

ORDINANCE NO. 2014-11

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING
ORDINANCE NO. 2000-11, BY MODIFYING THE ZONING MAP DESIGNATION
OF THAT PROPERTY GENERALLY KNOWN AS PINE CANYON, THROUGH
THE AMENDMENT OF AN UNDERLYING GENERAL CONDITION RELATED TO
THE PUBLIC'S OVERNIGHT ACCESS TO PINE CANYON**

RECITALS:

WHEREAS, On June 5, 2000, the City Council of the City of Flagstaff (the "Council") adopted Ordinance No. 2000-11 (the "Ordinance"), rezoning that certain real property known at that time as "Fairway Peaks," and now known as "Pine Canyon"; and

WHEREAS, the Council approved the Ordinance subject to General Condition 8 ("GC 8"), which provided that "all private roads within the Development remain open to the public and never be gated"; and

WHEREAS, the applicant, as successor in interest to the original developer, is seeking a modification to GC 8 to allow for the installation of gates at Pine Canyon's entrance points in order to prohibit public access from dusk till dawn; and

WHEREAS, the Council finds that the applicant has complied with all application requirements set forth in Chapter 10-20 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission has formally considered the proposed application, following proper notice and hearing, on April 23, 2014, with the result that the Planning and Zoning Commission has recommended approval of the requested zoning application; and

WHEREAS, Council has read and considered the staff reports prepared by Planning Division staff and has considered the narrative prepared by the applicant; and

WHEREAS, the Council finds that the proposed amendment to GC 8 will not be detrimental to the uses of adjoining parcels or to other uses within the vicinity.

ENACTMENTS:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF
AS FOLLOWS:**

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That General Condition 8 of Ordinance No. 2000-11 is deleted in its entirety and replaced with the following:

8. All streets within Pine Canyon shall remain open to the public, without the use of a gate, from sunrise to sunset. Any means to restrict access to the streets

of Pine Canyon may only be utilized from sunset to sunrise and never restrict emergency access.

SECTION 3. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions and intents of this Ordinance.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY