



CHAPTER 13. ZONING

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ARTICLE 13-01. PURPOSE, TITLE, AND DEFINITIONS

13-01-010 Purposes and objectives of this Chapter

A. This Chapter is adopted to:

1. Achieve adequate light, air, and safety from fire and other dangers.
2. Conserve and protect land and building values in the Town.
3. Preserve the esthetic beauty of the community.
4. Reduce and avoid congestion in public rights-of-way.
5. Promote the public health, safety, comfort, morals, and welfare of the Town.
6. Provide the economic and social advantages derived from orderly and planned land use.

B. This Chapter is intended to:

1. Fulfill the goals of the Town's General Plan.
2. Advance the position of Prescott Valley as a regional center of commerce, industry, recreation, and culture.
3. Provide desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air, and usable open space.
4. Protect residential, commercial industrial and civic areas from the intrusion of incompatible uses.
5. Provide opportunities to concentrate certain types of establishments to allow efficient operation, mutually beneficial relationships, and shared services.
6. Ensure preservation of adequate space for commercial, industrial, and other activities necessary for a healthy economy.
7. Promote safe, fast, and efficient movement of people and goods without sacrificing the quality of Prescott Valley's environment.
8. Provide adequate off-street parking.
9. Achieve excellence and originality of design in future developments.
10. Preserve the natural beauty of Prescott Valley's setting.
11. Stabilize expectations by providing a basis for wise decisions regarding future development of Prescott Valley.
12. Establish standard decision-making procedures that will enable the Town, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

(Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/80; repealed and reenacted by Ordinance No. 178, 05/26/88; amended by Ordinance No. %, XX/XX/2024)

13-01-020 Title

This Chapter is the Zoning Code for the Town of Prescott Valley, Yavapai County, State of Arizona.

(Enacted by Ordinance No. 9, 06/28/79; reenacted and amended by Ordinance No. 37, 09/04/80; repealed and reenacted by Ordinance No. 178, 05/26/88; amended by Ordinance No. 375, 12/28/95; amended by Ordinance No. %, XX/XX/2024)

13-01-030 Definitions

A. Word forms and abbreviations. Unless a contrary intention clearly appears, the following words have, for the purpose of this Chapter, meanings interpreted as follows:

1. Singular includes the plural; the plural includes the singular.
2. The word “may” is permissive; the words “shall” and “will” are mandatory.
3. “And” indicates that all connected words or provisions shall apply.
4. “Or” indicates that the connected words or provisions may apply singly or in any combination.
5. Words not defined in this Chapter shall be defined according to their customary meaning.
6. “Person” includes an individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, and federal or state government, town, county, special taxing district, or any other group or combination acting as an entity.
7. “Used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
8. “Dwelling” includes “residence.”
9. “A.R.S.” refers to the Arizona Revised Statutes, and “A.R.S. §” refers to a specific section of the Arizona Revised Statutes.

B. The following definitions apply:

1. **Abutting:** The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only on a corner or corners.
2. **Accessory building:** A subordinate building containing an accessory use.
3. **Accessory use:** A use that is customarily incidental to a primary use located on the same lot.
4. **Acre:** An area of land containing 43,560 square feet.
5. **Adjacent:** The condition of being near to or close to but not necessarily having a common dividing line.
6. **Adjoining:** Having a touching or common dividing line.
7. **Alley:** A dedicated public passageway which affords only a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
8. **Alternative telecommunications tower structure:** Vertical components not generally designed for use as antenna support structures including but not limited to church steeples, ball park light poles and water towers.

9. Amendment: A change in the wording, context or substance of this Chapter, or an addition, deletion, or change in the zoning district boundaries or classifications of the zoning map.
10. Antenna: Any exterior device for transmitting and receiving wireless telecommunications and mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless telecommunications for a fee to more than one customer at a time.
11. Antique: A product that is sold or exchanged because of value derived or because of oldness as respects the present age, and not simply because the same is not a new product.
12. Approved plant list: The Prescott AMA plant list and the Prescott Valley supplemental plant list (see section 13-11-060).
13. Arterial: A street used, or intended to be used, for heavy traffic flow, usually a section line or mid-section line road, or one connecting neighborhoods or communities.
14. Attached: Joined, fastened, or connected; for example, a building with at least part of a wall in common with another building or connected to another building by a roof.
15. Automobile sales: A business selling new or used motor vehicles and providing services commonly associated with motor vehicle sales.
16. Automobile service station: A place of business with pumps or storage tanks from which liquid fuel or lubricants are dispensed at retail directly into motor vehicles.
17. Automobile storage garage: A building, other than a private garage, designed or used for storing motor vehicles for compensation. Includes storage of automobiles incident to a lawful towing business.
18. Average adjoining finished grade: The average elevation of the post-development surface of the ground adjoining all exterior walls of a building, calculated by dividing the sum of the elevations at 10-foot intervals around the perimeter of the building by the number of 10-foot intervals.
19. Average adjoining natural grade: The average elevation of the undisturbed, pre-development, natural surface of the ground adjoining all exterior walls of a building, calculated by dividing the sum of the elevations at 10-foot intervals around the perimeter of the building by the number of 10-foot intervals.
20. Bar: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.
21. Basement: One or more stories wholly or partly underground and having less than half its height, and in any event not more than six feet, measured from its floor to its finished ceiling, above the average adjoining finished grade.
22. Billboard: A sign structure on which is portrayed information which directs attention to a business, commodity, service, entertainment, or product not necessarily related to the other uses existing on the premises where the sign structure is located. A sign shall be classified as a billboard unless at least 50% of the advertising area is devoted to identifying a business operating on the premises, or to a product that is manufactured on the premises. That a product is merely sold on the premises is not sufficient cause for the sign not to be classified as a billboard.

23. Board of Adjustment: The Board of Adjustment of the Town of Prescott Valley.
24. Boarding house: A building with no more than one common kitchen and no more than five guest rooms rented or leased on a transient basis, to a maximum of ten people who are not members of the family residing in the building.
25. Brewery: A facility that produces more than 6,200,000 gallons of beer in a calendar year for retail or wholesale.
26. Building: A structure with a roof supported by columns or walls.
27. Building area: The sum of all floor areas of a building.
28. Building height: The vertical distance measured from the average adjoining natural grade to the highest level of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridge of a gable, gambrel, or hip roof.
29. Building permit: A permit required for the erection, construction, modification, addition to, or moving of any building, structure, or use in the Town of Prescott Valley.
30. Building setback: A line that marks the minimum distance a structure must be located from the property line to the closest point of the foundation or any supporting post or pillar of any building or structure.
31. Carport: An accessory building or portion of a main building with two or more open sides and designated or used primarily for the parking of motor vehicles.
32. Catering establishment: A place, site, or business for the preparation and assembly of food or non-alcoholic beverages exclusively for off-site sale and service.
33. Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery.
34. Certification: An applicant's written and notarized statement.
35. Charitable organization: An organization that is tax-exempt under section 501(c) of the Internal Revenue Code.
36. Church: A permanently located enclosed building commonly used for religious worship.
37. Clinic: A place for the provision of medical services where patients are not housed overnight.
38. Code Official: The Town official appointed to assist the Zoning Administrator in enforcing this Chapter (see section 13-13-040). The Code Official is the Town's Neighborhood Services Director.
39. Collocation: Use of a tower or alternative tower structure by two or more wireless telecommunications providers.
40. Commercial coverage: A single FCC licensee's network of wireless telecommunications facilities.
41. Commercial stable: A stable where horses, mules, or ponies are let, hired, used, or boarded on a commercial basis and for compensation.
42. Commission: The Planning and Zoning Commission of the Town of Prescott Valley.

43. Community building: A public or quasi-public building used for community activities of an educational, recreational, or public service nature.
44. Community residence: Except as required by state law, a community residence is a residential living arrangement for five to 12 unrelated individuals with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which provides habilitative or rehabilitative services related to the disabilities of the residents. A community residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. As a function of emulating a biological family, a community residence must have an established protocol to assure that the residents have access to meals at the home whether the residents dine individually or as a group. Public, charitable, or social services provided meals shall not be a substitute for these protocols. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Inter- relationships between residents are an essential component. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor residential facilities for prison pre-parolees or sex offenders. A “community residence” can be a “family community residence” or a “transitional community residence.”
 - a. A family community residence is a relatively permanent living arrangement for five to 12 unrelated individuals with disabilities with no limit on how long a resident may live in the home. The length of tenancy is measured in years.
 - b. A transitional community residence is a temporary living arrangement for five to 12 unrelated individuals with disabilities with a limit on length of tenancy that is measured in months, not years.
45. Conditional use: A use allowed in a zoning district by reason of being listed among the conditional uses in the zoning district, subject to obtaining a conditional use permit (see section 13-13-090) and complying with the specific requirements of this Chapter.
46. Condominium: An estate in real property consisting of an undivided interest in common in a portion of a lot, together with a separate interest in air space in a residential or commercial complex located on the same lot.
47. Contiguous: In contact with.
48. Council: The Town Council of the Town of Prescott Valley.
49. Courtyard: An area of ground, other than a required yard, partially or fully enclosed by buildings and open to the sky above.
50. Craft distiller: A distiller who produces 20,000 gallons or less of distilled spirits in a calendar year and holds a license pursuant to A.R.S. § 4-205.10.
51. Density: The number of dwelling units permitted for a specified square footage of land.
52. Density designation: The number after the zoning district designation for the RU, RL, RM, MH, MF, RL, and RS zones. See section 13-04-020 (residential zoning district development standards).

53. Detached: Separated but on the same lot; for example, a detached building is separated from other buildings on the same lot.
54. Development Services Department: The administrative department of the Town of Prescott Valley charged by the Town Manager with maintaining and administering this Chapter, notwithstanding any administrative departmental name change.
55. Distiller: A producer of distilled spirits for retail or wholesale in compliance with A.R.S. Title 4.
56. Dripline: A line on the ground in the same vertical plane as the outside edge of a roof or overhang.
57. Drive-in: Any establishment that encourages or permits customers to receive services and goods from their motor vehicles.
58. Drive-in theater: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.
59. Drive-through: A facility consisting of a drive lane and service window where customers receive services or goods from their motor vehicles.
60. Duplex: A building or portion of a building with two dwelling units on a single lot, with each having both kitchen or cooking facilities and a private, indoor toilet.
61. Dwelling: A building or portion of a building designed for primarily residential purposes.
 - a. Attached dwelling: A dwelling that shares a common wall or walls, roof, or foundation with one or more adjacent dwellings.
 - b. Detached dwelling: Conventional or prefabricated buildings used for single-family dwelling purposes. Includes factory-built (modular) buildings, but excludes mobile homes and manufactured homes.
 - c. Dwelling unit: A dwelling for one or more persons living and cooking together as a family and containing one accommodation for preparation of meals.
62. Easement: The portions of a lot a person other than the owner of the lot has a right to use for a specified purpose; for example, portions used for public utilities, drainage, or access.
63. Efficiency: A one bedroom apartment with a combined bedroom and living room.
64. Electric vehicle charging: An automobile parking space with equipment that supplies electrical power for charging plug-in electric vehicles.
65. Enclosed building: A building enclosed by a roof, walls, and doors on all sides.
66. Enclosed storage: An enclosed portion of a building used primarily for storage.
67. FAA: Federal Aviation Administration.
68. Factory-built building: A building or portion of a building wholly or in substantial part manufactured at an off-site location to be assembled or placed on-site, and manufactured to an International Building Code standard. Includes a modular building but does not include a manufactured home or recreational vehicle.
69. Fairgrounds: An area consisting of open spaces and structures owned by a governmental or quasi-governmental entity, where a fair takes place.

70. Family: A family consists of any person living alone or any of the following groups living together as a single housekeeping unit that shares common living, sleeping, cooking, and eating facilities:
- a. Any number of people related by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship and no more than two unrelated individuals who provide care or assistance or are domestic employees; or
 - b. Two unrelated individuals and their children related to either of them and their foster children; or
 - c. Up to four unrelated individuals; but
 - d. A family does not include any society, nursing home, club, boarding or lodging house, dormitory, fraternity, sorority, or group of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, boarding, or lodging house.
71. FCC: Federal Communications Commission.
72. Fence: A barrier constructed of block, wood slats, wire, pipe, chain link, or other similar materials and designed to separate two lots or to separate a single lot into different use areas.
73. Finished grade: The elevation of the post-development surface of the ground at the location of a use or proposed use.
74. Fraternity: A residence hall or building used as living quarters for members of an approved college or university group while enrolled at an institution of higher learning.
75. Frontage: The width in linear feet facing the front lot line; for example, building frontage is the linear footage of the building facing the front lot line, and lot frontage is the linear footage of the front lot line.
76. General plan: A plan developed and adopted by the Planning and Zoning Commission and Town Council pursuant to A.R.S. § 9-461.05 and -.06 as a guide for future growth and development within the Town of Prescott Valley.
77. Golf course: Includes accessory club houses, pro shops, and other ancillary buildings located on the premises of the golf course, but does not include miniature golf courses or practice driving tees operated for commercial purposes.
78. Gross floor area: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas with a height of more than seven feet, but excluding areas used exclusively for vehicle parking or loading.
79. Guest room: One or more rooms intended for overnight occupancy in a hotel, motel, boarding house, fraternity, or similar use.
80. Home occupation: A vocation, trade, or profession customarily conducted wholly within the confines of a dwelling unit or an attached building, carried on only by a member or members of the family residing in the dwelling unit, clearly incidental and secondary to the use of the dwelling for residential purpose, that does not change the character of the dwelling unit, and that conforms to the requirements set forth in section 13-04-040 of this Chapter.

81. **Gymnasium:** A large room used for various indoor sports including without limitation basketball, boxing, wrestling, swimming, or gymnastics; and including incidental spectator accommodations, lockers, and showers.
82. **Hospital:** A building or group of buildings where sick or injured persons are given medical or surgical treatment, examination, or care, including overnight residence, together with related facilities including laboratories, training facilities, staff residences, outpatient services, and similar facilities incidental to the principal use.
83. **Hotel:** An establishment with five or more guest rooms, providing temporary sleeping accommodations for a fee, but not including boarding house, trailer court, hospital, or jail.
84. **In-home child care:** A home occupation providing day care and education to children in conformance with state law and this Chapter.
85. **Kennel:** An establishment where dogs and cats are bred or raised for sale, boarded, trained or cared for on a commercial or nonprofit basis.
86. **Kitchen:** Any room or portion of a room used, intended, or designed to be used for cooking or the preparation of food, except cooking facilities of a recreational or incidental nature such as barbecues, hot plates, or similar.
87. **Landscaping:** An area improved to create an attractive appearance through the harmonious combination and introduction of
 - a. Living plants, trees, shrubs, vines, and organic ground covers;
 - b. Inorganic ground covers, such as river rock and decorative stone;
 - c. Plazas, patios, decorative courtyards, and other areas reserved for pedestrian use; and
 - d. Water features and public art; but
 - e. Excluding stormwater detention facilities, parking lots, driveways, and other paved surfaces not expressly included in this definition.
88. **Legal nonconforming:** See section 13-02-010 (effective date and legal nonconforming uses).
89. **Library:** A building or room containing collections of books and periodicals (and sometimes films and recorded music) for members of the public to read, refer to, or borrow.
90. **Light manufacturing:** Processing materials into a finished product within an enclosed building, with minimal noise, dust, glare, smoke, vibration, odor, or debris.
91. **Livable:** The heated floor area, measured from the outside dimensions of the exterior walls, of a building used for dwelling purposes, excluding all non-dwelling areas such as attics, storage, carport, and garage.
92. **Livestock:** Horses, ponies, mules, cows, goats, sheep, llamas, any other large animals, poultry, chinchillas, turkeys, pheasants, geese, ducks, pigeons, or any other fowl except chickens under section 6-02-030(B), birds, or rodents that are customarily raised for food, profit, or pleasure.
93. **Lot:** A lot, parcel, or tract of land.

- a. Corner lot: A lot adjoining two or more streets at their intersection.
 - b. Interior lot: A lot having no sides abutting on a street.
 - c. Key lot: An interior lot contiguous to the rear lot line of a corner lot and fronting on the side street of the corner lot.
 - d. Through lot: A lot having a part of opposite lot lines abutting two streets, and which is not a corner lot.
94. Lot area: A lot's total area measured in square feet.
95. Lot coverage: The percentage of a lot's area occupied by the footprint of all buildings.
96. Lot depth: The distance between the mid-points of the front lot line and the rear lot line.
97. Lot line: The boundary line of a lot.
- a. Front lot line: The property line abutting a street. The front lot line of a corner lot is the one chosen by the property owner as the front lot line prior to construction of a main building on the lot. On a through lot, both lot lines abutting a street are front lot lines, except that if the lot has no permitted access to one of the abutting streets, the front lot line shall be the lot line abutting the street to which the through lot has access.
 - b. Rear lot line: The lot line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be considered parallel to the front lot line or a tangent of the mid-point of a curved front lot line and lying ten feet within the lot.
 - c. Side lot line: A lot line connecting the front lot line and the rear lot line.
98. Lot width: The horizontal distance between side lot lines, measured at the setback line created by the required front yard.
99. Main building: A building where the principal permitted use of a lot is conducted.
100. Maintain: The replacing or renovating of a part or parts of a structure worn or made unusable by ordinary wear or tear, or by the weather.
101. Manufactured home:
- a. A structure at least eight feet in width and at least 40 feet in length, built on a permanent chassis, transportable in one or more sections, manufactured after 15 June 1976 to standards established by the U.S. Department of Housing and Urban Development, and designed to be used as a single-family dwelling when connected to public utilities.
 - b. A structure at least eight feet in width and at least 40 feet in length, manufactured before 15 June 1976, transportable in one or more sections, and designed and still legally permissible to be used as a single-family dwelling when connected to public utilities.
 - c. Does not include a "recreational vehicle" or a "factory-built building."
102. Manufactured home park: A development providing rental spaces for occupancy on a non-permanent basis for manufactured homes, with accessory buildings and uses provided for the benefit and enjoyment of occupants.

103. **Manufactured home space:** A plot of ground within a manufactured home park designed for the accommodation of one manufactured home.
104. **Microbrewery:** A brewery that produces between 5,000 and 6,200,000 gallons of beer in a calendar year and meets the requirements of A.R.S. § 4-205.08.
105. **Mobile food unit:** A food establishment licensed by the State of Arizona that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in A.R.S. § 28-101.
106. **Mobile food vendor:** Any person who owns, controls, manages, or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive, or operate a mobile food unit.
107. **Mobile home:** A movable or portable factory-built dwelling built on a chassis prior to 15 June 1976 to standards other than the United States Department of Housing and Urban Development Code, acceptable under applicable codes in effect at the time of construction or introduction into the Town, connected to public utilities, designed without a permanent foundation, intended for year-round living, and not originally sold as a recreational vehicle. A mobile home is regulated as a manufactured home for purposes of this Chapter if it was legally occupied when it was first brought into the Town and connected to public utilities and remains safe for human occupancy according to the Town Building Official.
108. **Model home:** A never-occupied dwelling open for inspection by the general public for the purpose of selling it or similar dwellings, and serving as an example of the seller's products.
109. **Model home complex:** Two or more adjacent model homes.
110. **Multi-family dwelling:** A building or portion of a building with three or more dwelling units on a single lot used, designed, or intended for use or occupancy as living quarters. Includes condominium.
111. **Natural grade:** The elevation of the land, vegetation, rocks, and other surface features which have not been physically disturbed, changed, or added to by any action of man or machine at the location of a use or proposed use.
112. **Nonconforming:** See section 13-02-010 (effective date and legal nonconforming uses).
113. **Nuisance:** Any condition or use of property that endangers life or health, gives offense to the senses, or obstructs the reasonable and comfortable use of other property.
114. **Nursery school:** An institution intended primarily for the daytime care of children of pre-school age. Includes child care centers.
115. **Nursing home:** Any place or institution licensed by the state of Arizona providing bed care or chronic or convalescent care for one or more persons, other than relatives, who are unable to properly care for themselves by reason of illness or physical infirmity, and where nursing, dietary, and other personal services are provided (but not surgery or other primary care customarily provided in hospitals). A nursing home does not include a community residence.
116. **Open porch:** A porch where any portion extending into a required front yard, required interior side yard, or required exterior side yard has no enclosure by walls, screens,

lattice, or other material higher than 54 inches above the average adjoining finished grade.

117. Outdoor storage: Outdoor storage of materials, equipment, vehicles, or trailers, screened from view by screening walls.
118. Overlay zone: A zoning district encompassing one or more underlying zoning districts and imposing additional or alternative requirements to those required by the underlying zoning district.
119. Park: A large public green or open area used for recreation or as a playground.
120. Parking garage: A public or privately owned structure used for the free or paid parking of automobiles by the general public.
121. Parking space: A fully accessible space adequate for the temporary parking of vehicles, located entirely outside the public right-of-way.
122. Permanent dust-free pavement: Surface materials such as asphaltic concrete or portland cement, but not including such materials as chip seal, gravel or granite.
123. Permitted use: A use allowed in a zoning district by reason of being listed among the permitted uses in the zoning district, subject to compliance with the specific requirements of this Chapter.
124. Personal services: Includes beauty and barber shops, photography studios, tailoring, and small appliance repair.
125. Prescott AMA plant list: [The Arizona Department of Water Resources Prescott Active Management Area Low Water Use/Drought Tolerant Plant List](#).
126. Primary use: The main or principal use on a given lot.
127. Principal building: A building, or group of buildings, where the principal use of the lot is conducted.
128. Private garage: An accessory building or portion of a main building used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of a main building for no compensation.
129. Private use: A use restricted to the occupants of a lot or building and their guests for no compensation.
130. Professional office: An office where service of a professional nature is carried out by one or more:
 - a. Architects, engineers, or surveyors licensed by the Arizona State Board of Technical Registration.
 - b. Doctors, osteopaths, dentists, optometrists, or others licensed by the State of Arizona to treat patients.
 - c. Lawyers admitted to practice law by the State Bar of Arizona.
 - d. Accountants who are members of the Arizona Society of Certified Public Accountants or the Arizona Association of Accountants, Incorporated.
 - e. Paraprofessionals, consultants, and practitioners associated with the above professionals.

131. Public building: A facility where public business is conducted by one or more public agencies, including all Federal, State, County, and Town offices and buildings.
132. Public use: A use located on public land to serve the public, but not necessarily open to the public.
133. Public utilities: Private or public facilities for distribution of water, power, natural gas, telephone, and cable to the public.
134. Recreational facilities: Buildings, structures, facilities, or areas designed and equipped for the conducting of sports, leisure time activities, and other customary and usual recreational activities.
 - a. Outdoor recreational facilities include, but are not limited to, fields or stadiums for softball, baseball, football, soccer, golf, driving ranges, and other field sports, and courts for tennis, basketball, volleyball, handball, and other court sports.
135. Recreational vehicle: A vehicle-type unit which is not a dwelling or occupied as such and not a manufactured home, but is one of the following:
 - a. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping
 - b. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle
 - c. A park trailer built on a single chassis, mounted on wheels and designed to be connected to public utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers
 - d. A travel trailer mounted on wheels, including fifth wheel trailers, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than 320 square feet
 - e. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck
136. Recreational vehicle park: Facilities for the temporary storage, parking, and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities where site locations are provided on a day-to-day basis. Does not constitute a manufactured home park.
137. Recreational vehicle space: A plot of ground within a recreational vehicle park designed for the accommodation of one recreational vehicle.
138. Required yard: The minimum required open, unoccupied lot area between a lot line and the minimum building setback.
 - a. Required exterior side yard: The required yard associated with any side lot line adjacent to a street (but not an alley), extending from the required front yard to the required rear yard.

- b. Required front yard: The required yard associated with the front lot line, projected to the side lot lines.
 - c. Required interior side yard: The required yard associated with any side lot line not adjacent to a street, extending from the required front yard to the required rear yard.
 - d. Required rear yard: The required yard associated with the rear lot line, projected to the side lot lines.
139. Residential use: Includes single- and multi-family dwelling units, condominiums, guest rooms, hotels, motels, manufactured homes, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged, and similar uses.
140. Restaurant: An establishment where food and beverages may be purchased and consumed by the public.
141. Retail: An establishment where products are sold to the public in relatively small quantities for use or consumption rather than for resale. Includes:
142. Salvage yard: Any land or building used for any of the following, and associated storage:
- a. The abandonment, storage, keeping, collecting, salvaging, or bailing of paper, rags, scrap metals, other scrap, or discarded materials; or
 - b. The crushing and demolishing motor vehicles, trailers, machinery, equipment, and their parts; or
 - c. Automobile salvage and recycling facilities; or
 - d. The collection and processing of recyclable materials. Processing includes the preparation of recyclable material (but not including refuse or hazardous waste) for shipment to an end-user through baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning
143. School: A place of general instruction licensed through the Arizona Department of Education for the education of children through grade 12 with a curriculum the same as customarily given in public schools. Does not include child care centers, nursery schools, dancing schools, riding academies, or trade or specialized vocational schools such as business colleges, art, or music schools.
144. Seat: Where parking spaces are based on numbers of seats in a facility, each 18 inches of width for bench seating shall be deemed one seat. In the case of fixed seating, each chair shall constitute one seat.
145. Self-service: A store, restaurant, or service station where customers select goods for themselves or service their car for themselves and pay a cashier.
146. Setback: A line that marks the minimum distance from the property line.
147. Sign: Any object, device, display, structure, fixture, painting, emblem, or visual that uses words, letters, figures, graphics, symbols, numbers, colors, and illumination for the purpose of communicating a message. Signs include the sign faces as well as any sign-supporting structure. See section 13-09-020.
148. Single-family dwelling: A detached dwelling designed primarily for occupancy by or occupied by one family for residential purposes.

149. Site plan: A detailed and fully dimensioned scale drawing accurately depicting the locations and sizes of buildings, walls, lighting devices, and other structures; areas, types, and sizes of landscaping; areas for refuse collection, storage, parking, loading, vehicular access, and walkways; property lines and ultimate street rights-of-way; and that portion of rights-of-way to be landscaped or otherwise improved. See section 13-11-030 (site plan requirements).
150. Special use permit: Permission granted pursuant to section 13-13-110 (special use permits) for a tower, antenna, or other wireless telecommunications facility under section 13-08-080 (towers, antennas, and wireless telecommunications facilities) or for solar as a primary use and wind turbines under subsection 13-08-090 D.
151. Storage area: One or more completely walled areas, under roof, other than living, not accessible directly from the living area, and used primarily for storage.
152. Story: Any portion of a building between the floor at any point and the ceiling next above it or the finished undersurface of the roof over that floor. The ground story of any building is the lowest story whose ceiling is more than six feet above the average adjoining finished grade. A mezzanine is a story if it covers more than one-third of the area of the ground story.
153. Street: Any existing or proposed street, avenue, road, lane, parkway, place, bridge, viaduct, or easement for public or private vehicular access, or a street in a plat duly filed and recorded in the County Recorder's office. A street includes all land within the public right-of way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges, and viaducts.
154. Structure: Anything constructed or erected in a fixed location on or in the ground or attached to something in a fixed location on or in the ground, but excluding ditches, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, sidewalks, driveways, landscaping materials, tents, or vehicles.
155. Subdivision: See Chapter 14.
156. Swimming pool: A contained body of water intended for swimming that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point.
157. Telecom: Includes towers, antennas, and wireless telecommunications facilities that comply with the requirements of this Chapter.
158. Telecommunications tower: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas.
159. Temporary housing: The use of a recreational vehicle during the construction of a permanent dwelling in conformance with section 13-04-060.
160. Trade school: A school primarily offering instruction in technical, commercial, or trade skills, such as a real estate school, business college, electronic school, automotive or aircraft technicians' school, or similar establishment.
161. Transportation terminal: A facility for loading and unloading freight for current distribution but not warehousing.

162. Under roof: The total square footage of building area, including porches, covered decks, and breezeways, but excluding eaves.
163. Usable floor area: The combined area of the following:
- a. The gross floor area; plus
 - b. The open land area needed for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise; minus
 - c. Areas used principally for storage; incidental repair, processing, or packaging of merchandise; show windows; offices incidental to the management or maintenance of stores or buildings; restrooms; and other accessory areas used principally for non-public purposes.
164. Use: The purpose for which a building, lot, or structure is arranged, designed, occupied, or maintained.
165. Utility facilities: Buildings and facilities used to provide public utility services.
166. Vacation rental:
- a. Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under A.R.S. § 42-12001.
 - b. Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.
167. Variance: A procedure that allows certain modifications in zoning requirements such as fence heights and building setbacks if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounding, the applicant can prove to the Board of Adjustment that the strict application of existing zoning requirements would deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.
168. Vehicle: A device in, on, or by which a person or property is or may be transported or drawn on a public highway. Does not include:
- a. Electric bicycles, electric miniature scooters, electric standup scooters, and devices moved by human power.
 - b. Devices used exclusively on stationary rails or tracks.
 - c. Personal delivery devices.
 - d. Scrap vehicles.
 - e. Personal mobile cargo carrying devices.
169. Veterinary clinic: A facility where animals or pets are given medical or surgical treatment or care by or under the supervision of a licensed veterinarian.
170. Wall: A barrier constructed of materials such as block, native stone, rock, or wood stucco: not including barriers constructed with other materials not designed for walls.

171. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.
172. Wireless telecommunications: Any services provided to the public that use licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.
173. Wireless telecommunications facility:
- a. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following:
 - (1) Equipment associated with wireless communications.
 - (2) Radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
 - b. Includes small wireless facilities (see A.R.S. § 9-591 (19)).
 - c. Does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber-optic cable that is between wireless support structures or utility poles or coaxial or fiber-optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.
 - d. Does not include Wi-Fi radio equipment (A.R.S. § 9-506 (I)) or microcell equipment A.R.S. § 9-584 (E).
174. Wholesale: The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.
175. Yard: The open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.
176. Zone boundary: The limit and extent of each zoning district as shown on the zoning map.
177. Zoning Administrator: The Town official responsible for administering, enforcing, implementing, and interpreting this Chapter (see section 13-13-030). The Zoning Administrator is the Town's Development Services Director.
178. Zoning district: The geographic area of the Town governed by a particular zoning designation. See section 13-03-010.
179. Zoning map: The official zoning map of the Town.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-02-010. Prior history: Enacted by Ordinance No. 8 and Ordinance No. 9, 06/28/1979; amended by Ordinance No. 27, 04/24/1980; reenacted and amended by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 47A, 11/25/1980; amended by Ordinance No. 58, 09/24/1981; amended by Ordinance No. 82, 05/26/1983; amended by Ordinance No. 115, 08/08/1985; amended by Ordinance No. 161, 11/12/1987; amended by Ordinance No. 162, 11/12/1987; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 185, 10/27/1988; amended by Ordinance No. 279, 06/25/1992; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 295, 07/22/1993; amended by Ordinance No. 341, 11/03/1994; amended by Ordinance No. 361, 04/13/1995; amended by Ordinance No. 362, 04/13/1995; renumbered and amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 403, 10/24/1996; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 458, 04/08/1999; amended by Ordinance No. 552, 03/13/2003; amended by Ordinance No. 559, 07/10/2003; amended by Ordinance No. 588, 03/25/2004; amended by Ordinance No. 603, 08/26/2004; amended by Ordinance No. 619, 03/24/2005; amended by Ordinance No. 647, 01/26/2006; amended by Ordinance No. 676, 01/11/2007; amended by Ordinance No. 809, 09/24/2015; amended by Ordinance No. 820, 09/22/2016; amended by Ordinance No. 839, 02/22/2018; amended by Ordinance No. 841, 03/08/2018; amended by Ordinance No. 874,

03/26/2020; amended by Ordinance No. 882, 02/25/2021; amended by Ordinance No. 2022-900, 03/24/2022; amended by Ordinance No. 2022-901, 03/24/2022; amended by Ordinance No. 2023-921, 04/27/2023; amended by Ordinance No. 2023-932, 01/11/2024)

ARTICLE 13-02. APPLICATION OF ZONING ORDINANCE

13-02-010 Effective date and legal nonconforming uses

- A. This Chapter shall apply as of the date of its original adoption by Ordinance No. 9 on June 28, 1979.
- B. Nothing in this Chapter shall affect existing property or the right to its continued use for the purpose used when this Chapter or any applicable amendment to it took effect, nor to any reasonable repairs or alterations in buildings or property used for such existing purpose. A use that conformed to this Chapter when it was established but no longer conforms is a legal nonconforming use, and a building or structure that conformed to this Chapter when it was built but no longer conforms is a legal nonconforming building or structure.
- C. The zoning requirements for any development, subdivision, or lot, submitted to Yavapai County before annexation into the Town, thereafter approved, and not substantially altered shall be those in effect in Yavapai County when the plans were submitted.
- D. The right to continue a legal nonconforming use, building, or structure shall terminate in any of the following circumstances:
 - 1. When the use is changed to something other than the legal nonconforming use; or
 - 2. When the legal nonconforming use, building, or structure is abandoned or discontinued for a period of one year or more; or
 - 3. When a legal nonconforming business or manufacturing building or structure is damaged by fire or other casualty to the extent of 50% of its replacement cost at the time the damage occurs.
- E. No non-residential shall be enlarged, extended, or otherwise expanded after it becomes a legal nonconforming use.
- F. This section does not apply to outdoor light fixtures, which shall comply with Article 13-12 (Outdoor Lighting Requirements).

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-04-010 and -020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 276, 06/11/1992; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 521, 05/09/2002)

13-02-020 Regulations governing newly annexed territory

- A. Areas annexed into the Town of Prescott Valley shall initially be assigned zoning district designations permitting densities and uses no greater than those permitted by Yavapai County immediately before annexation.
- B. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use by the Town, and the continuance of the use or activity shall constitute a violation of this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-05-040. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980, 13-05-030; repealed and

reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 399, 10/10/1996)

ARTICLE 13-03. ZONING DISTRICTS AND ZONE BOUNDARIES

13-03-010 Establishment of zoning districts

The following zoning districts are established to carry out the purposes set forth in section 13-01-010 and for the purposes set forth in this section:

- A. RU (residential; single family rural) zone. The purpose of the RU zone is to provide a zoning classification for all areas of the Town not presently characterized by urban uses.
- B. RL (residential; single family limited) zone. The purpose of the RL zone is to establish and preserve quiet, conventional single family home neighborhoods.
- C. RM (residential; single family mixed housing) zone. The purpose of the RM zone is to establish and preserve quiet neighborhoods where a mix of residential housing types is permitted, along with attached dwellings.
- D. MH (residential; single family manufactured homes) zone. The MH zone is intended to provide sites for manufactured homes as single-family dwellings in an appropriate, safe, sanitary, and attractive environment.
- E. MF (residential; multi-family dwelling units) zone. The purpose of the MF zone is to provide for development of multi-family residences in areas where a higher density of housing is desirable.
- F. RS (residential and services) zone. The purpose of the RS zone is to provide for orderly and compatible development in transitional areas between residential and non-residential zoning districts and to establish and preserve areas for those commercial facilities which are especially useful near residential areas, while minimizing the undesirable impact of those uses on the neighborhoods they serve.
- G. PK (parking) zone. The PK zone is intended to establish and preserve motor vehicle parking areas near land uses requiring substantial amounts of vehicle parking, and to assure that parking in those areas is located and screened to avoid incompatibility with uses in adjoining residential zoning districts.
- H. CN (commercial; neighborhood sales and services) zone. The purpose of the CN zone is to provide for convenience shopping in a residential neighborhood, to preserve and protect neighborhood commercial areas, located near residential areas, and to provide for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood.
- I. CG (commercial; general sales and services) zone. The purpose of the CG zone is to accommodate retail and service establishments along major streets and highways to serve a market area that extends beyond the immediate residential neighborhoods.
- J. CI (commercial; minor industrial) zone. The purpose of the CI zone is to establish and preserve areas for commercial activities, including warehousing, wholesaling, and light manufacturing, and related uses, that are adequately buffered from residential areas and compatible with industrial uses, and situated so that highway frontage does not present a poor image of the community.

- K. PM (performance manufacturing) zone. The purpose of the PM zone is to provide locations for businesses, light manufacturing, warehouses, and research and development industries operated in such a restricted and limited manner that nearby residential land uses are protected and fostered by limitations on the types of structures and uses, control on height and density, prohibitions against open land facilities, omission of fumes, odors, noise, glare, vibration, and similar nuisances, and landscaping requirements.
- L. IG (industrial; general limited) zone. The IG zone is intended to provide locations for manufacturing development, wholesale, and commercial uses with heaviest impacts, which, while not necessarily attractive in operational appearances, are installed and operated in compliance with all government standards and in a way that does not cause inconvenience to other uses in the zoning district or to adjacent zoning districts.
- M. IH (industrial; heavy) zone. The purpose of the IH zone is to provide locations for heavy industrial development and uses sited and operated in compliance with all government standards and where any potential hazards to health or property are appropriately mitigated and adequate controls are provided to avoid air, surface water and groundwater pollution and latent radiation, fire and explosion danger.
- N. PL (public lands) zone. The purpose of the PL zone is to set aside public or quasi-public lands for parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, towers, antennas, and wireless telecommunications facilities, and related uses.
- O. AG (agricultural) zone. The purpose of the AG zone is to designate land which is one or more of the following:
1. Ten or more acres of permanent crops
 2. Grazing land with a minimum carrying capacity of 40 animal units
 3. Land devoted to high density production of primary agricultural product
 4. Land devoted to processing cotton for marketing
 5. Land devoted to processing wine grapes for marketing
- P. PD (planned area development) zone. The PD zone is intended to accommodate residential, business, or industrial development that takes a creative approach that results in a more efficient, esthetic, and desirable use of open space while maintaining the same overall population density and lot coverage permitted in a comparable or underlying zoning district, and permits flexibility in types of dwellings, placement of buildings, circulation facilities, off-street parking areas, and use of open space as described in a PD final development plan adopted under section 13-06-040.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-05-010, 13-06-010, 13-07-010, 13-08-010, 13-09-010, 13-10-010, 13-11-010, 13-12-010, 13-13-010, 13-14-010, 13-15-010, 13-16-010, 13-17-010, 13-18-010, 13-19-010, 13-19a-010, and 13-19b-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 349, 12/01/1994; amended by Ordinance No. 399, 10/10/1996; amended by Ordinance No. 638, 10/13/2005)

13-03-020 Zone boundary lines on zoning map

Zone boundaries are hereby established as shown on the zoning map. The zoning map, along with all the notations, references and other information shown on it, is incorporated by reference into this Chapter and has the same force and effect as if it were set forth in full here.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-05-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-03-030 Zone boundary determination

Where uncertainty exists with respect to any zone boundary as shown on the zoning map, the following rules shall apply:

- A. Unless shown otherwise, the zone boundaries follow lot lines, the center lines of streets, alleys, roads, or such lines extended, and the corporate limits of the Town of Prescott Valley.
- B. Where a zone boundary approximately follows the line of any stream, irrigation canal or other waterway, or railroad right-of-way, the center of the stream, canal, or waterway, or of the railroad right-of-way shall be the zone boundary.
- C. Where a zone boundary approximately follows the boundary line of public land, the boundary line of the public land shall be the zone boundary.
- D. Where there is any uncertainty, contradiction, or conflict as to the intended location of any zone boundary due to the scale, lack of detail or illegibility of the zoning map, interpretation concerning the exact location of zone boundary shall be determined pursuant to the process for appeals set forth in section 13-13-020 (board of adjustment).

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-05-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980, 13-05-020; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-03-040 Vacated public right-of-way

Whenever any street, alley or other public way is vacated by official action of the Town Council, the zoning designation of the abutting property shall be extended to the centerline of the vacated public way.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-05-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980, 13-05-040; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-03-050 Interpretation.

In interpreting and applying the regulations of this Chapter:

- A. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Chapter is not intended to interfere with, abrogate, or annul:
 1. Ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the regulations of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter; of
 2. Easements, covenants, or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall regulate.
- B. No uses shall be made of property in a zoning district except those permitted pursuant to this Chapter.

- C. The Zoning Administrator may administratively approve, in writing, non-listed uses as being either Permitted Uses or Conditional Uses where such uses are clearly and closely related to those already listed.
- D. The Board of Adjustment may determine if non-listed uses are similar enough to listed uses as to have been intended for particular zoning districts, pursuant to subsection 13-13-020 M. 3.
- E. In determining the similarity of a proposed use, the Zoning Administrator and the Board of Adjustment shall be guided by any uses which are specifically listed as prohibited in a zoning district.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-05-070. Prior history: Enacted by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 341, 11/03/1994; amended by Ordinance No. 638, 10/13/2005)

ARTICLE 13-04. RESIDENTIAL ZONE REGULATIONS

13-04-010 Use restrictions in residential zones

- A. Except for uses regulated by Article 13-08 (regulations pertaining to particular uses), the following table establishes the use restrictions for the RU (residential; single family rural), RL (residential; single family limited), RM (residential; single family mixed housing), MH (residential; single family manufactured homes), MF (residential; multi-family dwelling units), and RS (residential and services) zones:

Description	RU	RL	RM	MH	MF	RS
Accessory buildings, structures, and uses ¹	A	A	A	A	A	A
Boarding house					C	C
Charitable organization						C
Clinic						C
Community building	P	P	P	P	P	P
Fraternity					C	C
Golf course	C	C	C	P	C	C
Home occupation	p ²	p ²	p ²	p ²	p ²	p ²
Hospital						C
Library	P	P	P	P	P	P
Manufactured home				P		
Model homes	p ³	p ³	p ³	p ³	p ³	p ³
Multi-family dwelling			C		P	P
Nursery school						C
Nursing home					C	C
Park	P	P	P	P	P	P
Parking space	A	A	A	A	A	A
Personal services						C
Professional office						C
School	P	P	P	P	P	P
Solar	A	A	A	A	A	A
Single family dwelling	P	P	P	P ⁴	P	P
Temporary housing	p ⁵	p ⁵	p ⁵		p ⁵	p ⁵
Uses listed only in the commercial uses table						

B. The following notations and meanings apply to the table set forth in paragraph A of this section:

1. “P” means the use is permitted subject to any applicable standards and requirements and any conditions noted with superscript numbers corresponding to the subparagraphs of paragraph C below.
2. “A” means the use is permitted as an accessory use located on the same lot as a permitted use.
3. “C” means the use is allowed upon approval and issuance of a conditional use permit issued pursuant to section 13-13-090.
4. A blank box means the use is prohibited.

C. The superscript notes in the table set forth in paragraph A of this section correspond to the following standard conditions (where a superscript “1” refers to subparagraph 1 below):

1. Must comply with the requirements of section 13-07-060 (accessory buildings, structures, and uses).
2. Must comply with section 13-04-040 (home occupations).
3. Model homes and model home complexes must comply with the following:
 - a. Model homes may be open to public inspection only between the hours of 8:00 a.m. and 9:00 p.m.
 - b. Model homes may not be operated as a branch real estate office, and no more than four people may be assigned or stationed on a continuous basis in any one home.
 - c. The proximity of two model homes shall not be so close as to be a detriment to that neighborhood, based upon such factors as:
 - (1) Whether the neighborhood traditionally has had other model homes in close proximity,
 - (2) The density of development in the neighborhood,
 - (3) Actual traffic in that portion of the neighborhood, and
 - (4) The character of occupancies and uses in the neighborhood.
 - d. No construction equipment may be stored or kept on any model home site, except as required for and during the original construction of the home or any subsequent repairs or remodeling.
 - e. Parking must be provided as required by section 13-10-050.
 - f. Landscaping, screening, and outdoor lighting shall be provided as set forth in Article 13-11 and Article 13-12 of this Chapter.
 - g. Ingress to and egress from any home site must be designed, insofar as possible, as approved by the Town Engineer so as to avoid backing onto adjacent streets.
 - h. No model home may be listed as a business address for business licensing purposes.
 - i. Model homes are limited to two years, subject to renewal for additional two-year periods if the conditions set forth for model homes in this subparagraph 3 continue to be met.

j. When no longer used as a model home, the home may be occupied for residential purposes.

4. In the MH zone, a single-family dwelling must be a manufactured home.

5. Must comply with the requirements of section 13-04-060 (temporary housing).

(Enacted by Ordinance No. %. Previously codified at sections 13-06-020, 13-07-020, 13-08-020, 13-09-020, 13-10-020, & 13-11-020. Prior history: Ordinance Numbers 9 (06/28/1979), 37 (09/04/1980), 78 (03/11/1983), 112 (06/06/1985), 136 (08/28/1986), 137 (08/28/1986), 167 (12/10/1987), 178 (05/26/1988), 187 (10/27/1988), 279 (06/25/1992), 282 (10/22/1992), 392 (06/27/1996), 439 (06/25/1998), 603 (08/26/2004), 638 (10/13/2005), 647 (01/26/2006), 785 (01/23/2014), 809 (09/24/2015), 816 (05/26/2016), 820 (09/22/2016), 839 (02/22/2018), 849 (07/12/2018), 883 (02/25/2021), 2022-901 (03/24/2022), 2023-932 (01/11/2024))

13-04-020 Residential zoning district development standards

A. Density designations. Density designations are established for the RU, RL, RM, MH, MF, RL, and RS zones, by adding a dash and number after the zoning district designation.

B. Development standards. The following table establishes development standards for the RU, RL, RM, MH, MF, RL, and RS zones, where the column:

1. **DD** is the density designation,
2. **W** is the minimum lot width (in feet),
3. **D** is the minimum lot depth (in feet),
4. **A** is the minimum lot area (in square feet),
5. **DF** is the density formula (in square feet),
6. **C** is the percentage maximum lot coverage,
7. **SP** is the minimum building spacing (in feet),
8. **ST** is the maximum number of stories,
9. **H** is the maximum height (in feet),
10. **FY** is the required front yard (in feet),
11. **RY** is the required rear yard (in feet),
12. **IS** is the required interior side yard (in feet), and
13. **ES** is the required exterior side yard (in feet).

DD	W	D	A	DF	C	SP	ST	H	FY	RY	IS	ES
1	100	100	10,000	1,000	55	6	3	35	25	20	7	10
2	100	100	10,000	2,000	55	8	3	35	25	20	7	10
3	100	100	10,000	3,000	55	8	3	35	25	20	7	10
4	100	100	10,000	4,000	55	8	2.5	35	25	20	7	10
5	100	100	10,000	5,000	55	8	2.5	35	25	20	7	10
6	100	100	10,000	6,000	55	8	2.5	35	25	20	7	10
8	100	100	10,000	8,000	55	8	2.5	35	25	20	7	10
10	100	100	10,000	None	55	8	2.5	35	25	25	7	10
12	100	100	12,000	None	55	8	2.5	35	25	25	7	10
18	115	130	18,000	None	35	8	2.5	35	30	30	10	15
35	165	165	35,000	None	25	20	2.5	35	40	40	20	20

DD	W	D	A	DF	C	SP	ST	H	FY	RY	IS	ES
70	200	200	70,000	None	20	30	2.5	35	60	60	30	30

C. Setback measurement point.

1. Side yards are measured from the dripline to the property line.
2. Front and rear yards are measured from the building wall to the property line.

D. Density formulas. Density formulas determine the lot area required for each dwelling unit, hotel or motel unit, or manufactured home space. The density formula may be reduced 20% for units consisting of a combined bed-living room, commonly referred to as an efficiency apartment.

E. Detached accessory buildings, structures, and uses. The minimum setbacks, separations, and heights for detached accessory buildings, structures, and uses shall be the same as set forth above except as follows:

1. In the rear half of any lot, detached accessory buildings, structures, and uses not designed or used for sleeping or living purposes shall meet the required interior side yard requirement from the rear lot line.
2. In the rear half of any lot, the interior side yard setback of a detached accessory building, structure, or use that is not designed or used for sleeping or living purposes is three feet.
3. The minimum building spacing for detached accessory buildings, structures, and uses shall be three feet.
4. An accessory building's minimum setback from the rear lot line shall be increased by one foot for every foot the accessory building exceeds ten feet in height.
5. No detached accessory building, structure, or use designed or used for sleeping or living purposes shall be closer to any lot line than is required for a dwelling unit on the same lot, and shall:
 - a. Not exceed 1,000 square feet or 25% of the total square footage of the livable area under the roof of the primary residence (whichever is greater); and
 - b. Meet the front and side setback requirements applicable to the primary residence in the respective zoning district; and
 - c. Be used to house guests of the occupants of the principal dwelling.
6. In zoning districts with a density designation of 12 or lower, a single accessory building shall not exceed 50% or the total roof area of the principal dwelling unit including attached garages, carports, etc.
7. On lots with a density designation of 18 or higher, a single accessory building shall not exceed 100% of the principal dwelling unit's roof area including attached garages, carports, etc.

(Enacted by Ordinance No. %. Previously codified at sections 13-06-030, 13-07-030, 13-08-030, 13-09-030, 13-10-030, 13-11-030, 13-20-010, and 13-21-090. Prior history: Ordinance Numbers 9 (06/28/1979), 37 (09/04/1980), 67 (02/25/1982), 81 (05/26/1983), 178 (05/26/1988), 259 (06/27/1991), 282 (10/22/1992), 375 (12/28/1995), 397 (08/08/1996), 399 (10/10/1996), 404 (11/07/1996), 434 (01/22/1998, and 882 (02/25/2021))

13-04-030 Manufactured home parks and recreational vehicle parks

- A. Each parcel of land used for a manufactured home park or recreational vehicle park shall have a minimum area of three acres.
- B. Interior private drives or roadways within a manufactured home park or recreational vehicle park shall be paved to a minimum width of 12 feet for one-way and 24 feet for two-way travel.
- C. A minimum of two vehicular entrances shall be provided for each park, one of which may be kept closed to the general public if provision is made for emergency access.
- D. Each manufactured home space shall have an area of not less than 3,000 square feet and a width of not less than 36 feet.
- E. Each recreational vehicle space shall have an area of not less than 1,800 square feet and a width of not less than 25 feet.
- F. Recreational vehicle spaces shall not be permitted in manufactured home parks, and manufactured home spaces shall not be permitted in recreational vehicle parks.
- G. Buildings within a manufactured home park or recreational vehicle park shall not exceed two stories or 35 feet in height.
- H. The minimum distance from any portion of a manufactured home, recreational vehicle, or accessory structure shall be as follows:
 - 1. Manufactured home parks:
 - a. Eight feet from the nearest edge of an interior drive or roadway.
 - b. Five feet from other manufactured home space boundaries.
 - c. Twenty feet from an exterior boundary of the park abutting public streets
 - d. Ten feet from all other exterior park boundaries.
 - e. Ten feet from a manufactured home or accessory structure on an adjoining manufactured home space.
 - 2. Recreational vehicle parks:
 - a. Five feet from the nearest edge of an interior drive or roadway.
 - b. Five feet from other recreational vehicle space boundaries.
 - c. Twenty feet from an exterior boundary of the park abutting public streets
 - d. Ten feet from all other exterior park boundaries.
 - e. Ten feet from a recreational vehicle or accessory structure on an adjoining recreational vehicle space.
- I. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Article 13-12 of this Chapter.
- J. Toilet, bathing, and other sanitation facilities shall be provided as required by the Yavapai County Health Department.
- K. Each manufactured home space and recreational vehicle space shall be connected to an approved sewage disposal facility.

- L. All electric transmission lines under 12,000 volts, public utilities, and cable TV cables within a park shall be undergrounded.
- M. Each park space shall be provided with potable water and electric service.
- N. An approved fire protection system shall be installed and maintained.
- O. Refuse collection areas shall be central and screened from public view in compliance with Article 13-11 of this Chapter.
- P. Recreational vehicles shall not be stored at manufactured home parks except in recreational vehicle storage areas with a minimum ratio of 50 square feet of land for each manufactured home space.
- Q. The larger of 3,000 square feet or 10% of the gross area within a manufactured home park or recreational vehicle park shall be set aside for one or more recreational areas.
- R. Manufactured home parks and recreational vehicle parks shall be attractively screened from surrounding lots by a solid fence, wall, or suitable planting as follows:
 - 1. Not less than four and not more than six feet in height when located in a front or street side yard.
 - 2. Six feet in height when located in any other yard.
 - 3. In compliance with the requirements of Article 13-11 of this Chapter when adjacent to any single-family residential zoning district.
- S. Landscaping shall be installed in accordance with Article 13-11.
- T. Signs shall be permitted in accordance with Article 13-09.
- U. Off-street parking shall be provided in compliance with section 13-10-050. Parking spaces shall be surfaced with dust-free materials.
- V. No manufactured home or recreational vehicle spaces shall be occupied until onsite roads and community facilities have been completed and the greater of ten spaces or 30% of the total planned spaces have been completely prepared and equipped.
- W. In all circumstances not otherwise covered in this section, density designation 3 shall be applied.

(Rewritten and re-codified by Ordinance No. %. Previously codified at Article 13-25. Prior history: Ordinance Nos. 9 (06/28/1979), 37 (09/04/1980), 178 (05/26/1988), 282 (10/22/1992), 392 (06/27/1996), 521 (05/09/2002), 882 (02/25/2021))

13-04-040 Home occupations

- A. General Requirements and Conditions. A home occupation is permitted as an accessory use to any legal dwelling, subject to the requirements and limitations of this section.
 - 1. A home occupation shall be clearly incidental and secondary to the residential use of the dwelling.
 - 2. A home occupation shall be conducted in a way that is compatible with the residential character of the neighborhood where it is located.
 - 3. No more than 25% of all buildings on the lot and no more than 200 square feet of any detached accessory building may be devoted to the home occupation.

4. Only persons residing in the dwelling shall may be employed in the home occupation, with the following exceptions:
 - a. Home occupations may serve as headquarters or dispatch centers where employees do not come to the site to be dispatched to other locations.
 - b. A home occupation may employ persons that do not come to the site and that work from other locations.
 5. Goods related to the home occupation shall not be visible from the street.
 6. No on-site sales or public display of items for sale shall be permitted on the premises.
 7. Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.
 8. The home occupation shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
 9. A home occupation shall not create any nuisance, hazard, or other offensive condition, such as noise, smoke, fumes, dust, odors, or other noxious emissions.
 10. Electrical or mechanical equipment that causes fluctuations in line voltage, creates any interference in either audio or video reception, or causes any perceivable vibration on adjacent properties is not permitted.
 11. A home occupation shall only permit customers or clients on the premises during the hours of 7 a.m. through 9 p.m. This limitation does not apply to child day care and community residences.
 12. A home occupation shall allow no more than five clients per day, and only one client at a time on the premises. This limitation does not apply to child day care and community residences.
 13. No more than one commercial vehicle is allowed for the transportation of goods or materials to and from the premises. The commercial vehicle is limited to a passenger car, van, or pickup truck not to exceed a rating of one ton.
 14. No work of any kind shall be performed on vehicles not owned or leased by the occupants of the dwelling that serves as the primary use to the home occupation.
 15. Home occupation uses shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractors' or landscapers' equipment.
 16. Any need for parking generated by the home occupation shall be met off the street, but not in a required front yard, and the required residential off-street parking shall be maintained.
 17. All home occupations shall comply with business licensing requirements (see Article 8-02).
- B. Conditional home occupations. The following home occupation uses are conditionally permitted as an accessory use to any legal dwelling if they meet the provisions of paragraph A of this section and are licensed by the applicable state or county agency (or, if not subject to state/county licensing requirements, have obtained a conditional use permit under section 13-13-090):

1. In-home child care with no more than five children in the home at one time
 2. Community residences that meet the definition under section 13-01-030 B. 44, subject to compliance with section 13-08-020 (community residences)
 3. Massage therapy
 4. Commercial food preparation
 5. Pet grooming
- C. Prohibited home occupations. The following uses are expressly prohibited as home occupations:
1. Ambulance service
 2. Appliance repair
 3. Automobile repair, sales, detailing, washing, or painting
 4. Boarding houses
 5. Boat repair, sales, detailing, washing, or painting
 6. Carpentry or other woodworking, including cabinet making, furniture making, or volume-produced wood products
 7. Commercial stables
 8. In-home child care with six or more children
 9. Limousine or taxicab service
 10. Mortician or hearse service
 11. Motorized outdoor sport products (such as radio-controlled miniature airplanes, motorcycle track, or go-cart racing)
 12. On-going garage sales (except those permitted under sections 9-04-020(B)(5) of the Town Code)
 13. Retail sales from site, except direct distribution carried out so as not to interfere or be inconsistent with the residential character of the home or neighborhood
 14. Recreational vehicle repair, sales, detailing, washing, or painting
 15. Tattoo parlors
 16. Tow truck service
 17. Upholstery
 18. Welding
 19. Any and all other uses having a potential to create adverse impacts similar to those created by the uses listed above

(Enacted by Ordinance No. %. Previously codified at section 13-06-020(A)(8) Prior history: Ordinance Numbers 9 (06/28/1979), 37 (09/04/1980))

13-04-050 Required accessory storage

- A. Each detached dwelling in all residential zones must include, as an attached or detached accessory use, an enclosed garage or a minimum area of 100 square feet of enclosed storage.
- B. Each multi-family dwelling shall provide a minimum area of 50 square feet of attached or detached accessory enclosed storage.

13-04-060 Temporary housing

- A. Temporary housing is permitted in the RL (residential; single family limited), RM (residential; single family mixed housing), MF (residential; multi-family dwelling units), and RS (residential and services) zones subject to the requirements of this section.
- B. Temporary housing permit. After a building permit is issued for and during the construction of a permanent dwelling, a recreational vehicle may be occupied on the same property upon issuance of a six-month temporary housing permit, which may be renewed for additional six-month periods upon the Zoning Administrator's determination that construction of the permanent structure is being diligently pursued. When the temporary housing permit expires or within ten days after substantial completion of the permanent dwelling, whichever occurs first, the recreational vehicle shall be disconnected from public utilities and cease to be used as a temporary dwelling or removed from the property.

(Enacted by Ordinance No. %. Previously codified at section 13-21-140(A). Prior history: Ordinance Numbers 9 (06/28/1979), 37 (09/04/1980), [^chk])

13-04-070 Temporary real estate office

- A. A temporary real estate office is permitted in the RL (residential; single family limited), RM (residential; single family mixed housing), MH (residential; single family manufactured homes), MF (residential; multi-family dwelling units), and RS (residential and services) zones subject to the requirements of this section.
- B. A temporary real estate office may be occupied subject to conditional use permit approval in accordance with application procedures outlined in section 13-13-090, and subject to the following:
 - 1. The office shall be located on the property being subdivided for sale as individual lots, and its use shall be limited to the sale of those lots.
 - 2. The office shall be subject to the height, yard, intensity of use and parking regulations for the zoning district where it is located.
 - 3. Any conditional use permit granted for a temporary real estate office shall be limited to two years from the date of issue, but may be extended for like periods if 80% of the lots in the property being subdivided have not been sold.
 - 4. Unless the conditional use permit is reissued, the office shall be removed or eliminated from the property being subdivided upon the expiration of the conditional use permit or when 80% of the lots are sold, whichever occurs first.

(Enacted by Ordinance No. %. Previously codified at section 13-21-140(B). Prior history: Ordinance Numbers 9 (06/28/1979), 37 (09/04/1980), [^chk])

ARTICLE 13-05. COMMERCIAL AND INDUSTRIAL ZONE REGULATIONS

13-05-010 Use restrictions in commercial and industrial zones

- A. Except for uses regulated by Article 13-08 (regulations pertaining to particular uses), the following table establishes the use restrictions for the CN (commercial; neighborhood sales and services), CG (commercial; general sales and services), CI (commercial; minor industrial), PM (performance manufacturing), IG (industrial; general limited), and IH (industrial; heavy) zones:

Description	CN	CG	CI	PM	IG	IH
Accessory buildings, structures, and uses ¹	A	A	A	A	A	A
Animal A Uses		C	P ²	P ³	P	P
Animal B Uses			C	P ³	P	P
Animal C Uses					P	P
Automotive A Uses	P ⁴	P ⁵	P ²	P ³	P	P
Automotive B Uses	C	P ⁵	P ²	P ³	P	P
Automotive C Uses		P ⁵	P ²	P ³	P	P
Automotive D Uses			P ²	P ³	P	P
Food Uses	P ⁴	P ⁶	P ²	P ³	P	P
Hotels and motels	C	P ⁶	P ²			
Industrial A Uses			P ²	P ³	P	P
Industrial B Uses			C	P ³	P	P
Industrial C Uses				P ³	P	P
Industrial D Uses					P	P
Industrial E Uses					C	C
Leisure A Uses	C	P ⁶	P ²	P ³	P	P
Leisure B Uses		P ⁶	P ²	P ³	P	P
Leisure C Uses		C	P ²	P ³	P	P
Leisure D Uses		C	C	C	C	P
Leisure E Uses			C	C	C	P
Leisure F Uses					P	P
Manufactured home parks	C	C				
Multi-family housing	C	C	C			
Recreational vehicle parks	C	C				
Restaurant A Uses	P ⁴	P ⁶	P ²	P ³	P	P
Restaurant B Uses		P ⁶	P ²	P ³	P	P
Restaurant C Uses		C	P ²	P ³	P	P
Retail A Uses	P ⁴	P ⁶	P ²	P ³	P	P
Retail B Uses		P ⁶	P ²	P ³	P	P
Retail C Uses			P ²	P ³	P	P
Salvage yards					C	P
Service A Uses	P ⁴	P ⁶	P ²	P ³	P	P
Service B Uses		P ⁶	P ²	P ³	P	P
Service C Uses		C	P ²	P ³	P	P
Solar ⁹	A	A	A	A	A	A
Specialty Schools		P ⁶	P ²	P ³	P	P
Wrecking yards						C

B. The following notations and meanings apply to the table set forth in paragraph A of this section:

1. “P” means the use is permitted subject to any applicable standards and requirements and any conditions noted with superscript numbers corresponding to the subparagraphs of paragraph C below.
2. “A” means the use is permitted as an accessory use located on the same lot as a permitted use.
3. “C” means the use is allowed upon approval and issuance of a conditional use permit issued pursuant to section 13-13-090.
4. A blank box means the use is prohibited.

C. The superscript notes in the table set forth in paragraph A of this section correspond to the following standard conditions (where a superscript “1” refers to subparagraph 1 below):

1. Must comply with the requirements of section 13-07-060 (accessory buildings, structures, and uses).
2. Must comply with the following:
 - a. The front 50-foot depth of a lot shall not be used for open land storage of material, equipment, work yard or display (except display for sale or rental during business hours only, in compliance with the screening provisions of subsection 13-11-050 E.
 - b. Open land storage or work areas on any other portions of the lot shall be conducted within a completely enclosed building or within an area contained by a minimum six-foot, 85% screen wall as defined in subparagraph 13-11-050 B. 3.
 - c. Open land storage or work areas within the rear yard area shall not be visible from any more restrictive zoning district.
3. Must comply with the following:
 - a. All operations and storage shall be conducted within a completely enclosed building or within an area enclosed by a screen wall as defined in Article 13-11.
 - b. No objects or stacks higher than the screen wall shall be stored or placed in the front 50 feet of the lot.
4. Must comply with the following:
 - a. No more than five people may be engaged in the repair or fabrication of goods on the premises at any time.
 - b. No more than one horsepower shall be employed in the operation of any individual machine used in repair or fabrication on the premises.
 - c. No more than five horsepower shall be employed in the operation of all machines used in repair or fabrication on the premises.
 - d. Each individual use shall not exceed 2,000 square feet of building area.
 - e. All uses shall be contained within a completely enclosed building.
5. Must comply with the following:

- a. The accessory use of storage for not longer than 90 days and parking of junked motor vehicles as defined in Town Code Article 9-04a (Junked Motor Vehicles) shall be completely enclosed within an 85% screen wall as defined in Article 13-11.
 - b. Five or fewer junked motor vehicles may be stored and parked on the property for an indefinite period, so long as each vehicle is always completely covered during storage with an opaque car covering and is completely enclosed within a screen wall as defined in Article 13-11.
6. All uses shall be contained within a completely enclosed building.
7. Must comply with section 13-08-020 (community residences).
8. Must comply with the requirements for mobile food vendors set forth in section 13-08-050.
9. For solar as a primary use, see section 13-08-090 (utility uses)
- D. The use categories in the table set forth in paragraph A of this section shall have the following meanings:
 1. Animal A Uses include veterinary clinics, including boarding and lodging within completely enclosed and soundproofed buildings.
 2. Animal B Uses include commercial stables and outdoor runs, pens, and cages for boarding or lodging of animals.
 3. Animal C Uses include animal breeding, and sales; and livestock yards and auctions.
 4. Automotive A Uses include self-service automobile service stations.
 5. Automotive B Uses include automobile service stations and garages, including motor repair and complete servicing and full-service automotive service stations.
 6. Automotive C Uses include automobile sales, auto rental, car washes, commercial parking lots, manufactured home sales facilities, recreational vehicle sales, truck or trailer sale or rental.
 7. Automotive D Uses include auto body and paint shops; automobile storage garages; auto upholstery shops; recreational vehicle storage; and transportation terminals and transfer facilities.
 8. Food Uses include bakeries, candy shops, grocery stores and supermarkets, health food stores, and liquor stores.
 9. Industrial A Uses include bottling plants; cabinet and carpenter shops; cleaning plants; craft shops (with no more than 15,000 square feet of floor area) and work, storage and equipment yards in connection therewith; electronic and scientific precision instruments manufacturing; equipment storage, rental, and sales yards; feed stores; frozen food lockers; general subcontractors (and accessory storage facilities); medical and dental laboratories; light machine shops; lumber and building materials businesses (including mill and sash work); pawn shops; public auctions; sheet metal shops; and wholesaling.
 10. Industrial B Uses include tire recapping, welding shops, dairy products manufacturing, drug manufacturing or processing, and cemeteries for human or animal interment.

11. Industrial C Uses include baking, cooking, roasting, and pickling; breweries and distillers; cleaning; concrete mixing operations; equipment, material, and dead storage yards; equipping and decorating; fabricating and assembling products; facilities for furnishing meals and selling refreshments and personal convenience items solely to employees of uses; glazing; machining; manufacturing; milling; mixing; molding; motion picture productions, radio, and television studios; packaging; plating and polishing; processing and compounding materials; repairing and servicing; scientific or research laboratories; tooling; weaving, knitting, and sewing; and winding.
12. Industrial D Uses include dispensing of gasoline and similar petroleum products from low-profile exposed storage tanks; heavy commercial uses that do not create offensive noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the zoning district, do not pollute the air, surface waters or ground water, and do not pose latent radiation, explosion or fire danger; meat packing; other industrial, office, laboratory, and manufacturing uses; and trucking and freight yards.
13. Industrial E Uses include heavy commercial uses that produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the zoning district, or pose latent radiation, explosion or fire danger.
14. Leisure A Uses include fitness/wellness centers and spas.
15. Leisure B Uses include commercial recreation (excluding go-carts and other race tracks), and theaters (not including drive-in theaters).
16. Leisure C Uses includes bowling alleys, billiard halls, indoor amusement enterprises, commercial ballrooms, arenas, gymnasiums, rinks, pools, indoor shooting galleries, miniature golf courses, and skating rinks.
17. Leisure D Uses include indoor and outdoor amusement parks (including accessory go-cart and race tracks).
18. Leisure E Uses include drive-in theaters.
19. Leisure F Uses include circuses and carnivals; race tracks; and stadiums.
20. Restaurant A Uses include cafes, cafeterias, delicatessens, ice cream parlors, and restaurants, including catering as an accessory use.
21. Restaurant B Uses include bars and cocktail lounges.
22. Restaurant C Uses include catering establishments; craft distillers; and microbreweries.
23. Retail A Uses include book stores, gift shops, camera stores, clothing stores, dry goods stores, drug stores, flower shops, garden supply stores, jewelry stores, music and record stores, radio and television sales stores, shoe stores, sporting goods, stationery shops, toy stores, and variety stores.
24. Retail B Uses include antique stores; auto parts stores; furniture stores; home improvement stores; key and gun shops (including incidental repair work); optical shops; pet shops; plant nurseries, precision musical instrument shops; second hand merchandise sales; and second-hand stores.
25. Retail C Uses include building materials sales yards (including the sale of rock, sand, and gravel as an incidental part of the main business); pawn shops; and public auctions.

26. Service A Uses include banks, barber and beauty shops, business or professional offices, clothes cleaning outlets (including self-service coin operated laundries), clinics, day nurseries, nursery schools or private kindergartens, libraries and museums, pet grooming studios, including accessory product sales, post offices, public buildings, public utility pay stations, radio and television repair, radio and television service, shoe repair, taxidermy, typewriter and business machine repair, watch and clock repair.
27. Service B Uses include appliance repair shops; blueprinting, printing, lithograph, publishing, and photostatting establishments; broadcasting stations and studios for radio or television; craft shops conducted in conjunction with a retail business; funeral homes and chapels; and furniture upholstery shops.
28. Service C Uses include electrical, mechanical, and plumbing shops; outside temporary storage; and tattoo parlors.
29. Specialty Schools include business schools and private schools operated as a commercial enterprise (for example, dancing, art, and trade schools).

(Enacted by Ordinance No. %. Previously codified at sections 13-13-020, 13-14-020, 13-15-020, 13-16-020, 13-17-020, & 13-18-020. Prior history: Ordinance Numbers 9 (06/28/1979), 16 (11/08/1979), 23 (02/13/1980), 37 (09/04/1980), 162 (11/12/1987), 178 (05/26/1988), 206 (05/25/1989), 226 (05/10/1990), 240 (09/27/1990), 260 (06/27/1991), 269 (01/09/1992), 282 (10/22/1992), 295 (07/22/1993), 341 (11/03/1994), 361 (04/13/1995), 392 (06/27/1996), 403 (10/24/1996), 434 (01/22/1998), 435 (01/22/1998), 439 (06/25/1998), 521 (05/09/2002), 552 (03/13/2003), 608 (12/02/2004), 648 (01/26/2006), 705 (12/20/2007), 749 (08/12/2010), 753 (02/10/2011), 782 (12/19/2013), 809 (09/24/2015), 839 (02/22/2018), 841 (03/08/2018), 883 (02/25/2021), 2022-900 (03/24/2022), 2022-901 (03/24/2022), 2022-902 (03/24/2022), 2023-932 (01/11/2024))

13-05-020 Commercial and industrial zoning district development standards

- A. Building height: The height of buildings shall not exceed three stories or 35 feet.
- B. Required yards in commercial zones
 1. The required front yard is 20 feet for a lot contiguous to a residentially zoned lot fronting on the same street.
 2. The required side yard is five feet contiguous to a residentially zoned lot.
 3. The required rear yard is 15 feet contiguous to a residentially zoned lot.
 4. The required exterior side yard is 15 feet on a corner lot.
 5. Setback measurement point.
 - a. Side yards are measured from the dripline to the property line.
 - b. Front and rear yards are measured from the building wall to the property line.
- C. Required yards in industrial zones
 1. The required front yard is 50 feet for a lot contiguous to a residentially zoned lot fronting on the same street.
 2. The required side yard is 30 feet contiguous to a residentially zoned lot.
 3. The required rear yard is 30 feet contiguous to a residentially zoned lot.
 4. The required exterior side yard is 15 feet on a corner lot.
 5. Setback measurement point.

- a. Side yards are measured from the dripline to the property line.
 - b. Front and rear yards are measured from the building wall to the property line.
- D. PM (performance manufacturing) zone density regulations
1. Lot area and dimensions: All lots shall comply with the following requirements:
 - a. At least 100 feet in width
 - b. At least 200 feet in depth
 - c. At least 25,000 square feet in area
 - d. Not more than 650 feet in depth unless a greater depth will not block projected streets or alleys.
 2. Required yards. All lots shall have the following minimum yards:
 - a. Fifty feet adjacent to any street (but not alley)
 - b. Fifty feet adjacent to any residential lot
 - c. Fifteen feet adjacent to any other lot
 - d. Twenty-five feet from any rear lot line
 3. Building height: Buildings shall not exceed the lesser of three stories or 35 feet in height.
 4. Building density: Buildings shall not cover more than 50% of the total area of the lot.
 5. Building spacing: No building shall be closer than 30 feet from any other building.

(Enacted by Ordinance No. %. Previously codified at sections 13-13-030, 13-14-030, 13-15-030, 13-16-040, 13-17-030, & 13-18-030. Prior history: Ordinance Numbers 37 (09/04/1980), 178 (05/26/1988), 375 (12/28/1995), 434 (01/22/1998), 589 (03/25/2004), 705 (12/20/07), 882 (02/25/2021))

ARTICLE 13-06. SPECIALTY ZONE REGULATIONS

13-06-010 PK (parking) zone

Uses Permitted: The following uses are permitted in the PK (parking) zone.

- A. Vehicular parking facilities to provide all or a portion of the parking appurtenant to a permitted use in a zoning district. Installation, operation, and maintenance of parking facilities shall be in accordance with the parking requirements of Article 13-10 (together with any other neighborhood protective requirements upon which the PK zoning approval may be contingent).
- B. Signs as permitted in the RS zone for appurtenant uses.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-12-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-06-020 PL (public lands) zone

A. Use regulations.

1. Uses Permitted. The following uses are permitted in the PL (public lands) zone:
 - a. Parks and open spaces

- b. Public recreation facilities
- c. Golf courses, golf driving ranges
- d. Zoos
- e. Public schools and playgrounds
- f. Universities and colleges
- g. Governmental office buildings and grounds
- h. Museums, observatories, and similar quasi-public facilities
- i. Libraries
- j. Governmental service and maintenance facilities
- k. Municipal water production and storage facilities
- l. Sewage treatment facilities
- m. Animal shelters
- n. Flood control facilities
- o. Historical landmarks
- p. Hospitals
- q. Fairgrounds
- r. Fire and police stations
- s. Accessory uses and structures incidental to permitted uses
- t. Commercial uses incidental, accessory to, or in conjunction with permitted uses
- u. Towers, antennas, and wireless telecommunications facilities that comply with the requirements of this Chapter.

2. Conditional use. Residences for caretakers and necessary employees and associates, are permitted in the PL (public lands) zone upon the issuance of a conditional use permit.

B. Development standards.

1. Design should emphasize and encourage open space. A minimum of 20% of the project area shall consist of landscaping, in compliance with Article 13-11 of this Chapter. A landscape plan stamped by a registered landscape architect must be approved by the Zoning Administrator.
2. Setback and yard requirements shall be the same as those of the adjacent zoning district.
3. Screening, landscaping, outdoor lighting, nuisance, and hazard provisions of Article 13-11 and Article 13-12 of this Chapter shall apply to uses permitted by conditional use permit, and shall be specified in the conditional use permit.
4. Off-street parking facilities shall be provided for each use as specified under Article 13-10, or as specified in a conditional use permit.

5. No sign, outdoor advertising structure, or display of any character shall be permitted except in accordance with the provisions of Article 13-09 or as authorized in a conditional use permit.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-19a-020 and 13-19a-030. Prior history: Enacted by Ordinance No. 77, 02/10/1983; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 341, 11/03/1994; amended by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 552, 03/13/2003)

13-06-030 AG (agricultural) zone

A. Use regulations.

1. Uses permitted. All principal and accessory uses and structures related to use of the property as “agricultural land” are permitted in the AG (agricultural) zone.
2. Conditional uses. Residences for managers, caretakers, or watchmen, their immediate families, and other necessary employees and associates are permitted in the AG (agricultural) zone upon the issuance of a conditional use permit.
3. Special uses. Towers, antennas, and wireless telecommunications facilities that comply with the requirements of this Chapter are permitted upon the issuance of a special use permit under section 13-08-080.
4. Prohibited uses. All other uses permitted or permitted by conditional use permit or by special use permit in any other zone.

B. Development standards.

1. The sign regulations of Article 13-09 and the outdoor lighting provisions in Article 13-12 of this Chapter shall apply to uses within the AG (agricultural) zone.
2. The off-street parking regulations of Article 13-10 of this Chapter shall not apply to uses within the AG (agricultural) zone.
3. The regulations in Article 13-11 (site development standards) of this Chapter shall not apply to uses within the AG (agricultural) zone, except for the nuisance and hazards provisions in section 13-11-070.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-19b-020. Prior history: Enacted by Ordinance No. 399, 10/10/1996; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 638, 10/13/2005)

13-06-040 PD (planned area development) zone

A. Description. A PD (planned area development) zone designation may be applied to property as overlay zoning or as a primary zoning designation for a land area of five acres or larger.

1. If applied as an overlay zone, the regulations of the underlying zoning designation are overlaid and supplemented by the regulations in the adopted PD final development plan.
2. If applied as a primary zoning designation, the regulations adopted as the PD final development plan define the permitted uses of the property, and any land use not addressed in the adopted PD final development plan for the property is prohibited.
3. Each adopted PD shall have a unique name by which that PD is identified and regulated.

B. General. Properties in each PD are regulated based on site-specific regulations in the adopted PD final development plan, prepared by or on behalf of the master property owner

of the PD in accordance with this section. Each PD is adopted through the rezoning process set forth in Article 13-14, as supplemented by this section.

C. Purpose. The purpose of the PD (planned area development) zone is to:

1. Ensure orderly and thorough planning and review procedures that will result in high quality urban design and to encourage variety in architectural design through techniques including, but not limited to, variations in building style, lot arrangements and site planning.
2. Establish procedures to provide flexibility in design, density and development requirements for development plans while ensuring that such flexibility does not adversely affect the intent and purpose of the general plan.
3. Encourage through innovative site planning such things as the preservation of natural character of the land, and economy in construction and maintenance of streets and public utilities.
4. Allow flexibility in design so that developments would produce maximum choice in the types of environments, living units, and commercial installations and facilities available to the public, and produce an efficient, esthetic, and desirable use of open space.
5. Produce an environment of stable character in harmony with the surrounding areas and developments.

D. PD preliminary development plan contents. The applicant for a proposed PD shall prepare a preliminary development plan containing written and graphic information describing the general nature of the proposed development and explaining its implementation of and compliance with the intent and objectives of the general plan and this Chapter. At a minimum, the preliminary development plan shall include the following elements:

1. Narrative or overview, identifying the primary objectives of the proposed PD.
2. The proposed land use plan, using maps, graphics, and descriptions.
3. Implementation and administrative regulations.
4. The relationship of the property to the surrounding areas affected by the proposed PD.
5. Development and design regulations for buildings, landscaping, parks, open space, and other elements of the proposed PD.
6. Description of the compatibility of the proposed PD with adjoining land uses.
7. Detailed regulations and programs for the systematic implementation of the proposed PD.
8. A map showing the street system, lot lines, and topography.
9. Specific development standards for the map elements.
10. Hydrology analysis of the proposed PD and its upstream and downstream context.
11. Standards for the phasing, construction and maintenance of major and collector streets proposed for the plan area or needed for servicing the proposed PD.
12. Standards for the phasing, construction and maintenance of sewage disposal, effluent use, storm water drainage, solid waste disposal, and public utilities.

13. Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation and wildlife.
14. For single-phase developments, a draft schedule for the preservation of site features established by the proposed PD and the construction, dedication and provision of public services.
15. For multi-phased plans, a draft phasing schedule for the preservation of site features established by the proposed PD, the development of the various master blocks of the proposed PD, and the construction, dedication, and provision of public services within and supporting the proposed PD.
16. The proposed pattern of residential or commercial land uses, including areas to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and other similar public and semi-public uses.
17. The existing underlying zoning district, an explanation of the extent to which the proposed PD will be an overlay zone or a primary zoning designation, and a general description of the resulting changes in permitted uses in the proposed PD.
18. A detailed explanation of how and to what extent the proposed PD is to supplement or supersede the adopted land development code.
19. A conceptual site plan for each building site and common open areas, showing the approximate location of all structures, buildings, and improvements (except for single family detached units which shall be indicated by lot location only), and indicating the proposed access ways, easements, and other public property needed for, and open spaces around, buildings and structures.
20. Preliminary plans and elevations of all building types, which need not be the result of final architectural decisions and need not be in detail.
21. An off-street parking and circulation diagram indicating the proposed movement of vehicles within the proposed PD and to and from the existing thoroughfares.
22. A tabulation of the total number of acres in the proposed PD and a tabulation of overall density per gross acre.
23. Provisions governing the use, maintenance, and continued protection of the proposed PD and its parks, open spaces, and community-owned facilities.
24. All proposed model homes and model home complexes, including their proposed location in relation to other residential properties and proposed parking, lighting, and landscaping. The regulations in subsection 13-04-010 C. 3 apply to any model homes and model home complexes approved in a PD.

E. Procedure.

1. The preliminary development plan shall be submitted to the Development Services Department.
2. The preliminary development plan shall be presented to the Commission at a regular meeting not less than 30 days after the Development Services Department determines that the plan substantially conforms to the submission requirements of this section.
3. The Commission shall investigate and ascertain that the preliminary development plan meets the following conditions:

- a. That the proposed PD will constitute an environment of sustained desirability and stability and that it will be in harmony with the character of the surrounding developments and neighborhoods consistent with the purpose of this section.
 - b. That the value or the use of the property adjacent to the proposed PD will not be adversely affected. To this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity be arranged along the boundaries of the project. The Commission may require that structures located on the perimeter of the PD be permanently screened and/or set back by a distance sufficient to protect the privacy and amenities of adjacent existing uses.
 - c. That every structure containing residential, commercial, or industrial units shall have access to a public street directly or via a court, walkway, or other common area, dedicated to the public use or owned and maintained as common ground.
 - d. If the PD is an overlay, that the proposed uses are permitted in the underlying zoning district.
4. The Commission may require that the applicant modify, alter, adjust, or amend the preliminary development plan for consistency with the objectives of the general plan and this Chapter.
5. If the Commission finds that the preliminary development plan is consistent with the objectives of the general plan and this Chapter, the applicant shall prepare and submit a final development plan.
6. If the Commission finds that the preliminary development plan's proposed land uses do not meet the intent and objectives of the general plan or this Chapter, the PD application is denied unless, within ten days after the Commission's decision, the applicant requests an appeal of the Commission's decision to the Council.
 - a. Within 30 days of the request for appeal, the Council shall hold a public hearing to affirm, reverse, or modify the Commission's decision.
 - b. If the Council concurs with the Commission's decision, the PD application is denied.
 - c. If the Council reverses the Commission's decision, the applicant shall be required to prepare a final development plan according to the provisions and procedures contained in this section.
7. Final development plan. The final development plan shall include all pertinent information relating to the proposed PD and contained in the approved preliminary development plan and as may be required by the Development Services Department, the Commission, and the Council.
8. The final development plan shall be inspected by the Town for compliance with this Chapter and all other applicable regulations and ordinances.
9. The final development plan shall be submitted to the Development Services Department. Once the department determines that the plan substantially conforms to the approved preliminary development plan and the requirements of this section, it shall be presented to the Council at a future regular meeting.
10. The decision of the Council in approving or disapproving the final development plan shall be accompanied by a statement explaining to the applicant why a particular decision was rendered and that the proposed plan met or failed to meet the following conditions:

- a. That the development is or is not consistent with the purpose and intent of the general plan and this Chapter in promoting the health, safety, morals, and general welfare of the public.
 - b. That the development is or is not designed to produce an environment of stable and desirable character and that the property adjacent to the area of the proposed development will or will not be adversely affected, including property values.
 - c. That every structure containing residential, commercial, or industrial units does or does not have adequate access to public streets.
 - d. That the average density, excluding open areas occupied by streets, is or is not the density required by the pre-existing zoning district regulation otherwise applicable to the site. The Council may require that the applicant modify, alter, adjust or amend the Plan in manner and extent as it may deem appropriate to the public interest.
 11. Before approving the final development plan, the Council may impose reasonable requirements on the proposed PD including, but not limited to:
 - a. Use limitations,
 - b. Landscaping requirements,
 - c. Screening and planting requirements,
 - d. Minimum or maximum setbacks and building heights,
 - e. Requirements for paving and/or location of drives and parking areas,
 - f. Drainage requirements,
 - g. Hillside requirements,
 - h. Restrictions and requirements for access ways and easements,
 - i. Dedication, reservation, or protection of public property and open spaces,
 - j. Shape and minimum size of individual lots,
 - k. Grouping of uses and buildings,
 - l. Maintenance of grounds,
 - m. Regulation of signs, and
 - n. Minimum construction design and requirements for fences and walls.
 12. Upon the Council's approval of the final development plan, the PD zoning designation is adopted for the property and the regulations in the adopted PD final development plan regulate the development of the property as described in subsection A of this section.
 13. After Council approval, the final development plan be amended, changed, or modified only through the procedures prescribed for PD application approvals.
 14. After Council approval, the PD final development plan shall be deemed an official plan, and the Town Clerk shall record it in the Office of the Yavapai County Recorder and maintain one or more copies in the Town's official records.
- F. Reversion of zoning. If land located within the boundaries of a PD cannot be developed as approved, or if the building or work authorized by the building permit for a PD is not

commenced within 12 months from the date the permit was issued, the Town Council, after notification by certified mail to the owner and applicant who requested the rezoning to PD, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

G. Amendments: The following procedures shall be followed for any amendment to a PD, including amendments to the development phasing schedule.

1. Major amendments:

- a. A PD applicant or successor in interest may file a request for a major amendment with the Development Services Department.
- b. The change will be deemed major if it involves any one of the following:
 - (1) An increase in the approved totals of dwelling units or gross leasable area for the PD.
 - (2) A significant change in zoning boundaries as determined by the Zoning Administrator from those approved for the PD.
 - (3) Any change which could have significant impact on areas adjoining the PD as determined by the Zoning Administrator.
 - (4) Any change which could have a significant traffic impact on roadways adjacent or external to the PD as determined by the Zoning Administrator.
- c. The Development Services Department will bring the major amendment before the Commission and Council and will submit background material relevant to the request.

2. Minor amendments:

- a. A PD applicant or successor in interest may file a request for a minor amendment with the Development Services Department if the Zoning Administrator determines that the request is not major, as defined above.
- b. The request will be routed for comment to any affected Town departments or other agencies for comment.
- c. Upon receipt of comments or no later than ten working days, the Zoning Administrator will determine whether to approve or deny the requested change.
- d. If the requested change is approved, a letter of approval signed by the Town Manager will be mailed to the applicant with a copy recorded in the Office of the Yavapai County Recorder and maintained in the Town's official records.

(Rewritten and re-codified by Ordinance No. %. Previously codified at article 13-19. Prior history: Enacted by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 442, 08/27/1998; amended by Ordinance No. 647, 01/27/2006; amended by Ordinance No. 751, 08/12/2010; amended by Ordinance No. 772, 03/28/2013; amended by Ordinance No. 801, 02/12/2015; amended by Ordinance No. 839, 02/22/2018; amended by Ordinance No. 894, 01/13/2022)

ARTICLE 13-07. GENERAL PROVISIONS

13-07-010 Applying general provisions

The following provisions shall apply to all zoning districts, except as may be modified, supplemented, or supplanted under the provisions of any particular zoning district.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-020 Landscaping, screening, outdoor lighting, nuisances, and hazards

The landscaping, screening, nuisances, and hazards provisions of Article 13-11 of this Chapter and the outdoor lighting provisions of Article 13-12 of this Chapter shall apply to each zoning district.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 521, 05/09/2002)

13-07-030 Caretaker exception to dwelling prohibition

Notwithstanding any dwelling prohibition in any zoning district, one residence of an individual acting in the capacity of manager, caretaker, or watchman (and his or her family) shall be permitted.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-040 Height limits

- A. General. Height limits, when designated in both stories and feet, shall not exceed the dimensions designated in feet.
- B. Spires, chimneys, towers, and similar architectural features.
 - 1. Zoning district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, or beacons; nor to any bulkhead, elevator, tank (or similar) extending above a room, as long as the specified feature occupies no more than 25% of the roof area of the building.
 - 2. Zoning district height limitations for buildings are not applicable to towers, antennas and wireless telecommunications facilities used solely for transmissions and receipt by a single use (including, but not limited to, amateur radio and devices necessary for use of a subscription to a commercial wireless provider service).
 - 3. Zoning district height limitations for buildings shall apply to towers, antennas, and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in any zoning district except the PL (Public Lands) zone and requiring a special use permit under section 13-08-080, unless a greater height is expressly provided for as a condition of the special use permit. Note the related setback requirements in subsection 13-07-080 H.

4. Zoning district height limitations for buildings are not applicable to towers, antennas, and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in the PL (Public Lands) zone.
5. Each of the structures enumerated in this subsection must be so located on a lot that its reclining length (in case of collapse) would be contained within the bounds thereof, unless certifications are provided showing that the structures have been specially designed to be safe from collapse.
6. In determining height, the antenna and all related equipment shall be included.

C. Structures near airplane runways or landing strips.

1. Buildings or structures or any portions thereof exceeding a height of 20 feet shall not be erected or structurally altered within 500 feet of the projected center line of an existing or proposed runway or landing strip for 1,000 feet from the end of the existing or proposed runway or landing strip.
2. Beyond 1,000 feet from the end of the existing or proposed runway or landing strip, no portion of a building or structure shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one foot vertical for every 40 feet horizontal, determined as follows:
 - a. If the runway is paved, the glide angle begins at a point on the extended center line of the runway 200 feet beyond and at the same elevation as the end of the runway pavement.
 - b. If the runway is not paved, the glide angle begins 100 feet beyond and at the same elevation as the end of the landing strip.

D. Fences, walls, screen walls, hedges, and shrubbery. Unless otherwise provided in this Chapter, and subject to compliance with the sight visibility triangle requirement of section 13-07-100 below, the maximum height for fences, walls, screen walls, hedges and shrubbery shall be:

1. On any residentially zoned lot (or that portion of other contiguous lots): Four feet in front yard and six feet in side or rear yards.
2. On commercially zoned lots: Six feet along the front lot line and along the side lot lines to the face of the nearest building, and eight feet behind the face of the nearest building and along the rear lot line.
3. On industrially zoned lots: Eight feet.
4. Exterior sides of corner lots: Any fence or wall constructed on the exterior side lot line of a corner lot and/or between the exterior side lot line and the required exterior side set back line (the "required exterior side setback area") shall not exceed four feet in height as measured from the adjacent finished grade at the exterior of the fence or wall. Exterior side fences or walls constructed outside of the required exterior side setback area may be six feet in height as measured from the finished grade at the exterior of the fence or wall.
5. Exterior sides of PD (planned area development) corner lots: Any fence or wall constructed within the required exterior side setback area of a corner lot located in a PD may be six feet in height as long as the fence or wall is not closer than ten feet to the back of the adjacent curb.

6. All fence and wall heights shall be measured from the adjacent finished grade at the exterior of the fence or wall.
7. Decorative gates and entrance ways may exceed the height limits set forth herein up to a maximum of nine feet provided that the width of the decorative gate or entrance way does not exceed 25% of the lineal footage of that portion of the attached fence or wall that runs along the property line upon which the gate or entrance way is located. In no instance shall the decorative gate or entrance way exceed nine feet in height.
8. As specified in Article 13-11 of this Chapter.

E. Buildings. Buildings located on sloping lots are permitted an extra story on downhill side, provided the building height (measured from the floor above the extra story) does not exceed the maximum height in feet allowed in the zoning district.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-060. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 295, 07/22/1993; amended by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 629, 06/09/2005; amended by Ordinance No. 638, 10/13/2005)

13-07-050 Additional lot area and dimension regulations

- A. Any lot of record that exists on the effective date of this Chapter or amendments to it but does not conform with the lot area or width requirements for the zoning district where it is located may be used for any use permitted in that zoning district if the use complies with other applicable regulations of this Chapter.
- B. On and after the effective date of this Chapter or amendments to it, any lot shall not be reduced below the lot area and dimension requirements of this Chapter for the zoning district where it is located.
- C. On and after the effective date of this Chapter or amendments to it, the lot area and/or dimensions of any lot that does not meet the lot area and/or dimension requirements of this Chapter for the zoning district where it is located shall not be further reduced.
- D. On and after the effective date of this Chapter or amendments to it, the yards, lot coverage, lot area per dwelling unit, or other required spaces of any lot shall not be reduced or diminished to less than that required by this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-070. Prior history: Enacted by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-060 Accessory buildings, structures, and uses

- A. Accessory buildings, structures, and uses that do not alter the character of the premises are permitted in conjunction with any compatible principal use. Permitted uses include accessory buildings, structures and uses.
- B. Accessory buildings, structures, and uses may be attached to or detached from the principal building, except that no accessory buildings, structures or uses housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.
- C. Accessory buildings, structures or uses are allowed prior to installation of principal structures only when a construction permit has been issued for the principal structure and construction of the principal structure begins within six months of permit issuance.

- D. On lots in zoning districts that do not include a density designation, a single accessory building shall not exceed 25% of the principal building's roof area.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-080. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 259, 06/27/1991; amended by Ordinance No. 293, 03/25/1993; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 458, 04/08/1999; amended by Ordinance No. 809, 09/24/2015)

13-07-070 Swimming pool safety

- A. Any swimming pool shall be protected by an enclosure surrounding the swimming pool area, as provided in this section.

- B. Enclosure standards. Swimming pool enclosures shall meet the following requirements:

1. The swimming pool shall be entirely enclosed by a wall, fence, or barrier not less than five feet in height as measured from the finished grade on the exterior side of the wall, fence, or barrier.
2. The wall, fence, or barrier shall have no openings through which a spherical object four inches in diameter can pass.
3. The horizontal components of any wall, fence or barrier shall be spaced not less than 45 inches apart measured vertically.
4. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarters inches, measured horizontally.
5. The wall, fence, or barrier shall not contain openings, handholds, or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.
6. The wall, fence, or barrier shall be at least 20 inches from the water's edge.
7. Gates for the enclosure shall:
 - a. Be self-closing and self-latching with the latch located at least 54 inches above the underlying ground or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within 24 inches of the release mechanism.
 - b. Open outward from the pool.

- C. Residence constituting part of required enclosure. If a residence or living area constitutes part of the enclosure required herein for a swimming pool or other contained body of water in lieu of the requirements of subsection B, there shall be one of the following:

1. A minimum 54-inch wall, fence, or barrier to the pool area which meets all of the requirements of subsection B, paragraphs 2 through 7, of this section shall be constructed between the swimming pool or other contained body of water and the residence or living area.
2. All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than 54 inches above the floor. All other openable dwelling unit or guest room windows with

similar access shall be equipped with a screwed-in-place wire mesh screen, or a keyed lock that prevents opening the window more than four inches, or a latching device located not less than 54 inches above the floor.

D. Pool location.

1. In any single-family residential zoning district, private swimming pools shall be in the side or rear yard, and there shall be a distance of at least ten feet between any property line and the water's edge.
2. In any commercial or multi-family residential zoning district, there shall be a distance of at least 25 feet between any property line and the water's edge of a public or semi-public swimming pool.

E. Safety education. A person on entering into an agreement to build a swimming pool or contained body of water or to sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee, or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Arizona Department of Health Services.

F. Exemptions. This section shall not apply to:

1. A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing, or conveying water.
2. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.
3. Residential fish ponds or decorative fountains.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-100. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 619, 03/24/2005; amended by Ordinance No. 750, 08/12/2010)

13-07-080 Additional yard and open space regulations

A. General. A yard or court shall be unobstructed from the ground up by structures (other than fences, free standing walls, signs and certain subsequently permitted deviations and projections).

1. Where reference is to a required yard or setback for a structure, the minimum distance from the property line to the structure shall designate the minimum yard.
2. No lot shall be reduced in a way that reduces any required yard or open space below its minimum size.
3. No yard or open space required for a structure on one lot shall serve the same purpose for a structure on another lot.
4. Through lots that front on two streets shall be considered (for required setback purposes) as having two front yards.
5. Doors, windows, and other building features shall not protrude beyond a lot boundary, including when open or in operation.

B. Required yard deviations (where not in conflict with future width line).

1. Required front yard deviations

- a. On lots rising in elevation from front to center and exceeding 26% grade, the required front yard may be reduced to not less than 50% of the required minimum.
- b. On lots zoned MH, a reduction in the required front yard from 25 feet to 20 feet shall be allowed if necessary to accommodate a longer manufactured home, as long as the total length of the home does not exceed the lot depth minus 44 feet. No manufactured home shall be installed with a reduced front setback unless the reduction is necessary to accommodate the home in conformance with this section.

2. Required side yard deviations.

- a. On any interior residentially zoned lot lacking rear access, and where the septic system is in the rear yard, one side yard must measure no less than 11 feet from the eave or dripline of the house to provide access to the rear yard. If this section applies, the opposite side yard may be reduced by no more than three feet, when necessary.
- b. On a corner lot backing to a key lot, no structure exceeding a four-foot height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the key lot. The requirements of section 13-07-100 (site visibility triangle at street intersections) control when they conflict with this paragraph.
- c. The required side yard adjacent to an alley may be reduced by up to 50%, provided that the reduced setback plus half the alley width is not less than the required side yard width.
- d. On legal nonconforming lots with sub-standard lot widths, a required interior side yard may be reduced by half the lot width shortage as long as the reduction does not exceed 25% of the required interior side yard width.

3. Required rear yard deviations. On lots with a depth less than 280 feet, the width of half of an adjacent existing or planned public or private alley or street right-of-way is counted toward determining whether the lot meets the required rear yard requirement.

C. Encroachment into yards (where not in conflict with future width lines). No structure (other than fences, free standing walls, or signs) shall encroach upon or reduce any open space, required yard, minimum setback requirement, minimum lot area requirement, or parking area as designated under these provisions or under the provisions of the applicable zoning district, except as follows:

1. All yard encroachments.

- a. Cornices, eaves, coolers, open balconies, fire escapes, stairways, or fire towers may project no more than five feet into any required yard or court, but no closer than seven feet from any lot boundary.
- b. Stills, leaders, belt courses (and similar ornamental features), and chimneys may project two feet into any required yard or court.

2. Front yard encroachments.

- a. A bay window, oriel, entrance, or vestibule not exceeding ten feet in width may project three feet into any required front yard.

- b. A balcony, carport, or attached open porch may project no more than six feet into any front yard.
- 3. Rear yard encroachments
 - a. A bay window, oriel, entrance, or vestibule not exceeding ten feet in width may project three feet into any required rear yard.
 - b. A balcony, carport, or attached open porch may project no more than ten feet into any required rear yard, but no closer than ten feet from any common lot boundary.
 - c. A detached accessory structure may be placed in a required rear yard as long as it meets the minimum side yard setback of the lot.
- D. Setbacks from streets and alleys (yard depth) are measured from the more restrictive of the following:
 - 1. From the boundary of a full width right-of-way (or what would be a full width right-of-way where only a partial right-of-way exists), or
 - 2. From a future right-of-way line (see subsection 13-07-090 D).
- E. Measurements from street or alley centerline are from what would be the centerline if a full right-of-way existed in accordance with the minimum right-of-way widths as designated under subsection 13-07-090 C.
- F. Courts that provide natural ventilation or light for rooms must be open to the sky and maintain a minimum dimension of five feet plus one additional foot width for each story above the first.
- G. For purposes of determining whether the installation of a tower, antenna, or wireless telecommunications facility complies with zoning district development regulations, including but not limited to setback requirements, lot-coverage requirements, and similar requirements, the dimensions of the entire lot shall control even if the tower, antenna, or wireless telecommunications facility is located on a separately leased portion of the lot. Setback and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
- H. The following setback requirements apply to all towers, antennas, and wireless telecommunications facilities in zoning districts other than PL for which a special use permit is required. Standard setback requirements may be decreased because of a design safety certification under subparagraph 13-07-040 B. 5 above, or as a condition imposed by the Board of Adjustment or the Town Council if the goals of this Chapter would be better served by them:
 - 1. Towers, antennas, and wireless telecommunications facilities must be set back from any lot line a distance equal to at least 100% of the height of the structure unless the zoning district where the facility is located requires a greater setback.
 - 2. Guys and accessory structures must satisfy the minimum zoning district setback requirements.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-120. Prior history: Enacted by Ordinance No. 9, 06/28/1979; amended by Ordinance No. 16, 11/08/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 66, 04/29/1982; amended by Ordinance No. 78, 03/11/1983; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 589, 03/25/2004; amended by Ordinance No. 638, 10/13/2005)

13-07-090 Streets and alleys

- A. General. Adequate street rights-of-way must be planned and kept clear of permanent structures to provide for future growth.
- B. Street frontage:
 - 1. No lot of five acres or less shall be established without dedication across its full width of a street (or street easement) or right-of-way of sufficient width as may be applicable to the type and alignment of the street, or half such right-of-way width where the owner has no control to provide the other half right-of-way, except that in no case will an owner be required to dedicate more than a 100-foot width (or a 50-foot half right-of-way, as the case may be).
 - 2. Any permit shall be contingent upon the lot owner's dedication of any other streets or alleys that adjoin or project along the lot.
- C. The following are the minimum required roadway right-of-way widths:
 - 1. Arterial roads: 100 feet
 - 2. Collector roads: 60 feet
 - 3. Local roads without topographic problems: 50 feet
 - 4. Other streets: 54 feet.
- D. Setbacks for structures (other than signs, fences, and free-standing walls) shall be measured from the following future right-of-way lines, except as indicated otherwise on the zoning map or on an official highway map or as may be varied after findings and recommendations by the Planning and Zoning Commission that all or part of the future right-of-way width is unwarranted:
 - 1. Twenty-seven feet on each side of mid-section lines
 - 2. Fifty feet on each side of section lines
 - 3. Forty to 60 feet (depending upon topography) on each side of existing or projected centerlines of federal aid, state, or federal highways

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-130. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/14/1995)

13-07-100 Site visibility triangle at street intersections

- A. At street intersections, inside the triangular area formed by the right-of-way lines of the intersecting streets at 33 feet from the point of their intersection:
 - 1. No structure, fence, wall, or hedge shall exceed three feet in height, and
 - 2. No obstruction to vision other than a post or column or tree not exceeding one foot in diameter between a height of three feet and ten feet.
- B. The point of intersection of intersecting streets shall be:
 - 1. The point where the right-of-way lines intersect, if they intersect at a point, or
 - 2. The point where the Town Engineer determines that the projected right-of-way lines would intersect, in all other cases.

- C. See the accompanying diagram for a visual representation of the sight visibility triangle rule.

13-07-110 Temporary buildings and uses

- A. Upon issuance of a building permit for a permanent dwelling, and during its construction, a recreational vehicle may be temporarily occupied on the same site in residential zoning districts.
1. A temporary housing permit shall be required prior to the occupancy of the recreational vehicle. The temporary housing permit shall be issued for a period not exceeding six months, but may be renewed for an additional six months upon the property owner submitting satisfactory evidence that construction of the permanent dwelling is being diligently pursued.
 2. The recreational vehicle shall be disconnected from public utilities and vacated or removed from the property upon expiration of the temporary housing permit or within ten days after completion of the construction work, whichever occurs first.
 3. The Town Council shall set the temporary housing permit fee.
- B. Temporary real estate offices may be occupied upon the approval of a conditional use permit (see section 13-13-090) and subject to the following:
1. The offices shall be located on a subdivision with lots offered for sale shall be used only for the sale of lots in that subdivision.
 2. The offices shall be subject to the height, yard, intensity of use, and parking regulations for the applicable zoning district.
 3. The conditional use permit shall be limited to a period not to exceed two years, but may be extended for two-year periods until 80% of the lots in the subdivision have been sold.
 4. The offices shall be removed upon the expiration of the conditional use permit or when 80% of the lots in the subdivision have been sold, whichever occurs first.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-140. Prior history: Enacted by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 167, 12/10/1987; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995)

13-07-120 Livestock privileges

Except in the AG (agricultural) zone, livestock shall only be allowed on lots one acre or larger and shall be limited to two animals per acre except as follows:

- A. No animals shall be allowed in violation of existing restrictive covenants.
- B. Where permitted, all animals shall be kept in conformance with Chapter 6 of the Town Code of the Town of Prescott Valley.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-150. Prior history: Enacted by Ordinance No. 9, 06/28/1979; amended by Ordinance No. 16, 11/08/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 58, 09/24/1981; repealed and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 399, 10/10/1996)

13-07-130 Conformance

No property shall be used, and no building shall be constructed, altered, placed, or used except in conformity with this Chapter, and this shall include any addition to any nonconforming use.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-03-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-140 Alley

No portion of an alley shall be considered as any part of a lot's required yard. This rule applies whether title to the alley is held by the owner of the lot, a government entity, or a third party.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-03-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-150 No double counting of areas

Land area used to meet the minimum yard or area requirements for a building or use shall not be considered as part of the yard space or minimum area for another building or use.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-03-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/1980; repealed and reenacted by Ordinance No. 178, 05/26/1988)

13-07-160 Building across lot lines

Building across lot lines where two or more lots are used as a building site shall be permitted only to the extent the lots are legally combined.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-03-060. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; Amended by Ordinance No. 551, 04/24/2003; Amended by Ordinance No. 801, 02/12/2015)

13-07-170 Floodplain regulations.

Upon application for a building permit to erect, construct, enlarge or improve any building or structure or to install any mobile, manufactured, or factory-built home, it shall be determined whether said application for permit is for a lot included within an area of special flood hazard. If it is determined that said application for permit is within an area of special flood hazard, the provisions and requirements of Chapter 12 of the Town Code shall apply.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-03-070. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 375, 12/28/1995)

ARTICLE 13-08. REGULATIONS PERTAINING TO PARTICULAR USES

13-08-010 Churches

Churches are permitted in any zoning district, subject to:

- A. The minimum development standards for the zoning district where the church is located;
- B. Minimum requirements of Article 13-10 (off-street parking requirements); and
- C. Minimum requirements of Article 13-11 (site development standards).

13-08-020 Community residences

A. Requirements for all community residences.

1. A complete application to permit a community residence shall be submitted to the Zoning Administrator.
2. A community residence must be located at least 800 linear feet from the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence along legal pedestrian rights-of-way.
3. If the State of Arizona does not require the proposed community residence to be licensed, services that require licensure under state law may not be provided at the community residence.
4. The community residence operator or applicant shall:
 - a. Be licensed or certified by the State of Arizona to operate the proposed community residence, or
 - b. Have certification from an appropriate national accrediting agency, or
 - c. Have been recognized or sanctioned by Congress to operate the proposed community residence, except as required by state law.

B. Family community residences.

1. Subject to the requirements set forth in this section, a family community residence is allowed as of right in the following zones if it meets the location requirement in subparagraph 13-08-020 A. 2 above and the operator or applicant requirements in subparagraph 13-08-020 A. 4 above:
 - a. RU (residential; single family rural)
 - b. RL (residential; single family limited)
 - c. RM (residential; single family mixed housing)
 - d. MH (residential; single family manufactured homes)
 - e. MF (residential; multi-family dwelling units)
 - f. RS (residential and services)
 - g. CN (commercial; neighborhood sales and services)
 - h. CG (commercial; general sales and services)
 - i. CI (commercial; minor industrial)
 - j. PM (performance manufacturing)
2. Except as provided by state law, a conditional use permit must be obtained in accordance with the use standards specified in subsection 13-08-020 D below for any family community residence that does not meet the criteria set forth in subsection 13-08-020 B. 1 above.

C. Transitional community residences.

1. Subject to the requirements set forth in this section, a transitional community residence is allowed as of right in the following zones if it meets the location requirement in subparagraph 13-08-020 A. 2 above and the operator or applicant requirements in subparagraph 13-08-020 A. 4 above:
 - a. MF (residential; multi-family dwelling units)
 - b. RS (residential and services)
 - c. CN (commercial; neighborhood sales and services)
 - d. CG (commercial; general sales and services)
 - e. CI (commercial; minor industrial)
 - f. PM (performance manufacturing)
2. Except as provided by state law, a conditional use permit must be obtained in accordance with the use standards specified in subsection 13-08-020 D below for any transitional community residence that does not meet the criteria set forth in paragraph 13-08-020 C. 1 above.

D. Community residence conditional use permits. If a conditional use permit is required for a family community residence or a transitional community residence, a separate application must be submitted as set forth in Section 13-13-090 (conditional use permits). A conditional use permit may be issued only if the proposed community residence meets the following standards:

1. The applicant demonstrates through documentation and evidence that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence.
2. The applicant demonstrates through documentation and evidence that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the proposed community residence.
3. The applicant demonstrates through documentation and evidence that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by concentrating community residences on a block or in a neighborhood.

E. Reasonable accommodation. The applicant may apply for a waiver for reasonable accommodation, which applications are considered and acted upon by the Zoning Administrator or the Zoning Administrator's designee.

1. Whether a particular accommodation is reasonable depends on the facts and must be decided on a case-by-case basis.
2. If the requested accommodation would impose an undue burden or expense for the Town or if the proposed use would create a fundamental alteration in the Town's zoning scheme, the requested accommodation is unreasonable.

3. In all cases the Zoning Administrator shall make findings of fact in support of its determinations and shall render its decision in writing.
4. The Zoning Administrator may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings.
5. An applicant may appeal the denial of a waiver for reasonable accommodation to the Board of Adjustment pursuant to Section 13-13-020.

(Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-06-020(A)(13). Prior history: Enacted by Ordinance No. 2023-932, 01/11/2024)

13-08-030 Electric vehicle charging

- A. Electric vehicle charging is a permitted accessory use in the RU, RL, RM, MH, and MF zones.
- B. Electric vehicle charging is a permitted primary or accessory use in all other zones.

(Enacted by Ordinance No. %%)

13-08-040 Marijuana uses

- A. Terms and definitions. The terms used in this section shall be defined according to the Arizona marijuana laws, supplemented with the following definitions:
 1. Arizona marijuana laws: Laws and regulations of the State of Arizona pertaining to marijuana, as they may be amended, including without limitation all the following:
 - a. The Arizona Medical Marijuana Act, A.R.S. § 36-2801 *et seq.*
 - b. The Smart and Safe Arizona Act, A.R.S. § 36-2850 *et seq.*
 - c. Rules and regulations pertaining to marijuana promulgated by the Arizona Department of Health Services.
 2. Marijuana cultivation facility: A building, structure or premises used for the cultivation or storage of marijuana that is physically separate and off-site from a nonprofit medical marijuana dispensary, marijuana establishment, or dual marijuana establishment.
 3. Dual marijuana establishment: A combined nonprofit medical marijuana dispensary and marijuana establishment in a shared location and operated by a dual licensee.
- B. Interpretation. The requirements of this section control the possession, consumption, processing manufacture, transportation, and cultivation of marijuana in the Town, as supplemented and limited by the Arizona marijuana laws.
- C. General restrictions.
 1. To the fullest extent allowable under Arizona marijuana laws, the operation of a nonprofit medical marijuana dispensary or marijuana establishment is prohibited, except that a dual marijuana establishment operated by a dual licensee who has not forfeited or terminated its nonprofit medical marijuana dispensary registration from the Arizona Department of Health Services is a permitted use in the CG (commercial; general sales and services), CI (commercial; minor industrial), PM (performance manufacturing), IG (industrial; general limited), and IH (industrial; heavy) zones, subject to the limitations and requirements of this section and the following:
 - a. Must comply with the requirements of section 13-11-070 (nuisances and hazards).

- b. The name and location of its associated marijuana cultivation facility, if applicable, shall always be on file with the Town.
- c. Shall not provide drive-through services.
- d. Shall be operated from within a permanent building on an established foundation constructed in compliance with Town building codes, and shall not include any temporary, portable, or self-powered mobile facilities, or trailer, cargo container, or motor vehicle.
- e. The permitted hours of operation shall be from 7:00 am to 10:00 pm.
- f. Shall not make or provide offsite deliveries of marijuana or marijuana products to customers or patients.
- g. Shall not have outdoor seating areas.
- h. Consumption of marijuana on the premises is prohibited.
- i. Retail sales of marijuana paraphernalia are prohibited, except as permitted by Arizona marijuana laws.
- j. No marijuana or paraphernalia shall be visible from outside the premises.
- k. Shall properly and securely dispose of marijuana remnants and discarded marijuana by-products.
- l. All marijuana, marijuana remnants, and marijuana by-products shall be disposed of in a manner that renders them unusable.
- m. Shall not emit dust, fumes, vapors, or odors into the environment.
- n. Ventilation, air filtration, and structures shall comply with adopted Town building codes.
- o. The design of buildings and structures shall be compatible with adjacent uses.
- p. Shall not sell marijuana or marijuana products to consumers, except as permitted by Arizona marijuana laws.
- q. Shall submit a written security plan to the Prescott Valley Police Department describing:
 - (1) The actions taken to deter and prevent unauthorized entrance into limited access areas,
 - (2) Security equipment and electronic monitoring devices, and
 - (3) Exterior lighting to facilitate surveillance.
- r. Location restrictions.
 - (1) No dual marijuana establishment may be operated or maintained within a 500-foot radius of any of the following:
 - (a) Another dual marijuana establishment.
 - (b) A nonprofit medical marijuana dispensary or marijuana establishment.
 - (c) A marijuana cultivation facility.

- (d) The nearest zone boundary of the RU, RL, RM, MH, MF, and RS zoning districts.
 - (e) A public or private preschool, kindergarten, elementary school, secondary school, or high school.
 - (f) A place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.
- (2) Measurements for purposes of subparagraph (1) above shall be the shortest horizontal line from the nearest exterior wall of the dual marijuana establishment building to the property line of the other use.
- 2. Dual marijuana establishments with onsite cultivation or infusion facilities are permitted in the CI (commercial; minor industrial), PM (performance manufacturing), IG (industrial; general limited), and IH (industrial; heavy) zones, subject to the limitations, restrictions, and requirements for dual marijuana establishments set forth in paragraph 1 above, and the following additional requirements:
 - a. Cultivation of marijuana shall be confined to a secure indoor area not detectable from and completely separated and secured from areas accessible to the public and from the exterior of the building where the cultivation occurs.
 - b. Must obtain all required permits and licenses from the local health department for food handling and preparation in connection with infusion operations.
 - c. Shall comply with applicable laws to ensure safe and secure extraction processes.
- 3. Marijuana cultivation facilities are permitted in the CI (commercial; minor industrial), PM (performance manufacturing), IG (industrial; general limited), and IH (industrial; heavy) zones, subject to the following limitations, restrictions, and requirements:
 - a. Must comply with the requirements of section 13-11-070 (nuisances and hazards).
 - b. The following shall always be on file with the Town:
 - (1) The name and location of the nonprofit medical marijuana dispensary, marijuana establishment, or dual marijuana establishment associated with the marijuana cultivation facility.
 - (2) A copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.
 - c. Retail sales of marijuana are prohibited.
 - d. Cultivation shall take place in an “enclosed area” as defined in the Arizona marijuana laws and where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.
 - e. Only medical marijuana dispensary agents and marijuana establishment licensees registered with the Arizona Department of Health Services may lawfully enter the marijuana cultivation facility. Entry by others who are not registered or licensed with the Arizona Department of Health Services is strictly prohibited.
 - f. Location restrictions.

- (1) No marijuana cultivation facility may be operated or maintained within a 500-foot radius of any of the following:
 - (a) Another marijuana cultivation facility
 - (b) A nonprofit medical marijuana dispensary, marijuana establishment, or dual marijuana establishment.
 - (c) The nearest zone boundary of the RU, RL, RM, MH, MF, and RS zoning districts.
 - (d) A public or private preschool, kindergarten, elementary school, secondary school, or high school.
 - (e) A place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.
- (2) Measurements for purposes of subparagraph (1) above shall be the shortest horizontal line from the property line of the marijuana cultivation facility to the property line of the other use.
4. To the fullest extent allowable under Arizona marijuana laws, the operation of a marijuana testing facility is prohibited.
5. To the fullest extent allowable under Arizona marijuana laws, the operation of cultivation locations where the licensee cultivates marijuana, processes marijuana, and manufactures marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers, is prohibited.
6. To the fullest extent allowable under Arizona marijuana laws, the operation of manufacturing locations where the licensee manufactures marijuana products and packages and stores marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers, is prohibited.

D. Additional residential restrictions.

1. Cultivation of marijuana is prohibited in any residential zoning district.
2. Kitchen, bathrooms, and bedrooms shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
3. A residence shall not emit marijuana dust, fumes, vapors, or odors into the environment.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-06-020(A)(12), 13-14-020(A)(3)(l), 13-14-020(A)(5), 13-14-020(B)(5)-(8), 13-14-080(B), and 13-15-070(B)-(E). Prior history: Enacted by Ordinance No. ^)

13-08-050 Mobile food vendors

Mobile food vendors are subject to the following conditions and limitations:

- A. Residential prohibition. A mobile food vendor shall not operate in an area zoned for residential use or within 250 feet of an area zoned for residential use, except:
 1. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or
 2. Subject to applicable laws and the Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate

agreement with the property owner to operate a mobile food unit for a maximum of six hours within a 24-hour period on the private property.

3. For not more than four hours in any day while food is being loaded or prepared, one mobile food unit may be parked on a single-family residential lot:
 - a. Where the mobile food vendor resides;
 - b. That includes all the facilities required to meet the definition of “commissary” in Arizona Administrative Code section R9-8-110 (“Mobile Food Units”) paragraph A;
 - c. So long as the manner and scale of the loading and preparation of food and the disposal of refuse and wastewater are consistent with the residential character of the area; and
 - d. Upon issuance of a conditional use permit for commercial food preparation (see subparagraph 13-04-040 B. 4 above.
- B. Town-owned property. A mobile food vendor shall only operate in a legal parking space. If the mobile food vendor desires to operate on Town property other than a legal parking space in a right-of-way, the mobile food vendor shall obtain from the Town:
 1. A separate licensing for use, services contract, or similar agreement, which will be entered into at the Town’s sole discretion and applicable law; or
 2. A special event permit or similar permission in accordance with the Town Code.
- C. Private property. A mobile food vendor shall obtain written permissions to use any private property where a mobile food unit is operating and shall provide proof of such written permission on request by the Town.
- D. Parking.
 1. A mobile food unit shall only operate in a legal parking space. For purposes of this section, “legal parking space” means an area designated for vehicle parking in the Town right-of-way that may be paved or unpaved and may be delineated by road surface markings. Legal parking space does not include a parking space in a parking lot on property owned by the Town.
 2. A mobile food unit, including any semi-permanent structure used or associated with the mobile food unit, may use no more than one legal parking space, unless the mobile food vendor has a separate agreement with the Town to use additional legal parking spaces or parking spaces on Town property other than right-of-way.
 3. No mobile food unit exceeding 24 feet may park diagonally in a diagonal parking space or park in any manner that occupies more than one diagonal parking space.
 4. No mobile food unit shall operate with the serving window facing street traffic.
 5. A mobile food unit shall abide by all parking regulations, including posted time limits. If there are no other time restrictions on the use of a legal parking space, a mobile food unit shall not occupy a legal parking space for more than six hours in a 24-hour period. “Occupy” within this Subsection means within 100 feet of the place in which the mobile food unit was initially parked.
 6. A mobile food unit shall not occupy a legal parking space with insufficient parking capacity as prescribed by the Town Code and applicable law, and includes occupying a legal parking space that reduces the number of available parking spaces surrounding the

area which is required for the principal use or uses of the property associated with the parking spaces as set forth in A.R.S. Title 9, Chapter 4, Article 7.2.

7. A mobile food vendor shall not claim or attempt to establish any exclusive right to park at a particular street location unless the parking space is being used for a permitted event.
- E. Fire and safety inspection. A mobile food vendor must ensure that all mobile food units comply with current Central Arizona Fire and Medical Authority (“CAFMA”) Fire Protection Development Standards, state law and the Town Code relating to fire and explosion safety standards.
- F. Mobile food units operating within Town boundaries shall be inspected by CAFMA, or the mobile food vendor shall provide evidence that the mobile food unit passed a fire inspection by another city or town fire department in Arizona within the preceding 12 months.
- G. Refuse, trash and litter maintenance. A mobile food unit shall:
 1. Provide a minimum of one 15-gallon trash receptacle within 15 feet of each individual mobile food unit for customers and employees;
 2. Maintain an area around the mobile food unit clear of litter, garbage, rubble, and debris; and
 3. Transport the trash from the area of operation to an authorized waste disposal location.
- H. Noise restrictions. Noise levels from mobile food units shall not exceed the Town’s noise standards pursuant to Town Code Section 10-01-070 “Noise”.
- I. Security.
 1. Mobile food units and surrounding vending areas shall be maintained in a safe and clean manner at all times.
 2. Mobile food units shall provide adequate lighting to ensure customer safety in the vending areas. Lighting shall be directed downwards and away from rights-of-way and adjacent properties.
 3. Mobile food units and their customers shall not obstruct the movement of pedestrians or other vehicles using the sidewalk, street, alley, or other public right-of-way.
- J. Insurance. If a mobile food unit operates an event sponsored by the Town or operates on public property, including rights-of-way or property owned by the Town, the mobile food vendor shall obtain insurance naming the Town as an additional insured in amounts as required by the Town and in accordance with the requirements of A.R.S. Title 9, Chapter 4, Article 7.2. Such insurance policies shall meet the following requirements:
 1. The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.
 2. The policy shall designate by manufacturer’s serial or identification number all mobile food units for which coverage is granted.
 3. The policy shall insure the person named in the policy and any other person using the mobile food unit with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance, or use of the mobile food unit in Arizona.

(Rewritten and re-codified by Ordinance No. %%. Previously codified at sections 13-06-020(C)(1) and 13-13-020(A)(2)(t). Prior history: Enacted by Ordinance No. ^)

13-08-060 Sexually oriented businesses

- A. Sexually oriented businesses are permitted only in the IG (industrial; general limited) and IH (industrial; heavy) zones, and pursuant to the restrictions, limitations, and requirements set forth in this section.
- B. The definitions in A.R.S. § 11-811 (D) and A.R.S. § 13-1422 (G), as they may be modified, as supplemented by the following definitions, apply for purposes of this section.
 - 1. Adult enterprise: Any commercial or business enterprise promoting or exploiting nudity or semi-nudity in the regular course of business and as one of its principal business purposes, for the purpose of advancing the economic welfare of the business or enterprise
 - 2. Adult motel: A motel or hotel or similar commercial establishment that:
 - a. Offers accommodations to the public for any form of consideration which:
 - (1) Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas; and
 - (2) Has a sign visible from the public right-of-way that advertises the availability of any of the above types of material; or
 - b. Offers a guest room for rent for a period less than ten hours; or
 - c. Allows a tenant or occupant of a guest room to sub-rent the room for a period less than ten hours.
 - 3. Adult novelty store: A retail business offering for sale or rental any instruments, devices, or paraphernalia used or designed for use in connection with specified sexual activities (excluding condoms and other birth-control and disease prevention products), and which regularly excludes all minors from the premises or a section of the premises because of the sexually explicit nature of the items sold, rented, or displayed there.
 - 4. Sexually oriented business: Includes adult arcades, adult bookstores or video stores, adult cabarets, adult enterprises, adult motels, adult motion picture theaters, adult novelty stores, adult oriented businesses, adult theaters, and massage establishments. Includes any business classified as a sexually oriented business pursuant to Prescott Valley Town Code section 9-07-020, or any combination of those businesses.
- C. Nothing in this section shall be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
- D. An establishment may have other principal business purposes and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt the establishment from being categorized as a sexually oriented business so long as one of its principal business purposes fits within the definitions in this section.
- E. This section does not include the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or

communication of ideas or information, as differentiated from the promotion or exploitation of nudity or semi-nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

F. All sexually oriented businesses shall be subject to the following conditions, limitations, and requirements:

1. Compliance with section 13-11-070 (nuisances and hazards).
2. No sexually oriented business may be operated or maintained within a 1,000-foot radius of any of the following:
 - a. Another sexually oriented business. For purposes of this paragraph, all sexually oriented businesses with a common owner and building entrance shall be considered a single sexually oriented business.
 - b. The zoning district boundaries of the RU (residential; single family rural), RL (residential; single family limited), RM (residential; single family mixed housing), MH (residential; single family manufactured homes), MF (residential; multi-family dwelling units), and RS (residential and services) zones.
 - c. A public or private (state approved) day nursery or preschool.
 - d. A state-licensed child care facility.
 - e. A public or private elementary, middle, or high school.
 - f. A secondary school or vocational high school.
 - g. A public park.
 - h. A public library.
 - i. A public administrative building, including Town Hall, the Municipal Court, the Police Department, the Building Department, and other public buildings where members of the public engage with government, but not including shop buildings such as the Public Works Department.
 - j. A public or private recreational facility, including but not limited to public recreation centers, swimming pools, playgrounds, ballfields and courts, community buildings, teen centers, YMCAs, Boys and Girls Clubs, and community centers.
 - k. A church, synagogue, temple, or mosque.
 - l. An amusement park or game center.
3. Measurements for purposes of subparagraph 2 above shall be taken as follows:
 - a. If the separated use is conducted in a building, the measurement shall be from the closest point on the structure where a sexually oriented business is conducted to the closest point on the structure where the separated use is conducted.
 - b. If the separated use is a school or other use where all or any portion of the use is conducted outdoors, the measurement shall be from the closest point on the structure where a sexually oriented business is conducted to the closest point along the property boundary where the separated use is conducted.
 - c. If the separated use is a zoning district, the measurement shall be from the closest point on the structure where a sexually oriented business is conducted to the closest

point along the boundary of the zoning district (but excluding any portion of the zoning district located within the public right-of-way).

4. All exterior doors of the structure in which the sexually oriented business is located shall remain closed during business hours.
5. None of the materials, projections, entertainments, or other activities involving or depicting specified sexual activities or exposing specified anatomical areas shall be visible or audible from:
 - a. Outside the structure where the sexually oriented business is located, or
 - b. Portions of the structure accessible to minors.
6. In addition to complying with all other requirements of Article 13-09 (Sign Regulations) and the limitations on obscene signs in section 13-09-080 (prohibited signs), sexually-oriented businesses may not use window displays.
7. All sexually oriented businesses shall strictly comply with the standards set forth in Prescott Valley Town Code Article 9-07.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-17-020.A.12 & 13-17-050.B. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 341, 11/03/1994; amended by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 552, 03/13/2003; amended by Ordinance No. 550, 04/24/2003)

13-08-070 Short term rentals and vacation rentals

Short term rentals and vacation rentals, as defined in A.R.S. § 9-500.39, are permitted as required by A.R.S. § 9-500.39, subject to the following:

- A. Owners shall provide all parking for guests on site in accordance with the residential parking requirements found in section 13-10-050 (off-street parking requirements).
- B. Owners and guests shall comply with all applicable requirements of this Code, including those related to noise, fireworks, prostitution, offensive premises, nuisance lighting, refuse collection, and property maintenance.
- C. Use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a structured sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses is strictly prohibited.
- D. Owners shall provide guests with a 24-hour emergency point of contact.

(Enacted by Ordinance No. %%)

13-08-080 Towers, antennas, and wireless telecommunications facilities

- A. Applicability. All towers, antennas, and wireless telecommunications facilities shall be subject to the requirements of this section except those used solely for transmissions and receipt by a single user and not otherwise restricted within the applicable zoning district, such as amateur radio and devices necessary for a subscription to a commercial wireless provider service.
- B. General provisions.
 1. Appearance.

- a. Towers, antennas, and wireless telecommunications facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA) be painted to reduce visual obtrusiveness and blend with the surroundings.
 - b. Antennas and related electrical and mechanical equipment attached to alternative tower structures must be of a color compatible with the color of the supporting structures to make the antennas and related equipment visually unobtrusive.
 - c. Improvements comprising a wireless telecommunications facility shall, to the extent possible, use a mix of materials, colors, textures, screening, and landscaping that blend the appearance of the improvements into the natural setting.
 - d. Towers, antennas, and wireless telecommunications facilities shall not be artificially lit, except to the extent required by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional lighting devices and the applicant's reasons for choosing the selected light device over each of the other options. Economy and serviceability are among acceptable criteria for selection.
 - e. All towers, antennas, and wireless telecommunications facilities shall meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate them or their components. If the standards and regulations are changed, the owners of the towers, antennas, and wireless telecommunications facilities shall bring their facilities into compliance within six months of the effective date of the updated standards, unless a different compliance schedule is mandated by controlling law.
 - f. No signs shall be placed or allowed to be placed on any tower, antenna, or wireless telecommunications facility except required safety and warning signs.
 - g. Towers, antennas, and wireless telecommunications facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Town or by any state or federal law or agency.
 - h. Accessory structures used in direct support of a tower, antenna, or wireless telecommunications facility are permitted but may not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment not used in direct support of the facilities shall not be stored or parked on site.
2. Security. All towers, antennas, and wireless telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access.
3. Collocation. The Town encourages collocation of telecommunications facilities.
 - a. Preference: An applicant who certifies in writing that the tower, antenna, or wireless telecommunications facility constructed will be suitable for collocating multiple providers and, as a condition of zoning, executes a written agreement (collocation agreement) with the Town consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for either a final approval or rejection of an application for a special use permit, or favorable terms for a lease agreement with the Town. Any such preferential treatment or favorable terms can only be given after the Town receives a complete and correct application (either for a special use permit or a lease agreement), all fees, and required forms and documents.

- b. Collocation agreement: The collocation agreement shall provide for at least the following:
- (1) The applicant shall accept for collocation any FCC licensed wireless telecommunications provider (additional user) who uses any compatible technology, on commercially reasonable terms considering all of the factors a reasonable leasing company would deem relevant in entering into a collocation agreement.
 - (2) Any additional user seeking collocation shall submit specifications for its equipment and use to the applicant and the applicant shall respond to the additional user in writing within 30 days, furnishing all technical requirements that must be resolved before collocation.
 - (3) The applicant and the additional user shall attempt in good faith to resolve any outstanding technical or business terms. If technical or business terms are not worked out 30 days or more after the applicant's response, the additional user may submit a written request to the applicant for arbitration, and the applicant shall cooperate with the additional user to arrange for the American Arbitration Association to designate a person knowledgeable in collocation of wireless telecommunications providers to act as arbitrator and to decide all issues between the parties. The arbitration shall be held within 30 days after the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable.
 - (4) If the applicant has failed to comply with the decision of the arbitrator within 15 days after the arbitrator's decision, then either the special use permit or the lease agreement with the Town related to the tower, antenna, or wireless telecommunications facility shall be terminated and the facility shall be removed within 30 days of the date of the arbitrator's certificate. If the applicant fails to remove the facility within the specified time, the Town shall have all remedies available to it for elimination of a use in violation of the Town Code.
 - (5) The additional user becomes a third-party beneficiary to the collocation agreement upon submitting the request seeking collocation.
 - (6) The Town shall not be a party to any contract between the applicant and the additional user, and shall not be made a party to any dispute or arbitration between them. Applicant shall indemnify, defend, and hold harmless the Town from and against any cost, including reasonable attorneys' fees, associated with any dispute or arbitration between the applicant and the additional user.
 - (7) A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.
4. Modification of structures. No existing tower, antenna or wireless telecommunications facility may be changed or modified except as follows:
- a. The change or modification is required by a change in user or technology;

- b. The change does not increase the height of the tallest component above the height approved in this Chapter, in a special use permit, in a lease agreement, or (in the case of an existing facility) above its current height (except as allowed under 47 United States Code Section 1455);
 - c. At the conclusion of the change or modification, the structure complies with all requirements of the building department; and
 - d. Each of the documents and certifications required for a special use permit are provided.
5. Abandonment of facilities.
- a. Any tower, antenna, or wireless telecommunications facility not operated for a continuous period of 12 months due to some conduct within the control of and attributable to the property owner shall be considered abandoned, despite the owner or operator's future intentions for the facility. The owner of a telecommunications facility and the owner of the real property where the facility is located are jointly responsible for removing the abandoned facility. If the facility is not removed within 60 days after the owner and operator receive notice of abandonment from the Town, the Town may remove the facility and place a lien upon the property for the costs of removal. The Town may pursue all legal remedies available to it to ensure that abandoned telecommunications facilities are removed. The Town's delay in acting shall not waive the Town's right to act. The Town may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.
 - b. If the owner of an abandoned telecommunications facility wishes to use the abandoned facility, the owner must first apply for and receive all applicable permits and meet all of the conditions of this Chapter as if the facility were new.
6. Removal of facilities.
- a. All towers, antennas, and wireless telecommunications facilities shall be maintained in compliance with standards contained in applicable state or local building and technical codes, as well as the applicable health and safety standards established by the FCC or other bodies having jurisdiction, to ensure their structural integrity. If any telecommunications facility is determined not to comply with the Code standards or to constitute a danger to persons or property, the owner of the facility and the owner of the real property shall have 30 days after notice from the Town to bring the facility into compliance. If the telecommunications facility is not brought into compliance within 30 days, the Town may provide notice to the owners requiring the telecommunications facility to be removed. If the telecommunications facility is not removed within 30 days of receipt of the Town's notice of removal, the Town may remove the facility and place a lien upon the property for the removal costs. The Town's delay in acting shall not waive the Town's right to act. The Town may pursue all available legal remedies to ensure that telecommunications facilities not in compliance with the Code standards or which constitute a danger to persons or property are brought into compliance or removed. The Town may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the facility and regardless of any permits, federal, state, or otherwise, which may have been granted.

- b. Upon removal of the wireless telecommunication facility, the site shall be returned to its natural state and topography, and vegetated consistent with the natural surroundings.
- C. Real property owners in the PL (Public Lands) zone may require owners of towers, antennas, and wireless telecommunications facilities to enter into lease agreements as pre-requisites to exercising the permitted use for towers, antennas, and wireless telecommunications facilities in the PL (Public Lands) zone. Real property owners shall be guided by the current Wireless Telecommunications Plan for Central Yavapai County, as adopted by the Town from time to time in conjunction with other local jurisdictions, in determining whether to enter into such lease agreements. The decision to enter into lease agreements is at the sole discretion of the real property owners, bearing in mind any prior contractual obligations and the option of tower, antennas, and wireless telecommunications facilities owners to seek special use permits to locate the facilities in other zoning districts if sites in the PL (Public Lands) zone are unavailable. Prior to entering into lease agreements, real property owners and potential lessees shall conduct at least one informational meeting for owners of real property located within 300 feet of the proposed facilities.
- D. Towers, antennas, and wireless telecommunications facilities that do not qualify as accessory buildings, structures, or uses, but that otherwise comply with the requirements of this Chapter, may be located on lots containing other principal buildings, structures, or uses in accordance with the requirements of this section.
- E. For towers, antennas, and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use (such as amateur radio and devices necessary for use of a subscription to a commercial wireless provider service), zoning district height limitations for buildings:
 1. Shall not apply in the PL (Public Lands) zone.
 2. Shall apply in all other zoning districts.
 3. Except as otherwise provided for as a condition of a special use permit issued pursuant to this section.
- F. For purposes of determining whether the installation of a tower, antenna, or wireless telecommunications facility complies with zoning district development regulations, including (but not limited to) setback requirements:
 1. Lot-coverage requirements, and similar requirements, the dimensions of the entire lot shall control even though the tower, antenna or wireless telecommunications facility may be located on a separately leased portion of the lot.
 2. Setback and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
- G. The following setback requirements shall apply to all towers, antennas, and wireless telecommunications facilities in zoning districts other than PL for which a special use permit is required, unless the applicant provides certification that the structure has been specially designed to be safe from collapse and except as otherwise provided for as a condition of a special use permit issued pursuant to this section:
 1. Towers, antennas, and wireless telecommunications facilities must be set back from any lot line a distance equal to at least 100% of the height of the structure unless a greater setback is required for the zoning district.

2. Guys and accessory structures must satisfy the minimum zoning district setback requirements.
- H. Applications for special use permit to construct towers, antennas, or wireless telecommunications facilities shall be accompanied by the following additional information:
1. The zoning classification of the site;
 2. A map of all properties within 300 feet of the proposed site, together with a mailing list of all property owners within 300 feet and stamped envelopes pre-addressed to each such property owner;
 3. A map of adjacent roadways;
 4. A drawing of proposed means of access;
 5. Elevation drawings of the exterior of each element of the proposed wireless telecommunications facility;
 6. A complete landscape plan stamped by a registered landscape architect;
 7. The setback distance between the proposed wireless telecommunications facility and
 - a. the nearest residential unit,
 - b. all residentially zoned properties within 300 feet of the wireless telecommunications facility,
 - c. all schools within 300 feet of the wireless telecommunications facility, and
 - d. all hospitals within 300 feet of the wireless telecommunications facility;
 8. The separation distance from other towers described in the inventory of existing sites, their type of construction, and the owners' names and addresses;
 9. The method of fencing;
 10. Coloration;
 11. Materials;
 12. Illumination;
 13. Camouflage;
 14. Certification that the wireless telecommunications facility, as represented in the application, will comply with all FAA, FCC, and other applicable regulations;
 15. A map of all locations owned, leased or operated by the applicant (and their coverages) within ten miles of the proposed site, or which are capable of communication with the proposed site by wireless means;
 16. A map of all designated multiple-site locations within two miles of the proposed site;
 17. An inventory of the location, height, and type of applicant's existing and proposed towers, wireless telecommunications facilities, and alternative tower structures located in or within one mile of the Town;
 18. Certification that all wireless telecommunications facilities within 25 miles of the proposed site which are owned, leased, or operated by any provider who will use the proposed site comply with all applicable FCC, FAA, and other applicable regulations;

19. Certification of whether the applicant is applying for collocation treatment;
 20. Certification that police departments, fire departments, other public safety agencies, water departments, and local governments located within five miles of the proposed site have been notified of the application;
 21. Copies of all federal and state wireless telecommunications licenses for providers who will use the proposed facility;
 22. A list of all existing PL zoning district sites located within five miles of the proposed site, with an explanation why each site is not adequate for reasonable commercial coverage; and
 23. A list of each wireless telecommunications facility with which the proposed site has the potential to interfere, including the name, address, and phone number of each owner. Within ten days following filing of the application, the applicant shall file a certificate that each of the listed persons have been given written notice of the application.
- I. When considering a special use permit application for towers, antennas and wireless telecommunications facilities, the Planning Commission and the Town Council shall consider such factors as the height proposed for facilities, proximity to other uses, proximity of historic sites, proximity of landmarks, vehicle traffic routes, proximity of medical facilities, air routes, topographical features, availability of public utilities, site access, and suitability of alternative sites. With regard to alternative sites, the Planning Commission and the Town Council shall be guided by the most recently adopted Wireless Telecommunications Plan for Central Yavapai County which sets forth the priority of properties on which to place towers, antennas and wireless telecommunications facilities. In addition, the following performance criteria are deemed to be consistent with the health, safety and welfare of the community with regard to siting of towers, antennas and wireless telecommunications facilities:
1. Existing structures will be preferred over new structures;
 2. New structures which appear to be structures commonly found within the zoning district are preferred over apparent wireless telecommunications facilities;
 3. Wireless telecommunications facilities which cannot be readily observed from adjacent streets are preferred;
 4. Heights which do not exceed the height limitations for the particular zoning district are preferred;
 5. Collocation of multiple uses on a single wireless telecommunications facility has significant favorable weight in evaluating an application;
 6. Network development plans which achieve the fewest number of wireless telecommunications facilities reasonably necessary for commercial coverage have significant favorable weight in evaluating an application;
 7. Location in the least restrictive zoning districts is preferred;
 8. New facilities should not be sited within 300 feet of any residences (including single- and multi-family residences and residential facilities such as community residences and nursing homes), schools (but not including secondary school and college athletic fields), or hospitals; and
 9. Suitability of the location for collocation of governmental public service wireless communication facilities has significant favorable weight in evaluating an application.

J. When issuing a decision on a special use permit application for towers, antennas and wireless telecommunications facilities, a written decision shall be issued based on the evidence in the written record, and no decision shall attempt to regulate radiofrequency emissions (except to require that applicants meet FCC standards).

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-03-080, 13-21-060(A), 13-21-110, 13-21-120(E) and (F), and 13-21-160. Prior history: Enacted by Ordinance No. 439, 06/25/1998)

13-08-090 Utility uses

- A. All public utilities and utility facilities must be sited and built to minimize noise, traffic, visual, and other adverse impacts on surrounding uses.
- B. Public utilities are a permitted accessory use in all zoning districts.
- C. Utility facilities other than solar as a primary use and wind turbines:
 - 1. Require a conditional use permit issued pursuant to section 13-13-090 (conditional use permits) in the AG (agricultural), RU (residential; single family rural), RL (residential; single family limited), RM (residential; single family mixed housing), MH (residential; single family manufactured homes), MF (residential; multi-family dwelling units), and RS (residential and services) zones.
 - 2. Are permitted in all other zones.
- D. Solar as primary use and wind turbines require a special use permit issued pursuant to section 13-13-110 (special use permits) in the IG (industrial; general limited), IH (industrial; heavy), PL (public lands), and AG (agricultural) zones, and are prohibited in all other zones.

ARTICLE 13-09. SIGN REGULATIONS

13-09-010 Purpose

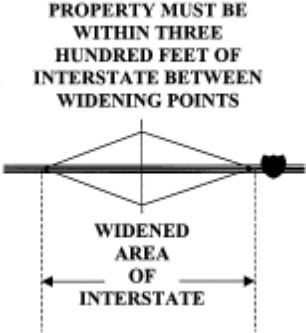
The purpose of this Article is to balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication, and advertising. It ensures proper design, construction, and maintenance, promotes positive conditions for communication, allows signs appropriate to the character of each zoning district, promotes traffic safety, and protects constitutional guarantees of free expression.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-010. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; replaced and reenacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 874, 03/26/2020)

13-09-020 Sign type definitions

Term	Definition
Animated sign	Any sign (or part of a sign) employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Includes spinners, pinwheels, pennants, flags, and similar devices that respond to wind or other environmental input; other repetitive motion devices powered by electric or other mechanical motors; and other devices that produce the illusion of motion through illumination capable of simulating movement through flashing, or alternate or sequential light patterns.

Term	Definition
Banner	Any fabric, bunting, pliable plastic, paper, or other light material attached to any structure, staff, pole, rope, wire or framing which are anchored on two or more edges or at all four corners. Flags are excluded from this definition.
Billboard	See off-site sign.
Building frontage	That portion of the building which lies parallel to the right-of-way.
Commercial tourism zone	Those areas of Prescott Valley designated by Town Council resolution as commercial tourism zones based upon the predominance of commercial tourism, resort and hotel uses within those zones.
Comprehensive sign package	See section 13-09-060.
Construction site sign	Sign located on a building site between when a permit issuance and certificate of occupancy issuance for the building.
Directional sign	Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”, building address, etc., as well as providing directional information relating to points of interest, institution, facilities, and areas, and which contain no advertising, electronic changing information and are positioned as to not be a traffic or safety issue.
Directory sign	Any sign listing the names, uses, and locations of the various businesses or activities within a building or a multi-tenant development (not for the purpose of bringing same to the attention of vehicular traffic)
Double-faced sign	Any sign having copy on two faces of equal dimension with a 45 degree or less interior angle between the two faces.
Electronic message center sign	Any sign using light emitting diodes (LEDs) capable of electronically changing its message and/or graphic presentation by remote or automatic means, including static, fade, dissolve, travel, or scrolling modes. Static mode means no animation or effects simulating animation. Fade mode is where messages are changed by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility. Dissolve mode is where messages are changed by varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the subsequent message. Travel mode is where the message appears to move horizontally. Scrolling mode is where the message appears to move vertically.
Façade	Vertical wall surface extending above a porch roof, including a parapet wall.
Flag	Any rectangular piece of fabric, pliable plastic, canvass, or other light material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.
Flashing sign	Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by blinking or any other means.

Term	Definition
Freestanding sign	Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure.
Freeway interchange area	Where ingress or egress is obtained to a state or federal highway or freeway; specifically delineated as lying within 300 feet of the right-of-way and between the two points of widening of the highway or freeway right-of-way approaching the interchange (see example). 
Identification sign	A sign that includes, as copy, only the name of the business, place, organization, building, and/or person it identifies.
Illuminated sign	A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.
Integrated development project	A 25-acre or larger commercial or mixed-use development (i) with multiple businesses, property owners, and parcels; (ii) located adjacent to a numbered state highway; and (iii) with an approved comprehensive sign package.
Interior side building	That portion of the building adjacent to an interior lot line or which does not front on an exterior street side of the property.
International Building Code	The edition of the International Building Code adopted by the Town of Prescott Valley.
Maintenance	The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner.
Monument sign	Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).
National Electric Code	The edition of the National Electrical Code adopted by the Town of Prescott Valley.
Nonconforming sign	Any sign not currently allowed, but which was legally permitted when first constructed.
Obsolete sign	Any sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, activity conducted, or product available on the premises where the sign is displayed.
Occupancy frontage	The width of that portion of a multi-tenant structure occupied by a particular tenant.
Off-site sign	Any sign directing attention to any business, commodity, service, entertainment, or event conducted, sold, or offered at a location other than the premises where the sign is located.

Term	Definition
Parapet wall	A wall extending above the roof line of a building.
Parcel	A parcel of land shown on a subdivision plat, record of survey map, or parcel map, or a parcel described by metes and bounds, which constitutes a development site (whether composed of a single unit of land or contiguous units under common ownership or development).
Pennant	Any triangular or irregular piece of fabric, pliable plastic, canvass, or other light material, commonly attached in strings or strands (or supported on sticks or small poles).
Permanent sign	Any sign intended and constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition, and position (beyond normal wear).
Pole sign	Any sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is above ground level, but excluding flags. Includes signs whose pole or poles are sheathed with metal, aluminum, brick, or other material (pylon signs).
Portable sign	Any sign designed to be transported or moved and not permanently affixed to a building, structure, or the ground (including A-frame signs).
Roof line	The highest point of the main roof structure which shall not include cupolas, pylons, projections, or minor raised portions of the roof.
Shopping center	A group of three or more commercial establishments offering goods or services to the public and planned, constructed, or managed as one entity and providing customer and employee parking in a common parking lot.
Sign	Any object, device, display, structure, fixture, painting, emblem, or visual (or part thereof) visible from a public right-of-way and situated outdoors or on the inside face of a window which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, graphics, symbols, numbers, colors, or illumination (including projected images). Window displays, athletic scoreboards, and official government insignia or signs are excluded from this definition.
Sign face	The area or display surface used for the message.
State highway	A highway operated and maintained by the State of Arizona, and bearing an official state highway number or interstate highway designation
Temporary sign	Any sign designed for short-term use, including but not limited to portable signs and banners.
Town banner program	A program utilizing Town infrastructure and Town-owned property for placement of banners promoting or celebrating (i) Town-sponsored cultural and civic events, activities, and attractions; (ii) other cultural and civic events sponsored by non-profit groups reflecting general community and tourist interests; (iii) educational institutions connected with the community; (iv) sports institutions connected with the community; (v) scenic locations; or (vi) the community, its traditions, holidays, and accomplishments.

Term	Definition
Wall sign	A sign fastened to or painted on the wall of a building or structure so that the wall becomes the supporting structure for and forms the background surface of the sign, and which does not project more than 12 inches from the supporting building or structure.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-020. Prior history: Enacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 375, 12/28/1995; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 590, 03/25/2004; amended by Ordinance No. 648, 01/26/2006; amended by Ordinance No. 686, 05/24/2007; amended by Ordinance No. 767, 02/23/2012; amended by Ordinance No. 771, 11/08/2012; amended by Ordinance No. 816, 05/26/2016; amended by Ordinance No. 874, 03/26/2020)

13-09-030 General provisions

A. Location and placement of signs:

1. No sign shall be allowed on any property unless the same is specifically permitted for the applicable zoning district.
2. Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable technical codes.
3. No sign shall be erected, relocated, or maintained in a way that prevents free ingress to or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.
4. No sign shall be erected or maintained:
 - a. At or near any intersection of streets in a way that obstructs free and clear vision
 - b. At any location where, by reason of its position, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device mounted on a police or fire protection vehicle
 - c. Using the words “stop,” “look,” “danger,” “caution,” or any other word, phrase, symbol, or character in a way that interferes with, misleads, or confuses traffic.
5. No sign shall be erected or painted upon or attached to any tree, rock, or other natural feature, utility pole, utility structure, or any authorized traffic sign, signal, or device.
6. In addition to the requirements of section 13-12-040, every illuminated sign shall be so placed as to prevent any light or reflection from being cast directly on any adjoining residential zoning district.
7. No sign shall be placed or maintained on or in any public right-of-way except for any signs required by a government agency for the protection of public health, safety, or general welfare (including, without limitation, traffic control signs and banners installed in accordance with the town banner program).

B. Design criteria:

1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscaping design.
2. All signs shall have edge treatment or border, except signs consisting of individual letters mounted against a non-differentiated surface.

C. Measurement of signs: All sign areas shall be measured in accordance with the following:

1. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any materials or colors forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural elements located outside the limits of the sign and not forming an integral part of the display (such as supports or uprights) shall not be included in determining the area of the sign.
2. The area within the perimeter of the entire illuminated surface of an internally illuminated sign, or that area within the perimeter of an internally illuminated architectural building feature which encompasses sign copy.
3. Multiple faces of a single sign:
 - a. If there are two faces to a single sign and the interior angle is 45 degrees or less, the entire area shall be the area of one face only.
 - b. If the interior angle between the two sign faces is greater than 45 degrees, the sign area will be the sum of the areas of each face.
 - c. If there are three or more faces to a single sign, the area will be the sum of the areas of each face.
4. Area of spherical, free-form, sculptural, and other non-planar signs will be the sum of the area of the sides of the smallest four-sided polyhedron that will encompass the sign structure.
5. All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.
6. Sign heights shall be measured as follows:
 - a. Freestanding sign: The height of freestanding signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign. The total sign height shall include any monument base, earthen works or other structure erected to support or ornament the sign.
 - b. Wall sign: The height of wall signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign (including ornamentation).

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-030. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; renumbered and amended by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 816, 05/26/2016; amended by Ordinance No. 874, 03/26/2020)

13-09-040 Sign standards

A. Building-mounted sign standards

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
Building mounted (non-residential use)	CN, CG, CI, PM, IG, IH	One sign per front lot line	Two square feet of sign per one linear foot of building frontage adjacent to the front lot line
Directory	MF, RU, RS	One building-mounted only	16 square feet; six feet high
	CN, CG, CI, PM, IG, IH	One building-mounted only	24 square feet; six feet high
Directional	CN, CG, CI, PM, IG, IH	Per zoning approval	Four square feet; five feet high
Electronic message center	CN, CG, CI, PM, IG, IH	For buildings fronting more than one street, allowable signage must be placed on the side of the building used to calculate the sign's permissible size. More than one building-mounted sign is permitted if the total signage does not exceed the maximum square footage allotment. No building-mounted sign shall project more than two feet from the building or structure to which it is attached. Electronic information message boards must comply with the standards prescribed in subsection 13-09-040 D.	Two square feet of sign per linear foot of building frontage; individual sign areas limited to 200 square feet
Shopping centers	CN, CG, CI, PM, IG, IH	For buildings fronting more than one street, allowable signage must be placed on the side of the building used to calculate the sign's permissible size.	Two square feet of sign per linear foot of building frontage along the street side of the building

1. No more than half of the allowable signage as calculated for the building frontage may be placed on any other side of the building.
2. On a corner lot, the signage calculated for the building frontage may be placed on the second street side.
 - a. If so placed, no greater than half of the frontage allocation shall be placed on the building frontage.
 - b. Signage on the second street side shall not include electronic message centers.
3. Businesses with three or more street frontages shall not be allocated additional signage beyond the first two streets.

4. If the main entrance to a business does not face any roadway, the tenant shall be allowed two square feet of signage per linear foot of building frontage on the main entrance side of the building.

B. Freestanding sign standards

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
Directional	RL, RM, MH, MF, RU, RS	Per zoning approval	Four square feet; five feet high
	CN, CG, CI, PM, IG, IH	Per zoning approval	Four square feet; five feet high
Electronic message center	CN, CG, CI, PM, IG, IH	Electronic message centers must comply with the standards prescribed in subsection 13-09-040 D	50 square feet
Flag	RL, RM, MH, MF, RU, RS	One flagpole at the main entrance of master planned community One flagpole per model home or model home complex One flagpole per community center One flagpole per golf center/restaurant One flagpole per residential parcel	Each flag may not exceed 15 square feet. Flagpole height may not exceed 25 feet or the height of the principal building and must meet principal building setback. May not exceed three flags per flagpole.
	CN, CG, CI, PM, IG, IH	One flag per 25 feet of right-of-way frontage of parcel For example, a parcel with 75 feet of right-of-way frontage may have one flagpole with three flags or three flagpoles 25 feet apart, each with one flag	Each flag may not exceed 30 square feet. Flags count toward freestanding sign area limit. Flagpole height may not exceed 50 feet and must meet freestanding sign setback.
Integrated development project	Any zoning district, with the approval of a comprehensive sign package	For projects 25 to 50 acres:	
		(i) One sign structure is permitted on each state highway; and	300 square feet 30 feet high
		(ii) One additional freestanding sign structure is permitted at each additional entrance from the project to a state highway	150 square feet 25 feet high

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
		For projects over 50 acres:	
		(i) One sign structure is permitted on each state highway; and	400 square feet 40 feet high
		(ii) One additional freestanding sign structure is permitted at each additional entrance from the project to a state highway	200 square feet 30 feet high
Accessory drive-through-signage	CN, CG, CI, PM, IG, IH	One per drive-through, not readable from the right-of-way	32 square feet; six feet high
Off-site directional signs		Two may be used only for a subdivision 50 acres or larger; must be removed within 60 days after 90% of the lots in the subdivision are sold	32 square feet; eight feet high
Off-site directory		Allowed only as part of the Prescott Valley Parkway Redevelopment Plan Two off-site signs may be erected not less than 300 linear feet apart May be double-faced, to be visible to travelers going either direction on Highway 69.	Individual sign areas are limited to 100 square feet; sign height eight feet
Property identification	RL, RM, MH	One per residence	Four square feet
	MF, RS, RU	One per project/site, except that two with a combined area of 32 square feet are permitted if there are two entrances to the site on different streets	32 square feet; six feet high
	CN, CG, CI, PM, IG, IH	One per project/site	50 square feet; 20 feet high; or the lesser of 30 feet high or 20 feet above the highest roadway bed elevation when located in a freeway interchange area

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
Shopping centers	CN, CG, CI	One sign is permitted for each shopping center.	
		Two signs are permitted for each planned area development of 50 acres or more, with no more than one sign on each arterial roadway.	
		50 square feet aggregate sign area for centers with two to five units or tenants	
		90 square feet aggregate sign area for centers with six to nine units or tenants	
		130 square feet aggregate sign area for centers with 10 to 13 units or tenants	
		170 square feet aggregate sign area for centers with 14 to 17 units or tenants	
		200 square feet aggregate sign area for centers with more than 18 units or tenants	
		No other monument or pole signs shall be allowed in lieu of a shopping center sign	
Subdivisions	All zoning districts	No single sign may exceed 100 square feet; however multiple signs may be used for the total aggregate signage allowed	
		Two per subdivision entrance to a state highway or arterial (in addition to any on-site or off-site directional signs, flags, and temporary signs allowed for the subdivision)	32 square feet; eight feet high

1. Freestanding monument signs shall not exceed a maximum height of eight feet.
2. Freestanding pole signs shall be a minimum of seven feet high and a maximum of 20 ft high.
3. Except for off-site directory signs, all freestanding signs shall be a minimum of six feet from the property line to the closest projection of the sign.

C. Temporary sign standards

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
Feather	CN, CG, CI, PM, IG, IH	One per parcel No more than four consecutive days, no more than one time per calendar quarter Temporary sign permit required	No larger than two feet wide and ten feet high
Commercial	RL, RM, MH, MF, RU, RS	One at each entrance of a master-planned community One per model home or model home complex One per community center One per golf center/restaurant	32 square feet; eight feet high
	CN, CG, CI, PM, IG, IH	One per parcel	32 square feet; eight feet high
Construction site	RL, RM, MH, MF, RU, RS	One per project or construction site, except that two with a combined area of 32 square feet are permitted if there is more than one street entrance or if the project is 50 acres or more	24 square feet; eight feet high
	CN, CG, CI, PM, IG, IH	One per project or construction site, or two if the project or construction site has more than 300 feet of street frontage	32 square feet; eight feet high
Portable	CN, CG, CI, PM, IG, IH	One per parcel; must be removed at the end of each business day.	16 square feet; five feet high
Inflatable objects	RS, CN, CG, CI, PM, IG, IH	One per parcel Permitted only two times per calendar year at three-day intervals Shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking Shall maintain a minimum six-foot setback from any property line Shall not be placed in or on any public right-of-way Shall not impede pedestrian or vehicular visibility or traffic Separate permit required	20 feet high

PURPOSE	ZONING DISTRICTS	STANDARDS	MAXIMUM DIMENSIONS
Residential	RL, RM, MH, MF, RU, RS	<p>One per parcel; plus</p> <p>One off-site sign per turning movement, allowed only during daylight hours and for a maximum of three days per week, each placed on private property with the express permission of the property owner, beginning at residence of origin and continuing to the nearer of</p> <ul style="list-style-type: none"> (i) the entrance of a master-planned community or subdivision, (ii) a road with arterial or higher classification, or (iii) one and a half miles <p>Illumination is prohibited</p> <p>May not be placed within public rights-of-way or attached to trees, fences, utility poles, light posts, street signs, or other public facilities</p> <p>No sign permit is required</p>	Six square feet; six feet high

D. Electronic message center standards

1. Messages shall not change more frequently than every eight seconds.
2. Fading and dissolving, for the purpose of transitioning from one message to the next, is permitted.
3. Flashing, traveling, and animation are prohibited.
4. All electronic message centers shall be equipped with automatic dimming technology which automatically adjusts the display's brightness based on ambient light conditions.
5. Electronic message center displays shall not exceed a brightness level of 0.3 foot-candles above ambient light conditions. Ambient light conditions and display brightness levels shall be measured as follows:
 - a. At least 30 minutes after sunset, ambient light conditions shall be measured 100 feet from the sign using a foot candle meter aimed directly at the electronic information message board (while the sign is off or displaying all black copy).
 - b. A second measurement (using the same methods described above) shall be taken after turning the sign on to a full white display.
 - c. If the difference between the two measurements is 0.3 foot-candles or less, the brightness is properly adjusted.
 - d. Upon installation of any electronic message center, the permittee shall provide the Town with a certificate from a lighting engineer or other professionally qualified entity stating the unit does not exceed a brightness level of 0.3 foot-candles above ambient light conditions.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-040. Prior history: Enacted by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance

No. 648, 01/26/2006; amended by Ordinance No. 686, 05/24/2007; amended by Ordinance No. 767, 02/23/2012; amended by Ordinance No. 771, 11/08/2012; amended by Ordinance No. 816, 05/26/2016; amended by Ordinance No. 874, 03/26/2020)

13-09-050 Billboard regulations

- A. It is unlawful to construct, erect, alter, relocate, or use any billboard in violation of this section.
- B. If any provision of this section conflicts with any other section of the Prescott Valley Town Code, the provisions of this section shall prevail.
- C. The Code Official shall issue a citation and file an action involving all violations of this section with a court having jurisdiction to impose all penalties sought by the action.
- D. Any billboard constructed in conformance with all applicable ordinances and codes existing at the time of its construction but not now in conformance with the provisions of this section shall be designated a “nonconforming billboard” and may be continued in use, except under any of the following conditions:
 - 1. When the billboard creates a traffic hazard due to any of the following:
 - a. The position, shape, color, copy, format, or illumination of the billboard obstructs the view of or causes confusion with an official traffic sign, signal, or device, or with any other official sign.
 - b. When the billboard obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley, or from another thoroughfare.
 - c. When the billboard in any other way causes an unsafe obstruction for motor vehicle operators.
 - 2. When the billboard is damaged and the costs to reconstruct or repair it exceed 50% of its current market value.
 - 3. When the billboard is structurally altered, re-erected, or replaced.
 - 4. When nonconforming outdoor light fixtures on the billboard are required to be brought into compliance with subsection 13-12-020 A.
- E. Plans and specifications:
 - 1. Face area.
 - a. The face area of a billboard shall not exceed 200 square feet in any single direction.
 - b. Back-to-back or V-shaped signs with an interior angle of 45 degrees or less may have a maximum area of 200 square feet on each face.
 - 2. Width. A billboard shall not exceed 20 feet in width.
 - 3. Clearance. The clearance between the ground and the bottom of the billboard shall be at least ten feet.
 - 4. Illumination.
 - a. Billboard illumination shall comply with section 13-12-040 (lighting standards), and
 - (1) Shall not be intermittent, flashing, scintillating, animated, or of varying intensity;

- (2) No red, green, or yellow illumination shall be used if located in the same line of vision as a traffic control signal;
 - (3) The source of illumination shall be so oriented or shielded so that it is not visible from any residential use or any public thoroughfare; and
 - (4) On any lot adjacent to a residential zoning district or separated from a residential zoning district by only a street or alley, the face of any illuminated sign structure must be located behind the greater of either the existing or the required setbacks of adjacent residential lots.
5. Materials. Materials used in the construction of billboards shall conform to the requirements of the Building Code of the Town of Prescott Valley.
6. Design.
 - a. All billboards shall be designed in accordance with the Building Code of the Town of Prescott Valley.
 - b. The engineered plans for all billboards must accompany the application for a building permit and are subject to approval by the Building Department prior to the issuance of a building permit.
 - c. No billboard or billboard sign structure shall emit sound.
- F. Locations. Billboards may be located in the PM (Performance Manufacturing) zone, subject to the provisions of this section.
 1. A billboard shall not be located within 400 feet of any other billboard on the same street.
 2. A billboard shall not be located closer than 600 feet from the right-of-way line of any freeway, except that, at an interchange of a freeway and an arterial street where the arterial street and the freeway cross at a 90-degree angle, a billboard shall not be located closer than 600 feet from the center line of the freeway.
 3. A billboard shall be set back a minimum of 55 feet from the center line of an arterial street.
 4. If the sign structure of a proposed billboard is within 100 feet of any existing building, no part of the sign structure shall be closer to the right-of-way line than the front line of the building. If the sign structure is located between two buildings that are within 100 feet, no part of the sign structure shall be closer to any street line than an imaginary line drawn from the nearest front corners of the two buildings.
 5. A billboard must maintain a side yard setback from any residential zoning district or residential use equal to that of the residential zoning district or half of the sign structure height, whichever is greater.
 6. No billboard shall be erected in any block in which the front third of any lots or parcels of land used for residential purposes comprise 50% or more of the block frontage. A corner lot shall be considered to be in that block on which it fronts.
 7. Notwithstanding any other requirement in this Article, no billboard shall be located within the Special Gateways/Highway Corridors of the Town as defined in this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-140. Prior history: Enacted by Ordinance No. 8, 06/28/1979; amended by Ordinance No. 33, 08/28/1980; renumbered and amended by Ordinance

No. 178, 05/26/1988; renumbered and amended by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 276, 06/11/1992; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 403, 10/24/1996; amended by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 539, 02/27/2003; replaced and reenacted by Ordinance No. 542, 04/10/2003; replaced and reenacted by Ordinance No. 689, 06/21/2007)

13-09-060 Comprehensive sign package

- A. General. A comprehensive sign package is intended for coordinated developments over 25 acres. For purposes of this section, a coordinated development is a shopping center, PD (planned area development), or integrated development project (IDP) comprising properties in a defined geographical area developed under a common or joint ownership and thereafter having shared parking or access and being managed and operated under mutual restrictive covenants.
- B. Application. The application packet for a comprehensive sign package may be obtained from the Development Services Department, shall be evaluated based upon the criteria in this section, and will be approved by a separate resolution of the Council or in conjunction with approval of a final development plan.
- C. Placement. All signs shall be placed where they are sufficiently visible and readable for their function, considering factors including but not limited to the following:
 - 1. The purpose of the sign
 - 2. The sign's location relative to traffic movement and access points
 - 3. Site features
 - 4. Structures
 - 5. Sign orientation relative to viewing distances and viewing angles
 - 6. In commercial centers where tenants have little or no street visibility, identification wall signs may be placed on the walls of the tenants' building.
- D. Quantity. The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas, and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the integration of sign functions.
- E. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style, and the presence of distractive influences.
- F. Specific justification must be made if a request is submitted for a freestanding or wall sign to exceed any maximum standard prescribed under this Article. Under no circumstances may an integrated development project exceed any maximum height or area standard prescribed under this Article by more than 100%.
- G. Evaluation criteria. In reviewing a comprehensive sign package, staff shall consider the following:
 - 1. The views of or from adjacent properties must not be impaired

2. The signs do not interfere with public utilities, government uses, transportation, landscaping, or other relevant factors
3. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage
4. The signs do not pose a hazard to public safety.

H. Alterations. Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Zoning Administrator.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-150. Prior history: Enacted by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 771, 11/08/2012; amended by Ordinance No. 894, 01/13/2022)

13-09-070 Exceptions

The provisions of this Article, except subsections 13-09-030 A. 4, 13-09-080 B, and 13-09-130 D, shall not apply to:

- A. Tablets, grave markers, headstones, statuary or remembrances of persons, buildings, events, dates of erection, and other non-commercial historic or cultural markers.
- B. Temporary decorations or displays celebrating patriotic, religious, or local holidays or events.
- C. Erection, construction, and maintenance of official traffic, fire, and police signs, signals, devices, and markings of the State of Arizona, the Town of Prescott Valley, or other authorized public agencies, or the posting of notices as required by law, provided they do not constitute a traffic or safety hazard.
- D. Banners installed in accordance with the town banner program that meet the following requirements:
 1. Banners must be approved by the Town Manager or his or her designee.
 2. Banners shall be attached to Town-owned infrastructure, including light poles, but in no event shall be attached to utility poles used to distribute and transmit electricity.
 - a. Only Town staff or a Town-approved contractor may install the banners.
 - b. Prior to installation, the Town Engineer must determine that the proposed infrastructure will securely hold and display the banner without compromising the structure integrity of the pole or device in extreme weather conditions.
 3. Banners showing evidence of deterioration, such as rips, tears, color fading, frayed edges, or otherwise showing need of general maintenance shall be removed or replaced promptly.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; amended by Ordinance No. 27, 04/24/1980; reenacted and amended by Ordinance No. 37, 09/04/80; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; renumbered and amended by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 276, 06/11/1992; amended by Ordinance No. 279, 06/25/1992; amended by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 529, 07/25/2002; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 816, 05/26/2016; amended by Ordinance No. 874, 03/26/2020)

13-09-080 Prohibited signs

It shall be unlawful for any person to erect, display, or maintain a sign falling within any of the following descriptions:

- A. Animated signs (except banners and flags as otherwise provided in this Article, and clocks, barber poles, public service information signs, time or temperature signs, and electronic message centers which otherwise comply with section 13-12-040 (lighting standards).
- B. Signs that are obscene, hazardous to traffic, imitative of official government signs (i.e., “stop,” “danger,” “caution,” etc.), or obstructive to visibility in a way that creates a hazard to the public.
- C. Any sign emitting sound or emitting any substance.
- D. Posters, pennants, streamers, balloons, or other inflated objects, except as provided for in subsection 13-09-040 C. The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, on the walls of buildings, trees, fences, utility poles, or other structures, or upon vehicles used primarily as a sign support.
- E. Portable signs except the following:
 - 1. Business identification signs painted on or permanently affixed to an operable vehicle designed and intended to be operated on highways on a regular basis and not intended to be parked on the business premises to provide advertising in addition to, or in place of, signage allowed by this Article.
 - 2. Those permitted in subsection 13-09-040 C.
- F. Signs mounted on or against a vehicle when used for the purpose of providing stationary, permanent, or semi-permanent advertising or identification on or near the premise referred to by such signs.
- G. Off-site signs, including billboards, except as permitted in sections 13-09-040 and 13-09-050.
- H. Any sign on a building or structure which extends above the roof line of the building or structure.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-060. Prior history: Enacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 276, 06/11/1992; amended by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 529, 07/25/2002; amended by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 648, 01/26/2006; amended by Ordinance No. 589, 06/21/2007; amended by Ordinance No. 816, 05/26/2016); amended by Ordinance No. 874, 03/26/2020)

13-09-090 Design specifications

- A. General compliance with International Building Code. All signs shall comply with the appropriate detailed provisions of the International Building Code relating to design, structural members, and connections.
- B. Electric signs. All electric signs shall conform in design and construction to the appropriate sections of the current National Electric Code and other requirements as may be deemed necessary by the Building Official.
- C. Materials. Construction materials for signs and sign structures shall conform to the quality and grade specified in the International Building Code.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-070. Prior history: Enacted by Ordinance No. 9, 06/28/1979; reenacted and amended by Ordinance No. 37, 09/04/80; amended by Ordinance No. 63, 11/12/1981; replaced and reenacted by Ordinance No. 178, 05/26/1988; renumbered and amended by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 375, 12/28/1995; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 590, 03/25/2004)

13-09-100 Maintenance of signs

A. Maintenance and repair.

1. All signs shall be maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.
2. All cracked, broken, or missing sign faces and non-functioning interior lamps shall be repaired or replaced within 45 working days after notification of repair or maintenance from the Code Official.

B. Obsolete or abandoned signs.

1. A sign is abandoned if it:
 - a. Is located on property that is vacant and unoccupied for six months or more; or
 - b. Was erected for an occupant or business unrelated to the occupant or business now located on the property; or
 - c. Pertains to a time or event that occurred in the past.
2. The owner, agent, or person with beneficial use of the property or structure where the sign is erected shall remove the abandoned sign within six months after notification of removal from the Code Official.
3. Permanent signs applicable to a business suspended because of a change of business ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six months or more.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-080. Prior history: Enacted by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003)

13-09-110 Nonconforming signs

- A. Except for required maintenance and repair, a legal nonconforming sign may not be altered in any manner not in conformance with this Article.
- B. A nonconforming sign shall be brought into conformance with these regulations when one of the following occurs:
 1. The use of a building or premises where the sign is located changes to another use allowed in the respective zoning district.
 2. The building or premises where the sign is located is modified or destroyed to the extent of 50% or more of the assessed value of the building or premises.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-090. Prior history: Enacted by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003)

13-09-120 Permits required

- A. Except as otherwise provided in this Article, it shall be unlawful for any person to display, install, alter, relocate, or replace any sign without first obtaining a permit for the work.
- B. Sign permits are not required for name plate signs, temporary signs (except for inflatable objects pursuant to subsection 13-09-040 C), flags (except that separate zoning and/or building permits are required to install flagpoles), copy changes on reader panels, or for minor repairs or repainting of any permitted sign.
- C. Permit application.
 - 1. A written permit application on a form furnished by the Planning and Zoning Department shall be signed and submitted by the owner, tenant, lessee, authorized agent, or licensed contractor of the property for which the sign is proposed.
 - 2. The permit application shall include:
 - a. A site plan indicating the location of the sign in relation to right-of-way, easements, buildings, and driveways.
 - b. Drawings indicating the dimensions of the sign, sign copy, and materials; the method of construction; and the manner of attachment to the building or premises.
 - c. The address of the proposed sign location, the owner of the sign, the owner of the property, the person or firm erecting the sign, and an estimate of the cost of the work.
 - 3. The building inspector shall place an insignia of approval on a sign when it has passed final inspection.
- D. Sign permit fees are included in the comprehensive fee schedule approved by the council and amended from time to time. A copy of the fee schedule is on file in the office of the town clerk.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-100. Prior history: Enacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 375, 12/28/1995; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 816, 05/26/2016; amended by Ordinance No. 874, 03/26/2020; amended by Ordinance No. 2023-929, 11/09/2023)

13-09-130 Enforcement and penalties

- A. The Code Official is responsible for assisting the Zoning Administrator in the enforcement of this Article.
- B. Except as otherwise provided by law, the Code Official may remove and impound any unauthorized sign from any public right-of-way, and may dispose of the sign after 30 days if not claimed by the owner.
- C. The installation, erection, or display of any sign in violation of this Article is unlawful.
- D. Dangerous or defective signs are illegal and shall be removed or repaired promptly by the sign owner or property owner, if known, and if not known shall be removed by the Code Official, except as otherwise provided in this Article.
- E. Any person, entity or corporation which fails to maintain a sign, or builds, erects, paints, replaces, repairs, alters, or otherwise places a sign in violation of the requirements of this Article is guilty of a class 3 misdemeanor.

- F. The sign owner and any person or entity who assists a sign owner in altering or erecting a sign in violation of this Article shall be equally responsible and culpable for the violation.
- G. Except as otherwise provided in this Article, each day that a sign is illegally erected, constructed, reconstructed, altered, or maintained shall not be considered a separate offense unless the violation constitutes an immediate threat to the health and safety of the general public, as determined by the Zoning Administrator or the Code Official.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-110. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; renumbered and amended by Ordinance No. 220, 12/14/1989; replaced and reenacted by Ordinance No. 542, 04/10/2003; amended by Ordinance No. 648, 01/26/2006; amended by Ordinance No. 816, 05/26/2016)

13-09-140 Liability

- A. This Article shall not relieve or limit the responsibility or liability of any person or entity which owns or erects any sign for personal injury or property damage caused by the sign.
- B. This Article shall not be construed to impose responsibility or liability upon the Town of Prescott Valley or its officers, employees, or contractors by reason of the approval of any sign under the provisions of this Article.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-23-120. Prior history: Enacted by Ordinance No. 220, 12/14/1989; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 539, 02/27/2003; replaced and reenacted by Ordinance No. 542, 04/10/2003)

ARTICLE 13-10. OFF-STREET PARKING REQUIREMENTS

13-10-010 Purpose

The purposes of this Article, which apply in all zoning districts except in the AG Agricultural zone, are:

- A. To alleviate or prevent congestion of the public streets;
- B. To promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles commensurate with the property's use;
- C. To encourage parking areas with sufficient vehicle parking and maneuvering areas; and
- D. To make the property owner primarily responsible to reduce or eliminate on-street parking to serve the property.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered and amended by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988)

13-10-020 General regulations

- A. General. No building permit shall be issued, and no use shall be begun, until the applicant has provided evidence to the Town of sufficient parking to meet the requirements of this Article.
- B. Additions and change of occupancy. The applicant shall provide evidence of required off-street parking:
 - 1. When any main building is erected;

2. When an existing building is altered or enlarged; and
 3. Where a use is intensified by a change of occupancy or by the addition of floor area, seating capacity, or seats.
- C. Maintenance of existing parking. Off-street parking required in connection with any existing building or use shall be maintained while the building or use remains.
1. Parking for the building or use may be reduced commensurate with any amendment that reduces off-street parking requirements.
 2. An existing building or use that is not altered, enlarged, or intensified by a change of occupancy or the addition of floor area, seating capacity, or seats is not required to comply with any amendment that increases off-street parking requirements.
- D. Combination of uses. If uses on a lot are combined, the total off-street parking requirement shall be the sum of the off-street parking requirements for the individual uses.
- E. Collective parking. The joint use of off-street parking for two or more adjoining buildings or uses is permitted if:
1. The total off-street parking equals or exceeds the off-street parking requirements for the individual buildings or uses; and
 2. The owners of all affected buildings and uses provide copies of recorded cross-parking easements or other documentation evidencing the owners' reciprocal parking rights.
- F. Recreational and commercial vehicles.
1. For the purposes of this subparagraph F, "recreational vehicles" include travel trailers, motor homes, busses, pickup trucks with an installed camper which extends over the cab, unmounted camper shells, boats (including kayaks), boat trailers, utility trailers, off-road vehicles without an enclosed driver and passenger compartment, and aircraft.
 2. In residential zoning districts, recreational vehicles shall not be stored in the required front yard or any exterior side yard (a side yard abutting a street).
 3. Residential properties unable to accommodate a recreational vehicle within the rear or interior side yard may temporarily park one recreational vehicle in a front or exterior side yard for loading and unloading purposes only for a period not to exceed 48 hours in any calendar month.
 4. Recreational vehicles shall not be parked in or encroach into a street right-of-way.
 5. Recreational vehicles shall not be parked in a location or manner that creates a traffic sight visibility problem for any neighbor or passing motorist.
 6. Except for loading or unloading for a reasonable time, the parking of any commercial vehicle with a rated capacity of more than one ton on any lot in a residential zoning district shall be considered a commercial use and is prohibited.
 7. Except as permitted by section 13-08-050 (mobile food vendors), the parking in a residential zoning district of more than one vehicle customarily in commercial use with a rated capacity less than one ton shall be deemed a commercial use and is prohibited. This includes delivery vans, flat bed, and stake bed trucks.
 8. This subsection F does not apply to parking or storage within a completely enclosed permanent structure.

9. The parking or storage in a residential zoning district of backhoes, dump trucks, road graders, semi-truck tractors and trailers, flatbed or enclosed trailers, self-propelled industrial equipment such as tanks, pumps, machinery, and other large equipment not customarily in residential use is prohibited except during construction.
10. Any person, firm or corporation found guilty of violating any provision of this subsection F shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

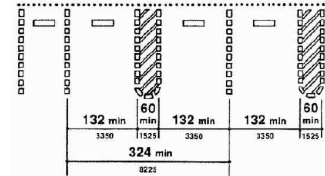
G. Handicapped accessible parking.

1. At the time of application for a building permit for a commercial, industrial, or multi-family use, the Zoning Administrator shall determine the number of off-street parking spaces required, according to the following standards:
 - a. Handicapped-accessible parking spaces for multiple-family housing shall be provided as follows:
 - (1) Where parking is provided for all residents, one accessible parking space shall be provided for each accessible dwelling unit.
 - (2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit.
 - (3) Where parking is provided for visitors, 2% of the spaces, or at least one space, shall be accessible.
 - b. Handicapped-accessible parking spaces for health care facilities shall be provided as follows:
 - (1) At facilities providing medical care and other services for persons with mobility impairments, the number of parking spaces required in subparagraph c below.
 - (2) Ten percent of the total number of parking spaces serving outpatient units and facilities.
 - (3) Twenty percent of the total number of parking spaces serving units and facilities that specialize in treatment or services for persons with mobility impairments.
 - c. Handicapped-accessible parking spaces for all other facilities shall be provided as follows:

TOTAL PARKING IN LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	10
401 to 500	12
501 to 1000	2% of Total
1001 or more	20 + one for each 100 over 1000

2. Each handicapped-accessible parking space shall meet the following minimum requirements for size (see diagram to the right):

- a. Width: 132 inches
- b. Length: 20 feet
- c. Access aisle: 60 inches wide along the right side of one handicapped-accessible parking space or shared by two adjacent handicapped-accessible parking spaces
- d. Curb ramp: Each access aisle shall lead directly to a curb ramp and accessible route of travel.



3. All handicapped-accessible parking spaces shall be prominently outlined on all four sides and shall have the international symbol of accessibility (see diagram to the right) displayed on the ground within each space. The access aisle shall be included within the outlined area. The color scheme of the accessible parking space shall contrast with the color scheme of the surrounding regular parking.



4. Each handicapped-accessible parking space shall be identified by a sign containing the international symbol of accessibility in any color scheme on a contrasting background and the words "reserved parking" or "parking only" attached to a stationary post or object. These signs shall not be obscured by a vehicle parked in the space. The bottom of the sign shall be located not less than three feet nor more than six feet above the grade and shall be visible directly in front of the parking space.
5. Handicapped-accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
6. Handicapped-accessible parking spaces that do not serve a particular building shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
7. In facilities with multiple accessible building entrances with adjacent parking, handicapped-accessible parking spaces shall be dispersed and located near accessible entrances.
8. Wherever practical, the accessible route of travel for handicapped-accessible parking spaces shall not cross lanes for vehicular traffic. Where crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.
9. Where parking is provided in a parking garage or under shade canopies, the ratio of covered to uncovered handicapped-accessible parking spaces shall not be less than the ratio of covered to uncovered non-accessible parking spaces.
10. In parking garages, no fewer than 20% of the handicapped-accessible spaces shall be designated for high-profile vehicles, with a minimum headroom clearance of nine feet six inches in all parking, maneuvering, and circulation areas serving those spaces. Special signage shall be provided to identify high-profile accessible parking spaces and to direct users to the location of both high-profile and standard height accessible parking spaces, except when all accessible spaces are high-profile spaces.
11. Handicapped-accessible parking spaces and access aisles shall be level, with surface slopes not exceeding 2% (one inch rise over 50 inches) in all directions.

12. Access aisles shall be constructed so that the ground surface is stable, firm, and slip resistant. Access aisles shall not be constructed with surfaces of loose sand, gravel, wet clay, cobblestones, or similar material.
13. Whenever a parking area built before the effective date of this Subsection does not have sufficient accessible parking spaces to comply with this Subsection, existing non-accessible parking spaces may be combined and converted to accessible parking spaces and associated access aisles, so long as the overall reduction in total parking spaces does not exceed 5% of the off-street parking spaces otherwise required.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-020. Prior history: Enacted by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 93, 02/09/1984; amended by Ordinance No. 153, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 181, 08/11/1988; amended by Ordinance No. 285, 10/22/1992; amended by Ordinance No. 399, 10/10/1996; amended by Ordinance No. 650, 01/26/2006)

13-10-030 Location of off-street parking

- A. Off-street parking for uses in residential zoning districts shall be provided on the same lot or on a contiguous residentially zoned lot.
- B. Parking for residential uses on lots 18,000 square feet or less is prohibited on any portion of the required front yard except on a driveway paved with approved material such as masonry, concrete, decorative stamped and/or colored concrete, or asphalt, and covering not more than 50% of the required front yard.
- C. Fully screened parking on pavement covering no more than 25% of the lot's length is permitted in a required side yard of a corner lot.
- D. No parked vehicle shall block or encroach onto a public sidewalk.
- E. Off-street parking for uses in commercial or industrial zoning districts shall be provided on the same lot or on a lot within 300 feet with the same or less restrictive zoning district.
- F. Any required yards may be used for parking or loading except as may be specifically prohibited by this Article or by the provisions of the applicable zoning district.
- G. Off-site parking on Town streets may be included for required parking if developed in conjunction with and approved by the Town Council as part of a PD final development plan.
- H. Other off-site parking in the Town right-of-way may be included for required parking if the parking and the use are:
 1. Included in a special taxing district into which the user pays its fair share of the actual costs through assessments or other contributions; or
 2. Addressed in a development agreement between the user and the Town.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered and amended by Ordinance No. 37, 09/04/80; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 564, 07/10/2003)

13-10-040 Design and installation of parking facilities

Permitted or required parking areas, except parking accessory to dwelling units, shall meet the following requirements:

- A. Each parking space shall consist of an area of not less than nine feet by 20 feet (exclusive of driveways required to make the parking space accessible from public streets or alleys).

- B. Off-street parking areas, necessary driveways, and maneuvering areas shall be improved with a permanent dust-free pavement, properly graded to prevent impoundment of surface water, permanently striped, and maintained in a manner satisfactory to the Town Engineer.
- C. All driveways shall be wide enough to permit access into spaces, and in any case no less than 12 feet for one-way and 24 feet for two-way travel.
- D. All off-street parking facilities shall be designed:
 - 1. With legal and physical vehicular access to a street, alley, or public thoroughfare;
 - 2. With necessary maneuvering areas such as driveways;
 - 3. So that vehicles exiting from the parking facility will not be required to back into any street;
 - 4. With maneuvering areas that do not to disrupt traffic on public roadways; and
 - 5. In accordance with the design standards set forth in the diagrams contained in this Section.
- E. Parking facilities shall be screened from the view of residentially zoned lots within 200 feet.
 - 1. A solid wall or screen four feet in height shall be provided where public parking areas abut a street bounded by a residential zoning district.
 - 2. Where a parking area directly adjoins a residential zoning district, a solid wall or screen shall be provided six feet in height along the side or rear and four feet in height along the front yard of the abutting residential zoning district.
- F. A minimum of 10% of all parking lot areas shall be landscaped in accordance with the provisions of section 13-11-040 (required landscaping).
- G. In addition to complying with the requirements of section 13-12-040 (lighting standards), any lights used to illuminate parking areas shall be arranged and screened to keep light away from streets and adjoining lots in residential zoning districts. Commercial parking lots and customer parking facilities must be illuminated.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-040. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered and amended by Ordinance No. 37, 09/04/80; amended by Ordinance No. 150, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 276, 06/11/1992; amended by Ordinance No. 279, 06/25/1992; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 394, 07/25/1996; amended by Ordinance No. 521, 05/09/2002, amended by Ordinance No. 748, 09/12/2010)

13-10-050 Off-street parking requirements

- A. Requirements: Except in the AG (agricultural) zone, for every structure or part of a structure erected, or for any building converted to the referenced uses or occupancy, or any addition, accessible off-street parking shall be provided on the premises as set forth in the following:

Category	Use	Spaces required
1. Residential	a. One- or two-family residences	Two per dwelling unit

Category	Use	Spaces required
	b. Efficiency and one-bedroom units in multiple family dwellings	One and a half per dwelling unit
	c. Units with two or more bedrooms in multiple family dwellings	Two per dwelling unit
	d. Rooming houses, fraternities, sororities	One per bedroom
	e. Manufactured home parks and subdivisions	Two per manufactured home plus one guest parking space for each five manufactured home spaces
	f. Model homes	Five per dwelling unit
	g. Recreational vehicle parks	One per recreational vehicle space plus one guest parking space for each five manufactured home spaces
2. Hotels and motels		One per guest room plus one per three employees plus additional parking spaces as required for any supplementary use that generates parking needs such as bars, restaurants, convention rooms, etc.
3. Institutional uses	a. Hospitals	One per three beds plus one per staff physician plus one per three employees
	b. Sanitariums, convalescent and nursing homes, children's homes, homes for the aged	One per three beds plus one per employee
4. Offices and clinic uses	a. Offices, banks, savings and loan agencies	One per 200 square feet of usable floor area plus one per employee
	b. Medical and dental offices and clinics	One per 200 square feet of gross floor area
5. Places of public assembly	Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms, and churches	One per every three persons for whom seating is provided
6. Commercial Recreation	a. Skating rinks, dance halls, and dance studios	One per 100 square feet of usable floor area
	b. Bowling alleys	Four per lane plus one per five seats in gallery plus one per two employees

Category	Use	Spaces required
	c. Billiard parlors	Two per billiard table plus one per employee
	d. Gymnasiums	One per 400 square feet of usable floor area plus one per two employees
	e. Private golf clubs, swimming clubs, tennis clubs, and similar	Two for every three member families
7. Commercial sales and service	a. Restaurants, bars, cocktail lounges	One per 50 square feet of usable floor area plus one per two employees
	b. Drive-in food or drink places with on-site consumption	One per 50 square feet of usable floor area
	c. Mortuaries and funeral homes	One per three seats plus one per hearse
	d. Self-service laundries and dry cleaners	One per two machines
	e. Open air businesses, swap meets, and mini golf	One per 1000 square feet of open business area
	f. Building material yards, plant nurseries, equipment or sales yards, and similar	One per 300 square feet of sales and display area
	g. Automobile sales	One per 1000 square feet of outdoor vehicle display area plus one per 200 square feet of indoor floor area
	h. Automobile service stations	Three per bay
	i. Car wash	One per employee plus five per car of wash line capacity
	j. Shopping centers under unified control	Requirements for all uses elsewhere specified in this table
	k. Motor vehicle and machinery sales, and auto repair shops	Greater of three per service bay or one per 500 square feet of floor area
	l. Barber shops, nail salons, beauty parlors, and tattoo studios	Two per chair or technician, whichever is greater
	m. Furniture, appliance, and household equipment stores	One per 800 square feet of usable floor area
	n. Supermarkets, drug stores, and retail establishments not listed elsewhere	One per 150 square feet of usable floor area

Category	Use	Spaces required
	o. Bus depots	One per 150 square feet of waiting area
8. Public and quasi-public uses	a. Elementary and intermediate schools	One per employee plus one per ten students
	b. High schools	One per employee plus one per five students
	c. Junior colleges, colleges, universities	One per employee plus one per three students
	d. Trade schools	One per employee plus one per five students
	e. Public golf courses	Five per hole plus one per employee
	f. Post offices	One per 200 square feet of gross floor area plus one per employee
	g. Public or private parks	Three per acre of park area
9. Wholesaling and warehousing uses		One per employee
10. Manufacturing and industrial uses		One per two employees

B. Definition of floor area:

1. Floor area shall mean the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing, or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, or restrooms or other accessory space.
2. Where parking spaces are determined based on seats, each 18 inches of width shall be deemed as one seat. Where there is uncertainty as to which of the enumerated categories of parking requirements any use falls, the Zoning Administrator's decision shall stand unless modified by the Board of Adjustment.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered and amended by Ordinance No. 37, 09/04/80; amended by Ordinance No. 151, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 279, 06/25/1992; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 381, 03/28/1996; amended by Ordinance No. 399, 10/10/1996; amended by Ordinance No. 809, 09/24/2015; amended by Ordinance No. 820, 09/22/2016; amended by Ordinance No. 2022-900, 03/24/2022)

13-10-060 Off-street loading requirements

- A. Applicability: In all zoning districts except AG (agricultural), off-street loading space meeting the minimum requirements specified in this section shall be provided and maintained on each premises with one or more buildings occupied by a use that receives or distributes materials or goods.
- B. Schedule of loading space requirements:

Total floor area of building	Required number of loading spaces
Up to 30,000 square feet	1
30,001 to 50,000 square feet	2
50,001 to 150,000 square feet	3
Each additional one to 100,000 square feet	1 additional

C. Location:

1. Required off-street loading space shall not be permitted:
 - a. In any front yard.
 - b. In any required side yard except in a non-residential zoning district where a side yard abuts an alley within and that abuts only non-residential zoning districts.
2. Off-street loading space may:
 - a. Occupy all or any part of a required rear yard except as otherwise provided in this section.
 - b. Be partially or entirely enclosed within a building.
3. Loading space shall not be counted or included as off-street parking space.

D. Alley: An alley within and that abuts only non-residential zoning districts may be used as maneuvering space for loading spaces.

E. Size: Each off-street loading space shall meet the following minimum requirements:

1. Width: 12 feet
2. Length: 45 feet
3. Height: 14 feet exclusive of access aisles and maneuvering space

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-060. Prior history: Enacted by Ordinance No. 152, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 399, 10/10/1996)

13-10-070 Mixed use shared parking reductions

A. The Zoning Administrator and Town Engineer may approve a mixed-use shared parking program upon finding that:

1. Mixed non-residential uses are proposed,
2. The mix of non-residential uses creates staggered peak periods of parking demand, and
3. All other requirements set forth in this section are met.

B. A mixed-use shared parking program:

1. Allows the same spaces to be shared by multiple land uses, reducing the total required parking.
2. May include parking on the same site or on one or more separate parking parcels, subject to the provisions of this section.

C. An applicant for a shared parking program must demonstrate the feasibility of shared parking pursuant to this section.

- D. Shared parking spaces may be located on a different parking parcel than the use it serves only under the following conditions:
1. The pedestrian access distance is no more than 300 feet from the mixed-use shared parking lot to the use it serves, measured following a reasonable and safe walking route from the main entrance of the use to the nearest point of the parking lot.
 2. A copy of the covenant required by paragraph J of this section is submitted with the application for a building permit or certificate of occupancy for the use to be served by the mixed-use shared parking program.
- E. Parking spaces reserved for a specific individual or business purpose (for example, reserved for doctors only) or designated and marked for use by handicapped persons shall not be counted toward meeting shared parking requirements.
- F. The maximum reduction in the number of parking spaces required for all uses in a mixed-use shared parking program shall be 20%.
- G. The Zoning Administrator and Town Engineer may determine the shared parking requirements of a mixed-use shared parking program by:
1. Using the mixed-use shared parking calculation method set forth in paragraph H of this section, or
 2. Finding that the land uses in question will use the shared spaces at different times of the day, week, month, or year using a more detailed study that:
 - a. Is based on the Urban Land Institute's shared parking study methodology or other generally accepted methodology;
 - b. Addresses the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic loads;
 - c. Provides for a reduction by not more than 20% of the combined parking required for each non-commercial land use; and
 - d. Provides for no reduction in the number of spaces reserved for persons with disabilities or used for a specific individual or business purpose.
- H. The minimum number of parking spaces required for a mixed-use shared parking program may be determined by multiplying the minimum parking requirements for each individual use by the percentage set forth in the table below for each of the five designated time periods and adding the resulting sums from each vertical column. The column with the highest sum is the minimum shared parking space requirement for the mixed-use shared parking program for that combination of land uses.

Uses	Weekdays			Weekends	
	Midnight to 7 a.m.	7 a.m. to 5 p.m.	5 p.m. to midnight	6 a.m. to 6 p.m.	6 p.m. to midnight
Office/industrial	5%	100%	10%	10%	5%
Commercial ¹	5%	90%	50%	100%	70%
Hotel	70%	70%	0%	70%	100%
Restaurant	10%	50%	100%	50%	100%
Hotel restaurant ²	10%	50%	60%	50%	60%
Entertainment ³	10%	40%	100%	80%	100%

Uses	Weekdays			Weekends	
	Midnight to 7 a.m.	7 a.m. to 5 p.m.	5 p.m. to midnight	6 a.m. to 6 p.m.	6 p.m. to midnight
Day care facilities	5%	100%	10%	20%	5%
All other	100%	100%	100%	100%	100%

I. The superscript notes in the table set forth in paragraph H of this section correspond to the following explanations (where a superscript “1” refers to subparagraph 1 below):

1. Commercial includes retail uses.
2. A hotel restaurant is a restaurant associated with a hotel.
3. Includes entertainment and recreation, such as theaters, bowling alleys, cocktail lounges, and similar uses.

J. The applicant for a mixed-use shared parking program with shared parking spaces located on a different parking parcel than the use it serves shall submit to the Town Attorney a covenant recorded in the office of the Recorder of Yavapai County, Arizona, which, at a minimum:

1. Provides that the parking parcel and the parking spaces provided on the parking parcel shall be maintained for so long as the uses requiring the parking exist, or until the required parking is provided elsewhere as permitted by this Article
2. Lists the names and ownership interest of all parties with an ownership interest in the parking parcel and the properties containing the uses that will share the parking parcel
3. Includes the notarized signatures of all parties with an ownership interest in the parking parcel and the properties containing the uses that will share the parking parcel
4. Includes legal descriptions of the parking parcel and the properties containing the uses that will share the parking parcel
5. Includes a site plan showing the area and layout of the parking parcel and any area reserved for future parking
6. Reserves the parking parcel for shared parking, unencumbered by conditions that would interfere with its use
7. Is a covenant running with the land and binding all parties and their successors in interest to the covenant
8. Provides assurance that all spaces will be available without charge to participating uses
9. Describes the obligations of each party, including
 - a. The party or parties responsible for maintenance of the parking parcel, and
 - b. The parties’ obligation, if any, to retain and develop any reserved open space for additional parking spaces
10. Incorporates by reference the mixed-use shared parking calculation method set forth in paragraph H of this section or the shared parking study that was used to determine the shared parking requirements of the mixed-use shared parking program covered by the covenant

11. Describes the method and requirements for amending the covenant, including the requirement that amendments be submitted to the Town, to assure continuing compliance with this section
 12. Recites that the covenant is entered into for the purpose of satisfying the Town's requirements for approval of a mixed-use shared parking program pursuant to this section
- K. Within 30 days of receipt of the covenant described in paragraph J of this section, the Town Attorney shall:
1. Notify the Zoning Administrator and Town Engineer that the covenant meets the requirements of this section, or
 2. Notify the applicant that the covenant fails to meet the requirements of this section, with an explanation of the covenant's deficiencies.
- L. If a use in a mixed-use shared parking program changes, the owner or operator of the changed use must demonstrate to the satisfaction of the Zoning Administrator and Town Engineer that the new mix of uses meets the shared parking requirements of the mixed-use shared parking program.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-24-070. Prior history: Enacted by Ordinance No. 564, 07/10/2003; amended by Ordinance No. 894, 01/13/2022)

ARTICLE 13-11. SITE DEVELOPMENT STANDARDS

13-11-010 Intent and purposes

- A. This Article is intended to help achieve the overall land use and image objectives of the Prescott Valley General Plan.
- B. The purposes of this Article are:
1. To enhance the community's general welfare through the promotion of attractive site appearances;
 2. To reduce erosion, dust, and glare; and
 3. To screen unattractive or incompatible uses.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; replaced and reenacted by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 630, 06/30/2005)

13-11-020 Applicability

- A. Generally: The provisions of this Article 13-11 (site development standards) apply in all zoning districts and overlay zones to all of the following:
1. All new buildings and uses
 2. All additions to existing buildings and uses larger than 25% of the existing building or use
 3. Uses that require 25% or more additional parking spaces, pursuant to Article 13-10 (off-street parking requirements), than the required parking for the previous occupancy.

- B. Single-family residential zoning districts: A single-family residence (including site-built buildings, factory-built buildings, and manufactured homes) on its own individual lot in a single-family residential or multiple-dwelling zoning district and not a part of a PD (planned area development) or other overlay zone, is subject only to the following provisions:
1. Subsection 13-11-040 H (off-site landscaping standards) subparagraph 2 (landscape material types).
 2. Subsection 13-11-050 D (screening of refuse, storage, loading docks, and mechanical equipment) subparagraphs 5 (satellite dishes), 6 (fuel storage tanks), and 7 (trash dumpsters).
 3. Article 13-12 (outdoor lighting requirements).
- C. AG (agricultural) zone: Uses in the AG (agricultural) zone are subject only to the requirements of Article 13-12 (outdoor lighting requirements) and Section 13-11-070 (nuisances and hazards).

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 282, 10/22/1992; replaced and reenacted by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 399, 10/10/1996; amended by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 630, 06/30/2005)

13-11-030 Site plan requirements

- A. Purpose. A site plan's purpose is to show that existing and proposed buildings and uses on a lot or site comply with all applicable requirements.
- B. Prohibition on permits. No building permit shall be issued for any new development in any zoning district until the Town has approved a site plan.
- C. Contents. The owner of the lot proposed for development shall submit a site plan to the Town indicating precisely what is planned for the lot, including:
1. Lot dimensions;
 2. The location and dimensions of all existing and proposed buildings and structures;
 3. The location and dimensions of all required yards and the spaces between buildings;
 4. Landscaping, screening, and outdoor lighting as required by Article 13-11;
 5. Off-street parking as required by Article 13-10;
 6. Vehicular, pedestrian, and service access;
 7. Signs and lighting, including location;
 8. Outdoor storage and activities;
 9. Location and name of adjacent rights-of-way;
 10. A sewer connection plan as required by Town Code section 7-01-140; and
 11. Other data as may assist in determining the effect of the development on surrounding property.
- D. Site plan review and implementation.

1. An applicant for a building permit shall submit a site plan showing the proposed development's compliance with all requirements of this Code
2. Town staff shall approve the site plan upon determining the proposed development as set forth in the site plan will comply with all requirements of this Code.
3. The Town shall issue a certificate of occupancy for the proposed development after the applicant has completed installation of all improvements as shown on the approved site plan.
4. Where weather conditions warrant a delay of no more than six months, an applicant may request a temporary certificate of occupancy for the proposed development by filing with the Town a guarantee in the form of a cash deposit or bond or letter of credit from an approved bank, naming the Town as beneficiary, in the amount of at least 115% of a Town Engineer-approved estimate of the cost to complete the installation of all improvements as shown on the approved site plan.

E. Maintenance of improvements as shown on the approved site plan.

1. The property owner shall maintain all improvements as shown on the approved site plan.
2. Approved and installed landscaped areas shall not be used for vehicle parking, storage, or display of merchandise.
3. Areas designated for on-site detention of drainage water shall be used solely for that purpose.
4. The property owner shall replace in accordance with the approved site plan all dead plants, trees, shrubs, and ground cover, and all damaged landscaping, irrigation devices, and screening walls.
5. The property owner shall keep the area between the property line and the shoulder of an abutting roadway free of litter, weeds, and trash.
6. A property owner's failure to maintain all improvements as shown on the approved site plan shall constitute a violation of this Chapter and shall be subject to the penalties prescribed in Article 13-15 (violations and penalties).
7. For purposes of this section, "maintain" means to undertake on-going repair, replacement, painting, trimming, mowing, pruning, weeding, watering, and other activities for the consistent upkeep of an attractive appearance of all improvements as shown on the approved site plan and as required by this Article.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-03-050 and 13-26-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; replaced and reenacted by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 563, 07/10/2003)

13-11-040 Required landscaping

- A. Purpose. To beautify buildings and uses, screen unattractive areas, provide for safer vehicular movement, and encourage the development of a more attractive Prescott Valley image and streetscape.
- B. General. Basic landscaping requirements include:

1. Installation of automatic irrigation systems of sufficient size and type to support and maintain all living landscaping materials, except that automatic irrigation systems are not required for undisturbed areas of native grasses and vegetation;
 2. Installation of living landscaping selected from the approved plant list (see section 13-11-060); and
 3. Continued maintenance of all landscaping as required in subsection 13-11-030 E.
- C. Street frontages. In all cases, an on-site landscaped border shall run continuously and contiguously along each street. The landscaped border shall have a minimum width of:
1. Seven feet in the MF (residential; multi-family dwelling units) zone; and
 2. Ten feet in all other zones.
- D. Landscaping border. All the following shall be installed on-site:
1. At least one tree of minimum 15-gallon size shall be installed for every 30 linear feet (or fraction thereof) of all adjacent street frontages.
 - a. Clustering of trees and shrubs is encouraged to create an attractive appearance and to allow certain portions of buildings to be visible.
 - b. Trees may be moved within the required landscape area, but in no case shall the distance between trees exceed 50 feet.
 2. At least one shrub of minimum five-gallon size and four shrubs of at least one-gallon size shall be installed for every 100 square feet of total required landscape border area.
 - a. Five shrubs of minimum one-gallon size may be substituted for up to one-third of the required five-gallon shrubs.
 - b. In no case shall the distance between shrubs exceed ten feet.
 3. Sufficient inorganic or organic ground cover materials shall be installed to completely control erosion and dust in the landscaped area.
 4. Required on-site landscaping borders along street frontages shall not be obscured by walls higher than one foot. Walls higher than one foot within the landscaping border shall be located at least seven feet from the property line.
 5. Landscaping borders for vehicle parking areas shall be subject to the requirements of paragraph H of this section.
 6. Water detention basins containing landscaping and with slopes not exceeding two to one (horizontal to vertical) may be located within the on-site landscaping frontage area.
- E. Other.
1. Undeveloped areas extending beyond a required landscape border and not occupied by parking areas or structures shall contain additional inorganic or organic ground cover materials to completely control erosion and dust. This requirement does not apply in single-family residential (RU, RL, RM, and MH) zones and in approved screened storage or yard areas in other zones.
 2. In the CN (commercial; neighborhood sales and services), CG (commercial; general sales and services), and CI (commercial; minor industrial) zones, the area between a required

landscape border and a commercial or industrial building shall contain at least the following landscaping.

- a. One tree for each 500 square feet (or fraction thereof) of area.
 - b. One shrub of minimum five-gallon size for each 100 square feet of total undeveloped area.
 - c. Three shrubs of minimum one-gallon size may be substituted for up to half of the required five-gallon shrubs.
3. In the MF (residential; multi-family dwelling units) zone and in Manufactured Home Parks and Recreational Vehicle Parks, at least one tree of minimum 15-gallon size and two shrubs of minimum five-gallon size for each residential dwelling unit on the ground floor shall be installed, with organic or inorganic ground cover materials, on-site in open courtyards and rear yards.
 4. Plant material must be installed and maintained to avoid encroachment on pavement and sidewalks.
 5. Tree canopies must be pruned to maintain a six-foot clear area above pavement and sidewalks.
 6. In all cases, undisturbed or re-seeded native grasses qualify as ground cover material.

F. Required vegetation types.

1. For planting within the first ten feet of the property, trees shall be selected from those specified in subsection 13-11-060 B, and living plants, shrubs, vines, and ground covers shall be selected from those specified in the approved plant list (section 13-11-060).
2. Trees to be placed adjacent to pedestrian areas with existing or planned sidewalks shall be selected from those specified in subsection 13-11-060 B.
3. Trees to be placed in other non-pedestrian street frontages may be a 50/50 mix of deciduous and evergreen trees and shall be selected from those specified in the “deciduous trees” and “evergreen trees” lists of the approved plant list (section 13-11-060). Landscaping may be located anywhere within the front 20 feet of the street frontage to allow plantings to be staggered.
4. Trees to be placed in the PL (public lands) zone shall be approved by the Zoning Administrator.
5. Trees in the PD (planned area development) zone will follow the requirements of this section except as otherwise provided in the approved PD final development plan.

G. Landscaping standards for vehicle parking and separation.

1. In addition to the landscaping border requirements set forth in subsection D of this section, landscaping shall be installed in at least 10% of all parking lot areas, including parking and maneuvering spaces, access aisles, driveways, and parking area landscape islands.
2. Parking area landscape islands.
 - a. In parking areas, islands at least equal in size to a standard parking space for the angle of parking provided.

- b. One parking area landscape island shall be installed for every 12 parking spaces, and in no instance shall more than 11 contiguous parking spaces be installed without the placement of a landscape island, except as noted below.
 - c. Each parking area landscape island shall contain a minimum for each parking space length of one tree of minimum two-inch caliper measured six inches above the ground and four shrubs of minimum five-gallon size (which shall be kept trimmed to not more than 24 inches in height), and ground cover materials sufficient to control dust and erosion.
 - d. Exceptions and substitutions.
 - (1) An on-site landscaping border abutting parking spaces may substitute for a parking area landscape island;
 - (2) Parking lots with more than 100 spaces may install one parking area landscape island for every 15 parking spaces; and
 - (3) Parking lots in the PM (performance manufacturing), IG (industrial; general limited), and IH (industrial; heavy) zones may install one parking area landscape island for every 25 parking spaces.
3. Vehicles overhanging landscaping.
- a. Where the front end of parking spaces abut a landscaped area, wheel stops or concrete curbs shall be installed to limit vehicle overhang of the landscaped area to no more than 30 inches;
 - b. Ground cover shall be installed within the allowable overhang area; and
 - c. Trees and shrubs shall be located beyond the allowable overhang area.
4. Sight visibility triangle. Landscaping shall comply with section 13-07-100 (site visibility triangle at street intersections) at maturity.
5. Additional traffic visibility requirements.
- a. Trees planted in parking areas and near driveways shall be of a type commonly and customarily pruned to allow driver visibility while providing a shade canopy above.
 - b. Wide-base spreading evergreens are prohibited where they may interfere with traffic visibility.
6. Buffering of parking areas.
- a. In addition to the landscape requirements of paragraph G of this section, all parking areas with more than eight spaces shall be buffered from street view by one, or a combination, of the following:
 - (1) Decorative solid, 100% obscuring screening walls with materials, finishes, and construction design compatible with the primary building on the site.
 - (2) Dense landscaping of hedge shrubbery of such size and quantity as to completely obscure views within two years after planting.
 - (a) The minimum height of hedge shrubbery plantings installed for parking buffering shall be at least 18-inches in height and provide a 50% density coverage and shall reach a minimum height of 36 inches and provide 100% screening density within two years.

- (b) The species shall be selected from those specified in subsection 13-11-060 C.
- (3) Earthen berms with slopes not exceeding two to one (horizontal to vertical) and entirely covered with landscaping materials, including ground covers, vines, and shrubs.
- (4) Where screening is provided by a solid wall for parking abutting it, the wall may be located three feet into a landscaped border to allow for automobile overhangs or door swing area, as long as a minimum of seven feet of landscaping is maintained between the wall and the property line.
- b. All buffering devices described above shall be of a minimum height of three feet and a maximum height of four feet above the finished grade of the parking area or roadway, whichever is higher.
- c. For businesses principally engaged in the outdoor sale of boats, cars, trucks and recreational vehicles, the minimum height of the buffering devices required above may be reduced to one-and-one-half feet where the finished grade of the display parking area is at least two feet higher in elevation than that of the contiguous roadway, to allow visibility of display merchandise.
- d. Where any parking lot area is situated across a street from a residential zoning district:
 - (1) It shall be screened by a solid, 100% obscuring screening wall, four feet in height, above the finished grade of the parking area or roadway, whichever is higher; and
 - (2) The wall shall be installed between the required landscaped border and the parking area, and may encroach into the landscaped border not more than three feet as specified in subparagraph 13-11-040 G. 6. a.

H. Off-site landscaping standards.

1. General. The area between the property line and the shoulder of the roadway shall be landscaped continuously, except where interrupted by paved driveways and drainage ditches.
 - a. Drainage ditches must be kept free of weeds, litter and other debris.
 - b. All plans for structures within the right-of-way are subject to approval by the Public Works Director.
2. Landscape material types. Ground cover of organic or inorganic materials or in combination as specified in paragraph C of this section shall be installed in sufficient quantity to completely control erosion and dust within the area.
 - a. Undisturbed native grass areas may fulfill these off-site landscaping requirements; but
 - b. Trees, large shrubs, and hedges are not permitted, except in areas where maximum street construction widths are established by the Town Engineer.
3. Right-of-way landscaping within subdivisions. Landscaping along rights-of-way and within medians in residential subdivisions shall meet the basic landscaping requirements set forth in subparagraph 13-06-040 E. 7 and shall be reviewed by the Public Works Department to ensure plantings will not require extensive maintenance or water

consumption. In a PD (planned area development), the landscaping shall conform to the approved PD final development plan.

I. Exemptions.

1. Town center development and development in a PD (planned area development) utilizing street frontage building design, or other innovative designs, may modify the landscaping border requirements set forth in this section when the landscaping is incorporated into a design package and included in the approved PD final development plan.
2. Approved screened-in storage areas for industrial zoning districts and areas inside approved fenced yards for multi-family zoning districts are exempt from all ground cover planting requirements but shall at all times comply with any applicable dust control requirements.
3. On-site areas approved for future development are exempt from the landscaping requirements of this section but shall at all times comply with the ground cover requirements to control erosion and dust.
4. Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:
 - a. The total square footage of the required street frontage landscaping may be distributed within the front of the building line along the front and side lot lines in a width no less than five feet.
 - b. There shall be no less than a five-foot landscape border along the front of the property. Quantities shall be based on the amount of street frontage.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-040. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 279, 06/25/1992; amended by Ordinance No. 282, 10/22/1992; amended by Ordinance No. 375, 12/28/1995; replaced and reenacted by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 563, 07/10/2003; amended by Ordinance No. 630, 06/30/2005)

13-11-050 Screening

A. Purpose. Screening separates incompatible uses, conceals objectionable areas, and buffers intense activities.

B. Definitions:

1. A “screen wall” is a structure intended to conceal activities, storage, refuse, loading, parking areas, and mechanical equipment from view, or to separate incompatible uses.
 - a. Includes structures constructed of masonry units, wood, stone, earthen berms, and landscaping.
 - b. Excludes structures constructed of plywood, pressboard, particleboard, chipboard, Masonite, or other similar manufactured materials.
2. A “solid screen wall” is a screen wall that obscures 100% of the enclosed activities or uses. A solid screen wall shall be six feet in height unless a greater height, up to a maximum of eight feet in height, is approved by the Board of Adjustment.
3. An “85% screen wall” is a screen wall of masonry, wood, or slatted chain-link fencing, designed to block at least 85% of the view of enclosed activities or uses from adjacent

property at approximately the same elevation as the activity or use. An 85% screen wall is allowed only for uses on commercially zoned property adjacent to other commercial zoned property.

C. Requirements for all types of screening:

1. The height of a screen wall is measured from the highest finished adjacent grade of the element to be screened.
2. Where pedestrians or bicycles cross, screen walls and buffer landscaping may have openings no wider than six feet.
3. Required screening shall be located on-site.
4. Required screening shall be reduced to a height of no more than three feet where necessary to avoid obstructing vehicular traffic visibility.
5. When the requirements in this section conflict with other requirements in this Chapter, the more restrictive requirement shall apply.

D. Screening of refuse, storage, loading docks, and mechanical equipment.

1. Refuse collection areas.

- a. Refuse collection areas and equipment shall be screened on three sides by six-foot-high solid screen walls; and
- b. A refuse collection area that faces a street or entry way into a site shall be enclosed by opaque gates attached to the solid screen walls.

2. Outdoor storage areas.

- a. Outdoor storage of materials, equipment, vehicles, or trailers shall be screened from view by a screen wall at least six feet and not more than eight feet in height.
- b. Materials or equipment shall not be stacked higher than the screen wall.
- c. Vehicles higher than eight feet may protrude above the screen wall.

3. Loading dock areas and overhead bay doors.

- a. Loading, delivery, or service areas shall be oriented away from public streets or screened by six-foot high screen walls with adjacent screening landscaping.
- b. Loading, delivery, or service areas shall be screened from contiguous residential zoning districts by six-foot high screen walls and screening trees and landscaping as required in subsection 13-11-040 F.
- c. All overhead bay doors shall be oriented away from major streets, highways, and contiguous residential zoning districts, or shall be screened by six-foot high screen walls with adjacent screening trees and landscaping as required in subsection 13-11-040 F.
- d. Notwithstanding subparagraph c above, on legal nonconforming lots in the RS and CN zones created by a subdivision plat approved before 1979, if an overhead bay door must be oriented toward a major street, highway, or contiguous residential zoning district, the door shall be no higher than twelve feet and:
 - (1) Building frontage landscaping shall be installed adjacent to the overhead bay doors pursuant to subsection 13-11-040 C, or

- (2) An awning shall be installed above the overhead bay door to create a visual break to the building facade.

4. Outdoor mechanical equipment.

- a. Ground-mounted mechanical equipment shall be screened from view on all sides by screen walls at least as high as the mechanical equipment.
- b. Roof-mounted mechanical equipment shall be screened from view on all sides by screening at least as high as the mechanical equipment and consisting of material similar in type and appearance to the building upon which the equipment is mounted.
- c. Meters, pedestals, and junction boxes for public utilities are excluded from these screening requirements.

5. Satellite dishes. A satellite dish 25 inches in diameter or larger shall be either:

- a. Ground-mounted and located in the rear half of any lot, or
- b. Roof-mounted and screened from view on all sides by screening at least as high as the satellite dish and consisting of material similar in type and appearance to the building upon which the satellite dish is mounted.

6. Fuel storage tanks. A liquid heating fuel storage tank shall be either:

- a. Located within the rear half of a lot, or
- b. Screened from view by a non-combustible wall at least as high as the tank, and enhanced with landscaping.

7. Trash dumpsters. Trash dumpsters are prohibited on single family residential lots except during construction.

E. Screening of outdoor merchandise display.

1. Outdoor display of merchandise is permitted for new or used auto sales or rentals, plant nurseries, manufactured home sales facilities, truck or trailer sale, and other similar outdoor businesses.
2. Outdoor display of merchandise for other than outdoor businesses is subject to all the following requirements and restrictions:
 - a. Outdoor display of merchandise shall be limited to one item per product of those product types sold in the business and typically and customarily used outdoors; for example, lawn furniture, outdoor grills, etc. All other outdoor display is prohibited.
 - b. Outdoor display of merchandise shall be located:
 - (1) Under the roof overhang of a building; or
 - (2) Under a freestanding, roofed structure; or
 - (3) In an open area further from the street and beyond the required on-site landscaping frontage described in subsection 13-11-040 C; and
 - (4) Not within any required parking, water detention, or landscaping area.

- c. Any outdoor display of merchandise located within 20 feet of a street right-of-way shall be buffered by a screen wall or earth berm with landscaping to a height of three feet.
 - d. In no case shall any outdoor merchandise interfere with or encroach upon vehicular or pedestrian movement or ramps for the handicapped.
 - e. All outdoor displays shall be brought indoors within one hour after close of business.
- F. Screening of outdoor vending machines and news racks. Outdoor vending machines and news racks:
 - 1. Shall be located Immediately adjacent to the walls of a building or within a walled alcove designed for containment of vending machines and news racks; and
 - 2. Shall not interfere with or encroach upon vehicular or pedestrian movement or ramps for the handicapped.
- G. Screening for protection of adjacent properties. The following screening provisions apply to non-residential uses, multi-family uses, manufactured home parks, and recreational vehicle parks:
 - 1. A solid screen wall, six feet high as measured from the elevation of the contiguous property, shall be installed for the following uses:
 - a. A commercial or non-residential use contiguous to property zoned RU, RL, RM, MH, or MF.
 - b. A multi-family residential use comprised of three or more units contiguous to property zoned RL, RM, or MH or contiguous to an existing single-family use on property zoned RS.
 - c. A multi-family residential use with five or more units or one acre in size contiguous to property zoned RU, RL, RM, or MH, or contiguous to a multi-family use with fewer than five units on property zoned MF or RS.
 - d. A manufactured home park or recreational vehicle park contiguous property zoned RL, RM, MH, MF, or RS, or contiguous to any existing residential use.
 - 2. Minimum 15-gallon evergreen (non-deciduous) screening trees selected from the approved plant list and planted 15 feet on center shall be installed, in addition to a solid screen wall, running the full length of common property lines, for a commercial or multi-family residential use larger than one acre contiguous to property zoned RU, RL, RM, MH, or MF or contiguous to any existing residential use on property zoned RS.
 - 3. Exception. The requirements of this subparagraph G do not apply where the property to be screened is undeveloped property in the RU zone designated for high intensity uses in the adopted Prescott Valley general plan and not located within the civic/business center (section 14) as described in the general plan and any amendments to it.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; replaced and reenacted by Ordinance No. 392, 06/27/1996; amended by Ordinance No. 563, 07/10/2003; amended by Ordinance No. 630, 06/30/2005)

13-11-060 Approved plant list

- A. General species requirements. Trees, shrubs, groundcovers, grasses, and perennials listed in the Prescott AMA plant list or the Prescott Valley supplemental plant list (see subsection D below) must be used for used to meet the minimum landscaping requirements set forth in this Article, and are recommended to be used for additional landscaping as desired.
- B. Tree species for pedestrian ways. To create an appearance of consistency and provide shading along pedestrian streets with sidewalks and sand trails, the following species of trees must be planted within the first ten feet of on-site street frontage: Thornless Honey Locust, Chinese Elm, Locust, or Arizona Ash.
- C. Parking lot shrub species. The following species of shrubs must be planted to buffer parking lots as required in subparagraph 13-11-040 G. 6: Juniper (Shrubs), Spanish Broom, Mountain Mahogany, Gray Rabbit Brush, or Parney Cotoneaster.
- D. Prescott Valley supplemental plant list. The plants in the table administratively maintained and updated periodically by the Development Services Department supplement the Prescott AMA plant list. The supplemental plant list may be found online at www.prescottvalley-az.gov/158/Planning-Zoning.

Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-060. Prior history: Enacted by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; replaced and reenacted by Ordinance No. 392, 06/27/1996; replaced and reenacted by Ordinance No. 521, 05/09/2002; replaced and reenacted by Ordinance No. 630, 06/30/2005)

13-11-070 Nuisances and hazards

- A. Purpose. In addition to those purposes listed in section 13-11-010, the purpose of these provisions is to prohibit or abate conditions posing potential hazards and nuisances to the general welfare of the Prescott Valley residents and businesses.
- B. No use shall be established, maintained, or conducted in any zone which may cause any of the following nuisances or hazards:
 - 1. Dissemination of smoke, gas, dust, odor, or any other atmospheric pollutant outside the building where the use is conducted, or any such dissemination not conducted within a completely enclosed building.
 - 2. Objectionable noise beyond the zone boundary of the use's zoning district.
 - 3. Discharge of any wastewater or materials not treated to the minimum treatment standards established by the Town and the Arizona Department of Environmental Quality, and validated by current, approved discharge permits issued by those agencies.
 - 4. Dissemination of glare or vibration beyond the immediate site of the use.
 - 5. Physical hazards by reason of fire, explosion, radioactivity, or any similar cause to property in the same or an adjacent zoning district.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-070. Prior history: Enacted by Ordinance No. 392, 06/27/1996)

13-11-080 Topography

- A. Purpose. In addition to those purposes listed in section 13-11-010, the requirements of this section are adopted to minimize visual impacts from cuts and fills and excessively high retaining walls.

B. Retaining walls in all zoning districts:

1. Any fencing above a retaining wall shall be set back three feet from the retaining wall and landscaped.
2. If higher retaining walls are required, the use of terraces or stepped walls may be allowed subject to the following requirements:
 - a. Each wall shall not exceed the height limits set forth in subsections C and D below.
 - b. Except as provided in subsection F below, retaining walls shall be separated by sufficient horizontal spacing to allow landscaping to be established and maintained (see subsection 13-11-030 E) in a way that breaks up the visual impact of the stepped walls and is visible from the bottom of the lowest wall.
 - c. Except as provided in subsection F below, the minimum horizontal spacing between retaining walls shall be five feet.

C. Retaining walls in residential zoning districts: Retaining walls shall not exceed a height of six feet in rear and side yards and four feet in front yards.

D. Retaining walls in all zoning districts other than residential zoning districts:

1. Retaining walls shall not exceed a height of 12 feet in rear and side yards and eight feet in front yards.
2. Landscaping standards shall be those set forth in subsection 13-11-040 D for non-pedestrian street frontage, except that the required street trees may be replaced with other shrubs of similar size from the approved plant list.

E. Other grade changes in all zoning districts:

1. All other grade changes and disturbed areas not supported by retaining walls shall be landscaped with groundcover which can include any combination of grasses or shrubs from the approved plant list in a minimum ratio of 50% living vegetation to 50% inorganic groundcover.
2. Any cuts not utilizing a retaining wall that are too steep for vegetation shall have terraced cuts following the same terrace and landscaping guidelines set forth in subparagraph D of this section.

F. Enclosed residential back yard exception. Within an enclosed back yard of residentially zoned property used for residential purposes, retaining walls may be placed three feet apart without landscaping

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26-080. Prior history: Enacted by Ordinance No. 630, 06/30/2005)

ARTICLE 13-12. OUTDOOR LIGHTING REQUIREMENTS

13-12-010 Purpose

This Article is intended to minimize light pollution, reduce glare, promote public safety, and retain the enjoyment of Prescott Valley's night-time quality, while allowing for necessary commercial services and encouraging quality development in the Town, and particularly in the Town Center.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-010. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

13-12-020 Exemptions

- A. Existing fixtures. All existing outdoor light fixtures installed in conformance with Town Code provisions then in effect are exempt from new requirements of this Article, except that:
 - 1. Upon reconstruction or replacement, light fixtures shall be brought into compliance with this Article.
 - 2. Mercury vapor fixtures must be removed and replaced with conforming light fixtures.
- B. Seasonal decorations. Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all zoning districts from November 15 through January 15, and shall be extinguished at the earlier of 11:00 p.m. or close of business.
- C. Frosted lamps. Light fixtures with a frosted lamp emitting not more than 1,000 lumens shall be permitted, subject to the light trespass standards of section 13-12-060.
- D. Temporary exemptions. Exemptions to the requirements of this Article may be permitted for temporary events such as parades, special civic or public events, special business events, construction, and business grand openings. Upon written application, a temporary exemption:
 - 1. Valid for not more than 30 consecutive calendar days shall be permitted by approval of the Zoning Administrator.
 - 2. Valid for a period greater than 30 consecutive calendar days, or for an extension beyond the original 30-day period, shall be permitted by approval of the Board of Adjustment.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-020. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 894, 01/13/2022)

13-12-030 Definitions.

For purposes of this Article:

- A. “Catalog cut” means a technical illustration provided by a manufacturer showing the cross-section of the complete fixture.
- B. “CCT” means color correlated temperature; that is, the equivalent color of a heated metal object to the accompanying temperature in kelvin scale (K).
- C. “Floodlight” means a form of lamp typically designated as a floodlight by its manufacturer and designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself, with a clear or nearly clear glass envelope.
- D. “Foot-candle” means one lumen per square foot unit of illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 lux.
- E. “Fully shielded” means outdoor light fixtures shielded or constructed so that all of the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. “Fully shielded” shall also conform to cutoff guidelines defined by IES. Drop or sag lens type fixtures shall not be allowed.
- F. “Horizontal foot-candle” means the illuminance measured by a light meter at the adjacent grade of the fixture or building on which it is attached, unless otherwise specified.

- G. “IES” means the Illuminating Engineering Society.
- H. “Illuminance” means the intensity of light in a specified direction measured at a specific point.
- I. “Lamp” means a source of light.
- J. “LED” means light emitting diode.
- K. “Light fixture” means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Light fixture shall also mean luminaire as referenced by IES.
- L. “Lumen” means a unit measurement to define the total output of light for a particular light fixture or lamp, and is specified by the manufacturer.
- M. “Main Street” means Main Street between Park Place and Lakeshore Drive in Prescott Valley.
- N. “Town Center” means Township 14 North, Range 1 West, Section 14 and that portion of Section 23 located north of State Route 69.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-030. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 832, 08/10/2017)

13-12-040 Lighting standards

- A. All light fixtures must be designed and installed as fully shielded, unless specifically exempted.
- B. For purposes of this Article, height shall be measured from the top of a light fixture to the adjacent grade at the base of the light fixture.
- C. Light fixtures shall be shielded so that the light source and direct glare are not visible from the height of six feet at a residential property line.
- D. Any light fixture installed on a hillside site more than ten feet higher than and visible from an adjacent roadway or residential zoning district shall be fully shielded and shall include any internal or additional external shielding needed to prevent the lamp and its direct glare from being visible from the adjacent roadway or residential zoning district.
- E. Light fixture types shall be regulated as follows:
 - 1. Mercury vapor fixtures are prohibited.
 - 2. Metal halide fixtures shall be allowed for the following applications:
 - a. Approved outdoor merchandise sales display including, but not limited to, automobile sales.
 - b. Building-mounted lighting for accent and entrances installed per paragraph H of this section.
 - c. Gas pump island areas under a canopy.
 - d. Main Street.
 - 3. Incandescent, fluorescent, high pressure sodium, low pressure sodium, quartz, and LED fixtures are allowed in all zoning districts, subject to all other provisions of this Article.

4. Neon fixtures are allowed for accent lighting and shall be limited to a tube length being not more than the length of the building on which they are mounted or as part of an approved sign, and subject to all other provisions of this Article.
5. Incandescent or arc-type searchlights, beacon lights, or similar lighting devices projecting a beam of light into the sky are prohibited except by conditional use permit or for emergency searchlights or beacons operated by government entities.
- F. Any light fixtures placed in public rights-of-way shall meet the requirements of this Article and of any other adopted Town policy or standard, and shall first be approved by the Public Works Director.
- G. For purposes of this Article, the following rated lamp wattages shall be accepted for lumen levels unless the Zoning Administrator determines, that the lamp emits a different wattage based on information from the lamp manufacturer:
 1. . Less than 1,000 lumens:
 - a. 60 watt incandescent
 - b. 75 watt floodlight
 - c. 25 watt fluorescent
 2. 1,000 to 2,000 lumens:
 - a. 100 watt incandescent
 - b. 120 watt floodlight
 3. 2,000 to 4,000 lumens:
 - a. 160 watt floodlight
 - b. 50 watt high pressure sodium
 - c. 50 watt metal halide
 - d. 40 watt fluorescent.
 4. More than 4,000 lumens
 - a. 100 watt metal halide
 - b. 110 watt florescent (48-inch tube)
- H. Building-mounted light fixtures shall be:
 1. High pressure sodium, metal halide or other allowed source
 2. Subject to the light trespass standards of section 13-12-060 and the lighting level standards of section 13-12-070
 3. Installed per the following guidelines:
 - a. No higher than 14 feet with lamps no more than 175 watts within 80 feet of any residential zoning district
 - b. No higher than 25 with lamps no more than 250 watts in all other locations
- I. Freestanding light fixtures shall be:
 1. LED, high pressure sodium, or low pressure sodium only (unless specified elsewhere)

2. Subject to the light trespass standards of section 13-12-060 and the lighting level standards of Section 13-12-070.
3. Installed per the following guidelines:
 - a. No higher than 14 feet with lamps no more than 250 watts within 80 feet of any residential zoning district
 - b. No higher than 35 feet with lamps no more than 400 watts in industrial zoning districts (IG and IH), when the light fixture is not visible from a highway and is located at least 200 feet from a residential use
 - c. No higher than 25 feet with lamps no more than 400 watts in all other locations

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-040. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 832, 08/10/2017)

13-12-050 Town Center lighting standards

A. Arterials.

1. Those portions of arterials located in Town Center will utilize light fixture Constitution—Decorative Post Top Light (Model XCN4, color temperature 3000) manufactured by LSI Industries, Inc., depicted to the right, or an approved equal fixture as approved by the Town Manager.
2. Pole heights for light fixtures for other arterial streets should have a height of 25 feet or less, and spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).



B. Main Street.

1. The light fixture depicted to the right (or an approved equal fixture as approved by the Town Manager) shall be used on Main Street.
2. The height shall match the light poles and fixtures currently installed on Main Street and the spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).



C. Other Town Center streets and on-site lighting. Other decorative-style light fixtures not in compliance with this Article may be utilized in the Town Center where unique pedestrian scale lighting and accent is desired, subject to the following standards:

1. Unshielded light fixtures of only 1,000 total lamp lumens or less are allowed.
2. Non fully-shielded light fixtures of 4,000 total lamp lumens or less are allowed only:
 - a. In conjunction with final development plans per subparagraph 13-06-040E.7, and
 - b. Where not oriented toward any residential use or major roadway.
3. All additional lighting shall take the form of higher profile, fully shielded light fixtures, subject to all other provisions of this Article.

D. Parking lots and parking structures.

1. Parking lots and the upper level of parking structures shall be lit with neutral, non-decorative light fixtures similar to the Gardco Hardtop series, depicted to the right, and poles shall be simple and non-articulated.
2. Spacing and illumination levels shall comply with an approved site plan (see subsection 13-12-090 G).



(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-050. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 832, 08/10/2017)

13-12-060 Light trespass and shielding

- A. All light fixtures shall be fully shielded and shall be installed so that the light source and direct glare are not visible from adjoining residential uses.
- B. Light levels shall not exceed one horizontal foot candle at any property line, and the total level of lighting shall not exceed 0.25 foot-candles at the height of six feet at a residential property line.
- C. Adjustable type wall packs and fixtures shall not be set above a horizontal plane and shall be fully shielded.
- D. Exemptions:
 1. Residential light fixtures emitting no more than 2,000 lumens as provided in subsection 13-12-070 E, subject to all other provisions of this Article.
 2. Incandescent spot lights of no more than 4,000 lumens in a shielded fixture, where they are:
 - a. Used to illuminate a commercial use,
 - b. Used for landscape or building accent,
 - c. Mounted at ground level,
 - d. Directed away from roadways and residential property,
 - e. Directed at not more than a 45-degree angle above horizontal, and
 - f. Spaced at not more than one per 30-feet of building wall face or one per monument sign face.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-060. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

13-12-070 Lighting level guidelines

- A. General.
 1. Light levels set forth in this Section are defined as foot-candle levels of illuminance and may be indicated as either maintained average levels according to IES guidelines or as a maximum value, and may be indicated as either horizontal or vertical foot-candles.
 2. Unless otherwise specified, maximum illuminance levels shall conform to the lowest levels recommended by IES.
 3. For uses not specified in this Section, the Zoning Administrator may approve levels of illuminance based on minimum guidelines established by IES.

B. Building-mounted light fixtures.

1. Exterior building-mounted light fixtures shall be 25,000 lumens or less and shall not exceed 20 horizontal foot candles of illuminance.
2. Building entrances, loading areas, drive-through and ATM locations, and fixtures otherwise fully recessed and mounted under a canopy or other solid overhang of a building or structure shall not exceed 20 horizontal foot candles of illuminance.

C. Parking lot and freestanding light fixtures.

1. Only LED, high pressure sodium, or low pressure sodium light fixtures shall be used for parking lots and freestanding light fixtures.
2. The lighting systems for parking lots shall be designed to produce:
 - a. An average maintained light level on the horizontal pavement surface that does not exceed an average of two and one-half foot-candles, and
 - b. A maximum-to-minimum uniformity ratio of not more than 20 to one, and
 - c. A maximum level of ten foot-candles.
3. A CCT of 3500K or less shall be maintained for all LED lighting.

D. Outdoor sale displays and canopies may be illuminated with metal halide light fixtures at the following lighting levels:

1. Illumination under pump island canopies shall not exceed an average illuminance of ten horizontal foot candles or a maximum of 20 horizontal foot candles.
2. Automobile sales lighting shall be installed according to the standards in one of the two following subparagraphs, and the total site lighting shall be reduced to no more than 25% after the later of 11:00 p.m. or a half hour after the close of business.
 - a. Light levels shall meet the requirements in the following table:

Location	Maximum Average	Maximum	Minimum	Ratio of Maximum to Minimum
Merchandise	10	15	3 ¹	5:1 ²
Feature Display ^(c)	15	20	4 ^(a)	5:1 ^(b)
Other/Employee	5	10	0.5 ^(a)	20:1 maximum

(1) The table's superscript letters correspond to the following subparagraphs:

- (a) This is the recommended minimum level, but is not required.
- (b) This is the recommended maximum ratio, but in any event the maximum ratio shall not exceed 10:1
- (c) This requirement applies to the row of merchandise adjacent to the street.

(2) All numbers in the table are measured in horizontal foot candles.

(3) The "Maximum Average" column is the maintained average level.

(4) Fixtures fully recessed and mounted under a canopy or other solid overhang of a building or structure shall not exceed 30 horizontal foot candles

b. Light levels for the overall site shall not exceed:

- (1) A maintained average of 12 horizontal foot candles, and
- (2) A maximum of 20 horizontal foot candles, but
- (3) Not counting fixtures fully recessed and mounted under a canopy or other solid overhang of a building or structure, which shall not exceed 30 horizontal foot candles.

3. Other seasonal retail outdoor lighting areas shall not exceed ten foot-candles.

E. Residential fixtures.

1. The following light fixtures up to 2,000 lumens are allowed in residential zoning districts and are exempt from the full shielding requirements of subsection 13-12-040 A:
 - a. Lighting fixtures emitting not more than 1,000 lumens and consisting of a frosted lamp.
 - b. Floodlights or shielded spot light fixtures emitting not more than 2,000 total lumens and directed downward at an angle of at least 45 degrees (including those on a motion sensor).
2. The following light fixtures are allowed in residential zoning districts and are exempt from the 30-foot average spacing requirement:
 - a. Low-voltage systems installed at ground level.
 - b. Fixtures up to 2,000 lumens that are fully recessed under a solid overhang of the structure or that are otherwise fully shielded so that the lamp is not visible from an adjoining residential property.
3. Light fixtures shall be installed no higher than 12 feet above the adjacent grade.
4. The total level of lighting at an adjoining residential property line shall not exceed 0.25 foot-candles at a height of six feet, except that light fixtures emitting less than 1,000 lumens and consisting of a frosted lamp are exempt when installed a minimum of 30 feet apart on a permitted residence or accessory structure.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-070. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 832, 08/10/2017; amended by Ordinance No. 894, 01/13/2022)

13-12-080 Applicable codes

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Article, Prescott Valley Town Code Chapter 7 (Building), and all other applicable Town zoning and nuisance regulations.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-080. Prior history: Enacted by Ordinance No. 521, 05/09/2002; amended by Ordinance No. 590, 03/25/2004)

13-12-090 Permit process and plans

- A. Any person intending to install or replace an outdoor light fixture shall submit to the Building Official a permit application providing evidence that the proposed work will comply with this Article.

- B. Any person intending to change any outdoor light fixture or type of light source after the original installation shall submit to the Building Official a change request and information adequate to assure compliance with this Article.
- C. Permit applications shall include manufacturer's catalog cuts and drawings (including sections where required) and specifications identifying lamp types and lumen outputs.
- D. An entity engaged in the business of providing public utilities required by a contract with the Town to comply with the provisions of this Article shall be exempt from obtaining a permit for the installation of individual outdoor light fixtures.
- E. Permits for installation of outdoor light fixtures shall be issued as either a separate lighting permit or as part of a building permit, upon compliance with the requirements of this Article.
- F. All appeal procedures generally applicable to the issuance of building permits shall apply to permits for installation of outdoor lighting fixtures under this Article.
- G. Lighting plans. Approval of one or more outdoor light fixtures expected to utilize 100,000 lumens or more in the aggregate shall require a lighting plan which includes the following:
 - 1. A site plan identifying the proposed location of each lighting fixture.
 - 2. A description of each illuminating device, fixture, lamp, support, and shield, including but not necessarily limited to manufacturer's catalog cuts and drawings (including sections where required) and specifications identifying lamp types and lumen outputs.
 - 3. Point-to-point photometric calculations (in foot candles) at intervals of not more than ten feet at ground level, and at five feet above ground where required by the Building Official.
- H. The final plat of any subdivision with proposed street or other common or public area outdoor lighting shall include a statement certifying compliance with the applicable provisions of this Article.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-090. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

13-12-100 Penalties.

- A. Any person violating any provision of this Article shall be deemed guilty of a class 2 misdemeanor.
- B. Each day or portion of a day during which a violation continues is a separate offense.
- C. A person convicted of any violation of this Article may be punished as set forth in A.R.S. §§ 13-707, 13-802 and 13-803.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-100. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

ARTICLE 13-13. ADMINISTRATION, PROCEDURES, ENFORCEMENT, AND FEES

13-13-010 Planning and Zoning Commission

- A. Establishment and membership. The Council shall appoint the Planning and Zoning Commission, composed of seven residents of the Town appointed for three-year staggered terms, who shall serve at the pleasure of the Council, without pay, and shall perform the

duties prescribed by Title 9, Chapter 4, Articles 6, 6.1 and 6.2 of the Arizona Revised Statutes.

B. Staff.

1. The Council may hire clerical and technical aid for the Commission.
2. The Zoning Administrator shall serve as ex-officio member (without vote) of the Commission and shall make recommendations concerning the matters before it.

C. Officers. The Commission shall elect its own chair and vice-chair from its membership.

1. Elections for chair and vice-chair shall occur at the November Commission meeting in odd-numbered calendar years.
2. A chair or vice-chair may not consecutively serve more than one full two-year term.
 - a. A member may serve as chair or vice-chair for more than one two-year term so long as the terms are not consecutive.
 - b. A member who serves an abbreviated term as chair or vice-chair as a result of a vacancy may be elected to a full two-year term at the conclusion of the abbreviated term.
3. If the office of chair becomes vacant, the vice-chair shall automatically become chair for the remainder of the term.
4. If the office of vice-chair becomes vacant, an election shall be held for the office of vice-chair for the remainder of the term.

D. Member removal. If any Commission member is absent for three consecutive meetings or commits misconduct, the Commission may place an item on the next available agenda to recommend that the Council remove the member and appoint a replacement.

E. Rules. The Commission shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provisions of this Chapter), and shall conduct all meetings according to Robert's Rules of Order.

F. Duties. The Commission shall:

1. Formulate, create, and administer any lawful plan duly adopted by the Town Council for the present and future growth of the Town pertaining to the use of land and buildings for any purpose
2. Undertake all incidental activities usually associated with the plans formulated, created, or administered by the Commission
3. Undertake all activities and commonly known as "Planning and Zoning"
4. Make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the Town and in cooperation with adjacent areas
5. Recommend to the Town Council revisions in such plans which, in the opinion of the Commission, are in the best interests of the citizens of the Town
6. Promulgate rules of procedure for approval by the Town Council
7. Supervise the enforcement of rules of procedure promulgated by the Commission and adopted by the Town Council

8. Establish a uniform schedule of fees for service, to become effective upon approval by the Town Council, with all receipts to be paid into the general fund of the Town
- G. Meetings. The Commission shall provide in its rules for its meetings.
1. Special meetings of the Commission may be called by the chair.
 2. Any three members of the Commission may make written request to the chair for a special meeting, and if the special meeting is not called, the three members may call the special meeting in the manner and form as provided in the Commission rules.
- H. Voting. Four members of the Commission shall constitute a quorum.
1. The affirmative vote of four members shall be required for passage of any matter before the Commission.
 2. The minutes of Commission meetings shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present.
 3. A member may abstain from voting only upon the member’s declaration of a conflict of interest, in which case the member shall take no part in the deliberations on the matter in question.
- I. Commission public hearing. The Commission shall hold a public hearing on any proposed rezoning or amendment to this Chapter.
1. After the public hearing, the Commission shall provide sufficient information concerning the Commission’s reasons for the recommendation for the Town staff to prepare a written summary of the Commission’s recommendation to the Town Council, including, if applicable, adopting or incorporating by reference Town staff’s recommendation.
 2. The Town staff’s written summary of the Commission’s recommendation will be transmitted to the Town Council within ten days of the public hearing.
- J. Council public hearing. The Council shall then hold a second hearing on any proposed rezoning or amendment to this Chapter.
- K. Decision. After the Council public hearing, the Council shall make a final determination on the proposal and may adopt or reject, in whole or part, the Commission’s recommendation.
- L. Notice. Notice of the public hearings by the Commission and Council shall be provided in the form, time, and manner specified in A.R.S. § 9-462.04.

(Rewritten and re-codified by Ordinance No. %. Previously codified at Article 13-28. Prior history: Ordinance Nos. 9 (06/28/1979), 37 (09/04/1980), 42 (10/07/1980), 178 (05/26/1988), 375 (12/28/1995), 645 (01/26/2006), 2023-929 (11/09/2023))

13-13-020 Board of Adjustment

- A. Establishment and membership. The Council shall appoint the Board of Adjustment, composed of five residents of the Town appointed for three-year staggered terms, who shall serve at the pleasure of the Council, without pay, and shall perform the duties prescribed by A.R.S. § 9-462.06.
- B. Appointee restrictions. No Board of Adjustment member shall be an employee of the Town, a member of the Commission, or an employee of a member of the Commission.

- C. Staff. The Zoning Administrator shall serve as an ex-officio member (without vote) of the Board of Adjustment, and shall make recommendations concerning the matters before the Board of Adjustment.
- D. Officers.
1. Chair and vice-chair selection. The Board of Adjustment shall elect its own chair and vice-chair from its membership, each of whom shall serve for a period of one year from date of election. Upon the expiration of the term of office of the chair, or in any event where the office shall become vacant, the vice-chair shall automatically become chair and an election shall be held for the office of vice-chair.
 2. Chair duties. The chair shall be the executive officer of the Board of Adjustment with the power to administer oaths of witnesses and take evidence, and shall preside over Board of Adjustment meetings.
 3. Secretary. The Board of Adjustment shall select a secretary, who may be a member of the Board of Adjustment or a Town staff member, who shall cause minutes of Board of Adjustment meetings to be kept, showing records of votes, examinations, and other official actions (all of which shall be filed in the office of the Zoning Administrator).
- E. Member removal. If any Board of Adjustment member is absent for three consecutive meetings or commits misconduct, the Board may place an item on the next available agenda to recommend that the Council remove the member and appoint a replacement.
- F. Rules. The Board of Adjustment shall adopt such other rules for its operation as may be needed from time to time (provided that such rules shall not be inconsistent with any provisions of this Chapter), and shall conduct all meetings according to Robert's Rules of Order.
- G. Meetings. Board of Adjustment meetings shall be open to the public.
- H. Quorum. Three members of the Board of Adjustment shall constitute a quorum.
- I. Submission. Appeals to the Board of Adjustment may be taken by persons aggrieved or by any officer, department, board, or bureau of the Town affected by a decision of the Zoning Administrator, within a reasonable time, by filing with the Zoning Administrator and with the board a notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall immediately transmit all records pertaining to the action appealed from to the board.
- J. Meeting. The Board of Adjustment shall fix a reasonable time for hearing the appeal, and shall give notice of hearing by both publication in a newspaper of general circulation in accordance with A.R.S. § 9-462.04 and posting the notice in conspicuous places close to the property affected.
- K. Stay of proceedings. An appeal to the Board of Adjustment stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the board that, in the Zoning Administrator's opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. On the certification proceedings shall not be stayed, except by restraining order granted by the board or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appeal requests relief that has previously been denied by the board except pursuant to a special action in superior court as provided in A.R.S. § 9-462.06 paragraph K.

L. Submission requirements. Where an application involves a definite development scheme, it must be accompanied by:

1. A layout and landscape plan stamped by a registered landscape architect;
2. A typical building elevation and other pertinent development characteristics;
3. The total cost of the project; and
4. Evidence of the ability and intention of the applicant to proceed with actual construction and diligently pursue it to completion.

M. Powers. The Board of Adjustment is authorized to:

1. Decide if there is error in any order, requirement, or decision of the Zoning Administrator in the enforcement of this Chapter
2. Reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made (and, to that end, shall have the powers of the Zoning Administrator)
3. Interpret this Chapter when the meaning of any word, phrase or section is in doubt, or where doubt exists as to whether a non-listed use is similar enough to listed uses as to clearly have been intended to be included in a zone, either as a permitted use or a conditional use.
4. Hear and decide appeals for variances from the terms of this Chapter only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.
5. Determine the location of a zone boundary where doubt exists as to its location on the zoning map.
6. Modify the Zoning Administrator's requirements in instances where a use is conditional upon certain stipulations specified by the Zoning Administrator.
7. Hear and determine appeals from notices to abate public nuisances under Town Code Article 9-04a (Junked Motor Vehicles) and from notices of intent to abate nuisances and remove vehicles under Town Code Article 11-04 (Abandoned Vehicles).

N. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of this Chapter, provided the restriction in this subparagraph shall not affect the authority to grant variances pursuant to this section.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

O. Voting. The affirmative vote of three members shall be required for passage of any matter before the Board of Adjustment.

1. The minutes of Board of Adjustment meetings shall reflect the “ayes” and “nays” cast on a particular measure and shall reflect the vote of each member present.
2. A member may abstain from voting only upon the member’s declaration of a conflict of interest, in which case the member shall take no part in the deliberations on the matter in question.
3. The Board shall issue a decision within 30 days after all parties have completed their submission of evidence and arguments.
4. If one or more Board members are absent at the time set for the Board of Adjustment to hear the appeal and the applicant requests a continuance before testimony is begun or evidence is introduced, the appeal shall be continued to a date when the full Board membership is in attendance.

P. A variance for a specific development scheme shall expire if permits are not obtained and work is not begun within six months after the variance is granted or if construction is not diligently pursued, unless a period longer than six months is granted or an extension of time is secured from the Zoning Administrator or, on appeal, from the Board of Adjustment.

(Rewritten and re-codified by Ordinance No. %%. Previously codified at Article 13-29. Prior history: Ordinance Nos. 9 (06/28/1979), 23 (02/13/1980), 37 (09/04/1980), 42 (10/07/1980), 164 (11/12/1987), 170 (01/14/1988), 171 (01/14/1988), 178 (05/26/1988), 295 (07/22/1993), 341 (11/03/1994), 375 (12/28/1995), 500 (04/26/2001), 541 (02/27/2003), 559 (07/10/2003), 588 (03/25/2004), 638 (10/13/2005))

13-13-030 Zoning Administrator

- A. The Zoning Administrator shall be appointed by the Town Manager to administer, enforce, implement, and interpret this Chapter.
- B. The Zoning Administrator is the “zoning administrator” for purposes of Title 9, Chapter 4, Article 6.1 of the Arizona Revised Statutes.

(Added by Ordinance No. %%)

13-13-040 Code Official

- A. The Code Official shall be appointed by the Town Manager to assist the Zoning Administrator in enforcing this Chapter.
- B. The Code Official and one or more designees of the Code Official are authorized to enforce this Chapter independently of the Zoning Administrator so long as the enforcement is consistent with the Zoning Administrator’s interpretation of this Chapter.

(Added by Ordinance No. %%. Prior history: Ordinance Nos 9 (06/28/1979), 37 (09/04/1980), 173 (05/26/1988), 375 (12/28/1995), 607 (12/02/2004))

13-13-050 Zoning permits

- A. A zoning permit shall be required for any building or structure which is 200 square feet or less in size; all fences that are four feet in height or greater; and all signs that are exempt from building permit requirements under Town Code section 7-01-040(D). All applications for a zoning permit shall be submitted to the Development Services Department on forms supplied therein, together with a plot plan and any other information required by the Zoning Administrator for the enforcement of this Chapter. All such permits shall be obtained prior to the start of construction. No such permit shall be required for improvements of a value not exceeding \$500, nor for new construction of a value not exceeding \$100. Value of

construction shall be deemed to include cost of materials and normal labor charges. Nothing herein contained shall require any change in plans, construction, size or designated use of any structure, or part thereof, the construction of which had been started prior to coming under the influence of these regulations and diligently pursued, provided a zoning or building permit was secured prior to commencing where the value of such exceeds \$1,000.00.

B. Permit issuance. For each permit issued the Zoning Administrator shall provide:

1. To the applicant a fee receipt and copy of an approved plot plan (if applicable).
2. To the Town Clerk one copy of the permit fee receipt.

C. Information required. The applicant shall provide:

1. Street address (if any) and legal description of the property and dimensions thereof.
2. Nature of the proposed use of the structure and premises and cost of structures.
3. Dimensions, area, and height of each improvement.
4. Location of existing and proposed structures on the lot and spacing between same.
5. Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the requirements of this Code.

D. Permit validity: No zoning permit presuming to give authority to violate any of the provisions of this Chapter or any existing law shall be issued, and if issued shall not be valid except insofar as the work or use which it authorizes is lawful and permitted. In all other instances, the permit is valid provided:

1. Construction begins within six months of the permit and is then diligently pursued; and
2. Any requirements, conditions, or stipulations of the permit are complied with.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-27-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered and amended by Ordinance No. 37, 09/04/80; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 268, 12/12/1991; amended by Ordinance No. 607, 12/02/2004; amended by Ordinance No. 894, 01/13/2022)

13-13-060 Inspection

The Zoning Administrator or Code Official (or any deputy Code Official) may, in the discharge of his or her duties as stated herein, and for good and probable cause, enter any premises, building or other structure during normal working hours to inspect same in connection with any application made under the terms of this Chapter, or for any investigation as to whether or not any portion of such premises, building or other structure is being used in violation of this Chapter. The owner or occupant of any premises sought to be inspected shall be given written notice in person or by registered mail at least 24 hours prior to such inspection in all cases in which entry has been refused. Every person who denies, prevents, obstructs, or attempts to obstruct access to the premises after receipt of written notice shall be guilty of a class 1 misdemeanor.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-27-040. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 600, 07/22/2004)

13-13-070 Other permits

All other permit applications provided for in this Chapter shall be filed with the Development Services Department.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-27-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 607, 12/02/2004; amended by Ordinance No. 894, 01/13/2022)

13-13-080 Fees and charges

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the comprehensive fee schedule approved by the council and amended from time to time. A copy of the fee schedule is on file in the office of the town clerk. Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-27-060. Prior history: Enacted by Ordinance No. 241, 09/27/1990; amended by Ordinance No. 337, 10/13/1994; amended by Ordinance No. 398, 09/12/1996; amended by Ordinance No. 439, 06/25/1998; amended by Ordinance No. 527, 07/25/2002; amended by Ordinance No. 607, 12/02/2004; amended by Ordinance No. 780, 11/21/2013; amended by Ordinance No. 837, 11/16/2017; amended by Ordinance No. 839, 02/22/2018; amended by Ordinance No. 2023-929, 11/09/2023)

13-13-090 Conditional use permits

- A. A conditional use permit is required for specified uses that are not permitted outright in a particular zoning district but that may be appropriate for a particular location or with restrictions that mitigate actual or potential impacts of the use.
- B. Conditional use permit applications must be accompanied by:
 - 1. A layout;
 - 2. A landscape plan stamped by a registered landscape architect;
 - 3. Building elevations and other pertinent development characteristics;
 - 4. An estimate of the total cost of the project, and evidence of the applicant's ability to complete the project; and
 - 5. Civil, mechanical, structural, or electrical engineering information, certified by an Arizona licensed professional engineer, as needed to support the application.
- C. A conditional use permit application shall be submitted to the Zoning Administrator for consideration.
 - 1. Upon receiving a conditional use permit application signed by the property owner, the Zoning Administrator shall send notice by first class mail to each real property owner, as shown on the last assessment of the property, within 300 feet of the property for which the conditional use permit is sought, describing the requested use and stating that objections to the requested use must be submitted in writing to the Zoning Administrator within ten business days after the date of the notice.
 - 2. After the ten-day period for objections, and no later than 20 business days after sending notice to surrounding property owners, the Zoning Administrator shall render a decision to issue or deny the conditional use permit, making findings based on upon the requirements of this section. The Zoning Administrator may issue the conditional permit

with or without imposing conditions on the use to mitigate actual or potential impacts of the use.

3. The Zoning Administrator shall give notice of the decision to the applicant and to anyone who submitted a written objection to the requested use.
 4. The applicant, an affected property owner, or a Council member may appeal the decision of the Zoning Administrator to issue or deny a conditional use permit by filing a written notice of appeal to the Town Clerk within ten business days after the date of the Zoning Administrator's notice of decision.
- D. The Town Council shall issue its decisions on the appeal of a conditional use permit application within 30 days after the public hearing has been held on the appeal. The Town Council shall follow the procedures for zoning map amendments set forth in section 13-13-010.
- E. The granting of a conditional use permit is a matter of discretion, not of right (conditional or otherwise). The burden of proof lies with the applicant to satisfactorily show that any structure that is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the same will be in full conformity with any conditions, requirements or standards prescribed by or under this Chapter.
- F. In approving an application (in all or in part), the Zoning Administrator and the Town Council may designate such conditions that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are not complied with, the approval shall cease, and the Zoning Administrator shall act accordingly.
- G. The granting of any conditional use permit shall be contingent upon building permits being obtained within six months and work being diligently pursued to completion. Failure to meet this condition shall void the conditional use permit unless an extension of time is secured.
- H. If the conditional use permit is granted without an operational time limit, the Permit may operate permanently within the confines of this Chapter and the requirements imposed at the time of granting the conditional use permit.

(Enacted by Ordinance No. %. Previously codified at section 13-21-110. Prior history: Ordinance Nos. 9 (06/28/1979), 37 (09/04/1980), 178 (05/26/1988) and 439 (06/25/1998))

13-13-100 Conditional uses upon annexation or diminution claim

- A. Purpose—annexation. The uses and densities permitted under county zoning and in county zoning districts do not directly correlate to the uses and densities permitted in the most closely comparable Town of Prescott Valley zoning districts. Upon annexation, this section is intended to authorize the Council to conditionally permit uses and densities permitted by the county immediately before annexation upon translation of county zoning to the most closely comparable Town of Prescott Valley zoning classification.
- B. Purpose—diminution claim. Town of Prescott Valley code text and zoning amendments sometimes result in the filing of a claim for diminution of property value under A.R.S. § 12-1134. Upon receiving a diminution claim, this section is intended to authorize the Council to conditionally permit uses and densities permitted prior to the amendment that resulted in the diminution claim.

- C. Applicability. The special procedures and authority set forth in this section apply only to the translation of county zoning to Town of Prescott Valley zoning upon annexation of property or to the reinstatement of uses and densities in response to a diminution claim.
- D. Procedure. Conditional uses granted pursuant to this section shall be included in an ordinance adopted by Council translating county zoning upon annexation or responding to a diminution claim.
- E. Findings. In determining whether to grant one or more conditional uses pursuant to this section, the Council shall consider whether the proposed use or uses:
1. Will adversely affect the orderly development and improvement of surrounding property for uses permitted within the zoning district;
 2. Will be injurious to the use and enjoyment of property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair the property values within the neighborhood;
 3. Will adversely affect town revenues;
 4. Conform to the character of the neighborhood, within the same zoning district, in which it is located, considering the location, type, and height of the buildings or structures and the type and extent of landscaping and screening on the site;
 5. Is on a proposed site adequate in size and shape to accommodate the intended use;
 6. Will have ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
 7. Is consistent with the general plan and other adopted town plans;
 8. Is noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas; and
 9. Will have adequate public utilities, access roads, drainage, fire protection, and other necessary facilities.
- F. Conditions. Conditional uses permitted by the Council pursuant to this section may include conditions the Council deems necessary to mitigate potential impacts and ensure compatibility of the use with surrounding development and the town as a whole, including without limitation those considerations set forth in paragraph E of this section.
- G. Modification of conditional use permits. A request to modify, expand, or otherwise change an approved conditional use permit, not in substantial conformance with the approved conditional use permit, shall be processed according to the provisions for the initial consideration and approval of conditional use permits under this section.
- H. Revocation. Failure to comply with the conditions, stipulations, or terms of the approval of a conditional use permit is a violation of this code. Repeated offenses shall be cause for revocation of the permit.
- I. Status of the conditional use permit. A use permit granted pursuant to the provisions of this section shall run with the land and continue to be valid regardless of ownership of the property or structure so long as it operates within the conditions, stipulations, and terms of the permit.

(Enacted by Ordinance No. %%)

13-13-110 Special use permits

- A. Special use permits are issued by the Town Council after a recommendation from the Planning and Zoning Commission.
- B. The granting of a special use permit is a matter of discretion, not of right (conditional or otherwise). The burden of proof lies with the applicant to satisfactorily show that any structure that is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the same will be in full conformity with any conditions, requirements or standards prescribed by or under this Chapter.
- C. In approving an application for a special use permit, the Planning Commission and the Town Council may designate such conditions that will, in its opinion, secure substantially the objectives of this Chapter, and may require guarantees in such form as it deems proper under the circumstances to ensure that such conditions are complied with. Where any such conditions are not complied with, the approval shall cease, and the Zoning Administrator shall act accordingly.
- D. The granting of any special use permit shall be contingent upon building permits being obtained within six months or within a longer period specified in the special use permit and work being diligently pursued to completion. Failure to meet this condition shall void the special use permit unless an extension of time is secured.
- E. If the special use permit is granted without an operational time limit, the Permit may operate permanently within the confines of this Chapter and the requirements imposed at the time of granting the special use permit.

ARTICLE 13-14. AMENDMENTS

13-14-010 Authority

- A. The Planning and Zoning Commission may, from time to time, adopt recommendations to amend, supplement or change zoning boundaries on the zoning map or the regulations in this Chapter.
- B. Recommendations for amendments to the zoning map or this Chapter may be initiated by the Commission, the Town Council, or by application in accordance with this Article.
- C. No amendment affecting a zoning boundary or changing the regulations in this Chapter shall be passed until a public hearing is held in accordance with this Article and state law.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995)

13-14-020 Neighborhood meeting

- A. Requirement. An applicant for an amendment to the Town's General Plan, this Chapter, or the zoning map shall first schedule and conduct at least one neighborhood meeting for the purpose of receiving comments on the proposed application.
- B. Schedule. The neighborhood meeting shall be conducted at least 30 days before any public hearing on the application.

- C. Notice form. The applicant shall prepare a notice explaining the substance of the proposed application and setting forth the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting.
- D. Mailed notice. At least ten days before the neighborhood meeting, an applicant shall send the notice by first class mail to:
1. All property owners of record within the notification area.
 2. All homeowners' associations within the notification area.
 3. Any person who requested notice regarding proposed zoning applications.
 - a. A person requests notice by submitting their name and address to the Zoning Administrator.
 - b. The request is effective for one year unless renewed.
- E. Posted notice. At least ten days before the neighborhood meeting, an applicant shall post one or more signs on the property in locations clearly visible to adjacent residents and motorists, with an attached information tube containing copies of the meeting notice.
1. The sign or signs shall be posted on the affected property so that it is legible from the public right-of-way.
 2. The sign or signs shall be printed so that the word "zoning," the present zoning district classification, the proposed zoning district classification, and the date and time of the neighborhood meeting are visible from 100 feet.
- F. Notification area.
1. The notification area is all properties within 1,000 feet of the property subject to the application.
 2. The Zoning Administrator may expand the notification area beyond 1,000 feet upon determining that the potential impact of the proposed application extends beyond the 1,000-foot notification area.
- G. Neighborhood meeting procedure.
1. The neighborhood meeting shall be conducted at a location and time and shall follow a meeting format approved by the Zoning Administrator.
 2. Town staff may or may not attend the neighborhood meeting, at their discretion, and may augment the meeting record as they deem necessary.
- H. Record of proceedings. The applicant shall prepare and submit to the Zoning Administrator the following prior to any public hearing on the application:
1. Certification on a form established by the Zoning Administrator that the neighborhood meeting was noticed and conducted in compliance with the requirements of this section.
 2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this section.
 3. A written summary of the neighborhood meeting, including a list of all attendees' names and addresses and a summary of any comments received in or as a result of the neighborhood meeting.

I. Additional neighborhood meetings.

1. The Zoning Administrator may require the applicant to hold one or more additional neighborhood meetings:
 - a. If an application as submitted or modified is substantially different from what was presented at the neighborhood meeting; or
 - b. If the location, date, or time of the neighborhood meeting turned out to be inconvenient for interested parties; or
 - c. If the proposed development affects more than one neighborhood or area; or
 - d. For any similar reason justifying one or more additional meetings.
2. The applicant shall follow the same notification procedures prescribed in this section for any additional neighborhood meeting.

J. Neighborhood meeting waiver.

1. The Zoning Administrator may waive the requirement for a neighborhood meeting for an application requesting amendments to Town zoning regulations or to the zoning map pursuant to a previously approved General Plan amendment for which a neighborhood meeting and public hearing were held.
2. The Zoning Administrator shall prepare and file in the development file for the project a written statement explaining the reasons for granting the waiver.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-012. Prior history: Enacted by Ordinance No. 637, 08/25/2005)

13-14-030 Pre-application review

A. General. Before submitting an application, an applicant requesting amendments to the Town's General Plan, Town zoning regulations, or the Town zoning map shall first participate in a pre-application review with Town staff.

B. Request for pre-application review.

1. An applicant shall file a request for pre-application review with the Development Services Department on a form established by the Zoning Administrator.
2. The Zoning Administrator shall endeavor to schedule the pre-application review with appropriate Town staff at a date, time, and location convenient to all involved.
3. The applicant, the Zoning Administrator, or reviewing Town staff may hold additional meetings being held as part of the pre-application review.

C. Pre-application review process.

1. A pre-application review consists of one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator.
2. During pre-application review:
 - a. Town staff shall review and provide informal comments on the information provided by the applicant
 - b. Town staff may present to the applicant other information relevant to the application

- c. The applicant shall provide, and Town staff shall review, the record of proceedings for neighborhood meetings held under section 13-14-020
 - d. If a neighborhood meeting has not yet been held, Town staff shall answer any applicant questions about neighborhood meeting requirements
3. Pre-application staff summary.
- a. No later than 15 calendar days after the last pre-application review meeting, staff shall email the applicant a summary of staff comments
 - b. If requested by the applicant, or if the applicant fails or refuses to provide an email address, the summary of staff comments shall be sent by first-class mail to the applicant's address.
 - c. The applicant shall submit a copy of the summary of staff comments with any subsequent application filed with the Development Services Department.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-015. Prior history: Enacted by Ordinance No. 637, 08/25/2005; amended by Ordinance No. 894, 01/13/2022)

13-14-040 Application

- A. A zoning ordinance that changes the zoning of any property, imposes any regulation not previously imposed, or removes or modifies any regulation previously imposed must be adopted following the procedure prescribed in this Article and in A.R.S. § 9-462.04.
- B. An application for any amendment that changes the zoning of any property, imposes any regulation not previously imposed, or removes or modifies any regulation previously imposed shall be made on the Town's form and shall be signed by the owners of all property included in the application.
- C. An application is not complete unless it complies with section 13-14-030 (pre-application review).

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 541, 02/27/2003, amended by Ordinance No. 637, 08/25/2005)

13-14-050 Citizen review process

- A. Upon receipt of a complete application, and in any event prior to any public hearing required under section 13-14-060, the Zoning Administrator shall provide written notice of the application to:
 - 1. All owners of property located within 300 feet of the property that is the subject of the application, and
 - 2. Any other person the Zoning Administrator reasonably determines is potentially affected by the application.
- B. The written notice shall include a general explanation of the application and shall provide the name, address, and phone number of the planning staff member available to receive calls, questions, issues, and concerns about the application.

- C. A staff report summarizing issues or concerns expressed to the planning staff member shall be provided to the applicant within a reasonable time prior to the public hearing and to the Planning and Zoning Commission and Town Council at the public hearing on the application.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-025. Prior history: Enacted by Ordinance No. 541, 02/27/2003; amended by Ordinance No. 637, 08/25/2005)

13-14-060 Public hearing

Every application submitted pursuant to section 13-14-040 shall be considered by the Planning and Zoning Commission at a public hearing as required by A.R.S. § 9-462.04.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-30-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 541, 02/27/2003)

ARTICLE 13-15. VIOLATIONS AND PENALTIES

13-15-010 Building permit required

It is unlawful to erect, construct, reconstruct, alter, or use any building or other structure or any land within any area subject to the provisions of this Chapter without first obtaining a building permit, except in circumstances where the Town Code expressly provides that a building permit is not required.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988)

13-15-020 Violations

- A. It is unlawful to erect, construct, reconstruct, maintain, or use any land in any area subject to the provisions of this Chapter in violation of any regulation or provision of this Chapter.
- B. Each individual day during which a violation of this Chapter continues is a separate offense, except as otherwise provided in this Chapter or in state law.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-020. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 539, 02/27/2003)

13-15-030 Misdemeanor

Any person, firm, or corporation found guilty of violating any regulation or provision of this Chapter shall be guilty of a Class 3 misdemeanor, unless otherwise specified in this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-030. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 150, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988; amended by Ordinance No. 539, 02/27/2003; amended by Ordinance No. 600, 07/22/2004)

13-15-040 Remedies

In addition to any other remedies provided by law, the Town Council, the Town Attorney, the Zoning Administrator, or any property owner with legal standing may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, abate, or remove the actual or planned

- A. Erection, construction, reconstruction, alteration, maintenance, or use of any building or structure in violation of this Chapter, or
- B. Use of any land in violation of this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-040. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988)

13-15-050 Responsibility

- A. All remedies provided in this Chapter shall be cumulative and not exclusive.
- B. A conviction for violation of this Chapter shall not relieve the convicted person, firm, or corporation from the responsibility to correct the violation and shall not prevent the enforcement, correction, or removal of the violation.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-050. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980, 13-30-050; replaced and reenacted by Ordinance No. 178, 05/26/1988)

13-15-060 Conviction

A conviction for violation of this Chapter shall be punishable as provided by law.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-31-060. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; amended by Ordinance No. 150, 07/02/1987; replaced and reenacted by Ordinance No. 178, 05/26/1988)

ARTICLE 13-16. SEVERABILITY

13-16-010 Severability

This Chapter and the various parts of this Chapter are hereby declared to be severable. A final determination that any section, subsection, subparagraph, clause, word, or phrase of this Chapter is for any reason unconstitutional or unenforceable shall not affect the validity of the remaining portions of this Chapter.

(Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-32-010. Prior history: Enacted by Ordinance No. 9, 06/28/1979; renumbered by Ordinance No. 37, 09/04/1980; replaced and reenacted by Ordinance No. 178, 05/26/1988; renumbered and amended by Ordinance No. 375, 12/28/1995)

ARTICLE 13-17. PROTECTED DEVELOPMENT RIGHTS

13-17-010 Definitions

- A. In this Article, terms shall be defined as set forth in A.R.S. § 9-1201 and in this section.
- B. To be a phased development, a development must be a master planned development in accordance with one of the following:
 - 1. A PD (planned area development) in section 13-06-040; or
 - 2. A development master plan in Article 14-02.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-33-010. Prior history: Enacted by Ordinance No. 554, 05/22/2003)

13-17-020 Protected development right

- A. State law governs. Protected development rights are governed by A.R.S. §§ 9-1201 through -1205.
- B. General. A protected development right shall be granted effective upon the Town's approval of any subdivision plat, development plan, or PD final development plan identified as a protected development right plan by the landowner upon submission to the Town and containing the information required by A.R.S. § 9-1202.
- C. Later detailed plan submittals. The Landowner shall submit a more detailed plan for each phase of a phased development to obtain final site development approval to develop the property.
- D. Revocation for non-compliance. Upon notice to the landowner and public hearing, the Town may revoke its approval of a protected development right plan for landowner's failure to comply with applicable terms and conditions or landowner's failure to submit a more detailed plan for each phase of a phased development.
- E. Duration. A.R.S. § 9-1203 establishes the duration of a protected development right.

(Rewritten and re-codified by Ordinance No. %. Previously codified at sections 13-33-020, -030, -040, -050, & -060.
Prior history: Enacted by Ordinance No. 554, 05/22/2003)