

ORDINANCE NO. 751

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 13-19-060 "PLANS REQUIRED AND PAD PROCEDURES" IN ARTICLE 13-19 "PAD (PLANNED AREA DEVELOPMENT)" (ZOA10-004) IN CHAPTER 13 "ZONING" AND SECTION 14-01-020 "DEFINITIONS" IN ARTICLE 14-01 "GENERAL PROVISIONS" AND SECTION 14-02-030 "PRELIMINARY PLAT STAGE" IN ARTICLE 14-02 "PLATTING PROCEDURES AND REQUIREMENTS" IN CHAPTER 14 "SUBDIVISIONS" OF THE TOWN CODE TO STANDARDIZE THE SUBMISSION AND SCHEDULING REQUIREMENTS FOR PRELIMINARY DEVELOPMENT PLANS, FINAL DEVELOPMENT PLANS, PRELIMINARY PLATS AND FINAL PLATS; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Town Code §13-19-060(I) provides that residential PADs (Planned Area Developments) are considered subdivisions and requires the Final Development Plans to be prepared and submitted in accordance with the requirements of Chapter 14 "Subdivisions," and, therefore, it can be inferred that Preliminary Development Plan approvals also be prepared and submitted in accordance with Chapter 14; and

WHEREAS, it is understood that Preliminary Development Plans (PDPs) and Final Development Plans (FDPs) are not synonymous with Preliminary Plats and Final Plats for all purposes, nevertheless, it is desirable that the submission and scheduling requirements for PDPs and FDPs be consistent with those for Preliminary and Final Plats; and

WHEREAS, Chapter 14 "Subdivisions" of the Town Code provides that Preliminary and Final Plats are to be submitted to the "Department," defined in §14-01-020(A)(7) as the "Planning Department of the Town of Prescott Valley", which is now known as the "Community Development Department;" and

WHEREAS, Town staff recommends that §14-01-020(A)(7) be amended to correctly define "Department" as the "Community Development Department" in Chapter 14; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on these proposed amendments to the Zoning Code at its regular meeting held June 14, 2010, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council has considered this recommendation at its regular meeting held on _____; and

WHEREAS, the Town Council finds that the proposed amendments to the Town Code to standardize the submission and scheduling requirements for PDPs, FDPs, Preliminary Plats and Final Plats are in the best interests of the community and meet the health, safety and welfare needs of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Subsections (C) and (J) in Section 13-19-060 “Plans Required and PAD Procedures” in Article 13-19 “PAD (PLANNED AREA DEVELOPMENT)” in Chapter 13 “ZONING” of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

13-19-060 Plans Required and PAD Procedures.

...

C. The Preliminary Development Plan shall be submitted to the ~~Town Clerk~~ Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, the Plan shall be presented to the Planning and Zoning Commission at a future regular meeting [but not less than thirty (30) days from the date of filing]. ~~Within thirty (30) days after the Preliminary Plan has been received by the Town Clerk, the Plan shall be presented to the Commission for public hearing.~~

...

J. The Final Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, it shall be presented to the Town Council at a future regular meeting [but not less than twenty-one (21) days from the date of filing]. ~~Within fifteen (15) days after the Final Development Plan is received by the Town, the proposed PAD shall be presented to the Town Council for public hearing.~~

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SECTION TWO. That Subsection (A) in Section 14-01-020 “Definitions” in Article 14-01 “GENERAL PROVISIONS” in Chapter 14 “SUBDIVISIONS” of the Town Code be hereby amended to read as follows:

14-01-020 Definitions.

...

A. In this Chapter, unless the context otherwise requires:

...

7. “Department means the ~~Planning Department~~ Community Development Department of the Town of Prescott Valley.

...

...

SECTION THREE. That Subsection (E) “Preliminary Plat Approval” in Section 14-02-030 “Preliminary Plat Stage” in Article 14-02 “PLATTING PROCEDURES AND REQUIREMENTS” in Chapter 14 “SUBDIVISIONS” of the Town Code be hereby amended to read as follows:

14-02-030 Preliminary Plat Stage.

...

E. Preliminary Plat Approval:

1. If the department report indicates that the requirements of this Chapter have been met, the Commission shall consider the Preliminary Plat at ~~the next~~ a future regular meeting [but not less than thirty (30) days from the date of filing].

SECTION FOUR. That all other Chapters, Articles, and Sections of the Town Code, of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

SECTION FIVE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION SIX. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this _____ day of _____ 2010.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney