



TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION

TUESDAY, OCTOBER 8, 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:** Doug Henderson 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 August 13, 2024, Planning and Zoning Commission regular meeting minutes.
- B. Consider approval of the September 10, 2024, Planning and Zoning work session meeting minutes
- C. Consider approval of the September 10, 2024, Planning and Zoning regular meeting minutes

Motioned by: Commissioner Becker; seconded by: Commissioner Lucas to approve consent items A, B, and C. 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 Brian Hayes resigned from the Commission as of this date. The Planning and Zoning Commission will have two openings, and if anyone knows anyone that is interested to have them apply or speak with her. She updated the Commission on a conditional use permit issued for 63 S. HWY 180, the permit was to allow a manufactured home on the property; the owner has gotten his building permit. Ms. Palmer stated that there have been two Certificates of Occupancy issued, one to The Spot, which has new owners, and one to Round Valley Mail & More in the Safeway Plaza. She updated the Commission on current code enforcement cases. Ms. Palmer stated that she completed the newly mandated annual report for zoning and housing issues to the State. She also explained that she is about 90% done with the organizing and purging of files in the zoning office, some purgeable files going back as far as 1982. Ms. Palmer also advised that the items the Commission went over in the last meeting (Rules and Regulations, and Town Code items) have been legally reviewed and will be on the November agenda.
7. **LIAISON REPORT:** Chairwoman Shove stated that the September Council meeting was fairly short. The first reading of the ordinance for Title 6, Animals, and then the majority of the other items were for executive session. She stated that there was a special meeting regarding the award for the RFB for the Public Safety building on Main Street.
8. **PUBLIC HEARING:** Discussion and possible action to enter into a Public Hearing to take public, and Commission, comments on the following items:
- a. **Ordinance 2024-003:** amending Town Code Section 17.28.070 “Walls and Fences” related to the requirement of Conditional Use Permits.
 - b. **Ordinance 2024-004:** amending Town Code Section 17.28.170 “Travel Trailers and Recreational Vehicles” related to travel trailers or recreational vehicles as guest quarters
 - c. **Rezoning:** application for Parcel #105-15-010H, located south of 262 W. Main St., to rezone approx. 6.4 acres from AR-20, Agricultural Residential to C-1, General Commercial.

Motioned by: Commissioner Lucas; seconded by: Commissioner Contreras to enter into public hearing

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

4-0 Passed – Unanimously

- a. Ordinance 2024-003: Chairwoman Shove introduced the item, and explained background. There were no comments for this item.
- b. Ordinance 2024-004: Chairwoman Shove introduced the item, and explained background. There were no comments for this item.
- c. Rezoning: Chairwoman Shove introduced this item.

Ms. Palmer asked to read written correspondence for the record, they are as follows:

Col. Phillip Hanson: strongly objects as it will reduce the value of his property.

Dakota Ericson: stated that he is in strong support of the expansion of the RV park. He has lived in the area for 25 years, and is a homeowner and a landlord. He stated that suitable rentals are hard to find and that more options are needed. He stated that growth and vitality are needed in the town and should be encouraged. He also stated that the town needs more non-age restricted RV parks.

Tom Johnson & Nancy Ellis: wrote that they work remotely and that they were fortunate to stumble upon this RV park when other parks in the area were full. He stated that they have visited friends at other parks in the area and they keep choosing to return to the Gateway RV Park as it is well managed. They are in support of the expansion.

This concludes the submitted written comments.

Chris Hale: stated that she has lived in the area for 41 years, and that she owns rentals. She knows the struggle first-hand of people trying to find housing in our area. She wanted to show support for more living options. She stated that the park is well maintained. She stated that tourism and seasonal visitors will bring economic growth to the area.

Bridget Laney: stated that she is not opposed to RV parks for temporary housing, just thinks this is the wrong location. She stated that the property is in a 50 MPH zone of the highway, and ingress/egress from the property is going to have an impact on traffic. She stated concerns about people traveling and walking along the highway area.

She then asked a question about how this is coming back after the Commission denied it a month or so ago.

Ms. Palmer paused Ms. Laney's time to be able to answer the question. She stated that the applicant had pulled their application, and typically if an applicant pulls the application or the Council denies it, there would be a one-year waiting period to reapply. She furthered that the Town Code states that if significant changes have been made to the application,

taking into consideration the opposition, or reasons for denial, the Town is allowed to waive the one-year waiting period. Ms. Laney asked what the significant changes were. Ms. Palmer responded that the applicant had gone from 12-acres to 6.4 acres, which is a significant change in size, with only 50 more RV spaces. Ms. Laney asked if this was a spot-zone or the whole parcel; Chairwoman Shove stated that the applicant will have to submit a survey. Ms. Laney stated that she had questions about rezoning, citing that she feels that it should be more of an RMH zoning, and concerns about it being in a hazard zone of the airport runway, and the high-density of the area with the RV parks, propane companies, and the airport being near-by. Ms. Palmer explained that those issues would need to be addressed in the building permit application, and that at this point the only application is for the rezoning. A conditional use permit would need to be applied for as well, and the Commission can place extra conditions or restrictions on those as well.

Brianna Laney: stated that she is opposed to the rezone, and that decisions can not only effect now but in the future. She stated that Eagar just approved a 100-space park in the meadow. She stated that all of this will cause more need of the police force, and that we need better roads. She understands that there is not a lot of long-term housing, but she doesn't think RV parks are the solution. She thinks that RV parks are supposed to be for tourism, and the applicant's letter states that they are not permanent trailers but here has been stated that they are for long-term living. She further stated that if people stay a long time that it is a mobile home park. She stated that to rezone a parcel that a legal recorded parcel was needed. Chairwoman Shove stated that there is a solution for that. Ms. Laney continued, stating that single-family homes are for people that live here and want to be a part of the community, and those that live in RV parks have no interest in being part of the community and they can just pull up and leave whenever they want. That they have no interest in growing the community, that's not what they are there for. She wants spaces for single-family homes left for single-family homes.

Kathy Rayner: stated that she was confused, trying to understand that the rezone has to happen then an application for a permit?

Ms. Palmer asks Chairwoman Shove for a minute to explain the process in a rezoning application; Chairwoman Shove grants the request; Ms. Palmer paused the timer. Ms. Palmer states that according to Title 17 of the Town Code, if someone wants to rezone an area, they also have to propose why they would like to rezone. Agricultural zones do not allow for RV parks, therefore the rezone has to be applied for first and then if approved an application for a conditional use permit can be submitted. A conditional use permit would need to be approved before the RV park could go in. Ms. Palmer gave several examples of other areas in town that had been rezoned. Ms. Rayner continued her comment stated that they are against the rezone. They bought their property specifically for the agricultural residential aspect. She stated that they still have the same concerns as the last application regarding sewer, water, and septic issues. Stating that they cannot regulate what people will put in septic systems.

John Rayner: stated that he would like to expand on what Kathy said; Chairwoman Shove stated that when a conditional use permit was applied for that would be explained better. Mr. Rayner stated that certain people do not live in the area and are not impacted by this expansion, to make commercial. He worries that people will continue to push commercial

into residential areas. He stated that they have worked hard to enjoy their property, not to have RVs and commercial intruding on that. He stated that he has concerns on the impact to traffic etc. He also wanted to add that other RV parks in town are not full.

Cory Bigbee: stated that he a head chef in Greer, and he and his family moved here a little over a year ago. He and his family lost their apartment during Covid and took their savings and bought an RV for him, his wife, and their four kids to live in. He said that he does the best he can to provide for his family, and that eventually they sold the small RV and bought a bigger one. He said they are apart of the community, his wife works at the school, and his children attend school here as well. There are lots of families in the same types of situations. He and his family moved to the Gateway RV Park, as it is one of the few options that allow kids, and it has been the best opportunity in the year since while they are trying to save and make ends meet.

Kevin Kadis: stated that he is in support of the expansion, that it is a critical opportunity for our town with the pressing housing crisis. He stated that he and his wife lived in an RV in 2022, and even though they found housing in 2023 it is still very small. He said that RV parks like the Gateway are not filled with the dregs of society, but with people committed to contributing to this town's growth. He believes the expansion will help with the housing crisis in town and strengthen the economy, he hopes the Planning and Zoning Commission see the benefits of expansion.

There were no other speakers.

Motioned by: Commissioner Lucas; seconded by: Commissioner Becker to close the public hearing

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

4-0 Passed – Unanimously

OLD BUSINESS

9. Discussion and possible action regarding recommendation to the Town Council to adopt Ordinance 2024-003, amending Town Code Section 17.28.070 "Walls and Fences" related to the requirement of Conditional Use Permits. Chairwoman Shove introduced the item; minimal discussion held regarding legal review being completed.

Motioned by: Commissioner Lucas; seconded by: Commissioner Becker to recommend the Town Council adopt Ordinance 2024-003.

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

4-0 Passed – Unanimously

10. Discussion and possible action regarding recommendation to the Town Council to adopt Ordinance 2024-004, amending Town Code Section 17.28.170 "Travel Trailers and Recreational Vehicles" related to travel trailers or recreational vehicles as guest quarters. Chairwoman Shove introduced the item, minimal discussion held.

Motioned by: Commissioner Becker; seconded by: Commissioner Contreras to recommend the Town Council adopt Ordinance 2024-004.

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

4-0 Passed – Unanimously

11. Continued discussion and direction to staff regarding clarification of Springerville Municipal Code Title 17:
- a. 17.28.130-Trash Enclosures-Brief discussion held; no changes requested
 - b. 17.28.140-Structures near airplane runway or landing strip-Brief discussion held; no changes requested
 - c. 17.28.150-Performance Standards-Discussion held on noise level and vibrations; Ms. Palmer advised that these seem to be for conditional use permit applications and issues with noise or vibration would be dealt with on a case-by-case basis or according to complaints. No changes requested.

NEW BUSINESS

12. Discussion and possible action regarding recommendation to the Town Council in reference to a Rezoning application for Parcel #105-15-010H, located directly behind 262 West Main Street (Parcel #105-15-009). Application is to rezone approx. 6.4 acres of the property from its current zoning AR-20, Agricultural Residential (20,000 sq. ft. lots) to C-1, General Commercial. Chairwoman Shove introduces the item. She then further states that it is the PZ Commissions job to make a recommendation to the Council regarding applications; and at this point the item needs to be tabled because a new/updated survey is needed. Chairwoman Shove reminded the Commission that any motion would need to include enough time for the new property survey to be completed. Commissioner Lucas asks the applicant Pete Ruthenbeck if 90 days would be enough; Mr. Ruthenbeck states that it would be. Ms. Palmer reminds the Commission that the Council and Commission do not usually meet in December, and that maybe 6 months would be a better amount of time, and that the survey could be turned in earlier and a meeting and public hearing scheduled from there.

Motioned by: Commissioner Becker; seconded by: Commissioner Lucas to table the item for up to 6 months, or a new survey is submitted.

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

4-0 Passed – Unanimously

13. ADJOURNMENT:

Meeting adjourned at 7:09 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

TOWN OF SPRINGERVILLE
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE

I. ORGANIZATION

A. Chair and Vice-Chair

The Commission shall elect a Chair and Vice-Chair from among its appointed members at the first meeting every January.

B. Duties

The chair shall preside at meetings, decide all points of order or procedure, and perform other duties as required by ordinance or these Rules of Procedure. The Vice-Chair shall serve in this capacity when the Chair is absent or otherwise unable to perform these duties. If both the Chair and Vice-Chair are unable to perform, the Zoning Administrator shall open the meeting and the Commission shall elect a member to serve as Chair.

C. Vacancies

Vacancies on the Commission created by any cause shall be filled for the unexpired term by a majority vote of the Town Council.

D. Secretary

The Zoning Administrator or his/her designee shall serve as Secretary to the Commission. The Secretary shall conduct all official correspondence of the Commission; send out all official notices required by law, ordinance, or these Rules of Procedure.

E. Legal Counsel

The Town Attorney or his/her designee shall serve as the legal counsel to the Commission. Advice of counsel shall be received and entered into the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

F. Committees

The Commission may establish, by a majority vote, special committees and appoint their membership to perform work on related tasks as necessary.

II. MEETINGS

A. Meetings-General

All meetings, except for Executive Sessions, shall be open to the public. These meetings shall be conducted and noticed with the Arizona Public Meeting Law. Any action requiring a formal vote shall take place only at a public meeting.

B. Regular Meetings

Regular meetings of the Commission shall be held on the second Thursday of each month at 7 p.m. at 356 S. Papago in the Round Valley Senior Center. Meetings may be cancelled or rescheduled by motion and majority vote of the Commission. A meeting, regular or special, or work session may be cancelled and/or rescheduled by the Zoning Administrator if the need arises.

C. Special Meetings

Special meetings may be held by the Commission upon call of the Chair or a majority of its members. At least 24 hours notice of such meetings shall be provided to the members and to the public by posted agenda.

D. Executive Sessions

Executive sessions of the Commission may be held upon a majority vote of its members. These sessions are not open to the public and are for the express purpose of seeking legal advice from the Commission's legal counsel.

E. Quorum and Decisions

A majority vote of the members of the Commission shall constitute a quorum for transacting business at any regular or special meeting. A concurring vote of the majority of the members present is required to approve or deny a motion on any public hearing item or other business before the Commission.

F. Attendance

Regular attendance by the members is expected to ensure that business can be acted upon in a timely manner. More than three unexcused absences during a term are grounds for removal from the Commission by the Council

G. Rules and Regulations

The Commission shall use Robert's Rules of Order-Modern Edition as parliamentary procedure. If a conflict arises, these rules and regulations and state statutes shall prevail.

H. Conflict of Interest

Commission members shall abide by the provisions of the Arizona Revised Statutes and judicial decisions pertaining to conflicts of interest. If a Commission member has a conflict, he or she shall announce such conflict, leave the room, and refrain from any discussion or voting on the matter.

I. Order of Business

1. Call to Order.
2. Roll Call by the Chair
3. Public Participation
4. Zoning Administrator Report
5. Approval of minutes from previous meeting(s)
6. Old business
7. New business
8. Adjournment

J. Public Hearing of Applications

1. The Chair will read the agenda item aloud.
2. Staff will state the request, the location of the property under consideration, and present a report and recommendation on the application. The Commission may address questions to the staff through the Chair.
3. The applicant or authorized representative may present any information or testimony pertinent to the application. The Chair may limit the applicant's statement to a specified time period. The Commission members may address questions to the applicant or representative through the Chair.
4. The Chair will call on persons who wish to appear in support or opposition of the application to present any information or testimony pertinent to the application. The Chair may limit testimony to a specified time period. The Chair shall require that statements and testimony be pertinent and not repetitive. The Commission members may address questions to such persons through the Chair.
5. The applicant or representative shall have the opportunity for a rebuttal or closing statement. The Chair may limit this statement to specified time period.
6. The Chair will then call on staff to present any final statements and guidance to the Commission.

7. The Chair shall declare the public hearing closed and call for a motion. The Chair will entertain discussion among the Commission members only after the motion receives a second. The Chair will not recognize the applicant or other persons for further comment, but the Commission members may ask further questions of individuals through the Chair.
8. The Chair shall restate the motion to ensure an understanding by all Commission members prior to a vote. Final action on any public hearing item on the agenda shall be by roll call vote with each member participating and answering the roll call by voting yes or no. Other actions may be by voice vote on the call of the Chair and each member may vote yes or no. A commissioner may abstain from voting only upon a declaration of a conflict of interest.
9. The Chair will announce the decision of the Commission and whether this is a final action or is a recommendation to the Town Council. The Chair will also describe the rights of appeal, if applicable.
10. The Commission may table any application whenever it concludes that additional evidence is needed or that possible alternate solutions require further study. Unless otherwise specified, tabled items will be scheduled for the next regular meeting of the Commission.
11. Any member who voted on the prevailing side of a motion may move for reconsideration of the action. This motion for reconsideration must be made at the next regularly scheduled meeting following the one in which the item in question was acted upon.

III. OFFICIAL RECORDS

a. Definition

The official records shall include these rules and procedures, and the minutes of the Commission, together with all the findings, decisions, voting of each member, and other official actions.

b. Public Record

All of the records of the Commission shall be public records and are open to the public during working hours.

IV. AMENDMENTS

These rules may be amended by an affirmative vote of 2/3 majority at any meeting

of the Commission provided that notice of such amendment is provided to each member at least fifteen (15) days prior to said meeting. Such amendment shall be subject to ratification by the Town Council and, if so approved, shall become effective at the next regular meeting of the Commission.

TOWN OF SPRINGERVILLE
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE

I. ORGANIZATION

A. Chair and Vice-Chair

The Commission shall elect a Chair and Vice-Chair from among its appointed members at the ~~first meeting every January~~ **November meeting, with the elected officers taking their position at the January meeting. The Commission does not generally meet during December.**

B. Duties

The chair shall preside at meetings, decide all points of order or procedure, and perform other duties as required by ordinance or these Rules of Procedure. The Vice-Chair shall serve in this capacity when the Chair is absent or otherwise unable to perform these duties. If both the Chair and Vice-Chair are unable to perform, the Zoning Administrator shall open the meeting and the Commission shall elect a member to serve as Chair **for that meeting.**

C. Vacancies

Vacancies on the Commission created by any cause shall be filled for the unexpired term by a majority vote of the Town Council.

D. Secretary

The Zoning Administrator or his/her designee shall serve as Secretary to the Commission. The Secretary shall conduct all official correspondence of the Commission; send out all official notices required by law, ordinance, or these Rules of Procedure.

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B. Regular Meetings

Regular meetings of the Commission shall be held on the ~~second Thursday of each month at 7 p.m. at 356 S. Papago in the Round Valley Senior Center~~ **first Wednesday of each month at 6:00 PM, in the Council Chambers located at 418 East Main Street.** Meetings may be cancelled or rescheduled by motion and majority vote of the Commission. A meeting, regular or special, or work session may be cancelled and/or rescheduled by the Zoning Administrator if the need arises.

C. Special Meetings

Special meetings may be held by the Commission upon call of the Chair or a majority of its members. At least 24-hours notice of such meetings shall be provided to the members and to the public by posted agenda.

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E. Quorum and Decisions

A majority vote of the members of the Commission shall constitute a quorum for transacting business at any regular or special meeting. A concurring vote of the majority of the members present is required to approve or deny a motion on any public hearing item of other business before the Commission.

F. Attendance

Regular attendance by the members is expected to ensure that business can be acted upon in a timely manner. ~~More than three unexcused absences during a term are grounds for removal from the Commission by the Council~~ **Per Town Code, three unexcused absences during a term from any regular or special meetings shall be**

grounds for removal by the Council, without the necessity of a hearing or notice, and such action shall be final. (Section 17.12.010 B)

G. Rules and Regulations

The Commission shall use a **modified** Robert's Rules of Order-~~Modern Edition~~ as parliamentary procedure. If a conflict arises, these rules and regulations and state statutes shall prevail.

H. Conflict of Interest

Commission members shall abide by the provisions of the Arizona Revised Statutes and judicial decisions pertaining to conflicts of interest. If a Commission member has a conflict, he or she shall announce such conflict, leave the **dais and sit in the public audience, or leave the room if they choose to do so,** ~~and~~ Commission members that **have a conflict of interest shall** refrain from any discussion (**except as a member of the public**) or voting on the matter.

I. Order of Business

1. Call to Order.
2. Roll Call by the ~~Chair~~ **Zoning Administrator**
3. Public Participation
4. Zoning Administrator Report
5. Approval of minutes from previous meeting(s)
6. Old business
7. New business
8. Adjournment

J. Public Hearing of Applications

1. The Chair will read the agenda item aloud.
2. Staff will state the request, the location of the property under consideration, and present a report ~~and recommendation~~ on the application. The Commission may address questions to the staff ~~through the Chair~~.
3. The applicant or authorized representative may present any information or testimony pertinent to the application. The Chair may limit the applicant's statement to a specified time period. The Commission members may address questions to the applicant or representative ~~through the Chair~~.
4. The Chair will call on persons who wish to appear in support or opposition of the application to present any information or testimony pertinent to the

application. The Chair may limit testimony to a specified time period. The Chair shall require that statements and testimony be pertinent and not repetitive. The Commission members may address questions to such persons ~~through the Chair.~~

5. The applicant or representative shall have the opportunity for a rebuttal or closing statement. The Chair may limit this statement to specified time period.
6. The Chair will then call on staff to present any final statements and guidance **concerning Town Code or other applicable law** to the Commission.
7. The Chair shall ~~declare the public hearing closed and~~ **call for a motion and a second to close the public hearing.** The Chair will **may** entertain discussion among the Commission members **at such time.** ~~only after the motion receives a second.~~ The Chair will not recognize the applicant or other persons for further comment, but the Commission members may ask further questions of individuals ~~through the Chair.~~
8. The Chair shall restate the motion to ensure an understanding by all Commission members prior to a vote. ~~Final action on any public hearing item on the agenda shall be by roll call vote with each member participating and answering the roll call by voting yes or no.~~ Other **Actions** may be **made** by voice vote on the call of the Chair and each member may vote yes or no. A commissioner may abstain from voting only upon a declaration of a conflict of interest.
9. The Chair will announce the decision of the Commission and whether this is a final action or is a recommendation to the Town Council. The Chair will also describe the rights of appeal, if applicable.
10. The Commission may table any application whenever it concludes that additional evidence is needed or that possible alternate solutions require further study. Unless otherwise specified, tabled items will be scheduled for the next regular meeting of the Commission.
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IV. AMENDMENTS

These rules may be amended by an affirmative vote of 2/3 majority at any meeting of the Commission provided that notice of such amendment is provided to each member at least fifteen (15) days prior to said meeting. Such amendment shall be subject to ratification by the Town Council and, if so approved, shall become effective at the next regular meeting of the Commission.

ORDINANCE NO. 2024-_____

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; 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. Backyard fowl, as defined in Section 17.08.240, shall not be allowed to be kept on properties that are single-family detached residences that are one-half acre or less in size except as allowed in this section.

1. The number of fowl that may be kept in the backyard of the property is not more than six (6).

2. Male fowl, including roosters, are prohibited.

3. Fowl must be kept contained in the rear or side yard of the property a minimum of fifteen (15) feet from a neighboring structure. Maximum height of coops or pens shall be no more than eight (8) feet.

4. All enclosures or containment areas must be maintained, with manure being picked up and disposed of, or composted, at least twice weekly.

5. Composted manure must be kept in a manner that prevents the migration of insects.
6. Water sources are required to have adequate overflow drainage.
7. Feed is required to be stored in insect-proof and rodent-proof containers.
8. Fowl are prohibited from running at large.

B. For the purposes of this section, "fowl" means a cock or hen of the domestic chicken.

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 _____, 2024.

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 _____ 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk

ORDINANCE NO. 2024-_____

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 § _____.

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 within a lot zoned single-family residential or two-family residential.
- (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) 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) 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) Condominiums.
- (5) 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 of the permit holder's residence, 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 _____, 2024.

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 _____ 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk

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.
- 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.

(Ord. 2007-004 § 1 (part))

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE TOWN OF SPRINGVILLE, 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 SPRINGVILLE 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



TOWN OF SPRINGERVILLE

"GATEWAY TO THE WHITE MOUNTAINS"

APPLICATION FOR CONDITIONAL USE PERMIT

Michael Taylor

Name of Applicant(s)

1751 E. 2nd St.

Address of proposed site

Springerville, Az 85938

Mailing Address

105-48-001

Parcel Number

RMH 20

Current Zoning Classification

Applicant Telephone Number(s)

N/A


Signature of Applicant(s)

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

10/8/24

Date

NOTE: The Springerville Planning and Zoning Commission normally meet 3:00 p.m. the second Wednesday 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: \$ 125.00

Received By: ST

Date Stamp:

PAID

OCT 23 2024

Approved: Y ___ N ___

Minutes Attached: _____

Confirmed By: _____

Date Stamp:

All documentation MUST be submitted before an application is complete

RECEIVED

OCT 08 2024

16

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

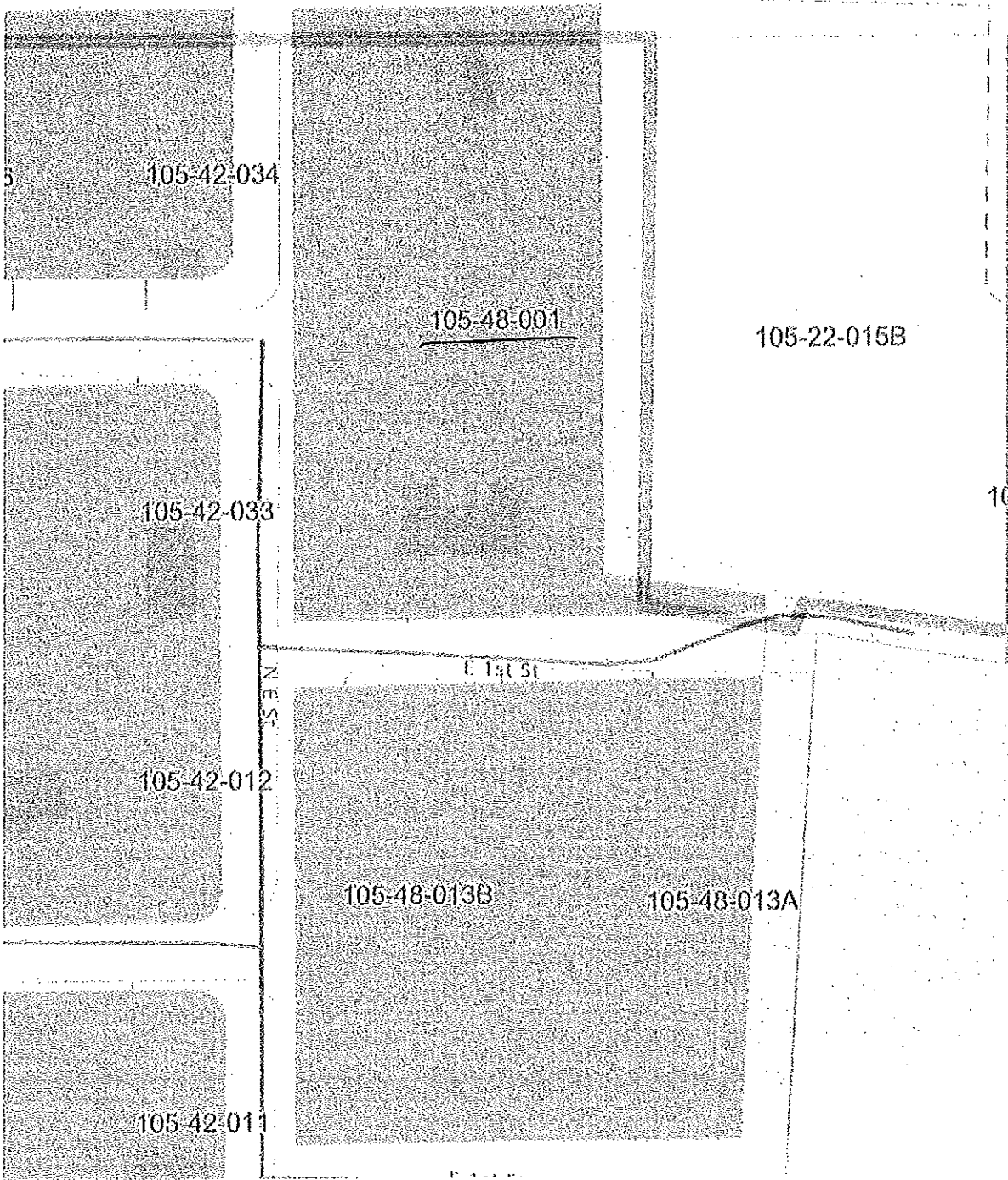
X Site plan: A map, drawn to scale, at least 8½" by 11", showing the dimensions of the property and name and width of all internal and abutting streets, roads or alleys, and any existing buildings, fences, easements, etcetera, with distances to property lines.

X 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.

X Legal description: An accurate description of the property, either a lot or tract of a recorded subdivision, or a metes and bounds description.

X 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.

X 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.



5 105-42-034

105-48-001

105-22-015B

105-42-033

10

E 1st St

NE ST

105-42-012

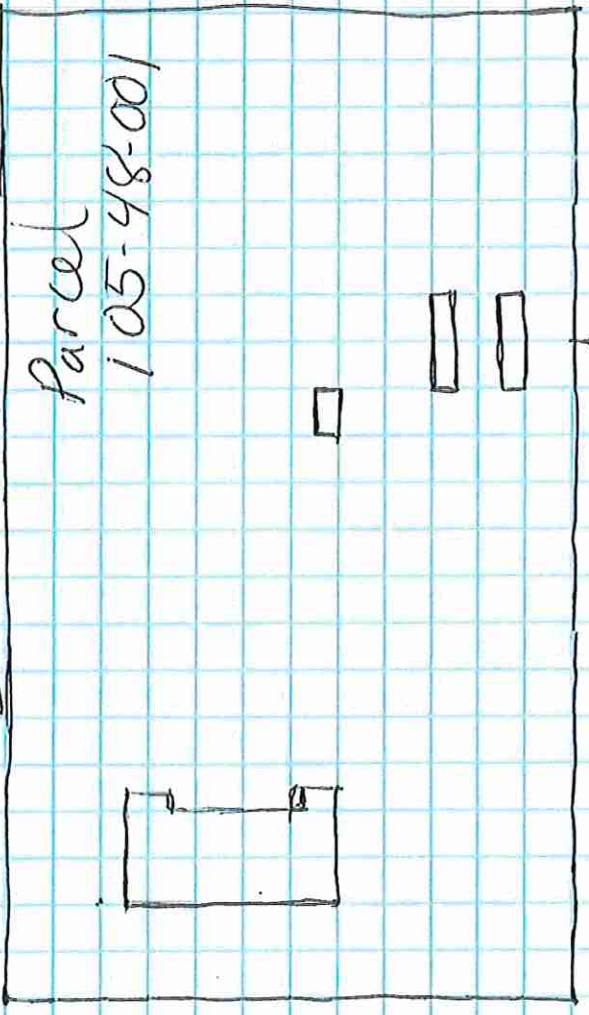
105-48-013B

105-48-013A

105-42-011

240
440

Est



N

Approx location

Parcel
105-22-015B

1st
St
S

To: Springerville Planning and Zoning Committee

From: Michael Taylor

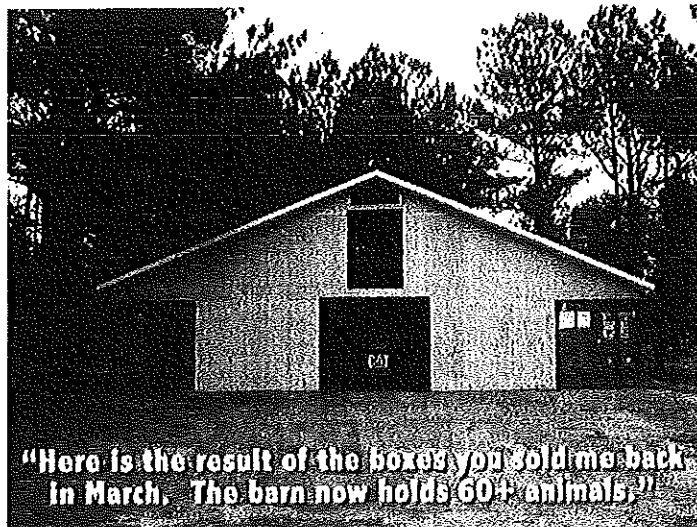
Re: 1751 E. 2nd St. Springerville AZ

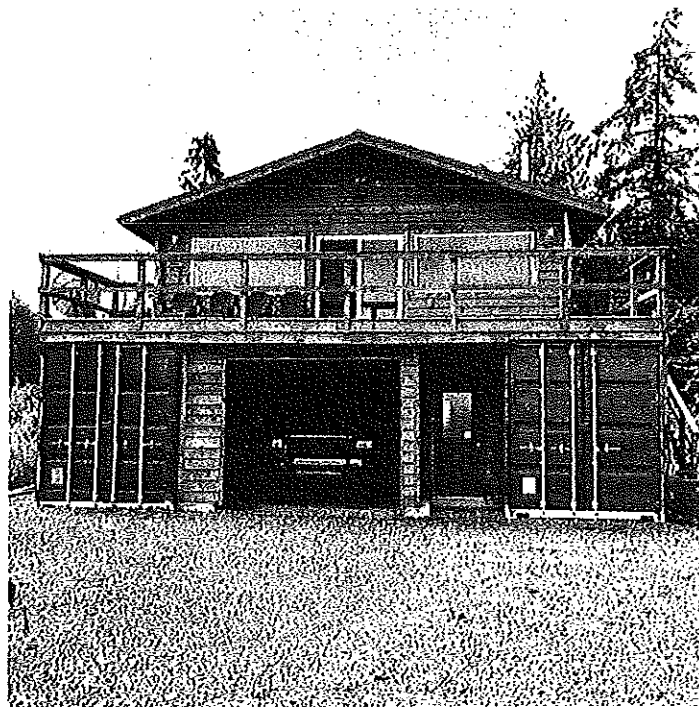
Use of Conex boxes (shipping containers) for storage and future structure.

I am asking the Committee to approve the use of 2 40-foot shipping containers for my 2.36 acres (Parcel 105-48-001). I intend to use the containers for storage and as the framed sides of a barn later. These shipping containers should not be visible on from the road. They will be placed on the north / east side of the property where I plan to turn the containers into a shop / garage. I have included pictures for reference as to what the finished product will look like.

Thank you for your time and consideration in this matter.

Michael Taylor





Chapter 17.52 RMH-20 ZONE, SINGLE-FAMILY RESIDENTIAL AND MOBILE/ MANUFACTURED HOMES (20,000 SQUARE FEET LOTS)

Sections:

17.52.010 Purpose.

This district is intended to promote and preserve low density single-family residential development. Regulations and property development standards are designed to protect the residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and mobile/manufactured homes together with required recreational, religious and educational facilities.

(Ord. 2007-004 § 1 (part))

17.52.020 Permitted uses.

- A. One single-family dwelling or one mobile/manufactured home.
- B. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- C. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- D. Home occupations.
- E. 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.
- F. 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))

17.52.030 Conditional uses (conditional use permit required).

- A. Publicly owned and operated parks and recreation areas and centers.
- B. Churches or similar places of worship.
- C. Public and private elementary and high schools.
- D. Colleges, universities and professional schools.
- E. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.
- F. Hospitals and clinics.
- G. Golf courses.
- H. Nursery schools and day care centers.

-
- I. 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.
 - J. 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))

17.52.040 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: fifty (50) feet.
- D. Minimum front yard: twenty (20) feet.
- E. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.
- F. Minimum rear yard: ten feet.
- G. Minimum dwelling size:
 - 1. Non-mobile/manufactured single-family: eight hundred (800) square feet.
 - 2. Mobile/manufactured home: six hundred (600) 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: forty (40) percent.

(Ord. 2007-004 § 1 (part))

17.52.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.52.060 Signs.

The provisions of Chapter 17.100 shall apply.

(Ord. 2007-004 § 1 (part))

17.52.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.

(Ord. 2007-004 § 1 (part))

17.52.080 Plan review.

The provisions of Chapter 17.88 shall apply.

(Ord. 2007-004 § 1 (part))

(Supp. No. 28, 7-24)

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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))