

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 13-369

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, REPEALING “TOWN CODE CHAPTER 17.84 SITE PLAN AND PLOT PLAN REVIEW AND APPROVAL” AND ADOPTING NEW “TOWN CODE CHAPTER 17.84 SITE PLAN AND PLOT PLAN REVIEW AND APPROVAL.”

WHEREAS, the proposed “Town Code Chapter 17.84 Site Plan and Plot Plan Review and Approval,” is declared to be a public record by adopting Resolution No. 13-1261; and

WHEREAS, pursuant to Arizona Revised Statutes § 9-802, three (3) copies of Town Code Chapter 17.108 Sign Regulations are on file in the Office of the Town Clerk, and referred to in this Ordinance by reference; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona as follows:

Section 1. Town Code Chapter 17.84 Site Plan and Plot Plan Review and Approval is repealed in its entirety. All action taken in accordance with Chapter 17.84 prior to repeal remains fully in effect.

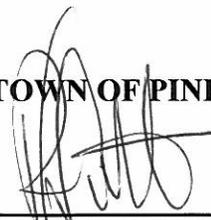
Section 2. Town Code Chapter 17.84 Site Plan and Plot Plan Review and Approval is hereby adopted by reference, as if fully set forth herein. A copy of the full text of the new Town Code Chapter 17.84 Site Plan and Plot Plan Review and Approval is attached as Exhibit “A.”

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of “Town Code Chapter 17.84 Site Plan and Plot Plan Review and Approval” adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Any violation of the approved site plan, including any conditions required by the Director or Planning and Zoning Commission, shall be deemed a violation of the Town Zoning Code as enforced by Chapter 17.132 and the Arizona Revised Statutes (currently Title 9, Chapter 4, Article 6.1, Section 9-462.05). (Ord. 99-157 § 2 (part))

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 21st day of February 2013.

TOWN OF PINETOP-LAKESIDE



RICH CROCKETT, Mayor

ATTEST:



LU ANNE FROST, Town Clerk

APPROVED:



W. KENT FOREE, Town Attorney

Chapter 17.84

SITE PLAN AND PLOT PLAN REVIEW AND APPROVAL

Sections:

- 17.84.010 Purpose.**
- 17.84.020 Applicability.**
- 17.84.030 Exceptions/exemptions.**
- 17.84.040 Pre-application conference.**
- 17.84.050 Conceptual site plan submittal requirements.**
- 17.84.060 Site plan administrative duties.**
- 17.84.070 Site plan requirements.**
- 17.84.080 Site plan applications.**
- 17.84.090 Site plan review process and approval.**
- 17.84.100 Site plan application concurrent with zoning map amendment.**
- 17.84.110 Site plan alterations.**
- 17.84.120 Violations.**
- 17.84.130 Binding condition and revocation.**
- 17.84.140 Site plan appeals.**
- 17.84.150 Plot plan review.**

17.84.010 Purpose.

The intent of this chapter is to establish procedures and standards for development activities that are compatible with land uses permitted by right in any zoning district, but require individual review to determine adequate location, design, configuration, operating characteristics, intensity or density, in order to assure the following:

- A. All land uses proposed should be in harmony with the surrounding land uses and the environment including topography, vegetation, soil type, surface and groundwater quality and quantity, and other natural or manmade environmental features.
- B. The appropriateness of development projects relative to these regulations and other applicable Town codes.
- C. Consistency with the official zoning map and general plan.
- D. Coordination of public and private facilities and services, including traffic safety and control, access, drainage, water system, sewer system, other utilities, recreational services, or other public or private facilities and services. (Ord. 99-157 § 2 (part))

17.84.020 Applicability.

- A. This chapter shall be applicable to any residential, commercial or other nonresidential development project involving less than four (4) divisions of a parcel, tract or lot, including the following:
 - 1. Development of a single parcel or tract of land or lot, provided no subdivision of land occurs.
 - 2. A new building site occurring within any pre-existing development.
- B. No building permits or development approvals shall be granted unless all requirements are met in accordance with site plan approval, as applicable, as described herein. (Ord. 99-157 § 2 (part))

17.84.030 Exceptions/exemptions.

- A. One single-family residence or one duplex residence on a single parcel shall be exempted from the site plan process if approved pursuant to Section 17.84.150, Plot plan review.

17.84.030

B. Any proposed development which is subject to the Town Subdivision Code.

C. Paving projects are exempt from the standards herein, but shall conform to the Town grading and drainage requirements.

D. Landscaping projects are exempt from the standards herein, but shall submit a landscape plan pursuant to the requirements of Chapter 17.92. (Ord. 09-323 § 1; Ord. 99-157 § 2 (part))

17.84.040 Pre-application conference.

A pre-application conference may be required by the Director prior to the submittal of a complete site plan application, in which case a conceptual site plan should be provided to the Director for preliminary review. (Ord. 99-157 § 2 (part))

17.84.050 Conceptual site plan submittal requirements.

A. Conceptual Site Plan. A conceptual site plan should be drawn at a scale no smaller than one hundred (100) feet to one (1) inch and should include the following:

1. Accurate lot dimensions, including lot width, length, and area calculations.
2. Parking areas accurately depicting location, size, and number.
3. Location and dimensions of all structures, including height, and area setbacks.
4. Location, type, and dimensions of proposed signage.
5. Data on any relevant existing site conditions such as physical characteristics, adjacent land uses, community facilities, and public or private utilities as required by the Director.
6. Design Information. Sufficient information regarding architectural design, building materials, landscaping, fencing and/or walls sufficient to permit the Director or Commission to provide a preliminary evaluation of the plan.
7. Location of environmentally sensitive areas, including water courses, flood plains, wetlands, natural habitat, and major trees or major groups of trees. (Ord. 99-157 § 2 (part))

17.84.060 Site plan administrative duties.

The Director shall be responsible for the overall coordination of the site plan approval process with other Town staff in accordance with this chapter. (Ord. 99-157 § 2 (part))

17.84.070 Site plan requirements.

A site plan shall be required for both new construction and development and for changes or additions to existing site plans as required by Section 17.84.020 of these regulations. (Ord. 99-157 § 2 (part))

17.84.080 Site plan applications.

A. Application. A completed application shall be filed with the Community Development Department on the prescribed form/format accompanied by the items set forth in subsection C of this section, and other relevant information as may be required by the Director to show enough detail of the proposed use(s) and/or building(s).

B. Application Fee. The application fee, as established by Town Resolution, is required at the time of application submittal.

C. Site Plan. A site plan drawn at a scale no smaller than one hundred (100) feet to one (1) inch prepared and sealed by an Arizona licensed registrant covering the entire site proposed for development. The site plan should also indicate existing conditions and development of adjacent surrounding properties as determined by the Director to be relevant due to the particular site circumstances. The following sets of plans shall be submitted to the Community Development Department: for the purposes of a staff review, six (6) copies, and for a Planning and Zoning Commission site plan review, twelve (12) copies. The following information should be included on the site plan:

1. Name of the proposed development.

2. Name(s) of the developer.
3. Survey data including boundaries of the tract, parcel, or lot shown with bearings, distances, and property corner monumentation.
4. Name of owner and/or agent, surveyor, architect, engineer and/or land planner.
5. Acreage of total site plan.
6. Acreage of streets, easements and other land usage.
7. The existing zoning classification, both on the land to be developed and on adjoining lands and town boundary lines, if applicable.
8. Existing streets, driveways, and easements within and adjacent to site, if applicable.
9. Proposed lot lines, lot and block numbers, and approximate dimensions, if applicable.
10. Vicinity map showing relationship between development and surrounding area. A description of all uses proposed, other than single-family, in sufficient detail to indicate the effects of those uses on producing air pollution, water pollution, fire hazards, or other factors which may impact the health, safety, and welfare of the public.
11. Typical cross-sections of proposed grading, roadways, paving, and sidewalks pursuant to Town street standards.
12. A topographic data map drawn at a scale no smaller than one hundred (100) feet to one (1) inch by a registered land surveyor showing:
 - a. The location of existing and platted property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city limit lines, and any public utility easements.
 - b. Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site.
 - c. Contours based on U.S. coast and geodetic datum with a contour interval of one (1) foot.
13. Utilities and Services. As required by the Subdivision Code of the Town of Pinetop-Lakeside, engineering drawings of the following applicable utility systems and improvements and letters of serviceability from the described utilities providers as indicated on the site plan. Thereafter, each phase of the development or building proposals shall be submitted to the Director, Town Engineer, applicable public and private utilities and agencies including but not limited to:
 - a. Water. Applicable public or private water provider.
 - b. Sanitary Facilities. Pinetop-Lakeside Sanitary District.
 - c. Electric. Navopache Electric Cooperative, Inc.
 - d. Fire Protection. Lakeside or Pinetop Fire District.
 - e. Other applicable public or private utilities, telephone, cable, etc.
14. Lighting Plan. Pursuant to Section 17.104.140 of these regulations, the proposed number, characteristics, and location of outdoor light fixtures.
15. Grading and Drainage Plan. Flow pattern information pursuant to Town engineering standards. For projects requiring a staff review, this information shall be required at the discretion of the Director. A preliminary drainage plan may be filed for the purposes of review subject to acceptance of a final drainage plan by the Town Engineer.
16. Stormwater Drains and Water Retention/Detention Facilities. Shall be installed pursuant to approval by the Town Engineer.
17. Parking and Unloading Facilities. Facilities shall be installed as required by Sections 17.104.090 and 17.104.100.
18. Access Control, Streets and Sidewalks. Proposed streets and sidewalks to serve the development, street names, rights-of-way, pavement widths, and approximate grades pursuant to Town street design standards and access control measures.
19. Tree Protection Plan. As required by Section 17.92.040 of these regulations. (Note: The Planning and Zoning Commission or Director may require that a property owner employ a qualified forester to assist in gathering additional information necessary to complete an application for site plan review.)

17.84.080

20. Walls and Fences. Walls and fences, when proposed, shall meet the location, height, and characteristics set forth in Section 17.92.060 of these regulations.

21. Phasing. If the project is to be developed in phases, sufficient information to evaluate the timing and placement of all improvements. Phased projects may require the use of a development agreement.

22. Other. Special studies or additional information may be requested to ensure that development will not endanger the public health, safety, or welfare. (Ord. 99-157 § 2 (part))

17.84.090 Site plan review process and approval.

Applications for site plan approval will be reviewed and approved according to the following procedures:

A. Upon receipt of a complete conceptual site plan submittal, the Director, in consultation with the Planning Commission Chairman or Vice Chairman, shall determine based on project size, location, and apparent impacts whether site plan review and approval will be done by the Director (pursuant to (B) below) or the Planning and Zoning Commission (pursuant to (C) below).

B. Site Plan Procedures for staff review.

1. All plans and specifications for site plan approval shall be submitted by the applicant and either accepted or denied by the Director for the review process. Applicants will receive initial notification of the status within two (2) working days of receiving any accepted application. Submittal requests satisfying the requirements of Section 17.84.080, above, will be promptly processed.

2. Reviews will normally be processed within ten (10) days of a completed submittal and an evaluation will be rendered. Written comments from other reviewing agencies and/or letters of serviceability from private or public utilities will be requested. The Director will make a final determination regarding the site plan's completeness, as well as conformity with the general plan and these zoning regulations.

3. If deficiencies are reported, the Director will issue a letter describing the deficiencies which require correction before final approval. If no deficiencies are reported, the site plan will be approved and notice of action will be sent to the applicant. A building permit may be issued pursuant to other Town Codes.

C.—Site Plan Procedures for Planning and Zoning Commission review.

1. All plans and specifications for site plan approval to be submitted for review by the Planning and Zoning Commission shall first be reviewed by the Director. When the Director deems the application is completed, it may then be submitted to the Commission. Applicants will receive initial notification of the status within two (2) working days of receiving any accepted application. Submittal requests satisfying the requirements of Section 17.84.080, above will be promptly processed (normally within ten (10) days and scheduled for Planning and Zoning Commission review as soon as practical.

2. After all necessary information has been submitted and accepted by the Town and other applicable reviewing agencies, a Planning and Zoning Commission meeting should be scheduled for the next week for either a regular or special meeting. The applicant will be notified prior to the date of the meeting of the Commission. If the applicant or agent cannot be present, the site plan may be tabled until the next meeting. The applicant will be sent/given a copy of the written staff recommendations prior to the scheduled meeting.

3. The Planning and Zoning Commission will receive a written staff recommendation. Upon completing its review of the written staff recommendation and the preliminary plan, the Planning and Zoning Commission should approve, approve subject to conditions, or deny the site plan. With respect to approving the site plan subject to conditions or in denying the preliminary plan, the reasons for such action will be stated in writing and reference should be made to the specific sections of this chapter with which the site plan does not comply. The applicant will be given written notice of the action taken by the Planning and Zoning Commission.

4. If at the scheduled Commission meeting a quorum is lacking, the Director may proceed with a public meeting, keep minutes, and take input from Commissioners and the public, but proceed with the staff review process above. The Director, however, always retains the ability to refer the site plan to the Planning and Zoning Commission for its review and recommendation. (Ord. 99-157 § 2 (part))

17.84.100 Site plan application concurrent with zoning map amendment.

The application for site plan review may be in conjunction with or related to a request for a zoning map amendment. However, site plan approval shall only be granted if the proposed use(s) described by the site plan are consistent with uses allowed by the Town Zoning Code and General Plan. Zoning map amendments may include zoning conditions pursuant to Arizona Revised Statutes, in accordance with the use(s) and conditions specified within the site plan application or any accompanying development agreement. (Ord. 99-157 § 2 (part))

17.84.110 Site plan alterations.

Upon the site plan being approved either administratively by staff or by the Planning and Zoning Commission, and a notice of action being issued, the development shall be built substantially in accordance with the approved site plan. If, after such approval, the owner/applicant or his successors desire to make any changes to the site plan, such changes shall first be submitted to the Director. The Director may review the change request with the Chair or Vice-Chair of the Commission. If the Director finds that there is a change or deviation from that which is shown on the approved site plan that is the owner/applicant or his successors may be required to submit the changed site plan for approval of the Planning and Zoning Commission. (Ord. 99-157 § 2 (part))

17.84.120 Violations.

Any violation of the approved site plan, including any conditions required by the Director or Planning and Zoning Commission, shall be deemed a violation of the Town Zoning Code as enforced by Chapter 17.132 and the Arizona Revised Statutes (currently Title 9, Chapter 4, Article 6.1, Section 9-462.05). (Ord. 99-157 § 2 (part))

17.84.130 Binding condition and revocation.

A. All approved site plans shall become a binding condition on the use of land encompassed by the site plan submittal. Any conveyance of any portion of such land encompassed by the approved site plan prior to completion of construction shall automatically revoke said approved site plan unless prior approval of such conveyance is obtained from the Town Council, after consideration from the Director or the Planning and Zoning Commission, to insure that such conveyance does not result in substantial deviation from the terms, conditions, and objectives of the approved site plan. Subsequent to construction, if a conveyance does result in substantial deviation from the terms, conditions, and objectives of the approved site plan, no notice of action or permits for building shall be issued on the conveyed portion of the site plan.

B. Site plan approval shall be automatically revoked if construction is not started within one year or such other reasonable period as required by the Director or the Planning and Zoning Commission, from the date approved, or if any other violation exists under these zoning regulations or this Town Code or other ordinances of the Town. (See Section 17.84.120, above). The Director will notify the permittee of a violation and termination of the site plan approval in writing ten (10) days prior to the termination date. In such instances, submission of a new application and fee and a new-review should-be required to reestablish site plan approval. (Ord. 99-157 § 2 (part))

17.84.140 Site plan appeals.

Appeals of decisions of the Director or the Planning and Zoning Commission regarding site plan review shall be made to the Board of Adjustment. Appeals may be made by the applicant, any aggrieved person or the Director. Appeals shall be in writing and filed with the Town Clerk within ten (10) calendar days from the date of the Director's or Commission's action. The Board of Adjustment should consider such appeals within forty-five (45) days from the date of filing the appeal. (Ord. 09-323 § 2: Ord. 99-157 § 2 (part))

17.84.150

17.84.150 Plot plan review.

A. All development of individual lots by construction of a single-family residence and directly related uses shall be submitted for plot plan review, if not subject to the site plan review process procedures set forth in Section 17.84.090.

B. The purpose of the plot plan review is to enable the Director in consultation with the Health Department, Town Engineer, public and private utility providers, and such other agencies as may be designated by the Director, where underlying conditions of compliance come within their area of jurisdiction, to determine whether the proposed development conforms with this and other Town regulations or ordinances, and to guide the Director in the issuance of building permits that conform to these regulations' provisions for the public health, safety, morals, and general welfare.

C. Application for a review shall be filed with the Director on the prescribed form accompanied by the items set forth in subsection E of this section, and other relevant evidence as may be required by the Director necessary to show enough detail of the proposed use and/or building(s).

D. Costs of plot plan review shall be covered by building permit fees and shall not require a separate plot plan review fee.

E. The prescribed information for plot plan review shall be filed for all development of individual lots by construction of a single-family residence and directly related uses, and shall include the following information:

1. Property delineation, lot number, recording data (if property is metes and bounds description) and a description of any easements or rights-of-way.
2. Location of all proposed and existing buildings.
3. Indication of all setbacks.
4. Indicate driveway(s) and culvert location.
5. Plan for all utilities: water, electric, fire, sanitary, telephone.
6. Drainage Plan--Flow Pattern Information. This information may be required by the Director in areas where there is reason for concern as to proper drainage.
7. Tree Plan. Indicate existing location and species of all existing:
 - a. Trees to be maintained.
 - b. Trees to be removed.
 - c. Indicate proposed specifications for the protection of existing trees during development.
 - d. Grade changes, minor alterations of the surface area or other work to be performed within the tree's drip line.
8. Plot plans shall be approved by the Director without review by the Planning and Zoning Commission. Appeals of such decisions shall be heard by the Board of Adjustment.
9. The approval of the Director may also include other reasonable requirements as deemed necessary to promote the purpose of these regulations.
10. Any person aggrieved by a decision of the Director shall file an appeal within ten (10) calendar days of such decision to the Board of Adjustment which shall conduct the appeal in accordance with Chapter 17.120. (Ord. 99-157 § 2 (part))