

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 26-489

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, AMENDING TOWN CODE TITLE 17, CHAPTER 17.84, SITE PLAN AND PLOT PLAN REVIEW AND APPROVAL AND CHAPTER 17.88 COMMISSION POWERS, TO COMPLY WITH HOUSE BILL 2447 AND ARIZONA REVISED STATUTES § 9-500.49; AUTHORIZING ADMINISTRATIVE REVIEW AND APPROVAL OF SITE PLANS BASED ON OBJECTIVE STANDARDS WITHOUT A MANDATORY PUBLIC HEARING; PRESERVING PUBLIC HEARING REQUIREMENTS FOR HISTORIC PROPERTIES; PROVIDING FOR TRANSPARENCY AND FAIR APPLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2025, the Arizona Legislature adopted House Bill 2447, codified in part at A.R.S. § 9-500.49, requiring cities and towns to authorize administrative review and approval of site plans and certain development applications without a mandatory public hearing when such applications comply with adopted, objective standards; and

WHEREAS, State law requires municipalities to amend local zoning and development codes to align with these requirements; and

WHEREAS, the Town of Pinetop-Lakeside desires to comply with state law while maintaining transparency, fairness, and consistent application of its adopted development standards; and

WHEREAS, A.R.S. § 9-500.49 expressly preserves public hearing requirements for properties located within designated historic districts or areas of historical significance; and

WHEREAS, the Town Council finds that these amendments modernize the site plan review process, improve efficiency, and ensure decisions are based on objective criteria rather than subjective interpretation and still preserve the opportunity for public input.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA:

SECTION 1.

ADOPTION BY REFERENCE

Pursuant to A.R.S. §9-802, the Town hereby adopts amendments of Town Code Title 17, Chapter 17.84, Site Plan and Plot Plan Review and Approval, and Chapter 17.88 Commission Powers as set forth in "Exhibit A", a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, located at 325 W. White Mountain Blvd, Lakeside, AZ 85929.

SECTION 2.

ADMINISTRATIVE REVIEW AUTHORITY

A. Designated Town administrative personnel are authorized to review and approve site plans and related development applications administratively and without a mandatory public hearing, as required by A.R.S. § 9-500.49.

B. Administrative review and approval shall be based solely on compliance with objective, adopted standards contained in the Town Code.

C. The Town shall not impose conditions, requirements, or standards that are not expressly authorized by the adopted Town Code.

SECTION 3.

PUBLIC INPUT AND TRANSPARENCY

A. Nothing in this Ordinance prohibits site plans from being presented to the Town Council as informational agenda items.

B. Informational agenda items may allow public visibility, questions, and public comment in accordance with Town Council agenda rules; however, no formal action shall be taken by the Town Council on such items.

C. This provision is intended to promote transparency and public understanding while maintaining compliance with state law.

SECTION 4.

HISTORIC PROPERTIES AND DISTRICTS

A. This Ordinance does not apply to site plans involving:

1. Land designated as a district of historical significance pursuant to A.R.S. § 9-462.01(A)(10).
2. Land listed on the National Register of Historic Places; or
3. Land designated as historic by the Town of Pinetop-Lakeside.

B. Site plans involving such properties shall continue to require public hearings and review in accordance with applicable law and Town Code provisions.

SECTION 5.

FAIR AND CONSISTENT APPLICATION

All site plan standards and procedures shall be applied fairly, uniformly, and consistently to all applicants. No site plan shall be approved or denied based on criteria outside the adopted Town Code.

SECTION 6.

SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7.

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after adoption, in accordance with Arizona law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 19th day of February 2026.



ATTEST:

Mackenzie Valichnac
Mackenzie Valichnac, CMC
Interim Town Clerk

Stephanie Irwin
Stephanie Irwin,
Mayor

William J. Sims
William J. Sims III,
Town Attorney

EXHIBIT A

Town Code Title 17, Chapter 17.84 SITE PLAN AND PLOT PLAN REVIEW
AND APPROVAL and Chapter 17.88 COMMISSION POWERS

Amendments to Comply with HB 2447 (Amendments in Bold and strikethrough
for deletions)

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 watercourses, floodplains, wetlands, natural habitat, and major trees or major groups of trees. (Ord. 18-409 § 1 (part): Ord. 15-393 § 1 (part): Ord. 13-369 § 2 (Exh. A)(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. Plans shall be submitted to the Community Development Department: for the purposes of a staff review, ~~six (6)~~ **ONE (1) DIGITAL AND ONE HARD** ~~copies~~ **COPY**, ~~and for a Planning and Zoning Commission site plan review, twelve (12) copies.~~ The following information should be included on the site plan:

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. 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 five (5) working days of receiving any accepted application. Submittal requests satisfying the requirements of Section 17.84.080 will be promptly processed.
2. 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, within fifteen (15) days.
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.

B. Site Plan Procedures for Planning and Zoning Commission Review.

1. ~~When the Director deems necessary the application may be submitted to the Commission. Applicants will receive prompt notification of the status of an application.~~ **ANY OF THE FOLLOWING CONDITIONS ARE PRESENT THE SITE PLAN SHALL BE FORWARDED TO THE PLANNING AND ZONING COMMISSION.**

- A. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.**
- B. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES.**
- C. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL GOVERNMENT.**

Submittal requests satisfying the requirements of Section 17.84.080 will be promptly processed.

2. A Planning and Zoning Commission meeting should be promptly scheduled for either a regular or special meeting.

3. The Planning and Zoning Commission should (a) approve, (b) approve subject to conditions, or (c) deny the site plan. (Ord. 18-409 § 1 (part); Ord. 15-393 § 1 (part); Ord. 13-369 § 2 (Exh. A)(part))

17.84.140 Site plan appeals.

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 **IN THE CASE OF COMMISSION REVIEW OF SITE PLANS PURSUANT TO TOWN CODE SECTION 17.84.090**. The Board of Adjustment should consider such appeals within forty-five (45) days from the date of filing the appeal. (Ord. 18-409 § 1 (part); Ord. 15-393 § 1 (part); Ord. 13-369 § 2 (Exh. A)(part))

17.88.050 DIRECTOR powers.

A. ~~The Planning and Zoning Commission~~ **DIRECTOR** shall have the power to approve, conditionally approve, or disapprove all applications for design review **BASED ON OBJECTIVE STANDARDS WITHOUT A PUBLIC HEARING**. Approval shall be valid for a period of one (1) year from the date of approval by the ~~Commission or the Town Council~~ **DIRECTOR**. Applications which ~~that~~ have been disapproved by the ~~Commission or the Town Council~~ **DIRECTOR** may be reconsidered by the ~~Commission~~ **DIRECTOR** upon resubmittal by the applicant. Extensions to the one (1) year may be granted by the ~~Planning and Zoning Commission~~ **DIRECTOR** provided such extension is requested prior to the date of expiration.

~~B. The Community Development Director shall have the same powers of the Commission in regard to buildings and structures and signs. If there are problems that cannot be resolved between the Director and the applicant, the matter may be referred to the Commission. (Ord. 18-410 § 1 (part); Ord. 15-393 § 1 (part); Ord. 13-367 § 2; Ord. 01-192; Ord. 90-82 § (1)(1907). Formerly 17.88.070)~~