



TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION

TUESDAY, AUGUST 13, 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 6:01 pm.
2. **PLEDGE OF ALLEGIANCE:** Bill Lucas 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 Brian Hayes

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)).

John & Kathleen Rayner: written correspondence regarding the rezoning application was read for the record. The Rayners live on Becker Lake Road, and they have concerns about the rezoning and tentative RV park, including increased traffic on Becker Lake Road; water and septic concerns that

include the water usage and possible ground water contamination from the septic, and they also worry about increased fire hazards.

5. CONSENT ITEMS:

- A. Consider approval of the July 9, 2024, Planning and Zoning Commission meeting minutes.

Motioned by: Commissioner Becker; seconded by: Commissioner Hayes to approve consent item 5A. as presented.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Hayes

3-0 Passed – Unanimously

- 6. ZONING ADMINISTRATORS REPORT:** Ms. Palmer advised the Commission that there are two applications for the two vacancies on the Commission; Bill Lucas and Tony Contreras. The applications will be going before the Council at their meeting next week. Ms. Palmer advised that she is still working on draft ordinances, would like to have the “chicken bill” on the to the Commission next month. She also let them know that the Commission will need to hold public hearings on the ordinances before they go to Council, this is according to state statutes. She told them that she is working on a report that is required by the State regarding zoning and building applications and the time frames from application, to completion. This is part of new legislation that passed and the report is due September 30th. She spoke about the two demolition permits recently issued and their locations. Ms. Palmer also updated on code enforcement; that she is updating cases, and has a few new ones that she will be investigating next week. The Furniture Store was inspected on July 24th, reports have been received from RVFMD and the State Fire Marshal, notice to correct has been sent to the property owner and reinspection is set for September 18th.
- 7. LIAISON REPORT:** Chairwoman Shove gave the liaison report; public hearing and appeal on the Conditional Use Permit for mobile home park, appeal approved. Several contracts signed and tourism tax money given out. Budget was adopted. Was a shorter meeting.

OLD BUSINESS

- 8.** 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 a portion of the property from its current zoning, AR-20, Agricultural Residential (20,000 sq. ft. lots) to C-1, General Commercial. If the application is approved, the applicant’s intent is to split the parcel into three (3) individual lots; the southern-most two (2) acres, that border Becker Lake Road, would become two (2) one-acre parcels that remain AR-20, Agricultural Residential.

Applicant Pete Ruthenbeck came up to answer questions that Commission may have. Commissioner Becker asked Mr. Ruthenbeck the reason behind wanting rezone the whole area at one time instead of doing it in stages; Mr. Ruthenbeck stated that it just made more sense fiscally to do rezone at one time and then build park in stages. Commissioner Becker asked Ms.

Palmer about the conditional use permit for the RV park; Ms. Palmer stated that the conditional use permit would be needed along with following other town codes, including building permits and general requirements for RV parks as stated in code. The Commission continued its discussion including reviewing permitted uses for C-1, Commercial zoning; they had concerns regarding that if allowed the rezone that any of the permitted uses could apply to the property. In the discussion Chairwoman Shove stated that has been policy or practice to go along with what the citizens want or don't want when it comes to zoning applications.

Motioned by: Commissioner Becker; seconded by: Commissioner Hayes to recommend Council deny the rezoning application.

AYE: Chairwoman Shove, Commissioner Becker, Commissioner Hayes

3-0 Passed Unanimously

9. Continued discussion and direction to staff regarding clarification of Springerville Municipal Town Code Title 17:
 - a. Review of draft ordinance regarding Chapter 17.28-General Provisions section: 17.28.070-Walls and Fences. Commission reviewed draft ordinance from Ms. Palmer, stated that this draft did not need any corrections or changes. Ms. Palmer will send the draft for legal review, and set a public hearing for the next meeting.
 - b. Review of draft ordinance regarding Chapter 17.28-General Provisions section: 17.28.170-Travel Trailers and Recreational Vehicles. Commission reviewed draft ordinance along with information from Ms. Palmer regarding the possible need to place time limits on RVs or travel trailers on property as guest houses. There was also discussion on the amount RVs per size of property. Final direction from Commission to staff was to modify section to state that RVs etc. could be used as guest quarters for 15 consecutive days, not to exceed 45 days in a calendar year, with a minimum of 15 days between stays. Also, direction given that maximum of 2 units per half-acre or less of property. Ms. Palmer took notes on directions from Commission, stated that she would correct the draft, and send it for legal review. A public hearing will be set at next month's meeting for this item.

Above items were for discussion and direction to staff only.

NEW BUSINESS

10. None

**Item not on agenda: after brief discussion work session scheduled for September 10, 2024, at 5:00PM

11. **ADJOURNMENT:**
Meeting adjourned at 6:56 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 August 13, 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
WORK SESSION**

**TUESDAY, SEPTEMBER 10, 2024, at 5:00 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 5:03 pm.
2. **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: Commissioner Brian Hayes

A quorum is present.

Staff Present: Planning and Zoning Director Stormy Palmer

WORK SESSION

3. Discussion and possible direction to staff regarding review and possible updates to the adopted Planning and Zoning Commission Rules of Procedure. Chairwoman Shove stated that the Commission would be discussing the Rules during this work session and that a draft with the changes would be presented at a subsequent meeting. Ms. Palmer clarified the staff report for this session and which document would be reviewed, and that Rules of Procedure are required

under the Planning and Zoning Commission section of Title 17. The Commission reviewed each item in order, suggested changes are as follows:

- I. Organization
 - a. Change elections from every January to every November
 - b. Add "for that meeting," to last sentence where a temporary Chairperson can be appointed for a meeting where neither the Chair and Vice-Chair are present.
 - f. There was discussion on the need for, or the ability to form, committees from the Commission and possibly removing this section. After brief discussion it was decided to leave it in the event it would ever be needed.
- II. Meetings
 - B. The adopted rules state that meetings are held the second Thursday at 7:00 PM, the Commission currently holds its meetings on the second Tuesday at 6:00 PM. Ms. Palmer stated that Town of Eagar currently has their meetings on the same day and time and asks the Commission if they would like to change their meetings. Discussion follows about which days and times would be more convenient for commissioners, and not conflict with other meetings. It was decided to move the meetings to the first Wednesday of the month at 6:00 PM. This change would take effect once the new Rules have been adopted.
 - D. There was discussion regarding Executive Sessions, and concerns about anything discussed in the executive sessions not being made public. Staff was directed to edit the item to include reference to Arizona state statutes regarding executive sessions.
 - F. There was discussion regarding attendance, staff was directed to ensure that it matched what is already in code.
 - G. Discussion was held regarding rules and regulations and following Robert's Rules of Order. Staff was directed to get a copy of Robert's Rules and have it on hand at meetings, in case questions or concerns arose.
 - H. Discussion was held regarding conflicts of interest; staff was directed to change/add to the section stating that Commissioners would not have to leave the room as written but would need to vacate their commission seat and go to the back of the audience area.
 - I. Order of Business, staff was directed to check over this section and ensure that it conformed to how the agenda was written.
 - J. Public Hearing Applications: the Commission read through this section and staff was directed to draft the following changes; remove "through the Chair" in any section where questions could be directed, and to clarify #6, stating that staff may present final statements "regarding code." Staff was also requested to clean-up and clarify section #7.

At this time, it was the start of the regular meeting, Chairwoman Shove directed the Commission to review the last page on their own and direct any suggestions or changes to her or Me. Palmer. Ms. Palmer was directed to bring back a draft for the Commission to review at a later meeting date.

4. ADJOURNMENT:

Motioned by: Commissioner Lucas; **seconded by:** Commissioner Contreras to adjourn the work session.

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

4-0 Passed – Unanimously

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 work session held on September 10, 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

TUESDAY, SEPTEMBER 10, 2024, at 6:00 PM
TOWN OF SPRINGERVILLE COUNCIL CHAMBERS
418 E. MAIN STREET SPRINGERVILLE, AZ 85938

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1. **CALL MEETING TO ORDER:** Chairwoman Shove called the meeting to order at 6:01 pm.
2. **PLEDGE OF ALLEGIANCE:** Bill Lucas 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: Commissioner Brian Hayes

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 meeting minutes.

Motioned by: Commissioner Becker to approve minutes; (new Commissioners were not present at August meeting, and Commissioner Hayes is absent); No second, motion dies

Chairwoman Shove asked that this item be tabled to a further meeting date.

6. **ZONING ADMINISTRATORS REPORT:** Ms. Palmer advised the Commission that she has been working on updating the building codes in Title 15; she has had a meeting with the Assistant Fire Chief, and the Town of Eagar Planning & Zoning Director, working on a comparable ordinance where both towns are using similar building codes, IBC 2018. She has also met with FEMA personnel and they are also reviewing the flood plain ordinance for any changes or corrections that need to be made to that section. She stated that she has received the survey form to fill out for the new state mandated reporting requirement regarding building permits, and zoning applications. The form will have to be completed by September 30th. Ms. Palmer then stated that there have been some issues and concerns between the county and the cities regarding addressing; the County has sent out a spreadsheet that they are wanting completed by the end of the year that will show all the addresses with the corresponding parcel numbers. This is a large project as the spreadsheet hasn't been updated for years. Ms. Palmer then gave a brief update regarding code enforcement.

7. **LIAISON REPORT:** None

OLD BUSINESS

8. Discussion and direction to staff regarding draft ordinances for Springerville Municipal Code Title 17:
- a. Review of draft ordinance regarding Chapter 17.28-General Provisions section: 17.28.070-Walls and Fences. The Commission discussed the legally reviewed ordinance. In the discussion Commissioner Lucas had questions and concerns regarding high voltage fencing and where it could be utilized; he was advised that it is mostly to keep large animals such as elk out of areas like the airport runways. Further discussion was held and staff was advised to add "High voltage fencing will require a warning sign" to the ordinance. Staff was further directed to set this ordinance for a public hearing.
 - b. Review of draft ordinance regarding Chapter 17.28-General Provisions section: 17.28.170-Travel Trailers and Recreational Vehicles. The Commission discussed the legally reviewed ordinance. No further changes or corrections were needed in this section; staff was directed to set this ordinance for a public hearing.

Above items were for discussion and direction to staff only, no action needed.

9. Review of draft ordinance regarding backyard fowl. Chairwoman Shove introduced the item. Ms. Palmer explained that the Commission had previously seen the bill allowing backyard fowl, and staff was directed to draft an ordinance with the bare minimum requirements. She stated that she also spoke to the attorney and that this ordinance could be a section added to the General Provisions rather than adding it to each individual zoning code with single-family residential homes. Discussion was held regarding the bill requirements, and staff was directed to check on a definition of an enclosure, and make changes to the draft and bring it back at a later meeting.

Above item was for discussion and direction to staff only, no action needed.

10. Continued discussion and direction to staff regarding clarification of Springerville Municipal Town Code Title 17:
 - a. 17.28.080-Outdoor Storage of Junk Automobiles: Brief discussion was held, Ms. Palmer explained that this subject is expanded including penalties in Title 8, which is mainly used for code enforcement. The Commission did not direct staff to make any changes in this section.
 - b. 17.28.090-Home Occupations: Discussion was held, regarding percentage of space allowed for a home occupation, delivery vehicles, and home occupations requiring a conditional use permit. Staff was directed to draft an ordinance with the changes and bring it back to the Commission at a later date.
 - c. 17.28.110-Exterior Lighting: Brief discussion held; the Commission did not direct staff to make any changes.
 - d. 17.28.120-Public Service Facilities- Brief discussion held; the Commission did not direct staff to make any changes.

Above item was for discussion and direction to staff only, no action needed.

NEW BUSINESS

11. None

12. ADJOURNMENT:

Meeting adjourned at 6:58 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 September 10, 2024. I further certify that the meeting was duly called, and a quorum was present.

Dated this ____ day of _____, 20 ____

Planning & Zoning Administrator

DRAFT

ORDINANCE NO. 2024-003

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.070 "WALLS AND FENCES" RELATED TO REQUIREMENT OF 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 the necessity of conditional use permits 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 17.28.070 is amended to read as follows:

17.28.070 Walls and fences.

- A. Permits. A permit shall be required before a wall or fence may be constructed or erected in any zone within the Town of Springerville. An application for a wall or fence permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall include the following:
1. Sketch showing the property location, property boundaries, location of existing structures and positioning of the proposed wall or fence.
 2. Description of materials to be used and design of the wall or fence.
 3. Any other information the planning and zoning administrator might need to evaluate the wall or fence proposal.
 4. Within ten (10) business days after receipt of a complete application for a wall or fence permit, the zoning administrator shall review the plans, and, in writing, deny, approve or conditionally approve the plans, basing this decision on the conformity of the proposal with the provisions of this chapter.
- B. Materials and Design. Walls and fences in all zoning districts shall be constructed of material in new condition. Natural, recycled or other materials may [be] used at the sole discretion of the zoning

administrator. Barbed wire and low-voltage wire shall be limited to the keeping of livestock in all zoning districts.

C. Regulations Applicable to Walls and Fences in Agricultural and Residential Zones.

1. In addition to these regulations, walls or fences on a corner lot shall be subject to the provisions of Section 17.28.060.
2. Height: No wall, fence or hedge over four feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line.
3. Rear or side yard fences facing a street and made of chain link, wire fence or similar open, non-view-obscuring material up to six (6) feet in height may be approved by the zoning administrator if they do not cause a visibility hazard or nuisance.
4. In the case of double fronting lots, a wall or fence up to six (6) feet in height may be erected in the property's rear or street-side yard, provided it does not cause a visibility hazard or nuisance.
5. Variations from these regulations, including solid walls or fences exceeding four (4) feet in height at a corner or in a front or street-facing side or rear yard, materials, or design, may be allowed by ~~conditional use permit~~ **administrative review**.

D. Regulations Applicable to Walls and Fences in Commercial and Industrial Zones.

1. Height: Walls or fences up to six (6) feet in height shall be allowed in any front, side or rear yard for the purpose of securing commercial property, subject to the provisions of Section 17.28.060.
2. Fences may be topped with barbed wire for added security, provided such wire is located not less than six (6) feet above grade and the total structure does not exceed eight (8) feet.
3. The use of barbed wire below six (6) feet in height shall be restricted to the keeping of livestock.
4. Razor wire, high-voltage electrical current or other hazardous materials or devices may be allowed by ~~conditional use permit~~ **administrative review**. **High voltage electric current fences will require a warning sign.**
5. ~~In areas where a wall or fence is required by the code for screening purposes, a conditional use permit shall not be required provided all other requirements of this chapter are fulfilled.~~

E. Exceptions.

1. Provided such walls or fences conform to all other regulations set forth in this chapter, walls or fences may exceed six (6) feet in height under the following circumstances:
 - a. Around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof;
 - b. Within industrial zoning districts;
 - c. When fences of greater heights are required by the planning and zoning commission for any reason.
2. In the case of double fronting lots, a fence up to six (6) feet in height may be erected in the property's rear yard provided the materials, height and location conform to all other regulations set forth in this chapter.
3. All swimming pools shall be enclosed by a solid wall, wood or chain link fence of not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.
4. Walls or fences of a material, design, height or placement other than those described herein may be allowed by ~~conditional use permit~~ **administrative review**.

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

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. 2024-004

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.170 "TRAVEL TRAILERS AND RECREATIONAL VEHICLES" RELATED TO TRAVEL TRAILERS OR RECREATIONAL VEHICLES AS GUEST QUARTERS, 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 travel trailers or recreational vehicles as guest quarters 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 17.28.170 is amended to read as follows:

17.28.170 TRAVEL TRAILERS AND RECREATIONAL VEHICLES

- A. Travel trailers or recreational vehicles as defined in Section 17.08.010 shall not be used as a dwelling on any lot outside an approved recreational vehicle park and shall not be connected to a sewer or septic system other than in an approved recreational vehicle park except as allowed in this section.
- B. Travel trailers and recreational vehicles shall be stored only on private property and not on any public street, alley or thoroughfare.
- C. Travel trailers and recreational vehicles shall not be used for storage purposes or as an accessory building except as allowed in this section.
- D. A travel trailer, recreational vehicle or mobilehome may be used on construction sites for temporary residence and/or storage of materials for up to twelve (12) months by conditional use permit, provided there are active permits for the construction.

E. A travel trailer or recreational vehicle may be used as guest quarters on a residential lot for up to ~~two (2) weeks without a conditional use permit~~ **fifteen (15) consecutive days, not to exceed forty-five (45) days per calendar year, with a minimum of fifteen (15) days in between uses as guest quarters. There will be a maximum allowance of two (2) visiting travel trailers or RVs per half-acre simultaneously.** The intent of this section is to allow relatives or friends to visit for a short period of time or for an immediate, but temporary, solution for hardship or emergency living quarters.

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

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

17.28.130 Trash enclosures.

A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single-family dwelling, multiple-family dwellings of less than four units, and mobile/manufactured homes in every zoning districts except where a mechanically loaded steel bin approved by the zoning administrator is used for the purpose or where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall comply with the following regulations:

- A. Construction. Trash enclosures shall be constructed so that contents are not visible from a height of five feet above grade from any abutting street or property, and shall be constructed of solid or ornamental pierced-masonry walls with solid concrete floor sloped for drainage and maintenance of sanitary conditions. Enclosures shall be of sufficient height to conceal contents including containers, but in no case shall be less than four feet in height above grade. Gates shall be solid or baffled, equal in height to the enclosure and equipped with latches to insure closure when not in use.
- B. Location. Trash enclosures shall not be located in any required front or side yard.

(Ord. 2007-004 § 1 (part))

17.28.140 Structures near airplane runway or landing strip.

Current Federal Aviation Administration (FAA) regulations and guidelines shall govern the location, placement, height, size and design of airplane runways and landing strips within the town.

(Ord. 2007-004 § 1 (part))

17.28.150 Performance standards.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the plan review process, the developer-applicant shall provide to the zoning administrator data which is sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

- A. Noise. No noise shall be permitted which is loud enough to create a nuisance or hazard beyond the property lines.
- B. Smoke, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission is permitted which can cause damage to health, animals or vegetation, or other forms of property, or which can cause any excessive soiling.
- C. Liquids and Solid Waste. No wastes will be discharged in the public sewage system which endangers the normal operation of the public sewage system.
- D. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
- E. Vibration. No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more in duration in any one hour of the day between the hours of seven a.m. to seven p.m., or of thirty (30) seconds or more in duration in any one hour during the hours of seven p.m. and seven a.m.

(Ord. 2007-004 § 1 (part))



TOWN OF SPRINGERVILLE

"GATEWAY TO THE WHITE MOUNTAINS"

APPLICATION FOR REZONING

Peter Ruthenbeck

Name of Applicant(s)
(Applicant must be the legal owner or
Show Power of Attorney)

Helen DiGiuseppi

Applicant Mailing Address

Springerville AZ 85938

Applicant Telephone Number(s)

[Signature]

Signature of Applicant(s)

9-9-24
Date

105-15-010H

Parcel Number(s)
(Attach legal description)

262 W Main St
Springerville AZ 85938

Property Address

AR-20

Current Zoning Classification

C-1

Requested Zoning Classification

See Page 2 for required documentation

Fee: \$ <u>200⁰⁰</u> 01-4007
Received By: <u>[Signature]</u>
Date Stamp: RECEIVED SEP 09 2024

Neighborhood Meeting: _____
P&Z Hearing: _____ Notice Date: _____
Action: _____
Confirmed By: _____

All documentation MUST be submitted before an application is complete

LETTER OF EXPLANATION REZONING

262 W Main St., Springerville AZ 85938
APN 105-15-010H (14 acre parcel)

The reason for this rezoning request is so that we can expand our current RV Park onto the adjacent parcel of land referenced above. In deference to the local communities wish to keep commercial development away from Becker Lake Road we are requesting that only approximately 6.4 acres of the 14 acres be rezoned to C-1 leaving approximately 7.6 acres with AR-20 zoning undeveloped along Becker Lake Road. This provides a buffer of more than 500'. See drawing of proposed RV park expansion.

Leaving a 7.6 acre, or 500' buffer along Becker Lake Road should alleviate any concerns about increased traffic as well as any concerns about commercial business development or commercial traffic along Becker Lake Road. This plan preserves the consistency of AR-20 zoning along this corridor.

Water for the park expansion would be provided by an existing well on this parcel. This well has gone through extensive testing by the Arizona Department of Environmental Quality and has been fully approved as a community well. This well produces 38 gpm. The well extends 120' underground and the pump is placed at approximately 92'.

Sewage treatment will be accomplished with multiple high efficiency septic systems sized for the number of spaces in the expansion. These systems operate as tiny sewage treatment plants and therefore the output is clear water. We are working with appropriately credentialed experts who will design the system and supervise installation. These systems will meet or exceed all standards set forth by the Arizona Department of Environmental Quality.

Our plan for the expansion is to add 50 new spaces, all with full hook-ups. There will be no permanent mobile homes. 50 spaces in approximately 6.4 acres is a density of approximately 8 spaces per acre. To put this into perspective, the newest RV park in Springerville was developed to a density of 17 spaces per acre.

This means that our park expansion would have twice as much space for each site as compared to the newest park and as much as four times as much space per site as compared to some of the other RV parks in the city. Our purpose for providing this extra space is to have a nicer more attractive park which will attract higher quality RVers. This translates into more money flowing into our town and to its many businesses.

We understand that affordable housing is in severe shortage in Springerville. Unfortunately, private developers cannot justify building affordable housing in our little town because the cost of building is higher than what can be supported by affordable rent. In order to make it attractive for developers to invest in our town the rents would have to be \$2,000 plus per month and I believe most current residents of Springerville would agree this is not an affordable rent. On the other hand, RVs do provide an affordable housing option, both short and long term. A good number of RVers use the local RV parks as a transitional living situation while they are looking for someplace to rent, or even to have a home built. RV Parks also provide a housing option for fluctuating populations that come to our town for construction projects, Forest Service projects, fire control, and tourists who flock here in the summer months.

As a resident of Eagar and a business owner in Springerville it is my goal to help bring more commerce and more opportunities to our beautiful little towns. I believe that our RV park will be a step above any other RV parks in Springerville or Eagar. And, by having a strict set of rules and regulations, along with on-sight management to enforce these rules and regulations, guests will be able to enjoy a pleasant and safe RV park. See attached Rules and Regulations.

Ingress/Egress: All ingress and egress for the park expansion will be directly off of and onto highway 60. Guests will all enter at The Gateway and cross the current parking lot.

Driveways: Gravel to control dust.

Landscaping: The park will be landscaped and enough trees will be planted to eventually provide privacy and shade for every site.

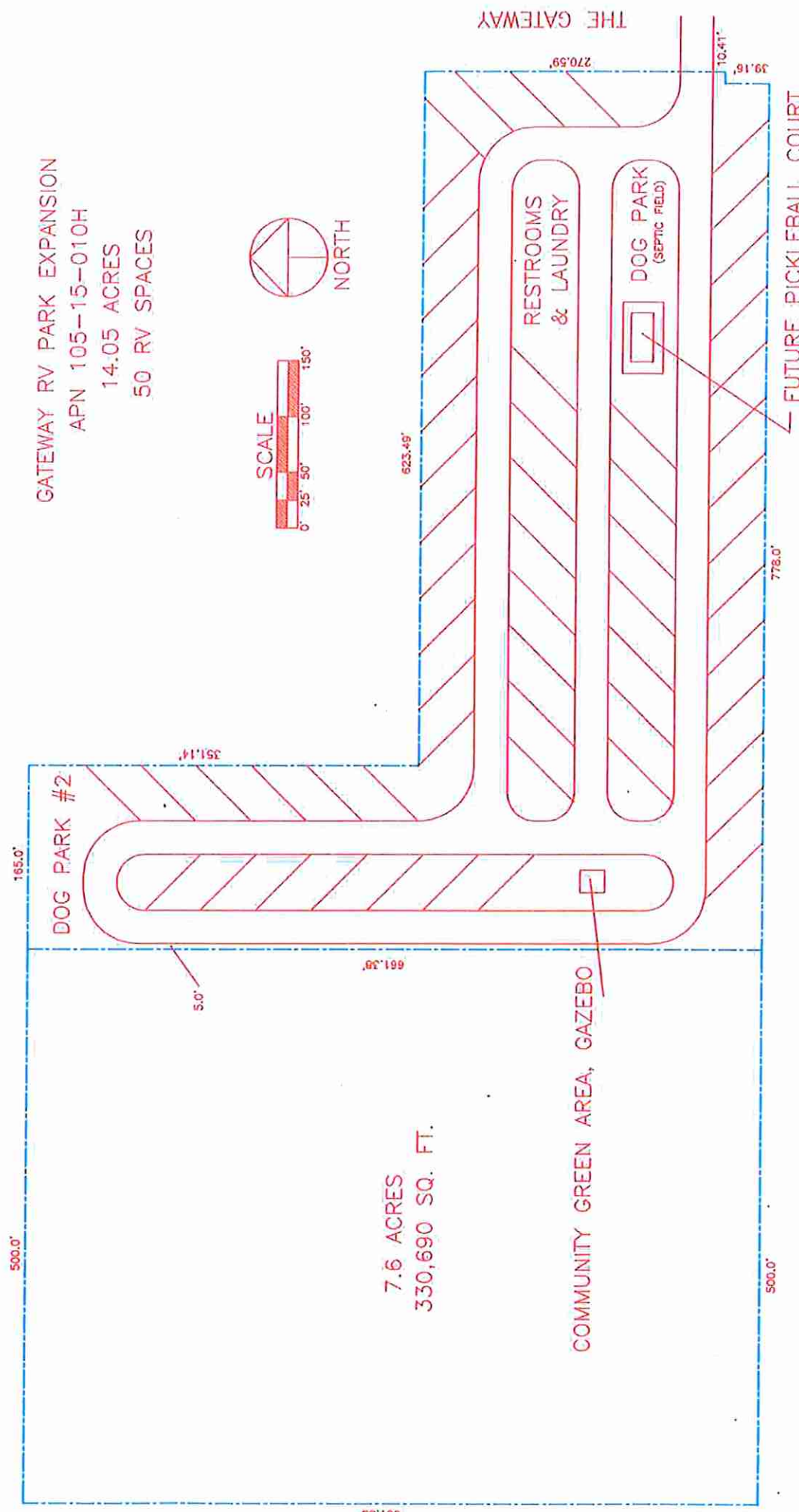
Irrigation: Irrigation will be installed for the purpose of providing irrigation for trees and plants only.

Trash Collection: Three sided enclosures with a gate on the fourth side will be provided for all dumpsters located in the expansion. This will prevent them from being seen and also help reduce wind blown trash in the area. Trash will be picked up twice a week.

Security Lighting: Lighting will be installed along driveways and in communal areas such as restrooms, laundry and parking areas.

Rules and Regulations: We have developed a strict set of rules and regulations which will allow our on-sight management to deal with any issues quickly and maintain a safe and quiet environment for our guests.

GATEWAY RV PARK EXPANSION
APN 105-15-010H
14.05 ACRES
50 RV SPACES



7.6 ACRES
330,690 SQ. FT.

COMMUNITY GREEN AREA, GAZEBO

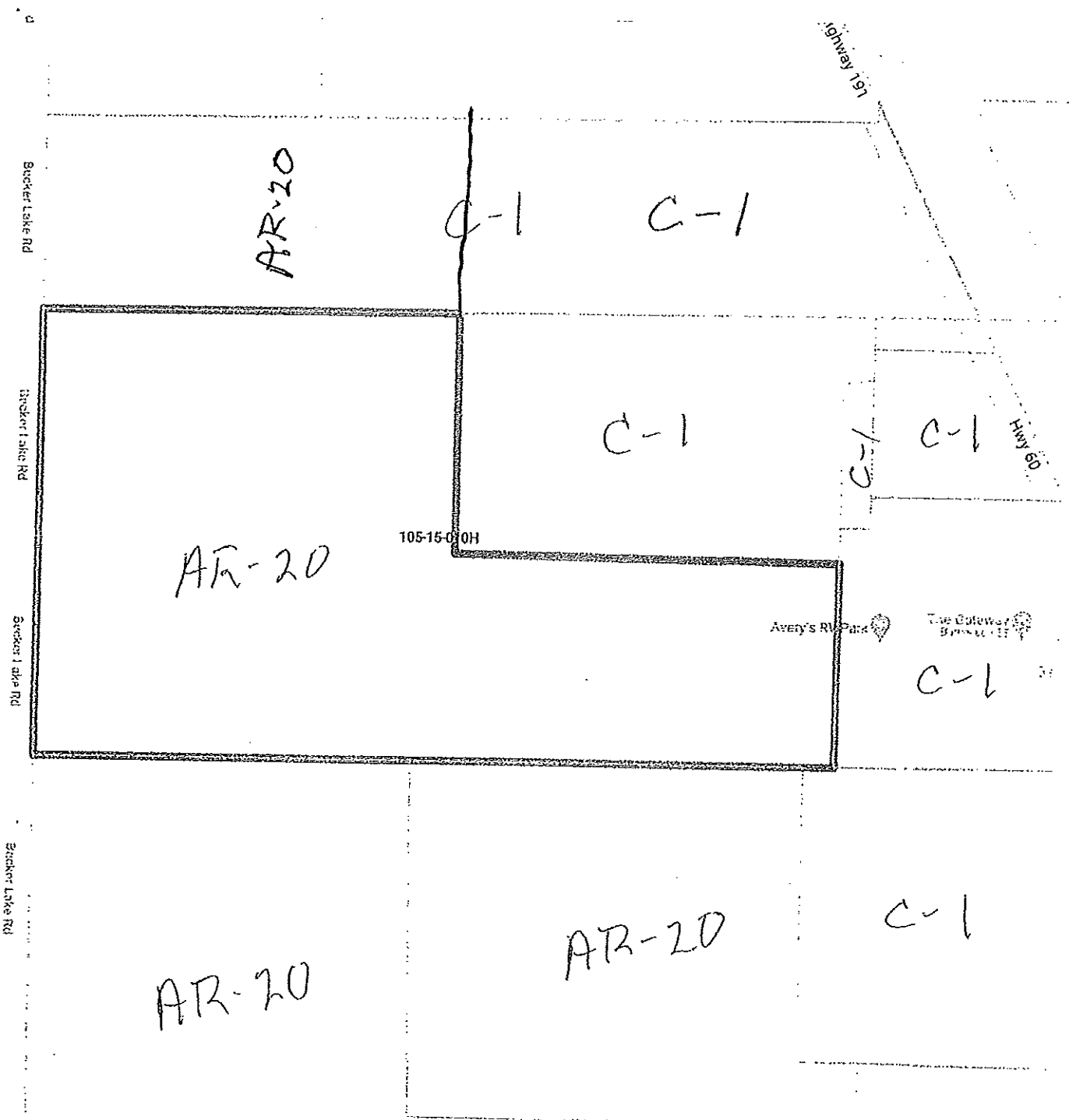
RESTROOMS
& LAUNDRY

DOG PARK
(SEPTIC FIELD)

FUTURE PICKLEBALL COURT

THE GATEWAY

BECKER LAKE ROAD



Measure Tool

Go. gl

Map data ©2024 100 ft

Report a map error



Katie Hobbs
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters
Cabinet Executive Officer
Executive Deputy Director

APPROVAL OF CONSTRUCTION

Project Description: THE GATEWAY RV PARK WELL. AOC PERMIT FOR EXISTING WELL 55- 809267 EQUIPPED WITH A 60 GPM PUMP TO SERVE THE GATEWAY. PWS GRADE D1.

Location: Springerville, AZ

Project Owner: 262 W Main St LLC
Address: 1846 E Innovation Park Dr. Ste 100
Springerville, AZ 85938

The Arizona Department of Environmental Quality (ADEQ) hereby issues an Approval of Construction for the above-described facility based on the following provisions of Arizona Administrative Code (A.A.C.) R18-5-507 et seq.

On 1/5/2024, ADEQ issued a Certificate of Approval to Construct for the referenced project.

On 4/16/2024, Anthony Bowler, P.E. certified that the project was built according to the as-built plans and specifications and ADEQ's Certificate of Approval to Construct.

This Approval of Construction authorizes the owner to begin operating the above-described facilities as represented in the approved plan on file with the ADEQ. Be advised that A.A.C. R18-4-203 requires the owner of a public water system to maintain and operate all water production, treatment and distribution facilities in accordance with ADEQ Safe Drinking Water Rules.

Reviewed by: NR3

PWS No.: 01-345
LTF No.: 103383

DocuSigned by:
Nicole Rubenstein
3E383871672C4B9...

4/30/2024

Nicole Rubenstein, P.E.
Drinking Water Section

Date Approved

C: ADEQ File No.: 20230474
Apache County Health Department

The Gateway RV Park

Rules and Regulations

262 W Main St.
Springerville AZ 85938

Failure of tenant(s), their children or their guests to follow these rules will result in eviction.

1. Tenants are responsible for their guest's conduct. Guests must agree to follow the park regulations. Guests cannot remain on site for more than 7 days consecutively. Only people listed on the park contract are considered tenants.
2. Please respect the rights of your neighbors. NO loud music, NO loud television, and NO shooting off fireworks. NO revving of car engines. Quiet hours are 10PM to 8AM.
3. Each vehicle must have current registration. Inoperable vehicles will be towed at owner's expense. No vehicle repair work in park. Vehicle speed limit is 5 MPH.
4. Tenants are responsible for following city, state and federal laws and ensuring their children and guests follow these laws.
5. Tenants are responsible for keeping the outside of their premises neat and litter free and must dispose of all refuse/garbage in the provided dumpsters. No appliances or furniture will be allowed except patio/outdoor furniture. Tenants will be charged if the park has to clean up their lot at a rate of not less than \$50.00/hour.
6. No outside fires are permitted except propane. Tenants are allowed one BBQ per space and it must be covered when not in use.
7. Tenants are responsible for notifying management immediately of any repairs needed to their space.
8. Items such as electronic equipment, furniture, appliances, motor oil or transmission fluid must be disposed of outside of the park.
9. The discharge of any type of firearm or weapon is not allowed in the park. This includes pellet guns, BB guns, bows and arrows, paint guns or slingshots.
10. No pets allowed without authorization from the manager. You are required to pick up your pet's waste. ALL PETS MUST BE KEPT UP TO DATE ON THEIR VACCINES AND BE LICENSED ACCORDING TO LOCAL AND STATE LAW. ALL PETS MUST BE ON A LEASH WHEN OUTSIDE OR KEPT IN A FENCED AREA WHICH SHALL BE CONSTRUCTED IN A MANNER APPROVED BY THE PARK MANAGER AND AT THE TENANTS SOLE EXPENSE. NO ANIMALS MAY BE TIED OR TETHERED AT ANY TIME AND SHOULD NOT BE LEFT OUTSIDE FOR EXCESSIVE PERIODS. NO MORE THAN TWO SMALL DOGS UNDER 40 LBS.
11. Maintenance and Repair Rules: Tenant will keep and maintain the premises including their unit in good and sanitary condition and repair during their stay in the park.

Updated - 9/26/2024

LETTER OF EXPLANATION REZONING

262 W Main St., Springerville AZ 85938
APN 105-15-010H

The reason for this rezoning request is so that we can expand our current RV Park onto the adjacent parcel of land referenced above. In deference to the local communities wish to keep commercial development away from Becker Lake Road we are requesting that only approximately 6.4 acres of the be rezoned to C-1 leaving approximately 7.6 acres with AR-20 zoning along Becker Lake Road. This provides a buffer of 500'. See drawing of proposed RV park expansion.

This should alleviate any concerns about increased traffic as well as any concerns about commercial business development or commercial traffic along Becker Lake Road. This plan preserves the consistency of AR-20 zoning along this corridor.

Water for the park expansion would be provided by an existing well on this parcel. This well has gone through extensive testing by the Arizona Department of Environmental Quality and has been fully approved as a community well. This well produces 38 gpm. The well extends 120' underground and the pump is placed at approximately 92'.

Sewage treatment will be accomplished with multiple high efficiency septic systems sized for the number of spaces in the expansion. These systems operate as tiny sewage treatment plants and therefore the output is clear water. We are working with appropriately credentialed experts who will design the system and supervise installation. These systems will meet or exceed all standards set forth by the Arizona Department of Environmental Quality.

Our plan for the expansion is to add 50 new spaces, all with full hook-ups. There will be no permanent mobile homes. 50 spaces in approximately 6.4 acres is a density of approximately 8 spaces per acre. To put this into perspective, the newest RV park in Springerville was developed to a density of 17 spaces per acre. This means that our park expansion would have twice as much space for each site as compared to the newest park and as much as four times as much space per site

as compared to some of the other RV parks in the city. Our purpose for providing this extra space is to have a nicer more attractive park which will attract higher quality RVers. This translates into more money flowing into our town and to its many businesses.

We understand that affordable housing is in severe shortage in Springerville. Unfortunately, private developers cannot justify building affordable housing in our little town because the cost of building is higher than what can be supported by affordable rent. In order to make it attractive for developers to invest in our town the rents would have to be \$2,000 plus per month. On the other hand, RVs do provide an affordable housing option, both short and long term. A good number of RVers use the local RV parks as a transitional living situation while they are looking for someplace to rent, or even to have a home built. RV Parks also provide a housing option for fluctuating populations that come to our town for construction projects, Forest Service projects, fire control, and tourists who flock here in the summer months.

As a resident of Eagar and a business owner in Springerville it is my goal to help bring more commerce and more opportunities to our beautiful little towns. I believe that our RV park will be a step above any other RV parks in Springerville or Eagar. We will reserve 20% of our spaces for short-term users which will encourage vacation use which translates into more local spending. And, by having a strict set of rules and regulations, along with on-sight management to enforce these rules and regulations, guests will be able to enjoy a pleasant and safe RV park. See attached Rules and Regulations.

Ingress/Egress: All ingress and egress for the park expansion will be directly off of and onto highway 60. Guests will all enter at The Gateway and cross the current parking lot.

Driveways: Gravel to control dust.

Landscaping: The park will be landscaped and enough trees will be planted to eventually provide privacy and shade for every site.

Irrigation: Irrigation will be installed for the purpose of providing irrigation for trees and plants only.

Trash Collection: Three sided enclosures with a gate on the fourth side will be provided for all dumpsters located in the expansion. This will prevent them from being seen and also help reduce wind blown trash in the area. Trash will be picked up twice a week.

Security Lighting: Lighting will be installed along driveways and in communal areas such as restrooms, laundry and parking areas.

Rules and Regulations: We have developed a strict set of rules and regulations which will allow our on-sight management to deal with any issues quickly and maintain a safe and quiet environment for our guests.

7.6 ACRES
330,690 SQ. FT.
AR-20

COMMUNITY GREEN AREA, GAZEBO

DOG PARK #2

5.0'

661.38'

185.0'

351.14'



GATEWAY RV PARK EXPANSION
APN 105-15-010H
6.4 ACRES
50 RV SPACES

623.49'

RESTROOMS
& LAUNDRY

DOG PARK
(SEPTIC FIELD)

FUTURE PICKLEBALL COURT

THE GATEWAY

500.0'

500.0'

778.0'

39.16'

10.41'

270.59'

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.

-
- 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))

17.40.080 Plan review.

The provisions of Chapter 17.88 shall apply.

(Ord. 2007-004 § 1 (part))

Chapter 17.68 C-1 ZONE, GENERAL COMMERCIAL

Sections:

17.68.010 Purpose.

This district is intended to provide for general commercial uses. Land use is composed chiefly of retail service businesses, together with accessory uses. The property development standards are designed to encourage orderly and compatible development in existing and future commercial areas within the town.

(Ord. 2007-004 § 1 (part))

17.68.020 Permitted uses.

- A. Retail sales of apparel and accessories, shows, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies and similar convenience goods.
- B. Repair services such as, but no more objectionable or intensive in character than watches, jewelry, shoes, locksmith, minor household appliances.
- C. Personal services such as barbers, beauty shops, health clubs, laundries and cleaners.
- D. Establishments serving food or beverages inside a building such as restaurants, cafes, coffee shops, bars, taverns, cocktail lounges. All outdoor sales and consumption of food and all drive-in facilities shall require a conditional use permit.
- E. Light manufacturing incidental to a permitted use is permitted, provided all such manufacturing activities as well as related storage shall be conducted within a completely enclosed building unless specifically allowed otherwise in this title. All such manufacturing activities shall be free from noise, odor or visible emissions when measured at the property lines.
- F. Second-hand stores, pawnshops and used furniture stores.
- G. Banks, stock brokerage firms, savings and loans associations, loan companies and credit unions.
- H. Governmental services, public utility offices and exchanges, excluding storage or repair services, provided all antennas which extend above the building height shall be by conditional use permit.
- I. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, lawyer, architect and engineer.
- J. Medical and dental offices and clinics.
- K. Establishments primarily supplemental in character to other permitted principal uses, such as pharmacy; apothecary shop; sales of corrective garments, prosthetic devices and optical goods; medical and dental laboratories.
- L. Business and trade schools, dancing, art and music schools.
- M. Gasoline service stations.

-
- N. Indoor and outdoor sales of nursery stock.
 - O. Hotels and motels.
 - P. Hospitals and clinics.
 - Q. Churches, including offices, sanctuaries and Sunday schools. Other uses shall be subject to the zoning for the use (i.e., a clinic would be subject to the zoning regulations for a clinic).
 - R. Customary accessory buildings, structures, and uses provided they are incidental to a permitted use.
 - S. 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.
 - T. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work.

(Ord. 2007-004 § 1 (part))

17.68.030 Conditional uses (conditional use permit required).

- A. Establishments serving food or beverages outside of a closed building and drive-in facilities.
- B. Mortuaries.
- C. Radio and TV studios.
- D. All commercial broadcasting and receiving antennas.
- E. Establishments whose principal function is basic research, design and pilot or experimental product development, provided such activities are conducted within a completely enclosed building.
- F. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
- G. Indoor commercial recreation establishments such as bowling alleys, billiard parlors and skating rinks.
- H. Indoor theaters, assembly halls, ballrooms and lodges.
- I. Taxi stand, bus stop, public parking lots and garages.
- J. New and used automobile, truck, mobile/manufactured home and agricultural equipment sales.
- K. Wholesale establishments.
- L. Lumber yards and building supplies.
- M. Automobile repair garages.
- N. Pet shops.
- O. Veterinary clinics and kennels.
- P. Residences and uses as allowed in the MF-7 zone, subject to the property development standards of the MF-7 zone.
- Q. Mobile/manufactured home parks, subject to the property development standards of the MHP zone.
- R. Outdoor commercial recreation establishments.
- S. Drive-in theaters.
- T. Construction yard and equipment yard.

U. 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.

V. Marijuana Dispensary (no cultivation), subject to the following conditions and limitations:

(1) Applicant shall provide:

- a. The name(s) and location(s) of the offsite marijuana cultivation operation associated with the dispensary.
- b. A copy of the operating procedures adopted in compliance with this Title and applicable state law, including proof or documentation of compliance with applicable department rules.
- c. A site plan, floor plan, building permits for occupancy change, and a security plan.

(2) Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

(3) Shall not be larger than a maximum of one thousand (1,000) gross square feet.

(4) Shall be limited to one marijuana dispensary within the jurisdictional boundaries of the town.

(5) Shall not be located within two hundred (200) feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the residentially zoned property.

(6) Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school; or two hundred (200) feet of a place of worship, public-park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

(7) Shall have operating hours not earlier than 10 a.m. and not later than 7 p.m.

(8) Drive-through services are prohibited.

(9) Cultivation of marijuana is prohibited.

(10) Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers, town trash can(s), bin(s), or other town facility, or in any park refuse container.

(11) Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.

(12) Shall not display or keep marijuana or marijuana products that are visible from outside the premises.

(13) Shall comply with applicable health regulations for food preparation and handling.

W. Mini-storage complexes.

X. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those listed in this section and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part); Ord. No. 2011-002, 4-6-11)

(Ord. No. 2022-003, § II, 6-15-2022; Ord. No. 2022-006, § 1, 2-15-2023)

17.68.040 Property development standards.

- A. Minimum lot area: seven thousand five hundred (7,500) square feet.
- B. Minimum average lot width: seventy (70) feet.
- C. Minimum lot frontage: thirty (30) feet.
- D. Minimum front yard: ten feet.
- E. Minimum side yard: five feet, except on corner lots, the street side yard shall equal the front yard. Yards of less than five feet may be allowed by a conditional use permit.
- F. Minimum rear yard: five feet, except that yards of less than five feet may be allowed by a conditional use permit.
- G. Minimum dwelling/building size: none.
- H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed by conditional use permit.
- I. Maximum lot coverage: none.
- J. Screening: all commercial uses shall be screened from any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.

(Ord. 2007-004 § 1 (part))

17.68.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.68.060 Signs.

The provisions of Chapter 17.100 shall apply.

(Ord. 2007-004 § 1 (part))

17.68.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.

(Ord. 2007-004 § 1 (part))

17.68.080 Plan review.

The provisions of Chapter 17.88 shall apply.

(Ord. 2007-004 § 1 (part))

17.68.090 Marijuana regulations.

- (a) Marijuana Prohibited on Public Property. The use, sale, cultivation, manufacture, production or distribution of medical or adult use marijuana or medical or adult use marijuana products is prohibited on property that is occupied, owned, controlled, or operated by the town, unless an exception is approved by the town council.
- (b) Retail Sales from Marijuana and Marijuana Products. To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the town from a marijuana dispensary and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.
- (c) Fees. The fees for the permits shall be established by resolution and included in the town fee schedule.
- (d) Violations. It is unlawful for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the department's rules. The cultivation, dispensary, infusion, manufacturing, or testing permit may be revoked by the town for violation of any provision of this section, for any violation of the requirements of the permit, or if the department revokes the applicable license.

(Ord. No. 2022-003, §§ IV—VII, 6-15-2022)

Editor's note(s)—Ord. No. 2022-003, §§ IV—VII, adopted June 15, 2022, set out provisions but did not specify manner of inclusion. At the direction of the city, these provisions have been included as § 17.68.090.