of issuance or within the time frame stipulated by the Commission.

The granting of use permits rests with the Commission upon finding the proposed use, the manner of conducting same and any building involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general and the same will conform fully to any conditions, requirements or standards prescribed by this code. Any use permit granted may be subject to such conditions as the Commission deems applicable in order to fully carry out the provisions and intent of this Code.

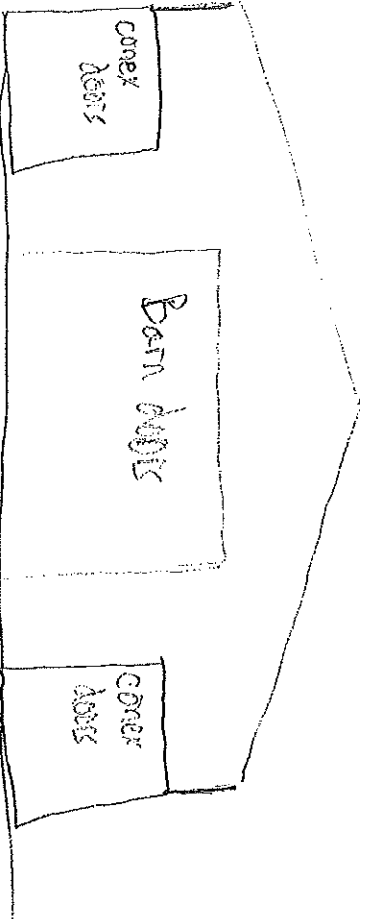
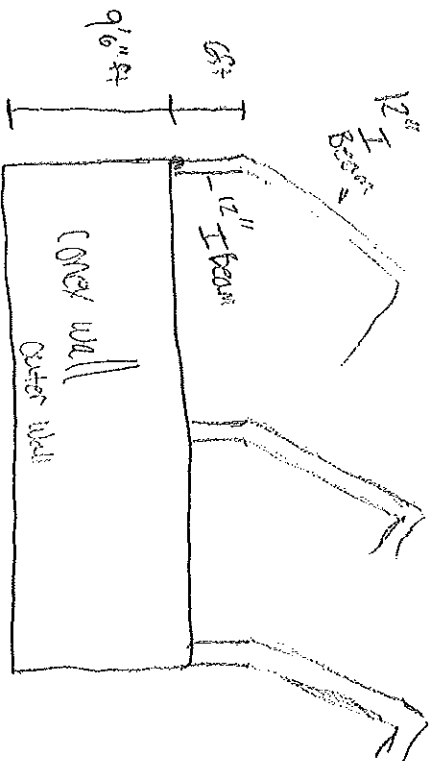
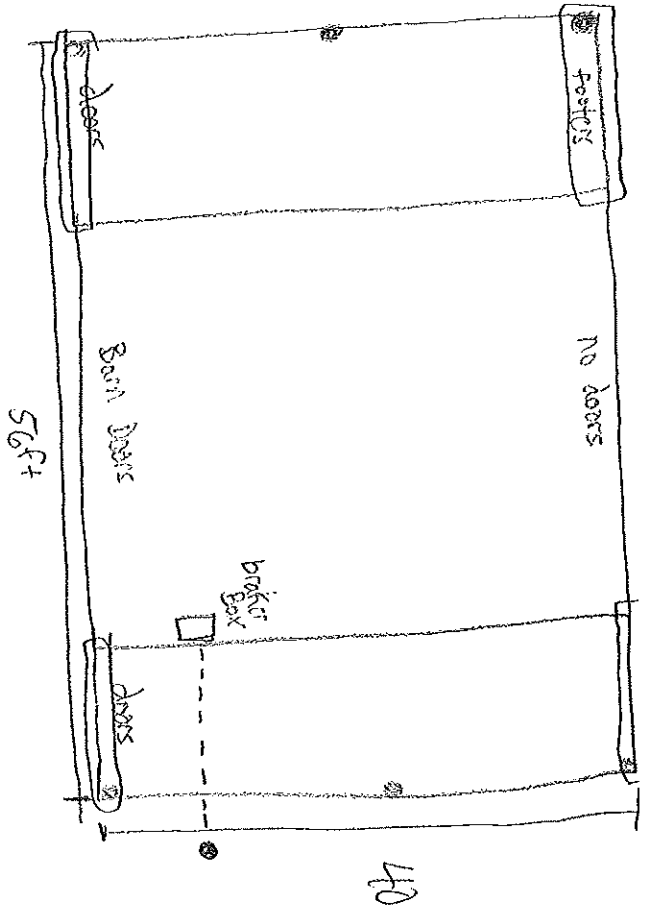
The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. Refusal of a permit shall not be interpreted as the denial of a right, conditional or otherwise.

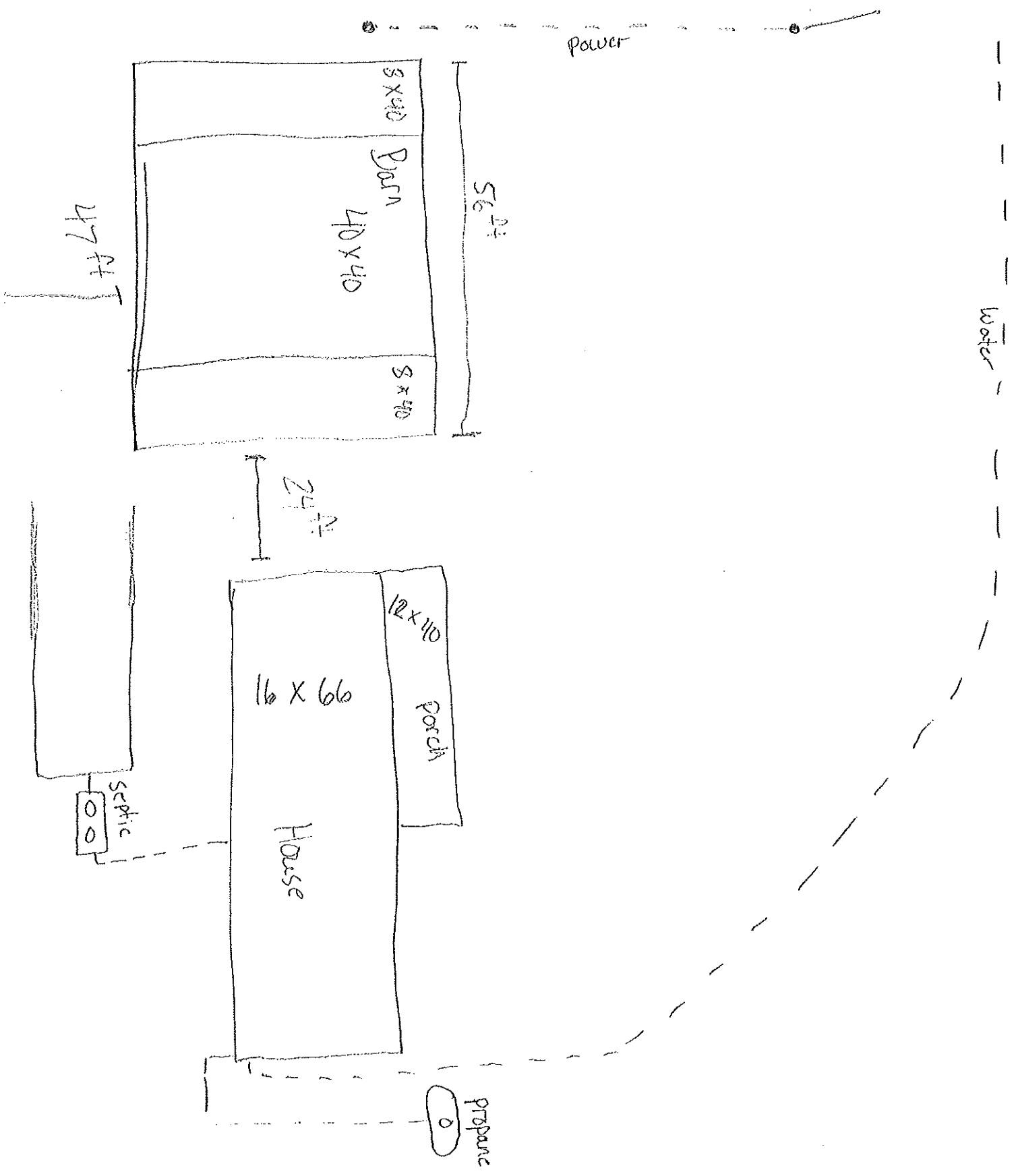
Notice of the nature of the Conditional Use Permit application and the date of the meeting at which it will be considered shall be posted on the property, and shall be mailed to the owner of all real property within 300 feet (300') of the property for which the application is made.

The Commission shall consider the application at the next regular meeting if the application was filed at least twenty (20) days prior to the meeting along with payment of the application fee set forth in the town fee schedule. Otherwise, it shall be carried over to the next regularly scheduled meeting.

Any decision or approval for conditional use permits by the Commission may be revoked if any conditions and terms of the approval are violated or if any law or code is violated in connection with it.

Appeals: Any person may file an appeal with the Town Council regarding any decision of the Planning and Zoning Commission regarding the granting or denying of use permits. If no appeal is filed with the Town Clerk within fifteen (15) days after the Commission action, the action of the Commission shall be considered final.





Chapter 17.40 AR-20 ZONE, AGRICULTURAL- RESIDENTIAL (20,000 SQUARE FEET LOTS)

Sections:

17.40.010 Purpose.

This district is intended to promote and preserve agricultural areas, and low density residential development. Regulations and property development standards are designed to protect the agricultural character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on medium sized lots (twenty thousand (20,000) square feet minimum) and low intensity agriculture.

(Ord. 2007-004 § 1 (part))

17.40.020 Permitted uses.

- A. One single-family dwelling or mobile/manufactured home.
- B. One guest house with not more than four bedrooms.
- C. Farming and agriculture including the keeping of cattle, horses, sheep, goats, but not exceeding one head per twenty thousand (20,000) square feet of lot area. The keeping of pigs is prohibited.
- D. The keeping of fowl, not to exceed fifty (50) in number.
- E. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- F. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- G. Home occupations.
- H. Residential facilities for the developmentally disabled as described in Sections 36-581 et seq., Arizona Revised Statutes, which are licensed by the department of economic security.
- I. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.40.030 Conditional uses (conditional use permit required).

- A. The keeping of fowl exceeding fifty (50) in number.
- B. Publicly owned and operated parks and recreation areas and centers.
- C. Churches or similar places of worship.
- D. Schools, public and private elementary and high.
- E. Colleges, universities and professional schools.
- F. Golf, rod and gun, tennis and country clubs.

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- G. Cemeteries.
 - H. Reserved.
 - I. Temporary home and land sales offices and model homes, provided they are located within the same subdivisions as that land or homes which are offered for sale.
 - J. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
 - K. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2022-007, 2-15-2023)

17.40.040 Property development standards.

- A. Minimum lot area: twenty thousand (20,000) square feet.
- B. Minimum average lot width: one hundred (100) feet.
- C. Minimum lot frontage: one hundred (100) feet.
- D. Minimum front yard: twenty (20) feet.
- E. Minimum side yard: twenty (20) feet.
- F. Minimum rear yard: twenty (20) feet.
- G. Minimum dwelling size: eight hundred (800) square feet.
- H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.
- I. Maximum lot coverage: seventy-five (75) percent.

(Ord. 2007-004 § 1 (part))

17.40.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.40.060 Signs.

The provisions of Chapter 17.100 shall apply.

(Ord. 2007-004 § 1 (part))

17.40.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.

(Ord. 2007-004 § 1 (part))

(Supp. No. 28, 7-24)

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17.40.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.84 CONDITIONAL USE PERMITS

Sections:

17.84.010 Purpose.

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to permitted uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions, are often incompatible with adjacent activities and uses. It is the intent of this title to permit conditional uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this chapter to establish principles and procedures essential to proper guidance and control of such uses.

(Ord. 2007-004 § 1 (part))

17.84.020 General regulations.

- A. Zoning district regulations established elsewhere in this title specify that certain buildings, structures and uses of land may be allowed by the commission as conditional uses in a given district, subject to the provisions of this chapter and to requirements set forth in district regulations. The planning and zoning commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon them.
- B. Any building, structure or existing use on the effective date of the ordinance codified in this title which is reclassified as a conditional use by this title for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this title, and its continuance shall not be subject to issuance of a conditional use permit; provided, however, to the extent that such fails to conform to the requirements of this title, it shall be considered nonconforming as described in Chapter 17.96, and its continuance shall be governed by all nonconforming use regulations applicable thereto.
- C. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Upon completion and final inspection by the zoning administrator of any authorized structures, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance of special conditions imposed by the permit, as well as the compliance with other provisions of this title, shall be the responsibility of the property owner.

(Ord. 2007-004 § 1 (part))

17.84.030 Conditional use permit application.

Application for a use permit shall be filed with the zoning administrator on a form prescribed by the commission. The application shall be forwarded to the planning and zoning commission by the zoning administrator, and when required by the commission, shall be accompanied by a detailed site plan prepared in accordance with Chapter 17.88 showing all information necessary to demonstrate that the proposed use will

comply with all special conditions as well as other regulations and requirements of this title. The applicant shall furnish the commission any additional information it may consider relevant to the investigation of the case.

(Ord. 2007-004 § 1 (part))

17.84.040 Commission action and findings.

- A. It is the express intent of this title that any use for which a conditional use permit is required shall be permitted in the particular zoning district, provided that all special conditions and requirements of this title are met. Therefore, the action of the commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met.

The commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The title may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans and data in such manner as to satisfy the intent of this chapter.

- B. Notice of the nature of the conditional use permit application and the date of the meeting at which it will be considered shall be posted on the property, and shall be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made.
- C. The commission shall consider the application at their next regular meeting if the application was filed at least twenty (20) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. If the commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the town and by posting the property included in the application, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered and a general description of the area affected.
- D. In order to grant any use permit, the findings of the commission must be that the establishment, maintenance or operation of the use or building applied for, will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the town.
- E. The commission may designate such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this title, and may require such guarantees and evidence that such conditions are being or will be complied with.
- F. If the commission finds that the application and supporting data does not indicate that all applicable conditions and requirements of this title will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application, and the commission shall report its actions to the council at its next regular meeting.
- G. If the commission approves the application, it shall direct the zoning administrator to issue a conditional use permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case, and shall report its actions to the council at the next regular meeting. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a conditional use permit is granted, shall be deemed a violation of this title and punishable under Section 17.04.050.

(Ord. 2007-008 § 1; Ord. 2007-004 § 1 (part))

17.84.050 Appeals.

- A. Any person may file an appeal with the town council over any decision of the planning and zoning commission regarding the granting or denying of use permits. If no appeal is filed with the council within fifteen (15) days after commission action, the action of the commission shall be considered final.
- B. When a written appeal is filed with the town clerk, the council shall evaluate the request at their regular meeting and may approve or deny it. The council may elect to set the matter for a public hearing, and if such action is taken, a legal notice shall be published at least once in the official newspaper of the town at least fifteen (15) days prior to the hearing date, and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date.

Notice shall be given to the planning commission of such appeal and the commission shall submit a report to the council setting forth the reasons for its action taken. The commission shall be represented at the hearings by the commission chairman or his designee.

- C. The council shall within fifteen (15) days after its regular meeting or public hearing, either uphold the action of the planning and zoning commission, reverse that action or make a decision of its own.
- D. If the council makes a decision which upholds granting of a permit, the council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this title, and require such guarantees and evidences that such conditions are being or will be complied with.
- E. The council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

(Ord. 2007-004 § 1 (part))

17.84.060 Time limits.

- A. Use permits become effective fifteen (15) days after approval by the planning commission, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at by the town council.
- B. Any use permit issued by the planning and zoning commission shall be commenced within six months from the date of approval, and diligently pursued, otherwise it shall become null and void. The commission shall establish a time limitation for all use permits and at the termination of this time limit, the commission shall reconsider said use permit to determine if the permit should be reissued for an additional time period or be terminated.
- C. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot or parcel of land within a period of one year from the date of denial or revocation of said use permit.

(Ord. 2007-004 § 1 (part))

17.84.070 Revocation.

- A. Use permits granted in accordance with the provisions of this title may be revoked if any of the conditions or terms of the permit are violated, or if any law or ordinance is violated in connection therewith. The zoning administrator shall notify the permittee of a violation or termination of a use permit by mail. If no attempt to

change the violation is made within ten days after notification, the permit shall be removed and considered null and void.

- B. Any use permit issued by the planning and zoning commission shall be considered null and void if the use does not conform to the originally approved conditional use permit. Any deviations requested from the originally approved conditional use permit, shall be processed as a new use permit.

(Ord. 2007-004 § 1 (part))

17.84.080 Fees.

The application for a conditional use permit shall be accompanied by a filing fee in an amount established by a schedule adopted by ordinance or resolution of the council fee schedule and filed in the office of the town clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the town, county, state or federal government.

(Ord. 2007-004 § 1 (part))