



## **CHAPTER 13. ZONING**

Article 13-01. Purpose, Title, and Definitions .....	5
13-01-010 Purposes and objectives of this Chapter .....	5
13-01-020 Title .....	7
13-01-030 Definitions .....	8
Article 13-02. Application of Zoning Ordinance.....	40
13-02-010 Effective date and legal nonconforming uses.....	40
13-02-020 Regulations governing newly annexed territory.....	45
Article 13-03. Zoning Districts and Zone Boundaries.....	47
13-03-010 Establishment of zoning districts .....	47
13-03-020 Zone boundary lines on zoning map.....	117
13-03-030 Zone boundary determination.....	117
13-03-040 Vacated public right-of-way .....	117
13-03-050 Interpretation.....	117
Article 13-04. Residential Zone Regulations.....	118
13-04-010 Use restrictions in residential zones .....	118
13-04-020 Residential zoning district development standards.....	120
13-04-030 Manufactured home park and recreational vehicle parks .....	122
13-04-040 Home occupations.....	123
13-04-050 Enclosed garage or storage required .....	126
13-04-060 Temporary housing.....	126
13-04-070 Temporary real estate office.....	126
Article 13-05. Commercial and Industrial Zone Regulations .....	127
13-05-010 Use restrictions in commercial and industrial zones .....	127
13-05-020 Commercial and industrial zoning district development standards .....	132
Article 13-06. Specialty Zone Regulations .....	133
13-06-010 PK (parking) zone .....	133
13-06-020 PL (public lands) zone .....	133
13-06-030 AG (agricultural) zone .....	135

This is a computer-generated "redline" comparison of the August 2, 2024 draft of revised Chapter 13 (Zoning) to existing Chapter 13 of the Town Code. Most new text is shown with blue underlining, and deleted text is shown as blue stricken. The table of contents and certain other automatically generated text is new but is not underlined as new text.

13-06-040 PD (planned area development) zone.....	136
Article 13-07. General Provisions .....	151
13-07-010 Applying general provisions.....	155
13-07-020 Landscaping, screening, outdoor lighting, nuisances, and hazards .....	155
13-07-030 Caretaker exception to dwelling prohibition .....	156
13-07-040 Height limits .....	156
13-07-050 Additional lot area and dimension regulations .....	160
13-07-060 Accessory buildings, structures, and uses .....	160
13-07-070 Swimming pool safety .....	162
13-07-080 Additional yard and open space regulations .....	165
13-07-090 Streets and alleys .....	172
13-07-100 Site visibility triangle at street intersections.....	173
13-07-110 Temporary buildings and uses .....	174
13-07-120 Livestock privileges .....	175
13-07-130 Conformance .....	176
13-07-140 Alley .....	176
13-07-150 No double counting of areas.....	176
13-07-160 Building across lot lines .....	176
13-07-170 Floodplain regulations.....	176
Article 13-08. Regulations Pertaining to Particular Uses .....	176
13-08-010 Churches .....	176
13-08-020 Community residences .....	177
13-08-030 Electric vehicle charging .....	179
13-08-040 Marijuana uses .....	179
13-08-050 Mobile food vendors .....	182
13-08-060 Sexually oriented businesses .....	185
13-08-070 Short term rentals and vacation rentals.....	187
13-08-080 Towers, antennas, and wireless telecommunications facilities .....	187
13-08-090 Utility uses .....	200
Article 13-09. Sign Regulations .....	200
13-09-010 Purpose .....	201
13-09-020 Sign type definitions .....	201
13-09-030 General provisions .....	207
13-09-040 Sign standards .....	209
13-09-050 Billboard regulations.....	227

13-09-060 Comprehensive sign package .....	232
13-09-070 Exceptions .....	233
13-09-080 Prohibited signs.....	234
13-09-090 Design specifications.....	236
13-09-100 Maintenance of signs.....	236
13-09-110 Nonconforming signs .....	237
13-09-120 Permits required .....	237
13-09-130 Enforcement and penalties .....	238
13-09-140 Liability .....	238
Article 13-10. Off-Street Parking Requirements .....	239
13-10-010 Purpose .....	239
13-10-020 General regulations .....	239
13-10-030 Location of off-street parking .....	246
13-10-040 Design and installation of parking facilities.....	247
13-10-050 Off-street parking requirements .....	251
13-10-060 Off-street loading requirements .....	258
13-10-070 Mixed use shared parking reductions .....	260
Article 13-11. Site Development Standards.....	270
13-11-010 Intent and purposes .....	270
13-11-020 Applicability .....	270
13-11-030 Site plan requirements .....	272
13-11-040 Required landscaping .....	274
13-11-050 Screening .....	284
13-11-060 Approved plant list.....	291
13-11-070 Nuisances and hazards.....	294
13-11-080 Topography .....	295
Article 13-12. Outdoor Lighting Requirements.....	297
13-12-010 Purpose .....	297
13-12-020 Exemptions .....	297
13-12-030 Definitions. ....	299
13-12-040 Lighting standards.....	301
13-12-050 Town Center lighting standards.....	305
13-12-060 Light trespass and shielding .....	307
13-12-070 Lighting level guidelines .....	308
13-12-080 Applicable codes .....	311



13-12-090 Permit process and plans .....	312
13-12-100 Penalties.....	313
Article 13-13. Administration, Procedures, Enforcement, and Fees .....	314
13-13-010 Planning and Zoning Commission .....	314
13-13-020 Board of Adjustment.....	320
13-13-030 Zoning Administrator .....	325
13-13-040 Code Official .....	325
13-13-050 Zoning permits.....	325
13-13-060 Inspection .....	326
13-13-070 Other permits.....	327
13-13-080 Fees and charges .....	327
13-13-090 Conditional use permits.....	327
13-13-100 Conditional uses upon annexation or diminution claim .....	329
13-13-110 Special use permits .....	331
Article 13-14. Amendments .....	331
13-14-010 Authority.....	332
13-14-020 Neighborhood meeting .....	332
13-14-030 Pre-application review .....	335
13-14-040 Application .....	336
13-14-050 Citizen review process .....	337
13-14-060 Public hearing.....	338
Article 13-15. Violations and Penalties.....	339
13-15-010 Building permit required .....	339
13-15-020 Violations .....	339
13-15-030 Misdemeanor .....	339
13-15-040 Remedies .....	340
13-15-050 Responsibility .....	340
13-15-060 Conviction .....	340
Article 13-16. Severability.....	342
13-16-010 Severability.....	342
Article 13-17. Protected Development Rights.....	343
13-17-010 Definitions .....	343
13-17-020 Protected development right.....	344

## CHAPTER 13. ZONING

Article 13-01	PURPOSE AND TITLE
Article 13-02	DEFINITIONS
Article 13-03	GENERAL REQUIREMENTS
Article 13-04	APPLICATION OF ZONING ORDINANCE
Article 13-05	ZONES AND BOUNDARIES
Article 13-06	R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)
Article 13-07	R1M (RESIDENTIAL; SINGLE FAMILY MIXED HOUSING)
Article 13-08	R1MH (RESIDENTIAL; SINGLE FAMILY MOBILE/MANUFACTURED HOMES)
Article 13-09	R2 (RESIDENTIAL; MULTIPLE DWELLING UNITS)
Article 13-10	RCU (RESIDENTIAL; SINGLE FAMILY RURAL)
Article 13-11	RS (RESIDENTIAL AND SERVICES)
Article 13-12	P1 (PARKING)
Article 13-13	C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)
Article 13-14	C2 (COMMERCIAL; GENERAL SALES AND SERVICES)
Article 13-15	C3 (COMMERCIAL; MINOR INDUSTRIAL)
Article 13-16	PM (PERFORMANCE MANUFACTURING)
Article 13-17	M1 (INDUSTRIAL; GENERAL LIMITED)
Article 13-18	M2 (INDUSTRIAL; HEAVY)
Article 13-19	PAD (PLANNED AREA DEVELOPMENT)
Article 13-19a	PL (PUBLIC LANDS)
Article 13-19b	AG (AGRICULTURAL)
Article 13-20	DENSITY DISTRICTS
Article 13-21	GENERAL DISTRICT PROVISIONS
Article 13-22	LAND SPLITS
Article 13-23	SIGN REGULATIONS
Article 13-24	OFF-STREET PARKING REQUIREMENTS
Article 13-25	MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS
Article 13-26	SITE DEVELOPMENT

### ARTICLE 13-01. PURPOSE, TITLE, AND DEFINITIONS

#### 13-01-010 Purposes and objectives of this Chapter

##### STANDARDS

Article 13-26a	OUTDOOR LIGHTING REQUIREMENTS
Article 13-27	ENFORCEMENT
Article 13-28	PLANNING AND ZONING COMMISSION
Article 13-29	BOARD OF ADJUSTMENT
Article 13-30	AMENDMENTS
Article 13-31	VIOLATIONS AND PENALTIES
Article 13-32	SEVERABILITY
Article 13-33	PROTECTED DEVELOPMENT RIGHTS

**Article 13-01 — PURPOSE AND TITLE**

**13-01-010 — Purpose.**

**13-01-020 — Title.**

**13-01-010 — Purpose.**

A. This Chapter is adopted for the purpose of achieving to:

1. Achieve adequate light, air, and safety from fire and other dangers; ~~conserving.~~
2. Conserve and ~~protecting~~protect land and building values in the Town ~~of Prescott Valley;~~  
preserving the aesthetic.
3. Preserve the esthetic beauty of the community; ~~reducing.~~
4. Reduce and ~~avoiding~~avoid congestion in public rights-of-way; ~~and promoting.~~
- 4.5. Promote the public health, safety, comfort, morals, and welfare of the Town ~~of Prescott Valley, Arizona.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

**13-01-020 — Title.**

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 be cited as

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

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

## Article 13-02 DEFINITIONS

### ~~13-01-020~~ 13-01-030 ~~13-02-010~~ Definitions.

#### ~~13-02-010~~ Definitions.

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

~~1.~~ 1. Words used in the present tense include the future tense. Words used in the future tense include the present tense.

1. ~~2.~~ Singular includes the plural; the plural includes the singular.

~~2.~~ 3. The word "may" is permissive; the words "shall" and "will" are mandatory. ~~The word "~~

~~2.3.~~ 3. "And" indicates that all connected words or provisions shall mean "either" and the word "and" shall mean "in conjunction with". apply.

~~4.~~ 4. "Or" indicates that the connected words or provisions may apply singly or in any combination.

~~3.5.~~ 5. Words not defined herein but which are in this Chapter shall be defined in the Building Code of the Town of Prescott Valley are according to be construed as defined therein their customary meaning.

~~4.6.~~ 5. The word "person" "Person" includes an individual, firm, ~~co~~-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, and ~~Federal~~ federal or ~~State~~ state government, ~~Town, County, District~~ town, county, special taxing district, or any other group or combination acting as an entity.

~~6.~~ The following words or terms, when applied in this Chapter, shall carry full force when used interchangeably:

~~a.~~ lot, plot, site, parcel or premises;

~~5.7.~~ b. "used" "Used or occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or ~~designated~~ designed to be used or occupied";.



c. "Council" shall mean the Town Council;

d. "Commission" shall mean the Planning and "Dwelling" Zoning Commission;  
and

e. "Board" shall mean the Board of Adjustment.

~~6-8.~~ 7. The word "building" includes the word "structure". The word "dwelling" includes the word "residence".

9. B. "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. 1. Abutting: The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only on a corner or corners.

2. Access or Access Way: The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

3. Accessory Building: A subordinate building containing an accessory use which is customarily incidental to that of the main building and situated on the same lot as the main building. An accessory building attached to the main building shall be considered to be a part of the main building, and shall maintain any setbacks or yards required for a main building. Prohibited from use as accessory buildings are truck and bus bodies, sea cargo containers, railroad cars, untreated metal buildings, all towers, antennae and wireless telecommunications facilities and their accessory structures [except those used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)], and any enclosure not originally intended for permanent occupation or use. Any accessory building shall blend into the surrounding neighborhood by use of building form, height, material, color and landscaping. All accessory buildings are restricted to one story except as provided in Section 13-21-060 for towers, antennae, and wireless telecommunications facilities.

4. Accessory Use: (see Use, Accessory)

2. 5. 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.

~~2.4.~~ Acre: An area of land containing ~~forty-three thousand five hundred sixty (43,560)~~ square feet ~~within the property lines of a lot or parcel.~~

~~3.5.~~ ~~6.~~ Adjacent, ~~Adjoining:~~ The condition of being near to or close to but not necessarily having a common dividing line. ~~Two (2) properties which are separated by only a street or alley shall be considered as adjoining one another.~~

~~7.~~ Adult-Oriented Business: ~~See, "Sexually-Oriented Business."~~

~~6.~~ ~~8.~~ ~~Adjoining: Having a touching or common dividing line.~~

~~4.7.~~ Alley: A dedicated public passageway which affords only a secondary means of vehicular access to abutting property and ~~is~~ not intended for general traffic circulation.

~~5.8.~~ ~~9.~~ Alternative ~~Tower Structure:~~ 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.

~~6.9.~~ ~~10.~~ Amendment: A change in the wording, context or substance of this Chapter, or an addition, ~~or~~ deletion, or a change in the zone zoning district boundaries or classifications of the Zoning Map zoning map.

~~11.~~ Animal Clinic or Animal Hospital: ~~See, "Hospitals and Clinics for Animals."~~

~~7.10.~~ ~~12.~~ 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.

~~8.11.~~ ~~13.~~ 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.

Approved plant list: The Prescott AMA plant list and the Prescott Valley supplemental plant list (see section 13-11-060

~~14.~~ Apartment, Efficiency or Studio: ~~An apartment unit consisting, apart from a bathroom, of a single room with a kitchenette.~~

~~15.~~ Appeal: ~~An action which permits an applicant to obtain a hearing before any group with competent authority to provide redress from any decision rendered under provisions of this Chapter.~~

12. 16. ).

~~9-13.~~ 13. Arterial: A highway 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.

~~17. Automobile Garage: A structure or part thereof, other than a private garage, which provides for all aspects of automobile repair, servicing and equipping (but not including auto body and paint shops). The temporary storage of junked motor vehicles as defined in Subsection 9-04a-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to this use. Temporary storage in this context means storage for not longer than ninety (90) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).~~

~~14. 18. Automobile Sales, New: A franchised agency 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.~~

~~Automobile sales: A business selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of or used motor vehicles as a permitted use.~~

~~10-15.~~ 19. Automobile Sales, Used: An agency selling used motor vehicles not in conjunction with nor on the same site as a new motor vehicle franchise, and providing services commonly associated with motor vehicle sales.

~~20. Automobile Salvage: See, "Salvage Yard."~~

~~11-16.~~ 21. Automobile Service Station (Self-Service): service station: A place of business having with pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle vehicles.

~~22. Automobile Service Station: A place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Includes service, inspections and minor repairs (but not body and fender works, engine overhauling or other similar activities) which are considered accessory to the sale of such fuel and lubricants. The temporary storage of junked motor vehicles as defined in Subsection 9-04a-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to the sale of such fuel and lubricants. Temporary storage in this context means storage for not longer than ninety (90) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).~~

- ~~23. Automobile Storage Garage: Includes storage of automobiles incident to a lawful towing business (but does not include automobile salvage or wrecking). The temporary storage of junked motor vehicles as defined in Subsection 9-041-020(A) of this Code, if completely enclosed by a screen wall, is considered accessory to this use. Temporary storage in this context means storage for not longer than one hundred eighty (180) days. Five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period as an accessory use so long as each vehicle is completely covered at all times during storage with an opaque car covering or is completely enclosed within a screen wall as defined in Subsection 13-26-050(B).~~
- ~~24. Automobile Wrecking: See, "Wrecking Yard."~~
- ~~17. 25. Bar or Cocktail Lounge: 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.~~
- ~~42.20. Bar: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.~~
- ~~43.21. 26. Basement: One or more stories wholly or partly underground and having one-less than half (1/2) or more of its height, and in any event not more than six feet, measured from its floor to its finished ceiling below, above the average adjoining grade. A basement shall be considered a story if the vertical distance from the average adjoining grade to its finished ceiling is over six (6) feetgrade.~~
- ~~22. 27. 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.~~
- ~~44.23. Board: of Adjustment: The Board of Adjustment of the Town of Prescott Valley.—See, Article 13-29~~

- ~~45-24.~~ 28. — ~~Boarding House or Rooming House:~~ house: A building with no more than one (1) common kitchen and no more than five (5) guest rooms ~~that are~~ rented or leased on a transient basis, to a maximum of ten (10) ~~persons~~people who are not members of the resident family ~~(on a transient basis), with or without meals~~residing in the building.
29. — ~~Boundary, Zone:~~ The limit and extent of each zone district classification as shown on the official Zoning Map.
- ~~46-25.~~ 30. — ~~Brewery:~~ Any facility that produces more than ~~six million two hundred thousand~~6,200,000 gallons of beer in a calendar year for retail or wholesale ~~in compliance with Arizona Revised Statutes, Title 4.~~
31. — ~~Buildable Area:~~ That portion of a lot which is within the area formed by the required yards.
- ~~47-26.~~ 32. — ~~Building:~~ A structure having with a roof supported by columns or walls ~~for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.~~
33. — ~~Building Area:~~ area: The total areas, taken on a horizontal plane, at the mean grade level, sum of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.
34. — ~~Building, Attached:~~ A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.
35. — ~~Building, Closed:~~ A building completely enclosed by a roof, walls and doors on all sides facing the perimeter of the lot.
36. — ~~Building, Community:~~ A public or quasi-public building used for community activities of an educational, recreational or public service nature.
37. — ~~Building, Detached:~~ A building which is separated from another building or buildings on the same lot.
38. — ~~Building, Factory-Built:~~ A residential or nonresidential building, including a dwelling unit or habitable room thereof, which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site and is built to an International Building Code standard. It does not include a manufactured home, recreational vehicle, or mobile home as defined in this Article.
- ~~48-27.~~ 39. — ~~Building, Floor Area:~~ Sum of floor areas of ~~all stories of~~ a building.
- ~~49-28.~~ 40. — ~~Building Height:~~ height: The vertical distance measured from the average adjoining natural grade ~~level~~ to the highest level of the roof surface of a flat roof~~roof,~~

to the deck line of ~~the~~ mansard ~~roofs~~roof, or to the mean height between eaves and ridge ~~for~~of a gable, gambrel, or hip ~~roofs~~roof.

41. ~~Building, Modular: See, "Building, Factory-Built."~~

~~20.29.~~ 42. ~~Building Permit: permit:~~ A permit required for the erection, construction, modification, addition to, or moving of any building, structure, or use in the ~~incorporated area of the~~ Town of Prescott Valley.

~~21.30.~~ 43. ~~Building (Principal): setback:~~ A building, or buildings, in which is conducted ~~line that marks the principal use of~~minimum distance a structure must be located from the lot in which it is situated. ~~In any residential district, any dwelling shall be deemed property line to be the principal building~~closest point of the lot on which the same is situated ~~foundation or any supporting post or pillar of any building or structure.~~

44. ~~Building Setback: See, "Yard, Required."~~

~~22.31.~~ 45. ~~Carport:~~ An accessory building or portion of a main building with two ~~(2)~~ or more open sides ~~and~~ designated or used ~~primarily~~ for the parking of motor vehicles. ~~Enclosed storage facilities may be provided as part of a carport.~~

~~23.32.~~ 46. ~~Catering Establishment: establishment:~~ A place, site, or business for the preparation and assembly of food ~~and/or~~ non-alcoholic beverages exclusively for ~~off-site~~ sale and service ~~to off-site locations (not on the business premises).~~

~~24.33.~~ 47. ~~Cemetery:~~ Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including ~~columbariums~~columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of ~~such premises~~the cemetery.

~~25.34.~~ 48. ~~Certification: A~~ ~~An applicant's~~ written ~~statement of the fact to be certified~~ made under oath by the applicant and notarized ~~statement.~~

49. ~~Child Care Center:~~ A public or private establishment providing day care and education to six (6) or more children 6 years old or under, excluding kindergarten activities provided by a public school district. "Day care center" means the same as "child care center."

50. ~~Child Care, In-Home:~~ A private establishment providing day care and education to five (5) or fewer children in a residential dwelling unit that is licensed by the State of Arizona for the same and complies with Subsection 13-06-020(A)(8).



- ~~35.~~ 51.—Charitable organization: An organization that is tax-exempt under section 501(c) of the Internal Revenue Code.
- ~~26.~~ 36. Church: A permanently located enclosed building commonly used for religious worship and fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.
- ~~27.~~ 37. ~~52.~~—Clinic: A place for the provision of group medical services, where patients are not involving housed overnight housing of patients.
- Code Official: The Town official appointed to assist the Zoning Administrator in enforcing this Chapter (see section 13-13-040
- ~~38.~~ 53.—). The Code Official is the Town’s Neighborhood Services Director.
- ~~28.~~ 39. Collocation (Wireless Telecommunications Facilities): Use by two (2) of a tower or alternative tower structure by two or more wireless telecommunications providers located on the same tower or alternative tower structure.
- ~~40.~~ 54.—Commercial Coverage (Wireless Telecommunications Facilities): coverage: A single FCC licensee’s network of wireless telecommunications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable
- ~~29.~~ 41. Commercial stable: A stable where horses, mules, or ponies are let, hired, used, or boarded on a commercial operation basis and for compensation.
- ~~30.~~ 42. ~~55.~~—Commission: Town of Prescott Valley The Planning and Zoning Commission. See, Article 13-28 of the Town of Prescott Valley.
- ~~43.~~ 56.—Community building: A public or quasi-public building used for community activities of an educational, recreational, or public service nature.
- ~~31.~~ 44. Community Residence: 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.

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

~~57. Comprehensive Plan/General Plan: A plan developed and adopted by the Planning and Zoning Commission and Town Council as a guide for future growth and development within the Town of Prescott Valley, including any other plan adopted as a part or any amendments to such Plan or parts thereof.~~

~~45. 58. Condominiums: ) and complying with the specific requirements of this Chapter.~~

~~32.46. Condominium: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real propertylot, together with a separate interest in air space in a residential or commercial complex located on such real property. Condominiums may include cluster housing or semi-detached housing. In addition, condominiums may include a separate interest in other portions of such real property, such as common areasthe same lot.~~

~~33.47. 59. Contiguous: In contact with.~~

~~60. Convalescent Home: See, “Nursing Home.”~~

~~34.48. 61. Council: The Town Council of the Town of Prescott ValleyTown Council.~~

~~35.49. 62. Court: Any spaceCourtyard: An area of ground, other than a required yardon the same lot with a building or group of, partially or fully enclosed by buildings, and which is unobstructed and open to the sky above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.~~

~~36.50. 63. Craft Distillerdistiller: A distiller who produces less than twenty thousand20,000 gallons or less of distilled spirits in a calendar year and holds a license pursuant to ARS §A.R.S. § 4-205.10 (as amended).~~

~~64. Custom: Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.~~



- ~~65. Day Care or Day Nursery: See, "Child Care Center or Child Care, In Home."~~
- ~~66. Dead Storage Yard: Goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure.~~
- ~~37-51. 67. Density: The number of dwelling units permitted for a specified square footage of land provided. See, Article 13-20.~~
- 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)
- ~~68. Display: A visual presentation of goods or products offered for sale either inside or outside of a building during normal business hours.~~
- ~~52. 69. )~~.
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.
- ~~38-55. Distiller: Any person who produces more than twenty thousand gallonsA producer of distilled spirits in a calendar year for retail or wholesale in compliance with ARSA.R.S. Title 4.~~
- ~~70. District: Either a use district, a density district or a combination of both such districts.~~
- ~~71. District Map: Zoning Map.~~
- ~~56. 72. Drive-In Theater: 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.
- ~~39-58. Drive-in theater: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.~~
- ~~40-59. 73. Drive-Through Establishment or Drive-In Facility: An establishment which by design, physical facilities, through: A facility consisting of a drive lane and service, or packaging procedures encourages or permits window where customers to receive services and/or goods while remaining in from their motor vehicles. This shall include, but not be limited to, automobile service stations, drive-in laundries and dry cleaners, banks, and food and drink establishments.~~

74. ~~Duplex: A building or portion thereof having of a building with two (2) dwelling units on a single lot designed or intended for use or occupancy by families living independently of each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit.~~
75. ~~Dwelling: A building or portion thereof designed exclusively for residential purposes, including single- and multiple-family dwellings.~~
- 41.60. 76. ~~Dwelling, Multiple-Family: A building or portion thereof having two (2) or more dwelling units on a single lot used, designed or intended for use or occupancy as living quarters by 2 or more families living independently of each other (including any domestic employees of each family), and, with each having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit. This includes any number of dwelling units in a non-residential structure, but shall not include recreational vehicle parks, motels, hotels, boarding houses, fraternity and sorority houses, rest homes and nursing homes, or child care centers.~~
- 42.61. 77. ~~Dwelling, Single-Family: A detached building or portion of a building designed exclusively for occupancy by or occupied by one (1) family for primarily residential purposes.~~
- a. 78. ~~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.~~
- a-c. ~~Dwelling Unit: unit: A room (or group of rooms) designed dwelling for one (1) or more persons living and cooking as homogeneous body (See, "Family") together as a family and containing 4one accommodation for preparation of meals.~~
- 43.62. 79. ~~Easement: A space on a lot or parcel of land reserved or used for location and/or access to. 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 other physical access purposes.~~
80. ~~Efficiency Apartments: See, "Apartment, Efficiency or Studio."~~
63. 81. ~~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.~~
- 44.65. ~~Enclosed Storage Area: Any building which is: A building enclosed by a roof, walls, and doors on all sides facing the perimeter of the lot.~~

~~66. 82.~~ Enclosed storage: An enclosed portion of a building used primarily for storage.

~~45.67.~~ FAA: Federal Aviation Administration.

~~83.~~ Factory-Built Building: See, “Building, Factory-Built.”

~~68. 84.~~ 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.

~~46.69.~~ Fairgrounds: An area consisting of ~~both~~ open spaces and structures, owned by a governmental or quasi-governmental entity, ~~at which activities generally associated with a fairgrounds take where a fair takes place (including, but not limited to, carnivals, bazaars, midways, horse racing, exhibitions, amusements and education displays).~~

~~70. 85.~~ 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: ~~(1) any~~

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, ~~(2) two; or~~

b. Two unrelated individuals and their children related to either of them and their foster children, ~~or (3) up~~

c. Up to four unrelated individuals; ~~but~~

~~a.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.

~~47.71.~~ ~~86.~~ FCC: Federal Communications Commission.

~~48.72.~~ ~~87.~~ Fence: A barrier constructed of ~~materials such as~~ block, ~~solid~~ wood slats, wire, pipe ~~and~~, chain link, or other similar materials and designed to separate two ~~parcels of~~ landlots or to separate a single ~~parcel of landlot~~ into different use areas.

~~88.~~ Floor Area: See, “Building, Floor Area.”

~~73. 89.~~ Floor Area, 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.
- 49.78. 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 having with a height of more than seven (7) feet but excluding areas used exclusively for vehicle parking or loading).
- ~~90. Floor Area, Usable: With regard to the parking requirements of Article 13-24, usable floor area means 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). Not included are 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, restrooms, or other accessory space.~~
- ~~91. Fraternity or Sorority House: 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.~~
- ~~92. Frontage: The property line of a site abutting on a street, other than the side line of a corner lot.~~
- ~~93. Garage, Private: An accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.~~
- ~~94. Garage, Public: A building, other than a private garage, designed or used for servicing, repairing or storing motor vehicles for compensation. See, "Automobile Service Station, Automobile Garage or Automobile Storage Garage."~~
- ~~95. Grade (Adjacent Natural Ground Elevation): The lowest point of elevation of the natural surface of the ground within the area between the building and a line five (5) feet from the building.~~
- ~~96. Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which shall never be rented or~~

~~offered for rent. Any guest house providing cooking facilities shall be considered a dwelling unit. Includes a dwelling unit within an accessory building for the sole use of the occupants of the premises and their guests.~~

~~97. Guest Room: One (1) or more rooms intended as one (1) occupancy overnight (or longer) by other than a member of the family. If such contains cooking facilities, it is deemed a dwelling unit.~~

~~79. 98. Guest room: One or more rooms intended for overnight occupancy in a hotel, motel, boarding house, fraternity, or similar use.~~

~~50.80. Home Occupation: A "home occupation" is any: A vocation, trade, or profession which is customarily conducted wholly within the confines of a dwelling unit or an attached building, is carried on only by a member or members of the family residing in the dwelling unit, is 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 13-06-020(A)(8) section 13-04-040 of this Chapter.~~

~~51.81. 99. Gymnasium: A large room used for various indoor sports including without limitation basketball, boxing, wrestling, swimming and, or gymnastics. Gymnasiums may include; and including incidental spectator accommodations, lockers, and shower roomsshowers.~~

~~52.82. 100. Hospital: A building or group of buildings, in which where sick or injured persons are given medical or surgical treatment, examination, or care, including overnight residence, together with related facilities, e.g., including laboratories, training facilities, staff residences, outpatient departmentservices, and similar facilities which are an integral part of incidental to the principal use.~~

~~101. Hospitals and Clinics for Animals (includes Veterinary Clinic): Facilities where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as a kennel is limited to short-term boarding that is incidental to such hospital use, and shall be enclosed in a sound-proof structure.~~

~~53.83. 102. Hotel or Apartment Hotel: A building other than a boarding house as defined herein, in which there are five (5): An establishment with five or more guest rooms or apartments that, for a fee, provides, providing temporary sleeping accommodations with or without meals, usually on a transient basis. "Hotel" shall for a fee, but not be construed to includeincluding boarding house, trailer court, sanitarium, hospital, or other institutional building, or jail or other building where persons are housed under restraint. For density formula purposes, two (2) such guest rooms or apartments may be counted as one (1) dwelling unit.~~

~~103. Interior Lot: See, "Lot, Interior."~~

~~104. Junk Yard: See, "Salvage Yard."~~

~~84. 105.~~ In-home child care: A home occupation providing day care and education to children in conformance with state law and this Chapter.

~~54. 85.~~ Kennel: ~~Any~~An establishment at ~~which~~where dogs and cats are bred or raised for sale, boarded, trained and/or cared for, on a commercial or on a nonprofit basis, exclusive of dental, medical or surgical care, or for quarantine purposes.

~~106. Kindergarten: Same as nursery school except when operated in conjunction with a school of general instruction and having accredited instruction.~~

~~55. 86. 107.~~ Kitchen: Any room or portion of a room used, intended, or designed to be used for cooking and/or the preparation of food ~~(, except cooking facilities of a recreational or incidental nature such as barbecues, hot plates, or similar).~~

~~87. 108.~~ Landscaping: An area which has been improved to create an attractive appearance through the harmonious combination and introduction of

a. Living plants, trees, shrubs, vines, and organic ground cover, and which may contain natural topping material covers;

b. Inorganic ground covers, such as boulders, rocks, stones, granite or river rock and decorative stone;

~~a-c.~~ Plazas, patios, decorative courtyards, and other approved material. The area shall be void of any asphaltic or concrete pavement except areas reserved for pedestrian walkways, 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.

Legal nonconforming: See section 0 (effective date and legal nonconforming uses

~~109. Laundry (Self-Help): A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.~~

~~88. 110.~~ ).

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.

~~56. 91.~~ Livable Floor Area: The heated floor area of a building, above finish grade, measured from the outside dimensions of the exterior walls, of a building used for dwelling

purposes, ~~and~~ excluding all non-dwelling ~~area~~areas such as ~~attic~~attics, storage, carport, and garage.

~~57.92.~~ 111. — Livestock: ~~Includes horses~~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.

~~112.~~ — Lot: Any legally created lot, parcel, tract or land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Chapter, including the principal building, or buildings, together with the accessory buildings, the open spaces and parking spaces required by this Chapter, and having its principal frontage upon a street or upon an officially approved place.

~~113.~~ — Lot Area: The total area measured in square feet contained within the perimeter of a lot.

~~93.~~ — 114. — Lot, ~~Lot~~: A lot, parcel, or tract of land.

a. ~~Corner~~: lot: A lot adjoining two ~~(2)~~ or more streets at their intersection.

~~115.~~ — Lot Coverage: The percentage of the area of a lot which is occupied by the footprint of all buildings.

~~116.~~ — Lot Depth: The shortest distance between the mid-points of the front and rear line.

b. ~~117.~~ — Lot (Interior): ~~Lots~~ lot: A lot having no sides abutting on a street.

c. ~~118.~~ — Lot (Key): lot: An interior lot contiguous to the rear lot line of a corner lot and fronting on the side street of ~~such~~the corner lot.

~~119.~~ — Lot Line: A line bounding a lot that divides one lot from another or from a street or any other public or private space.

~~120.~~ — Lot Line (Front): That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted, or if such are equal, the one chosen by the owner of the property. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding one hundred eighty eight (188) feet in depth may be considered as having two (2) front lines.

d. ~~121.~~ — Lot Line (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.

d-b. Rear): ~~That lot line:~~ The lot line opposite the front lot line. Where the side lot lines of the lot 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 (10) feet within the lot.

e-c. ~~122. Lot Line (Side): Those property lines~~ lot line: A lot line connecting the front lot line and the rear property lineslot line.

~~123. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Recorder; or parcel of land, the deed of which is recorded in the Office of the County Recorder.~~

~~124. Lot (Through): A lot in which the front and rear line abut on a street.~~

58.98. ~~125. Lot Width~~Lot width: The horizontal distance between side lot lines. Lot width shall be, measured between side lot lines at the required front setback line created by the required front yard.

99. ~~126. Main building: A building where the principal permitted use of a lot is conducted.~~

59.100. Maintain: The replacing or renovating of a part (or parts) of a structure which has beenworn or made unusable by ordinary wear or tear, or by the weather.

101. ~~127. Manufactured Home: home:~~

a. A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USCA §5401 et seq.), and at least eight feet in Title VI of the Housing and Community Development Act of 1974, Public Law 93-383, as amended by Public Laws 95-128, 95-557, 96-153 and 96-339, being a structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (and at least 40) body feet or more in length or, then erected on site, is three hundred twenty (320) or more square feet, and which is,



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 with or without a permanent foundation when connected to the required public utilities.

~~128. Manufacturing, Light: To process materials into a finished product with minimal noise, dust, glare, smoke, vibration, odor or debris. Light manufacturing is conducted wholly within an enclosed building. Any outdoor storage is visually screened by means of a fence, wall, landscaping or other approved method.~~

b. 129. 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.

Microbrewery: A brewery that produces between ~~five thousand~~ 5,000 and ~~six million~~

~~60-104. two hundred thousand~~ 6,200,000 gallons of beer in a calendar year and ~~otherwise meets the requirements of ARS §A.R.S. § 4-205.08 (as amended).~~

~~64-105. 130. Mobile Food Unit: food unit:~~ A food establishment ~~that is~~ licensed by ~~this state, 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 ~~ARS §A.R.S. § 28-101.~~

~~62-106. 131. Mobile Food Vendor: 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.

~~132. Mobile Home: home: A structure built~~ movable or portable factory-built dwelling built on a chassis prior to 15 June 15, 1976 on a permanent chassis, capable 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 to be used with or without a permanent foundation, intended for year-round living, and not originally sold as a dwelling when connected to on-site utilities, except that it does not include recreational vehicles and factory-built buildings as defined in this Article.

- ~~133. Mobile/Manufactured Home Park: vehicle. A development providing rental spaces for occupancy on a non-permanent basis for mobile homes and manufactured homes, with accessory buildings and uses provided for the benefit and enjoyment of occupants.~~
- ~~63-107. 134. Mobile/Manufactured Home Space: A plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home or 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.~~
- ~~64-108. 135. Model Home: A residential unit constructed by a licensed general contractor which has home: A never been occupied for residential purposes, dwelling open for inspection by the general public in order to sell that unit for the purpose of selling it or similar residential units that can be constructed on other property, and otherwise dwellings, and serving as a formal an example of the contractor's abilities and seller's products.~~
- ~~136. Model Home Complex: Two (2) or more model homes constructed by a licensed general contractor (which have never been occupied for residential purposes) open for inspection by the general public in order to sell similar residential units within a Planned Area Development (PAD) Zoning District. Such homes must be adjacent to each other by a common property line.~~
- ~~137. Modular Building: See, "Building, Factory-Built."~~
- ~~138. Motel: A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing parking space on the premises. For density formula purposes, two (2) such guest rooms may be counted as one (1) dwelling unit.~~
- ~~109. 139. 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.~~
- ~~Natural Grade: grade: The condition 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.~~
- ~~140. Newspaper of General Circulation: A daily newspaper (if one is published), or if no daily newspaper is published, a weekly newspaper.~~
- ~~65-111. 141. Non-Conforming Use: A legal use of a structure or tract of land in existence on September 4, 1980 which does not conform to the at the location of a use~~

~~regulations of this Chapter, or such or proposed use in existence at the date of adoption of amendments to the Chapter which does not conform to the use regulations of this Chapter as amended.~~

Nonconforming: See section 0 (effective date and legal nonconforming uses

112. ——— 142. ———).

~~66-113.~~ Nuisance: Any ~~thing~~, condition or use of property ~~which~~that endangers life or health, gives offense to the senses, ~~and~~/or obstructs the reasonable and comfortable use of other property. ~~See, Section 13-26-070~~

114. ——— 143. ——— Nursery school: An institution intended primarily for the daytime care of children of pre-school age. Includes child care centers.

~~67-115.~~ Nursing Home: ~~home:~~ Any place or institution ~~which makes provisions for licensed by the state of Arizona providing bed care or for chronic or convalescent care for 13one or more persons (exclusive of, other than relatives), who, are unable to properly care for themselves by reason of illness or physical infirmity, are unable to properly care for themselves. Nursing and where nursing, dietary, and other personal services are provided (but not surgery or other primary care customarily provided in hospitals or sanitariums). Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home).~~ A nursing home does not include a community residence.

116. ——— 144. ——— 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.

~~68-118.~~ Overlay District: ~~zone:~~ A zoning district ~~that encompasses~~encompassing one or more underlying zoning districts and ~~imposes~~imposing additional or alternative requirements to those required by the underlying ~~districts~~zoning district.

~~————— 145. ——— Parcel:~~ Real property that either —

- ~~a. ——— has a separate and distinct number or other designation shown on a plan recorded in the Office of the County Recorder; or~~
- ~~b. ——— is delineated on an approved record of survey, parcel map or subdivision map as filed in the Office of the County Recorder and abuts at least one (1) public right-of-way or easement determined by the Town to be adequate access.~~

- ~~119.~~ ~~146.~~ Park: A large public green or open area used for recreation or as a playground.
- ~~120.~~ Parking Space: ~~garage~~: A public or privately owned structure used for the free or paid parking of automobiles by the general public.
- ~~69-121.~~ Parking space: A fully accessible space adequate for the temporary parking of ~~permitted~~ vehicles, ~~situated~~located entirely outside the public right-of-way.
- ~~70-122.~~ ~~147.~~ Permanent Dust-Free Pavement (Parking): ~~dust-free pavement~~: Surface materials such as asphaltic concrete or ~~Portland~~portland cement-~~concrete~~ (~~but expressly 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.
- Prescott AMA plant list: [The Arizona Department of Water Resources Prescott Active Management Area Low Water Use/Drought Tolerant Plant List](#)
- ~~148.~~ Planned Area Development (PAD): A residential, business or industrial development that takes a creative approach to the development of land and results in a more efficient, aesthetic and desirable use of open space while maintaining the same overall population density and lot coverage permitted in the underlying zoning district. A PAD permits flexibility in types of dwellings, placement of buildings, circulation facilities, off-street parking areas, and use of open space.
- ~~149.~~ Plot Plan: See, "Site Plan."
- ~~150.~~ Porch, Open: A porch where any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than fifty-four inches (54") above the natural grade line adjacent thereto. Such porches may only be used for ingress and egress and may not be occupied as a sleeping porch or wash room.
- ~~125.~~ ~~151.~~
- ~~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.

~~Professional Office~~: A place of business (not including retail) where—

- a. ~~a professional person carries out a professional use; or~~
- b. ~~consulting, record keeping, or clerical work is performed by a public or private agent.~~

~~71.130.~~ 152. Professional Use: The rendering of office: An office where service of a professional nature ~~by~~ is carried out by one or more:

- a. ~~a.~~ Architects, engineers ~~and, or~~ surveyors, ~~who are~~ licensed by the Arizona State Board of Technical Registration.
- b. ~~b.~~ Doctors, osteopaths, dentists, optometrists ~~and all other persons who are, or others~~ licensed by the State of Arizona to treat patients.
- c. ~~c.~~ Lawyers ~~who are~~ admitted to practice ~~before~~ law by the ~~courts~~ State Bar of the ~~state~~ Arizona.
- d. ~~d.~~ Accountants who are members of the Arizona Society of Certified Public Accountants ~~and/or~~ the Arizona Association of Accountants, Incorporated.
- e. ~~e.~~ ~~Consultants~~ Paraprofessionals, consultants, and practitioners ~~who are recognized by~~ associated with the ~~appropriate above licensed professions~~ professionals.

~~153.~~ Property Lines: Those lines outlining the boundaries of real property divided into lots for the purpose of description for sale, Public building development, or other use.

~~72.131.~~ 154. Public Building: Facilities for conducting: A facility where public business ~~constructed for various~~ is conducted by one or more public agencies, including all Federal, State, County, and Town offices and buildings.

~~132.~~ 155. Public Utility: Public use: A use located on public land to serve the public, but not necessarily open to the public.

~~73.133.~~ Public utilities: Private or public facilities for distribution of various services such as water, power, natural gas, communications etc., telephone, and cable to the public, but expressly excluding all towers, antennae and wireless telecommunications facilities.

~~74.134.~~ 156. Recreation Facilities: Includes buildings Recreational facilities: Buildings, structures, facilities, or areas built or developed designed and equipped for purposes the conducting of entertaining, exercising or observing various sports, leisure time activities

participated in either actively or passively by individuals or organized groups, and other customary and usual recreational activities.

a. — 157. — Recreational Vehicle: For purposes of this Chapter [except Subsection 13-24-020(G), as amended], a vehicularOutdoor 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 (a) anot 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

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

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 three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers; (d) a

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 three hundred twenty (320) square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in A 119.5 of the American National Standards Institute Code; or (e) a320 square feet

a.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. — A recreational vehicle shall not be considered as a dwelling or occupied as such, and is not a manufactured home.

75-136. 158. — Recreational Vehicle Park: vehicle park: Facilities for the temporary storage, parking, and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities. Site where site locations are provided on a day-to-day basis. Does not constitute a mobile/-manufactured home park.

76-137. 159. — Recreational Vehicle Space: vehicle space: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.



~~138. 160. Recycling Collection Facility: A~~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 fenced/enclosed area consumption rather than for resale. Includes:

142. Salvage yard: Any land or building used for the 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

a-d. The collection and processing of pre-sorted-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, and/or cleaning. Recyclable materials include (but are not limited to) metals, glass, plastic and paper intended for reuse, re-manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous waste or cleaning

~~161. Recycling Facility: A totally enclosed building within which recyclable materials are converted into new products by re-processing or re-manufacturing. A recycling facility may also include collection and processing of recyclable material for more efficient shipment. Outdoor storage of materials may occur on areas surfaced with a permanent dust-free pavement behind and opaque fence or wall and landscaping.~~

~~162. Restaurant: An establishment (other than a boarding house) where meals which are prepared therein may be procured by the public.~~

- ~~163. Reversionary Plat: See, Subsection 14-01-020(A)(27)(d)~~
- ~~164. Salvage Yard: Any land or building used for the abandonment, storage, keeping, collecting, salvaging or bailing of paper, rags, scrap metals, other scrap or discarded materials, including automobile salvage: includes recycling collection facilities and recycling facilities.~~
- ~~165. School: Unless otherwise specified, private or public places~~A place ~~of general instruction for the education of children through grade twelve (12) which are licensed through the Arizona Department of Education: not including pre- 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 (i.e. such as business colleges, art, or music or nursery schools.~~
- ~~166. School (Nursery): An institution intended primarily for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Chapter: includes day care or child care centers as defined in this Article.~~
- ~~167. School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.~~
- ~~77.143. 168. School, Trade: Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians' schools, and similar commercial establishments operated by a non-governmental organization.~~
- ~~78.144. 169. Seats: Seat: Where parking spaces are based on numbers of seats in a facility, each eighteen~~18 ~~inches (48") of width for bench seating shall be deemed one (1) seat. In the case of fixed seating, each chair shall constitute 4one seat.~~
- ~~170. Service Station: See, "Automobile Service Station."~~
- ~~145. 171. Self-service: A store, restaurant, or service station where customers select goods for themselves or service their car for themselves and pay a cashier.~~
- ~~79.146. Setback: A line that marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side or rear yard space of a building plot. See, "Yard, Required."~~
- ~~172. Sexually-Oriented Business: Any business classified as a sexually-oriented business pursuant to Section 9-07-020, or any combination thereof.~~



~~80-147.~~ 173.— 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, Section 13-23-020.

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).

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 0 (towers, antennas, and wireless telecommunications facilities) or for solar as a primary use and wind turbines under subsection 0

~~174. Sign, Billboard: A 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 upon which the structure is located. A sign shall be classified as a billboard unless at least fifty percent (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. The fact that a product is merely sold on the premises is not sufficient cause for the sign classification to be deleted from the billboard sign category.~~

~~175. Site Plan: A plan prepared to scale pursuant to the requirements of Section 13-27-020, showing all of the uses (existing and proposed) for a specific property and including all information necessary to clearly define the intended use of the property. See, "Plot Plan."~~

~~176. Sleeping Room: A room, other than a guest room, in which no cooking facilities are provided.~~

~~177. Special Gateways/Highway Corridors: Those areas in the Town limits along both sides of State Route 69, State Route 89A, and Glassford Hill Road, located within six hundred sixty (660) feet of the edge of the right-of-way.~~

~~178. Stable, Commercial: A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.~~

~~179. Stable, Private: A detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.~~

150. 180.—.

~~84.151.~~ Storage Area: area: One ~~(1)~~ or more completely walled areas, under roof, other than living, not accessible directly from the living area, and ~~containing no operating utility appliances used primarily for storage.~~

~~181. Storage, Outdoor: Outdoor storage of materials, equipment, vehicles or trailers which are screened from view by screening walls. See, Subsection 13-26-050(D)(2)~~

~~82.152.~~ 182.—Story: Any portion of a building ~~included~~ between the floor at any point and the ~~finished~~ ceiling next above it or the finished undersurface of the roof over that ~~particular~~ floor. The ground story ~~or first story~~ of any building is the lowest story ~~the whose~~ ceiling ~~of which~~ is more than six ~~(6)~~ feet above the average ~~contact ground level at the exterior walls of the building. The adjoining finished grade.~~ A mezzanine ~~story shall be deemed is~~ a full story ~~whereif~~ it covers more than ~~thirty-three and one-third percent (33 1/3%)~~ of the area of the ground story.

~~83.153.~~ 183.—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.

~~184.—Structure: The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles.~~

~~154.~~ 185.—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.~~

~~84.155.~~ Subdivision: See, Chapter 14.

~~85.156.~~ 186.—Swimming Pool: ~~Any constructed pool or other: 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 ~~and is used for swimming, bathing or wading, whether above or below the ground surface.~~

~~157.~~ 187.—Tower (Wireless Telecom: Includes towers, antennas, and wireless telecommunications facilities that comply with the requirements of this Chapter.

~~158.~~ Telecommunications Facilities): ~~Any tower: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure, including any supports, designed and constructed substantially for the purpose of being or supporting one or more~~

~~antennae. Alternative tower structures shall be deemed towers on the date a building permit is issued for modifications primarily used to enable their 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.~~

~~86-160. Trade school: A school primarily offering instruction in technical, commercial, or trade skills, such as a tower real estate school, business college, electronic school, automotive or aircraft technicians' school, or similar establishment.~~

~~87-161. 188. Transportation Terminal: terminal: A facility for loading and unloading freight for current distribution but not warehousing.~~

~~189. Travel Trailer: (See Recreational Vehicle)~~

~~88-162. 190. Under Roof: roof: The total area, exclusive of overhangs, measured in square feet, footage of the building area: includes, including porches, covered decks, and breezeways, but excluding eaves.~~

~~163. 191. 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.~~

~~89-164. Use: The purpose for which a building, or lot, or structure is arranged, designed, occupied, or maintained.~~

~~192. Use (Accessory): An "accessory use" is either a subordinate use of a building, other structure, or a tract of land, or a subordinate building or other structure:~~

~~a. Whose use is clearly incidental to the use of the principal building or other structure, or use of land; and~~

~~b. Which is customary in connection with the principal building, other structure, or use of land; and~~

~~c. Which is located on the same zoned lot with the principal building, other structure, or use of land, and which is not a use specifically permitted in a less restricted district.~~

~~Accessory uses do not include towers, antennae and wireless telecommunications facilities and their accessory structures [except those towers, antennae and wireless facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)].~~

~~193. Use (Permitted): A use in a district which is allowed therein by reason of being listed among the "Permitted Uses" in the district, subject to the specific requirements of this Chapter.~~

~~194. Use Permitted by Use Permit: A listed use in a zoning district which requires a use permit as a prerequisite and is subject to all conditions and requirements imposed by the Board of Adjustment in connection with issuing the use permit.~~

~~195. Use, Primary: A use on a given lot which is the main or principal use. Single- or multiple-family dwelling units are the primary uses on residential parcels.~~

~~196. Use (Private): A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with the same.~~

~~197. Use (Public): A use (or building) located on public land to service public benefits (but not necessarily available to public admission).~~

~~198. Use (Residential): Includes single- and multiple-family dwelling units, guest rooms, hotels, motels, mobile home courts, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged, and similar.~~

165. 199. 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.

90-167. Variance: A ~~device~~procedure that allows certain modifications in zoning requirements such as fence heights, and building ~~setback, etc., 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 ~~such~~the property of privileges enjoyed by other property of the same classification in the same zoning district. ~~The zoning district remains unchanged on lots where variances are granted.~~

- ~~200. Vehicle: The result of arranging materials and parts together for conveyance over roads (whether or not self-propelled). Such is not deemed a structure in qualifying for a building permit, but as being accessory to the principal use on a lot [except that it is not accessory in connection with vehicular rental or sales agencies, storage of junked motor vehicles as defined in Subsection 10-03-020(A) (except as otherwise provided), and mobile/manufactured home courts].~~
- ~~201. Visibility: On any corner lot, no building, fence, structure, shrubbery or planting that will obstruct street traffic visibility within a radius of ten (10) feet of the intersection of any two (2) street lines shall be permitted higher than three (3) feet.~~
- ~~168. 202. 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.~~
- ~~94.170. 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.~~
- ~~92.171. 203. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.~~
- ~~204. Weeds: See, Section 9-04-010~~
- ~~205. Wireless Telecommunications: Any technology for transmitting telecommunications through: Any services provided to the air.~~
- ~~93.172. 206. Wireless Telecommunications Facility: Any combination of one public that use licensed or more antennae, towers and/unlicensed spectrum, whether at a fixed location or structures or equipment used for the transmission of mobile, using wireless telecommunications facilities.~~
- ~~173. 207. 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).

94-174. Wholesale: The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.

~~208. Wrecking Yard: An open land area used for the business of crushing and demolishing motor vehicles, trailers, machinery, equipment, and their parts, and the storage thereof.~~

95-175. ~~209. Yard: An open space at grade level~~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, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

~~210. Yard, Exterior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and a lot line adjacent to a street of a corner lot. That street boundary determined not to be the required front yard shall be the exterior side yard and shall extend from the front yard to the rear yard. Any lot line adjacent to a street that is not a front yard shall be deemed an exterior side yard.~~

~~211. Yard, Front (Required): An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.~~

~~212. Yard, Interior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line, front line, or an exterior side yard line shall be deemed an interior side yard line. An interior side yard is adjacent to a common lot line.~~

~~213. Yard, Rear (Required): An open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot.~~



~~214. Yard, Required: 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 related thereto which establishes the minimum required front, side or rear yards space of a building plot.~~

~~176. 215. Zone boundary: The limit and extent of each zoning district as shown on the zoning map.~~

~~96.177. Zoning Administrator: The officer of the Town of Prescott Valley charged with the administration of 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.~~

~~97.178. 216. Zoning District: A zoned district: The geographic area in which of the same Town governed by a particular zoning regulations apply throughout. designation. See section 13-03-010, Section 13-05-060.~~

~~179. (Ord. No. 8, 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, 06/28/79; Ord. No. 9, Enacted, 06/28/79; Ord. No. 1979; amended by Ordinance No. 27, Amended, 04/24/80; Ord. No. 1980; reenacted and amended by Ordinance No. 37, Rep&ReEn, 09/04/80; Ord. 1980; amended by Ordinance No. 47A, Amended, 11/25/80; Ord. 1980; amended by Ordinance No. 58, Amended, 09/24/81; Ord. No. 82, Amended, 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, 05/26/83; Ord. No. 115, Amended, 08/08/85; Ord. No. 161, Amended, 11/12/87; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Ren&Amd, 05/26/88, 14-01-040,, 13-02-040; Ord. No. 1988; amended by Ordinance No. 185, Amended, 10/27/88; Ord. 1988; amended by Ordinance No. 279, Amended, 06/25/92; Ord. 1992; amended by Ordinance No. 282, Amended, 10/22/92; Ord. 1992; amended by Ordinance No. 295, Amended, 07/22/93; Ord. 1993; amended by Ordinance No. 341, Amended, 11/03/94; Ord. 1994; amended by Ordinance No. 361, Amended, 04/13/95; Ord. 1995; amended by Ordinance No. 362, Amended, 04/13/95; Ord. No. 1995; renumbered and amended by Ordinance No. 375, Ren&Amd, 12/28/95, 13-02; Ord. 1995; amended by Ordinance No. 392, Amended, 06/27/96; Ord. 1996; amended by Ordinance No. 403, Amended, 10/24/96; Ord. 1996; amended by Ordinance No. 439, Amended, 06/25/98; Ord. 1998; amended by Ordinance No. 458, Amended, 04/08/99; Ord. 1999; amended by Ordinance No. 552, Amended, 03/13/03; Ord. No. 13/2003; amended by Ordinance No. 559, Amended, 07/10/03; Ord. 2003; amended by Ordinance No. 588, Amended, 03/25/04; Ord. 2004; amended by Ordinance No. 603, Amended, 08/26/04; Ord. 2004; amended by Ordinance No. 619, Amended, 03/24/05; Ord. 2005; amended by Ordinance No. 647, Amended, 01/26/06; Ord. 2006; amended by Ordinance No. 676, Amended, 01/11/07; Ord. 2007; amended by Ordinance No. 809, Amended, 09/24/15; Ord. 2015; amended by Ordinance No. 820, Amended, 09/22/16; Ord. 2016; amended by Ordinance No. 839, Amended, 02/22/18; Ord. 2018; amended by Ordinance No. 841, Amended, 03/08/18; Ord. 2018; amended by Ordinance No. 874, Amended, 03/26/20; Ord. 2020; amended by Ordinance No. 882, Amended, 02/25/2021; Ord. amended by Ordinance No. 2022-900, Amended, 03/24/22; Ord. 2022; amended by Ordinance No. 2022-901, Amended, 03/24/22; Ord. 2022; amended by Ordinance No. 2023-921, Amended, 04/27/23; Ord. 2023; amended by Ordinance No. 2023-932, Amended, 01/11/242024)

## ~~Article 13-03~~ **GENERAL REQUIREMENTS**

- ~~13-03-010~~ **Conformance.**
- ~~13-03-020~~ **Yard.**
- ~~13-03-030~~ **Alley.**
- ~~13-03-040~~ **Corner Obstructions.**
- ~~13-03-050~~ **Site Plan.**
- ~~13-03-060~~ **Building Across Lot Lines.**
- ~~13-03-070~~ **Flood Plain Regulations.**

### **ARTICLE 13-02. ~~13-03-080~~ TOWERS, ANTENNAE APPLICATION OF ZONING ORDINANCE**

#### **Effective date and Wireless Telecommunications Facilities.**

#### ~~13-03-010~~ **legal ~~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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

#### ~~13-03-020~~ **Yard.**

No yard space or minimum area required for building or use shall be considered as any part of the yard space or minimum area for another building or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

#### ~~13-03-030~~ **~~Alley.~~**

No portion of an alley shall be considered as any part of side or rear yard.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

#### ~~13-03-040~~ **Corner Obstructions.**

On a corner lot in any zone, no planting, fence, wall, building or other obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area bounded on two (2) sides by front lot lines, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is ten (10) feet from the point of intersection of said lot lines.



(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

### ~~13-03-050~~ Site Plan.

~~13-01-030~~ **13-02-010 A.** ~~Purpose: The purpose of the Site Plan requirements is to provide detailed review where new developments may occur and to minimize land use conflicts and to prevent incompatible uses.~~

~~B. Procedure: No building permit shall be issued for any new development in all zoning districts until the proposed Site Plan has been first approved by the Office of the Town Manager.~~

~~C. Contents: The owner or owners of property proposed for development shall submit to the Town of Prescott Valley a Site Plan indicating precisely what is planned for the property, and may include the following information as determined necessary by the officer charged with administering this Chapter:~~

- ~~1. Lot dimensions;~~
- ~~2. All buildings and structures existing and proposed (including dimensions);~~
- ~~3. Yards and spaces between buildings;~~
- ~~4. Landscaping, screening and outdoor lighting as required by Article 13-26 of this Chapter;~~
- ~~5. Off-street parking as required by Article 13-24;~~
- ~~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 Section 7-01-140; and~~

~~1. 11. Other data as may assist in determining the effect of the development on surrounding property.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&Ren, 09/04/80; Ord. No. 178, Rep&Ren, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 392, Amended, 06/27/96; Ord. No. 590, Amended, 03/25/04)

### ~~13-03-060 — Building Across Lot Lines.~~

~~Building across lot lines where two (2) or more lots are used as a building site shall be permitted only to the extent that such lots are consolidated pursuant to an approved reversionary plat as defined in Section 14-01-020 of this Code (as amended).~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 551, Amended, 04/24/03; Ord. No. 801, Amended, 02/12/15)~~

### ~~13-03-070 — Flood Plain 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 or parcel 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.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95)~~

### ~~13-03-080 — Towers, Antennae and Wireless Telecommunications Facilities.~~

~~Towers, antennae 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 said requirements.~~

~~(Ord. No. 439, Enacted, 06/25/98)~~

**Article 13-04 APPLICATION OF ZONING ORDINANCE**

**13-04-010 Effective Date of Application.**

**13-04-020 Non-Conforming Uses.**

**13-04-010 Effective Date of Application.**

**B.A.** This Chapter shall apply as of the date of its original adoption by Ordinance No. 9, but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to Yavapai County for approval. The zoning requirements applicable to any such development, subdivision or parcel of land as aforesaid shall be those in effect by Yavapai County at the time such plans were submitted<sup>9</sup> on June 28, 1979.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

**13-04-020 Non-Conforming Uses.**

**B.** If, at the time of enactment of Ordinance No. 9 (originally adopting Nothing in this Chapter) shall affect existing property or of the right to its continued use for the purpose used when this Chapter or any applicable amendment thereto or of to it took effect, nor to any amendment thereof, resulting from 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 of territory to the incorporated area of into the Town of Prescott Valley, any lot, structure or building was being used in an otherwise lawful manner that does, thereafter approved, and not conform to the use provisions of this Chapter, or if any structure or building is located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit or parking and loading provisions of this Chapter, such use or such location or erections substantially altered shall be deemed to be a nonconforming use and may those in effect in Yavapai County when the plans were submitted.

**D.** The right to continue in the manner and to the extent that it existed or was being used at the time of such enactment; provided that upon any change from such a legal nonconforming use to any, building, or structure shall terminate in any of the following circumstances:

1. When the use is changed to something other use or any abandonment or discontinuance of such than the legal nonconforming use; or

2. When the legal nonconforming use, building, or structure is abandoned or discontinued for a period of one ~~(1)~~ year or more, ~~or in case any~~

3. When a legal nonconforming business or manufacturing building or structure shall be damaged by fire or other casualty to the extent of ~~fifty percent (50%)~~ of its replacement cost at the time ~~of such loss, the right to continued damage occurs.~~

E. No non-residential shall be enlarged, extended, or ~~begin such~~ 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 shall terminate.)~~.

(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. nonconforming building or structure or parcel of land, except residential, shall hereafter be enlarged, extended or otherwise expanded. Nothing herein shall be deemed to apply to outdoor light fixtures as defined in Article 13-26a of this Code. Non-conformance of outdoor light fixtures shall be determined as set forth in Article 13-26a. 276, 06/11/1992; amended by Ordinance No. 375, 12/28/1995; amended by Ordinance No. 521, 05/09/2002)

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 521, Amended, 05/09/02)

**Article 13-05 ZONES AND BOUNDARIES**

~~13-05-010 Division of Town Into Districts.~~

~~13-05-020 Boundary Lines on District Maps.~~

~~13-05-030 Boundary Determination.~~

~~13-01-040~~ **13-02-020** ~~13-05-040 Regulations~~ **Governing Newly Annexed Territory governing newly annexed territory**

~~13-05-050 Public Way Vacation.~~

~~13-05-060 Establishment of Use Districts and Density Districts.~~

~~13-05-070 Interpretation.~~

~~13-05-010 Division of Town Into Districts.~~

~~A. In order to classify, regulate and restrict the location of buildings and land uses; to control the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other open space within and surrounding such buildings, the Town of Prescott Valley, Arizona, is hereby divided into zoning districts. The use, height and area regulations are consistent in each district, and the districts shall be known as follows:~~

<del>R1L DISTRICT</del>	<del>(Residential; Single Family Limited)</del>
<del>R1M DISTRICT</del>	<del>(Residential; Single Family Mixed Housing)</del>
<del>R1MH DISTRICT</del>	<del>(Residential; Single Family Mobile/Manufactured Homes)</del>
<del>R2 DISTRICT</del>	<del>(Residential; Multiple Dwelling Units)</del>
<del>RCU DISTRICT</del>	<del>(Residential; Single Family, Rural)</del>
<del>RS DISTRICT</del>	<del>(Residential and Services)</del>
<del>P1 DISTRICT</del>	<del>(Parking)</del>
<del>C1 DISTRICT</del>	<del>(Commercial; Neighborhood Sales and Services)</del>
<del>C2 DISTRICT</del>	<del>(Commercial; General Sales and Services)</del>
<del>C3 DISTRICT</del>	<del>(Commercial; Minor Industrial)</del>
<del>PM DISTRICT</del>	<del>(Performance Manufacturing)</del>
<del>M1 DISTRICT</del>	<del>(Industrial; General Limited)</del>
<del>M2 DISTRICT</del>	<del>(Industrial; Heavy)</del>
<del>PAD DISTRICT</del>	<del>(Planned Area Development)</del>
<del>PL DISTRICT</del>	<del>(Public Lands)</del>
<del>AG DISTRICT</del>	<del>(Agricultural)</del>

~~B. The incorporated area of the Town of Prescott Valley (except within Agricultural districts) may be further divided into density districts as follows: D1 District, D2 District, D3 District, D4 District, D5 District, D6 District, D8 District, D10 District, D12 District, D18 District, D25 District, D35 District, D70 District and D175 District.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 399, Amended, 10/10/96; Ord. No. 638, Amended, 10/13/05)~~

### ~~13-05-020~~ ~~Boundary Lines on District Maps.~~

~~The boundaries of the aforesaid districts are hereby established as shown upon the maps designated as "District Maps", Town of Prescott Valley Zoning Ordinance, which accompanies this Chapter. The District Maps, along with all the notations, references and other information shown thereon, are a part of this Chapter and have the same force and effect as if said Maps and all the notations, references and other information shown thereon were all fully set forth or described herein.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

### ~~13-05-030~~ ~~Boundary Determination.~~

~~Where uncertainty exists with respect to the boundaries of any district as shown on the District Maps, the following rules shall apply:~~

- ~~A. Unless shown otherwise, the boundaries of the district or zones are 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 district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway, or railroad right-of-way, or the boundary line of public land, the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land shall be construed to be the district boundaries.~~
- ~~C. Where due to the scale, lack of detail or illegibility of the Zoning Map accompanying this Chapter, there is any uncertainty, contradiction or conflict as to the intended location of any zone boundaries shown thereon, interpretation concerning the exact location of zone boundary lines shall be determined upon written application, or upon its own motion, by the Board of Adjustment after recommendation by the Planning and Zoning Commission and the Town Manager. Any decision by the Board of Adjustment may be appealed to the Town Council.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&Amd, 09/04/80, 13-05-020; Ord. No. 178, Rep&ReEn, 05/26/88)~~

### ~~13-05-040~~ ~~Regulations Governing Newly Annexed Territory.~~

- ~~A. In accordance with state law, areas~~Areas annexed into the Town of Prescott Valley shall initially be assigned ~~land use~~zoning district ~~classifications which permit~~designations permitting densities and uses no greater than those permitted by Yavapai County, immediately before annexation.

B. ~~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 ~~hereunder~~ by the Town, and the continuance ~~thereof~~ of the use or activity shall constitute a violation of this Chapter.

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-05-040. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. No. 1979; reenacted and amended by Ordinance No. 37, Rep&Amd, 09/04/80; 13-05-030; Ord. No. repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/28/95; Ord. 1995; amended by Ordinance No. 399, Amended, 10/10/96; 1996)~~

### ~~13-05-050~~ Public Way Vacation.

~~Whenever any street, alley or other public way is vacated by official action of the Town Council, the zone of the abutting properties shall be extended to the center line of the areas vacated.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-05-040; Ord. No. 178, Rep&ReEn, 05/26/88)~~

## ARTICLE 13-03. ~~13-05-060~~ ZONING DISTRICTS AND ZONE BOUNDARIES

### ~~13-01-050~~ 13-03-010 Establishment of ~~Use Districts and Density Districts~~ zoning districts

~~In conformity with the purpose and effect of this Chapter, use districts and density The following zoning districts are hereby established in order to effect carry out the purposes set forth in Section 13-05-010. With the exception of Agricultural districts, use districts are designed to be used in combination with density districts and, as such, are hereby jointly referred to as zoning districts.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)~~

### ~~13-01-060~~ 13-01-010 ~~13-05-070~~ section 13-01-010 ~~Interpretation.~~

~~In interpreting and applying the regulations of this Zoning Chapter:~~

A. ~~These regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Zoning Chapter to interfere with or abrogate or annul any 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; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this~~



Chapter imposes a greater restriction, this Chapter shall regulate; and purposes set forth in this section:

~~B. No uses shall be made of property in a zoning district except those listed as permitted therein or permitted by Use Permit. Nevertheless, the Town Manager (or his/her designee) may administratively approve (in writing) "non-listed uses" as being either Permitted Uses or Uses Permitted by Use Permit (as the case may be), but only where such uses are clearly and closely related to those already listed. Otherwise, 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 13-29-040(B) herein]. In making such interpolations, the Town Manager (or his/her designee) or the Board of Adjustment shall be guided by any uses which are specifically listed as "prohibited" in a zoning district.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 638, Amended, 10/13/05)~~

***Article 13-06 R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)***

- ~~13-06-010 Purpose.~~
- ~~13-06-020 Use Regulations.~~
- ~~13-06-030 Density Regulations.~~
- ~~13-06-040 Off-Street Parking.~~
- ~~13-06-050 Signs.~~

***13-06-010 Purpose.***

~~The purpose of the R1L (Residential; Single Family Limited) District is to establish and preserve quiet, conventional single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

***13-06-020 Use Regulations.***

***A. Uses Permitted:***

- ~~1. Detached dwellings, conventional or pre-fabricated, including factory-built (modular) buildings, used for single-family dwelling purposes (except mobile homes and manufactured homes), subject to the following:
  - ~~a. If dwellings do not include the provision of an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwelling.~~
  - ~~b. Any person, firm or corporation found guilty of violating subparagraph 13-06-020(A)(1)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.~~~~
- ~~2. Churches (in permanent buildings).~~
- ~~3. Public schools, elementary, secondary and private schools with a curriculum the same as customarily given in public schools.~~
- ~~4. Publicly owned and operated properties such as fire and police stations.~~

- ~~5. Libraries, parks, playgrounds and community buildings, provided such uses are conducted on a non-commercial basis.~~
- ~~6. Fences or free standing walls, not to exceed a height of four (4) feet in any required front yard, and not to exceed a height of six (6) feet elsewhere on the lot.~~
- ~~7. Accessory buildings and uses located on the same lot with and customarily incidental to any of the above Permitted Uses, and not detrimental to a residential neighborhood.~~
- ~~8. Home occupations as defined in Article 13-02 and which shall conform to the following conditions or be subject to immediate termination:~~
  - ~~a. General Conditions:~~
    - ~~(1) A home occupation shall be clearly secondary to the residential use of the dwelling.~~
    - ~~(2) A home occupation shall be conducted in such a manner that it is compatible with the residential character of the neighborhood in which it is located.~~
    - ~~(3) No more than twenty-five (25%) of all buildings on the lot and no more than 200 sq. ft. of a detached accessory building may be devoted to the home occupation.~~
    - ~~(4) Persons other than those residing in the dwelling shall not 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.~~
- ~~2.1. (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.~~
- ~~3.1. (7) Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.~~

~~4.1. (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.~~

~~5.1. (9) A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. 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.~~

~~(10) Home occupation operations are limited to the hours of 7 a.m. – 9 p.m.~~

~~(11) No more than five (5) clients per day, and only one (1) client at a time are allowed on site (with the exception of child day care and group homes).~~

~~(12) No more than one (1) 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 (1) ton. There shall be no work of any kind performed on vehicles not owned or leased by the occupants of the property.~~

~~(13) Home occupation uses shall not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as contractors or landscapers equipment.~~

~~(14) Any need for parking generated by the conduct of such home occupation shall be met off the street (but not in a required front yard). The required RU (residential off-street parking shall be maintained.~~

~~(15) All home occupations shall be subject to the business licensing requirements set forth in Article 8-02.~~

~~b. Conditional Home Occupations – The following uses would be conditionally permitted as a home occupation provided they meet the provisions of Section 13-06-020(A)(8)(a) and are licensed by the applicable state or county agency (or, if not subject to state/county licensing requirements, have obtained a Use Permit subject to Use Permit application and hearing procedures set forth under Section 13-21-110);~~

~~(1) In-home child care with no more than five (5) children in the home at one time~~

- (2) Community Residences that meet the definition under Section 13-02-010(B)(98) (and are otherwise required to be state licensed or obtain a Use Permit)

~~6.1.~~ (3) ~~Massage therapy~~

~~7.1.~~ (4) ~~Commercial food preparation~~

~~8.1.~~ (5) ~~Pet grooming~~

- c. Prohibited Home Occupations - The following uses are expressly prohibited as home occupations because of the potential adverse impact to the surrounding neighborhood. These include (but are not necessarily limited to):

~~9.1.~~ (1) ~~Ambulance service~~

(2) ~~Appliance repair~~

(3) ~~Automobile repair, sales, detailing, washing or painting~~

(4) ~~Boarding houses~~

(5) ~~Carpentry or other woodworking (such as: cabinet making, furniture making or volume-produced wood products)~~

~~10.1.~~ (6) ~~Commercial stables~~

(7) ~~In-home child care with six (6) or more children~~

~~11.1.~~ (8) ~~Limousine or taxicab service~~

~~12.1.~~ (9) ~~Mortician or hearse service~~

~~13.1.~~ (10) ~~Motorized outdoor sport products (such as radio-controlled miniature airplanes, motorcycle track, or go-cart racing)~~

(11) ~~On-going garage sales (except those permitted under Sections 9-04-020(B)(5) of the Town Code)~~

(12) ~~Retail sales from site (except direct distribution)~~

~~14.1. (13) Tattoo parlors~~

~~15.1. (14) Tow truck service~~

~~16.1. (15) Upholstery~~

~~17.1. (16) Welding~~

~~(17) Any and all other uses having a potential to create an adverse impact similar to that created by the uses outlined above~~

~~9. Occupancy of temporary housing, including recreational vehicles, during the construction of a permanent dwelling only, subject to the provisions of Section 13-21-140.~~

~~10. Model Homes and Model Homes Complexes approved pursuant to the Planned Area Development Process in Article 13-19 or the Use Permit process in Section 13-21-110. The Use Permit process in Section 13-21-110 applies to Model Homes and Model Home Complexes that are not part of a Development Plan or that are proposed after the Final Development Plan has been approved. The Use Regulations in Section 13-06-020 (B)(3)(a-j) apply to all Model Homes and Model Home Complexes approved pursuant to the Planned Area Development Process in Article 13-19 or the Use Permit process in Section 13-21-110.~~

~~11. Vacation Rental/Short-Term Rental, as defined in A.R.S. §9-500.39(D)(2), subject to the following:~~

~~a. Owners shall provide all parking for guests on site in accordance with Article 13-24 "Off-Street Parking Requirements" of this Code.~~

~~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/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.~~

~~B.A. d. Owners shall provide guests with a 24-hour emergency point of contact.~~

~~12. Personal Use of Recreational Marijuana – Primary Residence. An individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a residential zoning district, subject to the following conditions and limitations:~~

- ~~a. Individuals who are at least twenty-one (21) years of age may possess, transport, cultivate or process up to a maximum of six (6) marijuana plants at the individual's primary residence.~~
- ~~b. Two or more individuals who share the same primary residence and are at least twenty-one (21) years of age may possess, transport, cultivate or process up to a maximum of twelve (12) marijuana plants at the individuals' primary residence.~~
- ~~c. Except as provided by A.R.S. §36-2801 et seq. (the Arizona Medical Marijuana Act [2010] and the Smart and Safe Arizona Act [2020]) and this Section, cultivation of marijuana in a residential zoning district is prohibited.~~
- ~~d. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.~~
- ~~e. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that any marijuana processing, manufacturing, or cultivation activities comply with applicable electrical, plumbing and other building codes, have adequate ventilation and air filtration, and that the building and design standards are compatible with adjacent uses.~~
- ~~f. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.~~
- ~~g. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.~~

~~13. Family Community Residences. Subject to the requirements set forth below, a family community residence is allowed as of right if it (1) is 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, and (2) the operator or applicant is licensed or certified by the State of Arizona to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence, except as required by state law. Except as provided by state law, a Use Permit must be obtained in accord with the use standards specified below for any community residence that does not meet both criteria (1) and (2) described above.~~

- ~~a. A complete application to permit a community residence shall be submitted to the Development Services Director. If a Use Permit is~~



~~required, a separate application must be submitted as set forth in Town Code Section 13-21-110.~~

~~b. A required Use Permit may be issued only if the proposed community residence meets the following standards:~~

- ~~1. (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.~~
- ~~2.1. (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.~~
- ~~3.1. (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.~~

~~c. 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.~~

~~d. The applicant may apply for a Waiver for Reasonable Accommodation, which applications are considered and acted upon by the Development Services Director, or its designee. Whether a particular accommodation is reasonable depends on the facts and must be decided on a case-by-case basis. 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. In all cases the Development Services Director shall make findings of fact in support of its determinations and shall render its decision in writing. The Development Services Director may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings.~~

~~e. An applicant may appeal the denial of a Waiver for Reasonable Accommodation by the Development Services Director or designee to the Board of Adjustment pursuant to Town Code Section 13-29-050.~~

~~B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.~~

- ~~1. Essential public utility buildings and facilities.~~
- ~~2. Golf courses, including club houses, pro shops, etc. located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.~~
- ~~3. Model homes and Model Homes Complexes, as herein defined, that are not approved pursuant to the Planned Area Development Process in Article 13-19, subject to the following:~~

~~a. a. That such homes be open to public inspection only between the hours of 8:00 a.m. and 9:00 p.m.~~

~~b. That such homes not be operated as a branch real estate office, and that no more than four (4) persons be assigned or stationed on a continuous basis in any one (1) home.~~

~~c. That the proximity of one (1) model home to another model home in a particular neighborhood not be so close as to be a detriment to that neighborhood, based upon such factors as (i) whether the neighborhood traditionally has had other model homes in close proximity, (ii) the density of development in the neighborhood, (iii) actual traffic in that portion of the neighborhood, and (iv) the character of occupancies and uses in the neighborhood.~~

~~d. That no construction equipment be stored or kept on any model home site, except that which is required for the original construction of the home or any subsequent repairs or remodeling.~~

~~e. That parking be provided pursuant to Subsection 13-24-040(B) and Subparagraph 13-24-050(B)(1)(e) of this Code.~~

~~f. That landscaping, screening and outdoor lighting be provided as set forth in Article 13-26 of this Chapter.~~

~~g. That ingress to and egress from any home site be designed, insofar as possible, as approved by the engineer so as to avoid backing onto adjacent streets.~~

~~h. That no model home be listed as a business address for business licensing purposes.~~

~~i. That the duration of any Use Permit be limited to two (2) years, subject to renewal for additional two (2) year periods, if the conditions set forth~~

herein continue to be met and any problems and complaints associated with the operation have been resolved. In the event a Use Permit is not renewed, the home may no longer be used as a "model" but must be occupied for residential purposes.

j. ~~That, notwithstanding these provisions, "model homes" heretofore permitted by "Variance" shall be permitted by "Use Permit" upon expiration of the "Variance"; subject only to the original "Variance" conditions as well as to Subparagraphs 4(a), 4(b), 4(d), and 4(i) herein. The term of the "Use Permit" shall be as provided in Subparagraph 4(j) above.~~

4. ~~Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.~~

5. ~~Transitional Community Residences, subject to the separation standard set forth in Subsection A(13) herein.~~

C. ~~Prohibited Uses:~~

~~1. Mobile Food Vendors. A mobile food vendor shall not operate in an area zoned for residential use or within two hundred fifty (250) feet of an area zoned for residential use, except:~~

~~4.1. a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or~~

~~b. 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 (6) hours within a twenty-four (24) hour period on the private property.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 78, Amended, 03/11/83; Ord. No. 112, Amended, 06/06/85; Ord. No. 136, Amended, 08/28/86; Ord. No. 137, Amended, 08/28/86; Ord. No. 167, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 187, Amended, 10/27/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Amended, 06/27/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 603, Amended, 08/26/04; Ord. No. 638, Amended, 10/13/05; Ord. No. 647, Amended 01/26/06; Ord. No. 785, Amended, 01/23/14; Ord. No. 809, Amended, 09/24/15; Ord. No. 816, Amended, 05/26/16; Ord. No. 820, Amended, 09/22/16; Ord. No. 839, Amended, 02/22/18; Ord. No. 849, Amended, 07/12/18; Ord. No. 883, Amended, 02/25/21; Ord. No. 2022-901, Amended, 03/24/22; Ord. No. 2023-932, Amended, 01/11/24)~~

**13-06-030 Density Regulations**

~~Where no density district has been combined, then the provisions of the D-10 District shall apply.~~

A. ~~Minimum building floor area for; single and multiple-story R1L residential dwellings shall be determined as follows:~~

<del>SINGLE STORY DWELLINGS</del>			<del>MULTIPLE STORY DWELLINGS</del>	
<del>Lot Area</del> <del>(Sq.Ft.)</del>	<del>Livable</del> <del>Sq.Ft.</del>	<del>Under Roof</del> <del>Sq. Ft.</del>	<del>Livable Sq.Ft.</del> <del>(First Floor)</del>	<del>Under Roof Sq.Ft.</del> <del>(First Floor)</del>
<del>Less than</del> <del>7500</del>	<del>850</del>	<del>1070</del>	<del>638</del>	<del>850</del>
<del>7500-8499</del>	<del>900</del>	<del>1120</del>	<del>675</del>	<del>900</del>
<del>8500-9999</del>	<del>1020</del>	<del>1240</del>	<del>765</del>	<del>1020</del>
<del>10,000 &amp;</del> <del>Above</del>	<del>1200</del>	<del>1420</del>	<del>900</del>	<del>1200</del>

1. ~~Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.~~

2. ~~The square foot area of a carport or garage shall be included in the "under roof" determination as required above.~~

B. ~~Refer to Article 13-20 for additional density provisions.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88)~~

### ~~13-06-040 Off-Street Parking.~~

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-06-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

### ~~13-06-050 Signs.~~

~~The sign provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

**~~Article 13-07 R1M (RESIDENTIAL; SINGLE FAMILY MIXED HOUSING)~~**

- ~~13-07-010 Purpose.~~
- ~~13-07-020 Use Regulations.~~
- ~~13-07-030 Density Regulations.~~
- ~~13-07-040 Off-Street Parking.~~
- ~~13-07-050 Signs.~~
- ~~13-07-060 Mixed Housing Plan.~~

~~13-07-010 family rural) zone. Purpose.~~ The purpose of the R1M (Residential; Single Family Mixed Housing) District is essentially the same as the R1L District, except that a mix of residential housing types is permitted, along with attached dwellings.

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)~~

**~~13-07-020 Use Regulations.~~**

**~~A. Uses Permitted:~~**

- ~~1. All uses permitted in the R1L District.~~
- ~~2. Residential uses in conventional (on-site constructed) dwellings, factory-built (modular) buildings, or manufactured homes (in compliance with the requirements of Chapter 15 of this Code) for one (1) family on any one (1) lot, subject to the following:~~
  - ~~a. If any such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.~~
  - ~~b. Any person, firm or corporation found guilty of violating subparagraph 13-07-020(A)(2)(a) shall be guilty of a misdemeanor. Upon conviction, the offense shall be treated as a class 3 misdemeanor. Each day such violation is permitted or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.~~

**~~B. Uses Permitted by Use Permit:~~** The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

- ~~1. A group of dwelling units (attached or detached) each having separate individual ownership and providing common services and recreation facilities under unified management.~~

a. ~~The maximum number of such units allowed on a lot shall not exceed the number of times the gross area of such is divisible by the minimum lot area allowed for the district.~~

b. ~~Such allowance shall in no case exempt the requirement of maintaining yards adjacent to the exterior site boundaries.~~

2. ~~Any use permitted by Use Permit in the R1L District.~~

**C. ~~Prohibited Uses:~~**

~~1. Any use prohibited in the R1L District.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 138, Amended, 08/28/86; Ord. No. 139, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 186, Amended, 10/27/88; Ord. No. 349, Amended, 12/01/94; Ord. No. 2022-901, Amended, 03/24/22)

**~~13-07-030 Density Regulations.~~**

A. ~~Minimum building floor areas for R1M residential dwellings shall be determined as follows:~~

<del>SINGLE STORY DWELLINGS</del>			<del>MULTIPLE STORY DWELLINGS</del>	
<del>Lot Area</del> <del>(Sq.Ft.)</del>	<del>Livable</del> <del>Sq. Ft.</del>	<del>Under Roof</del> <del>Sq. Ft.</del>	<del>Livable Sq.Ft.</del> <del>(First Floor)</del>	<del>Under Roof Sq.Ft.</del> <del>(First Floor)</del>
<del>Less than</del> <del>7500</del>	<del>850</del>	<del>1070</del>	<del>638</del>	<del>850</del>
<del>7500-8499</del>	<del>900</del>	<del>1120</del>	<del>675</del>	<del>900</del>
<del>8500-9999</del>	<del>1020</del>	<del>1240</del>	<del>765</del>	<del>1020</del>
<del>10,000 &amp;</del> <del>Above</del>	<del>1200</del>	<del>1420</del>	<del>900</del>	<del>1200</del>

1. ~~Notwithstanding the above specific minimum floor area requirements, in no event shall the livable floor area of the dwelling be less than ten percent (10%) of the lot size unless the dwelling has twelve hundred (1,200) sq. ft. of livable floor area, in which case this Section shall not apply.~~

2. ~~The square foot area of a carport or garage shall be included in the "under roof" determination as required above.~~

B. ~~Refer to Article 13-20 for additional density provisions.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 81, Amended, 05/26/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

~~13-07-040 Off-Street Parking.~~

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-07-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-07-050 Signs.~~

~~The sign provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-07-060 Mixed Housing Plan.~~

~~In the event an R1M District encompasses any area that is undeveloped, no subdivision plat, development site plan or similar plan shall be approved for that area or any portion thereof except as part of a Planned Area Development (PAD) per Article 13-19 (as amended from time to time), which includes development plans showing, among other things, the areas set aside for various residential housing types and arrangements.~~

~~(Ord. No. 349, Enacted, 12/01/94)~~



~~Article 13-08 — R1MH (RESIDENTIAL; SINGLE FAMILY MOBILE/MANUFACTURED HOMES)~~

~~13-08-010 — RU zone is Purpose.~~

~~13-08-020 — Use Regulations.~~

~~13-08-030 — Density Regulations.~~

~~13-08-040 — Off-Street Parking.~~

~~13-08-050 — Signs.~~

~~13-08-010 — Purpose.~~

~~The purpose of the R1MH (Residential; Single Family Mobile/Manufactured Homes) District is essentially the same as the R1L District except that, with regard to single family dwellings, it is intended to exclusively provide sites for mobile homes and manufactured homes for those citizens who desire to utilize this type of housing in an appropriate, safe, sanitary and attractive environment.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 375, Amended, 12/28/95)~~

~~13-08-020 — Use Regulations.~~

~~A. — Uses Permitted~~

~~1. — All uses permitted in the R1L District.~~

~~2. — Residential uses in manufactured homes and mobile homes in compliance with the requirements of Chapter 15 of this Code. If such dwellings do not include an enclosed garage, then enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet shall be provided as an accessory use to such dwellings.~~

~~3. — Uses permitted by Use Permit in the R1L District, except towers, antennae, wireless telecommunications facilities, and transitional community residences.~~

~~B. — Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.~~

~~1. — Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.~~

~~2. — Transitional Community Residences, subject to the separation standard set forth in Section 13-06-020(A)(13).~~

~~C. Prohibited Uses:~~

~~1. No primary residential dwellings may be permanent (on-site constructed) dwellings or factory-built (modular) buildings.~~

~~2. Any use prohibited in the R1L and R1M Districts.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 140, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 349, Amended, 12/01/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 2022-901, Amended, 03/24/22; Ord. No. 2023-932, Amended, 01/11/24)~~

~~13-08-030 Density Regulations.~~

~~Where no density district has been combined, then the provisions of the D-10 District shall apply. Refer to Article 13-20 for additional density provisions.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-08-040 Off-Street Parking.~~

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-08-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-08-050 Signs.~~

~~The sign provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~Article 13-09 — R2 (RESIDENTIAL; MULTIPLE DWELLING UNITS)~~

~~13-09-010 — Purpose.~~

~~13-09-020 — Use Regulations.~~

~~13-09-030 — Density Regulations.~~

~~13-09-040 — Off-Street Parking.~~

~~13-09-050 — Signs.~~

~~13-09-060 — Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~

~~13-09-010 — Purpose.~~

~~The purpose of the R2 (Residential; Multiple Dwelling Units) District is to provide for development of multiple family residences in areas where a higher density of housing is desirable.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-09-020 — Use Regulations.~~

~~A. — Permitted Uses: Buildings or premises shall be used only for the following uses:~~

- ~~1. — All principal and accessory uses and structures permitted in the R1L and R1M Districts, subject to all of the requirements in Article 13-06 “R1L (Residential; Single Family Limited)” and Article 13-07 “R1M (Residential; Single Family Mixed Housing),” except as otherwise provided herein.~~
- ~~2. — Dwellings used for multiple family dwelling purposes in conformity with the density formula for the district subject to the following:~~
  - ~~a. — All multi-family dwellings shall provide accessory storage of a minimum area of fifty (50) square feet per dwelling unit.~~
  - ~~b. — Accessory storage shall be either attached or detached to the dwelling unit.~~
- ~~3. — Home occupations as defined in Article 13-02.~~
- ~~4. — Transitional Community Residences, subject to the separation standard set forth in Section 13-06-020(A)(13).~~

~~B. — Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.~~

- ~~1. — Any use permitted by Use Permit in the R1L District.~~

~~2. Rooming and boarding houses.~~

~~3. Homes for the aged or nursing homes.~~

~~4. Orphanages.~~

~~5. Fraternity and sorority houses.~~

~~C. Prohibited Uses:~~

~~1. No primary residential dwellings may be factory-built (modular) buildings or manufactured/mobile homes.~~

~~2. Any use prohibited in the R1L, R1M and R1MH Districts.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 141, Amended, 08/28/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 550, Amended, 04/24/03; Ord. No. 644, Amended, 01/26/06 Ord. No. 2022-901, Amended, 03/24/22; Ord. No. 2023-932, Amended, 01/11/24)~~

~~13-09-030 Density Regulations.~~

~~The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-09-040 Off-Street Parking.~~

~~Off-street parking shall meet no less than the minimum requirements as provided in Article 13-24.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-09-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-09-050 Signs.~~

~~The sign provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-09-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~

~~The landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.~~



~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)~~

~~Article 13-10 — RCU (RESIDENTIAL; SINGLE-FAMILY, RURAL)~~

~~13-10-010 — Purpose.~~

~~13-10-020 — Use Regulations.~~

~~13-10-030 — Density Regulations.~~

~~13-10-040 — Off-Street Parking.~~

~~13-10-050 — Signs.~~

~~13-10-060 — Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~

~~13-10-070 — Repealed.~~

~~13-10-010 — Purpose.~~

~~C.A. The RCU (Residential; Single Family, Rural) District is intended to provide a zoning classification for all areas of the Town not presently characterized by urban uses.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05)~~

~~13-10-020 — Use Regulations.~~

~~A. — Uses Permitted:~~

~~All uses allowed in the R1L District.~~

~~B. — Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.~~

~~1. — Transitional Community Residences, subject to the separation standard set forth in Section 13-06-020(A)(13).~~

~~C. — Prohibited Uses:~~

~~1. — Any use prohibited in the R1L, R1M, R1MH, and R2 Districts.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-10-020, 13-10-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 638, Amended, 10/13/05; Ord. No. 2022-901, Amended, 03/24/22; Ord. No. 2023-932, Amended, 01/11/24)~~

~~13-10-030 — Density Regulations.~~

~~Density provisions of Article 13-20 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

B. 13-10-040 Off-StreetRL (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.

~~D.A. RS (residential Parking-~~

~~Parking facilities shall meet no less than the minimum requirements as provided in Article 13-24.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-10-050 Signs.~~

~~Sign regulation provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-10-060 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~

~~Upon the installation of any use (other than a single family residence), the landscaping, screening, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)~~

~~13-10-070 Repealed.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)~~



**Article 13-11 — RS (RESIDENTIAL AND SERVICES)**

**13-11-010 — Purpose.**

**13-11-020 — Use Regulations.**

**13-11-030 — Density Regulations.**

**13-11-040 — Off-Street Parking.**

**13-11-050 — Signs.**

**13-11-060 — Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.**

**13-11-010 — Purpose.**

**E.F. services) zone.** The purpose of the RS ~~(Residential and Services) District~~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 ~~in close proximity to~~near residential areas, while minimizing the undesirable impact of ~~such~~those uses on the neighborhoods ~~which~~they serve.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

**13-11-020 — Use Regulations.**

**A. — Permitted Uses:** The following uses are permitted in the RS District.

1. — Any use permitted in the R2 District.

2. — All principal and accessory uses and structures permitted in the R1L and R1M Districts.

**B. — Prohibited Uses:**

1. — Mobile homes and manufactured homes.

2. — Sexually-oriented businesses.

3. — Any use prohibited in the R1L, R1M, R1MH, R2, and RCU Districts.

**C. — Uses Permitted by Use Permit:**

1. — The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth in Section 13-21-110.

a. — Any use permitted by Use Permit in the R2 District.

b. ~~Personal services such as, but not limited to, the following (provided the use is conducted within an enclosed building and materials and equipment are not offered for sale except incidental to the service):~~

~~(1) Beauty and barber shops~~

~~(2) Photography~~

~~(3) Group instruction~~

~~(4) Tailoring~~

~~(5) Small appliance repair.~~

c. ~~Day nurseries and nursery schools.~~

d. ~~Hospitals, clinics, sanitariums and nursing homes for the care of humans.~~

e. ~~Institutions of an educational, religious, charitable or philanthropic nature.~~

f. ~~Offices wherein only professional, administrative, clerical or sales services are conducted.~~

g. ~~Private clubs, lodges or fraternal organizations operated solely for the benefit of bona fide members (including outdoor recreation or assembly facilities).~~

h. ~~Mobile/manufactured home parks subject to all regulations applicable to such parks, set forth under Article 13-25.~~

2. ~~Notwithstanding the foregoing, in the event a Planned Area Development (PAD) District is established per Article 13-19 in any Residential and Services (RS) District, the uses listed in this Subsection C may be included in any Preliminary and Final Development Plans thereunder and approved without being subject to Use Permit application and hearing procedures set forth in Section 13-21-110.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03; Ord. No. 682, Amended, 03/22/07; Ord. No. 2022-901, Amended, 03/24/22)~~

### ~~13-11-030 Density Regulations.~~

~~The density provisions of Article 13-20 shall apply. Where no density district has been combined, the provisions of the D3 Density District shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-11-040 — Off-Street Parking.~~

~~Off-street PK (parking shall meet no less than the minimum requirements as provided in Article 13-24.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-11-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-11-050 — Signs.~~

~~Sign regulation provisions of Article 13-23 shall apply.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-11-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 816, Amended, 05/26/16)~~

~~13-11-060 — Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~

~~The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)~~

~~Article 13-12 — P1 (PARKING)~~

~~13-12-010 — Intent.~~

~~13-12-020 — Use Regulations.~~

~~13-12-010 — Intent.~~

~~F.G. The P1 (Parking) District) zone. The PK zone is intended to establish and preserve motor vehicle parking areas for the parking of motor vehicles in close proximity to near land uses which create a need for requiring substantial amounts of vehicle parking, and to assure that parking in those areas is so located and screened as not to be incompatible avoid incompatibility with uses in any adjoining residential district zoning districts.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-12-020 — Use Regulations.~~

~~Uses Permitted: The following uses are permitted.~~

- ~~A. Vehicular parking facilities to provide all or a portion of the parking appurtenant to a permitted use in a district. Installation, operation and maintenance of parking facilities shall be in accordance with the parking requirements of Article 13-24 (together with any other neighborhood protective requirements upon which the P1 zoning approval may be contingent).~~
- ~~B. Signs as are permitted in the RS District for appurtenant uses shall be permitted in this district.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~Article 13-13 C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)~~

~~13-13-010 Purpose.~~

~~13-13-020 Use Regulations.~~

~~13-13-030 Density Regulations.~~

~~13-13-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~13-13-050 Off-Street Parking.~~

~~13-13-060 Signs.~~

~~13-13-070 Landscaping.~~

~~13-13-010 Purpose.~~

G.H. The purpose of the C1 (Commercial; Neighborhood Sales and Services) DistrictCN (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 in close proximity tonear residential areas, and to provide for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

~~13-13-020 Use Regulations.~~

~~A. Permitted Uses: The following uses are permitted in C1 district, as conditioned in Subparagraph (A)(5) below.~~

~~1. Business or Professional~~

~~a. Business or professional offices~~

~~b. Libraries and museums~~

~~c. Post offices~~

~~d. Public buildings~~

~~e. Public utility pay stations.~~

~~2. Retail Sales~~

~~a. Automobile service stations (self service)~~

~~b. Bakeries, book, stationery or gift shops~~

- c. ~~Clothes cleaning outlets (including self-service coin operated laundries)~~
- d. ~~Cafes, cafeterias, camera stores, candy shops, clothing stores~~
- e. ~~Delicatessens, dry goods, drug stores~~
- f. ~~Flower shops~~
- g. ~~Garden supplies, grocery stores and supermarkets~~
- h. ~~Hardware stores, household supplies, hobby supplies, health food stores~~
- i. ~~Ice cream parlors~~
- j. ~~Jewelry stores~~
- k. ~~Liquor stores~~
- l. ~~Music and record stores~~
- m. ~~Restaurants~~
- n. ~~Radio and television CG (commercial; general sales and service~~
- o. ~~Shoe stores, shoe repair and sporting goods~~
- p. ~~Toy stores~~
- q. ~~Variety stores~~
- r. ~~Dispensing services) zone. The purpose of propane and similar petroleum products from exposed storage tanks for retail or for use by the property occupant as an accessory use, provided:~~
  - (1) ~~The installation complies with NFPA Standard 58 "Liquefied Petroleum Gas Code, 2008 Edition," and any other fire code standard as administered by Central Yavapai Fire District; and~~
  - (2) ~~Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and~~
  - (3) ~~A site plan shall be submitted indicating:~~
    - (a) ~~location and distances from property lines, streets, existing buildings and buildings on adjoining properties; and~~
    - (b) ~~individual tank sizes (in gallon capacity, height, length and diameter); and~~

(c) — separation between tanks.

(4) — Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

s. — Other similar convenience retail or service businesses CG zone is to accommodate neighborhood needs.

t. — Mobile Food Vendors, subject retail and service establishments along major streets and highways to the following conditions and limitations:

~~H.A.~~ (1) — 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) — 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

(b) — A special event permit or similar permission in accordance with the Town Code.

~~I.A.~~ (2) — 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.

(3) — Parking.

(a) — 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.

(b) — A mobile food unit, including any semi-permanent structure used or associated with the mobile food unit, may use no more than one (1) 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.

(c) — No mobile food unit exceeding twenty-four (24) feet may park diagonally in a diagonal parking space or park in any

manner that occupies more than one (1) diagonal parking space.

~~1. (d) No mobile food unit shall operate with the serving window facing street traffic.~~

~~(e) 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 (6) hours in a twenty-four (24) hour period. "Occupy" within this Subsection means within one hundred (100) feet of the place in which the mobile food unit was initially parked.~~

~~2.1. (f) 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 ARS Title 9, Chapter 4, Article 7.2.~~

~~(g) 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.~~

~~(4) 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.~~

~~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 twelve (12) months.~~

~~(5) Refuse, Trash and Litter Maintenance. A mobile food unit shall:~~

~~(a) Provide a minimum of one (1) fifteen-gallon trash receptacle within fifteen (15) feet of each individual mobile food unit for customers and employees;~~

~~(b) Maintain an area around the mobile food unit clear of litter, garbage, rubble and debris; and~~



~~3.1. (c) Transport the trash from the area of operation to an authorized waste disposal location.~~

~~J.A. (6) 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".~~

~~(7) Security.~~

~~1. (a) Mobile food units and surrounding vending areas shall be maintained in a safe and clean manner at all times.~~

~~2.1. (b) 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.~~

~~3.1. (c) 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.~~

~~K.A. (8) 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 ARS Title 9, Chapter 4, Article 7.2. Such insurance policies shall meet the following requirements:~~

~~(a) The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.~~

~~1. (b) The policy shall designate by manufacturer's serial or identification number all mobile food units for which coverage is granted.~~

~~(c) 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.~~

3. Service

a. Banks

- b. ~~Barber and beauty shops~~
- c. ~~Day nurseries, nursery schools or private kindergartens~~
- d. ~~Pet grooming studios, including accessory product sales (only when clearly incidental and subordinate to the care and grooming of pets, and no boarding or kennel facilities may be provided)~~
- e. ~~Radio and television repair~~
- f. ~~Shoe repair~~
- g. ~~Taxidermy~~
- h. ~~Typewriter and business machine repair~~
- i. ~~Watch and clock repair.~~
- j. ~~Family and Transitional Community Residences, subject to the Use Regulations set forth in Section 13-06-020(A)(13).~~

4. ~~Other~~

- a. ~~Accessory buildings and uses customarily incidental to a permitted principal use.~~
- b. ~~Single and multiple-family dwellings in a primary commercial building with one or more approved commercial uses on the first floor, subject to the following conditions:~~
  - (1) ~~In one-story commercial buildings, no single or multiple-family dwellings shall be in the front half of the building nor be accessible from the front as a primary entrance. The square footage of the single or multiple-family dwellings shall not exceed 25% of the building.~~
  - (2) ~~In commercial buildings with two or more floors, no single or multiple-family dwellings shall be on the ground floor. Single or multiple-family dwellings on upper floors can equal the area of the ground floor.~~
- c. ~~Factory-built buildings (including units used for offices).~~

5. ~~Conditions:~~

- a. ~~All conditions on permitted uses in C2, C3, PM, M1 and M2 districts shall apply~~

- b. ~~No more than five (5) persons shall be engaged in the repair or fabrication of goods on the premises.~~
- c. ~~Not more than one (1) horsepower shall be employed in the operation of any one (1) machine used in repair or fabrication, and not more than five (5) horsepower in the operation of all such machines.~~
- d. ~~Facilities shall not exceed two thousand (2,000) square feet per unit.~~
- e. ~~All uses shall be contained within a completely enclosed building, except for the following:~~
  - (1) ~~Exposed storage tanks for dispensing of propane or similar petroleum products~~

B. ~~Prohibited Uses: The following are uses prohibited in C1 district.~~

- 1. ~~Outdoor Storage of Materials and/or Supplies (except outdoor display area during business hours only, in compliance with screening provisions of Article 13-26 of this Chapter 13)~~
- 2. ~~Second Hand Merchandise Sales (except as incidental to new sales)~~
- 3. ~~Wholesaling~~
- 4. ~~Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in C2, C3, PM, M1 or M2 districts~~
- 5. ~~Any prohibited use in the C2, C3, PM, M1 or M2 districts.~~

C. ~~Uses Permitted By Use Permit: The following uses are permitted by use permit in C1 district (subject to hearing procedures set forth in Section 13-21-110).~~

- 1. ~~Essential Public Utility Buildings and Facilities~~
- 2. ~~Full Service Automotive Service Stations~~
- 3. ~~Mobile/Manufactured Home Parks and Recreational Vehicle Parks~~
- 4. ~~Music Instruction~~
- 5. ~~Towers, Antennae and Wireless Telecommunications Facilities (that comply with requirements of this Chapter 13)~~
- 6. ~~Electronic Information Centers.~~
- 7. ~~Fitness/Wellness Centers and Spas~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 226, Amended, 05/10/90; Ord. No. 240, Amended, 09/27/90; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 521, Amended, 05/09/02; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 8/12/10; Ord. No. 2022-900, Amended, 03/24/22; Ord. No. 2022-901, Amended, 03/24/22; Ord. No. 2023-932, Amended, 01/11/24)

### **~~13-13-030 — Density Regulations.~~**

The following density regulations shall apply to all land and buildings in the C1 District.

- A. ~~Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.~~
- B. ~~Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially-zoned lot except as follows:~~
  - 1. ~~Any residential district use shall maintain the same yard as required by the density district, except that where dwelling units occupy commercial buildings in accordance with §13-13-020(A)(4)(b) above, such dwelling units may maintain the same yards as otherwise permitted in the C1 District.~~
  - 2. ~~A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).~~
  - 3. ~~Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.~~
  - 4. ~~Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.~~
  - 5. ~~On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.~~
- C. ~~Lot Coverage: Lot coverage requirements of Article 13-20 shall apply.~~
- D. ~~Building Spacing: Spacing requirements of Article 13-20 shall apply.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 434, Amended, 01/22/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 882, Amended, 02/25/21)

### **~~13-13-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~**

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.



(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Amended, 06/27/96)

#### ~~13-13-050 — Off-Street Parking.~~

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

#### ~~13-13-060 — Signs.~~

~~Sign regulation provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

#### ~~13-13-070 — Landscaping.~~

~~The landscaping provisions of Article 13-26 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~Article 13-14 C2 (COMMERCIAL; GENERAL SALES AND SERVICES)~~

~~13-14-010 Purpose.~~

~~13-14-020 Use Regulations.~~

~~13-14-030 Density Regulations.~~

~~13-14-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~13-14-050 Off-Street Parking.~~

~~13-14-060 Signs.~~

~~13-14-070 Landscaping.~~

~~13-14-080 Performance Standards.~~

~~13-14-010 Purpose.~~

~~L.I. The purpose of the C2 (Commercial; General Sales and Services) District is to provide for the sale of commodities and the performance of service and other activities in locations for which theserve a market area that extends beyond the immediate residential neighborhoods. The district is intended to provide accommodations for retail and service establishments required to meet the Town's needs. The district is designed for application along major streets and highways.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-14-020 Use Regulations.~~

~~A. Permitted Uses: The following uses are permitted in C2 district as conditioned in Subparagraph (A)(6) below.~~

~~1. All permitted uses in C1 district~~

~~2. Business or Professional~~

~~a. Business schools~~

~~b. Blueprinting, printing, lithograph, publishing and photostatting establishments~~

~~c. Music instruction~~

~~d. Private schools (operated as a CI (commercial enterprise including, but not limited to, dancing, art, trades, etc.)~~

~~e. Fitness/Wellness Centers and Spas~~

3. ~~Retail Sales~~

- a. ~~Antique stores~~
- b. ~~Auto parts, auto rental, new and used auto sales, and auto upholstery~~
- c. ~~Bars and cocktail lounges~~
- d. ~~Craft shops conducted in conjunction with a retail business, including ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpture and wood carving [limited to five thousand (5,000) square feet of shop floor area]~~
- e. ~~Furniture stores, furniture upholstery~~
- f. ~~Household appliance stores~~
- g. ~~Key and gun shops (including incidental repair work)~~
- h. ~~Pet shops (not including animal treatment or boarding, or kennel facilities)~~
- i. ~~Second-hand stores~~
- j. ~~Other similar retail sales establishments engaged primarily in selling or offering for sale personal property to the public; provided that such uses are to be conducted within a completely enclosed building, except for the following:~~
  - (1) ~~Car washes~~
  - (2) ~~Commercial parking lots~~
  - (3) ~~Commercial recreation (not including go-cart or other race tracks)~~
  - (4) ~~Automobile service stations and garages, including motor repair and complete servicing [provided that the accessory use of temporary storage and parking of junked motor vehicles as defined in Article 9-04a of this Chapter 13 shall be completely enclosed within an eighty-five percent (85%) screen wall as defined in Article 13-26 of this Chapter 13. Temporary storage in this context means storage for not longer than ninety (90) days. Furthermore, five (5) or fewer such vehicles may be stored and parked on the property for an indefinite period, so long as each vehicle is completely covered at all times during storage with an opaque car covering and is completely enclosed within a screen wall as defined in Article 13-26.]~~
  - (5) ~~New and used car lots~~

~~(6) — Mobile/manufactured home sales facilities~~

~~(7) — Plant nurseries within an area contained by a solid six (6) foot wall or fence~~

~~(8) — Truck and/or trailer rental~~

~~k. — Home improvement stores~~

~~l. — Marijuana and Marijuana Products. The sale of marijuana and marijuana products is authorized within the Town from a marijuana establishment (approved as a dual licensee) and is tangible personal property as defined in A.R.S. §42-5001 and subject to transaction privilege tax in the retail classification and use tax.~~

~~4. — Service~~

~~a. — Appliance repair shops~~

~~b. — Broadcasting stations and studios for radio or television (not including towers, antennae or wireless telecommunications facilities)~~

~~c. — Funeral homes and chapels~~

~~d. — Precision musical instrument shops~~

~~e. — Optical shops~~

~~f. — Hotels and motels~~

~~g. — Theaters (not including drive-in theaters)~~

~~h. — Other similar businesses offering services to the general public.~~

~~5. — Medical Marijuana Dispensaries (no onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-14-080(B) herein and subject to the following definitions:~~

~~a. — Consume, Consuming and Consumption: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.~~

~~b. — Consumer: An individual who is at least twenty-one years of age and who purchases marijuana or marijuana products~~

~~c. — Cultivate and Cultivation: To propagate, breed, grow, prepare and package marijuana.~~



- d. ~~Cultivation Facility: A building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.~~
- e. ~~Deliver and Delivery: The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a medical marijuana dispensary or marijuana establishment.~~
- f. ~~Department: The Arizona Department of Health Services or its successor agency.~~
- g. ~~Department rules and regulations: The adopted regulations of the Department relating to the provisions of A.R.S. §36-2801 *et seq.* currently in existence and as adopted in the future.~~
- h. ~~Designated Caregiver: A person, other than the qualifying patient, who, pursuant to A.R.S. §36-2801 *et seq.* and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.~~
- i. ~~Designated Caregiver Cultivation Location: Location where a designated caregiver, having been expressly authorized by the Department, cultivates medical marijuana plants for a qualifying patient(s)' medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).~~
- j. ~~Dual Licensee: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.~~
- k. ~~Enclosed Area: A building, greenhouse, or other structure that has;~~
  - ~~1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;~~
  - ~~2. Is secure against unauthorized entry.~~
  - ~~3. Has a foundation, slab or equivalent base to which the floor is securely attached; and~~
  - ~~4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.~~

- ~~l. Extraction: The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.~~
- ~~m. Infusion Facility: A facility within a medical marijuana dispensary that incorporates medical marijuana by the means of cooking, blending, or incorporation into consumable/edible goods.~~
- ~~n. Manufacture and Manufacturing: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.~~
- ~~o. Marijuana: All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin; and includes cannabis as defined in A.R.S. §13-3401; but does not include; minor industrial hemp, the fiber produced from the stalks of plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.~~
- ~~p. Marijuana Concentrate: Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol. It does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.~~
- ~~q. Marijuana Establishment: An entity licensed by the Department to operate a single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture products.~~
- ~~r. Marijuana Products: Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.~~
- ~~s. Marijuana Testing Facility: the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful concentrations.~~
- ~~t. Medical Marijuana Dispensary: A nonprofit entity as defined in A.R.S. §36-2801.~~
- ~~u. Medical Marijuana Dispensary Agent: A principal officer, board member, employee or volunteer of a medical marijuana dispensary who is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.~~

- ~~v. Person: An individual, partnership, corporation, association, or any other entity of whatever kind or nature.~~
- ~~w. Process and Processing: To harvest, dry, cure, trim or separate parts of the marijuana plant.~~
- ~~x. Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. §36-2801 (as amended).~~
- ~~y. Qualifying Patient Cultivation Location: Location where a qualifying patient, having been expressly authorized by the Department, cultivates medical marijuana plants for his/her medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).~~

~~6. Conditions~~

- ~~a. All conditions on permitted uses in C3, PM, M1 and M2 districts shall apply~~
- ~~b. All uses shall be contained within a completely enclosed building, except those uses listed in Subparagraphs 13-14-020(A)(3)(j)(1-8) and 13-14-020(A)(3)(k)~~

~~B. Prohibited Uses: The following uses are prohibited in C2 district.~~

- ~~1. Wholesaling (as a principal use)~~
- ~~2. Noise Broadcasting (beyond the building)~~
- ~~3. Any other use whose primary zone. The purpose or nature is first specified as a permitted use or use permitted by use permit in C3, PM, M1 or M2 districts~~
- ~~4. Any prohibited use in C3, PM, M1 or M2 districts.~~
- ~~5. Marijuana Establishments (as defined in Article 13-02); Dual License of the CI zone. Exception. To the fullest extent allowable by law, the operation of marijuana establishments is prohibited except where authorized for a dual licensee that:~~
  - ~~a. Operates both a nonprofit medical marijuana dispensary (as provided in this Section) and marijuana establishment cooperatively in a shared location; and~~
  - ~~b. Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Department.~~~~Marijuana establishments (approved as dual licensees) must comply with the regulations in Section 13-14-080.~~

- ~~6. Marijuana Testing Facilities. To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited.~~
  - ~~7. Marijuana Cultivation Facilities. Except as provided in Article 13-15 and Section 13-06-020, to the fullest extent allowable by law, the operation of cultivation locations at which 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.~~
  - ~~8. Marijuana Product Manufacturing Facilities. Except as provided in Article 13-15 and Section 13-06-020, to the fullest extent allowable by law, the operation of manufacturing locations at which 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.~~
- ~~C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C2 district (subject to hearing procedures set forth under Section 13-21-110).~~
- ~~1. Hospitals and Clinics for Animals (including boarding and lodging facilities for animals in completely enclosed, soundproofed buildings)~~
  - ~~2. Outdoor Amusement Parks (including go-cart race tracks)~~
  - ~~3. Bowling Alleys and Billiard Halls~~
  - ~~4. Skating Rinks~~
  - ~~5. Mobile/Manufactured Home Parks and Recreational Vehicle Parks~~
  - ~~6. Electrical, Mechanical and Plumbing Shops~~
  - ~~7. Catering Establishments~~
  - ~~8. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13~~
  - ~~9. Essential Public Utility Buildings and Facilities~~
  - ~~10. Outside Temporary Storage (seasonal and accessory to permitted primary uses set forth in this Section 13)~~
  - ~~11. Electronic Information Centers.~~
  - ~~12. Microbreweries - retail as a principal use (less than 50% of the annual gallonage produced shall be sold to retail licenses or licensed wholesalers).~~

13. ~~Craft Distillers – retail as a principal use (less than 50% of the annual gallonage produced shall be sold to retail licensees or licensed wholesalers).~~

14. ~~Tattoo Parlors~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 260, Amended, 06/27/91; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 303, Amended, 07/08/93; Ord. No. 304, Amended, 07/08/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 361, Amended, 04/13/95; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 521, Amended, 05/09/02; Ord. No. 608, Amended, 12/02/04; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 753, Amended, 02/10/11; Ord. No. 839, Amended, 02/22/18; Ord. No. 841, Amended, 03/08/18; Ord. No. 883, Amended, 02/25/21; Ord. No. 2022-900, Amended, 03/24/22; Ord. No. 2022-902, Amended, 03/24/22)

### ~~13-14-030 Density Regulations.~~

The following density regulations shall apply to all land and buildings in the C2 district.

A. ~~Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.~~

B. ~~Yards: Yard requirements as outlined in Article 13-20 Density Districts shall not apply to any commercially-zoned lot except as follows:~~

1. ~~Any residential district use shall maintain the same yards as required by the density district, except that where dwelling units occupy commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b), such dwelling units may maintain the same yards as otherwise permitted in C2 district.~~

2. ~~A front yard of no less than twenty-five (25) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).~~

3. ~~Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.~~

4. ~~Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.~~

5. ~~On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.~~

C. ~~Lot Coverage: Lot coverage requirements of Article 13-20 shall apply.~~

D. ~~Building Spacing: Spacing requirements of Article 13-20 of this Chapter 13 shall apply.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 434, Amended, 01/22/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 705, Amended, 12/20/07; Ord. No. 882, Amended, 02/25/21)

~~13-14-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Amended, 06/27/96)~~

~~13-14-050 — Off-Street Parking.~~

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-14-060 — Signs.~~

~~Sign regulation provisions of Article 13-23 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-14-070 — Landscaping.~~

~~The landscaping provisions of Article 13-26 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-14-080 — Performance Standards.~~

~~A. — No use shall be established, maintained or conducted in any C2 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.~~

~~B. — In addition to the prohibitions set forth in Subsection 13-14-080(A) above, all medical marijuana dispensaries/marijuana establishments in the district shall be subject to the following conditions:~~

~~1. — Applicant shall provide:~~

~~a. — the name and location of the offsite cultivation facility, if applicable.~~

~~b. — 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.~~

- ~~2. No medical marijuana dispensary/marijuana establishment may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary/marijuana establishment or offsite cultivation facility.~~
- ~~3. No medical marijuana dispensary/marijuana establishment may be located within a five hundred (500) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.~~
- ~~4. No medical marijuana dispensary/marijuana establishment may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.~~
- ~~5. Measurements for purposes of Subparagraphs 13-14-080(B)(2)-(4) above shall be the shortest horizontal line from the exterior walls of the medical marijuana dispensary/marijuana establishment building to the property line of the protected use.~~
- ~~6. A medical marijuana dispensary/marijuana establishment shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.~~
- ~~7. The permitted hours of operation of a medical marijuana dispensary/marijuana establishment shall be from 7:00 am to 10:00 pm.~~
- ~~8. A medical marijuana dispensary/marijuana establishment shall not provide drive-through services or offsite deliveries of marijuana or marijuana products.~~
- ~~9. A medical marijuana dispensary/marijuana establishment shall not have outdoor seating areas.~~
- ~~10. Consumption of marijuana on the premises of a medical marijuana dispensary/marijuana establishment is prohibited.~~
- ~~11. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law.~~
- ~~12. No marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary/marijuana establishment so as to be visible from outside the premises.~~
- ~~13. A medical marijuana dispensary/marijuana establishment shall provide for proper and secure disposal of marijuana remnants or by-products discarded by the dispensary/establishment. All marijuana, marijuana remnants, and marijuana by-products shall be disposed of in a manner that renders them unusable.~~

- ~~14. A medical marijuana dispensary/marijuana establishment shall not emit dust, fumes, vapors, or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the Town.~~
- ~~15. A medical marijuana dispensary/marijuana establishment shall not sell marijuana or marijuana products to consumers, except as permitted by state law.~~
- ~~16. A medical marijuana dispensary/marijuana establishment shall submit a written security plan to the Prescott Valley Police Department that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.~~

~~{Ord. No. 753, Enacted, 02/10/11; Ord. No. 839, Amended, 02/22/18; Ord. No. 883, Amended, 02/25/21; Ord. No. 2023-922, Amended, 05/25/23}~~



**Article 13-15 — C3 (COMMERCIAL; MINOR INDUSTRIAL)**

**13-15-010 — Purpose.**

**13-15-020 — Use Regulations.**

**13-15-030 — Density Regulations.**

**13-15-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.**

**13-15-050 — Off-Street Parking.**

**13-15-060 — Signs.**

**13-15-070 — Performance Standards.**

**13-15-010 — Purpose.**

A. The purpose of the C3 (Commercial; Minor Industrial) District is to establish and preserve areas as the locations for the heaviest type of commercial activities, including warehousing, wholesaling, and light manufacturing, and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

~~AA-J.~~ B. Locations for the zoning should be thoughtfully conceived to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, so that the use of the property is, that are adequately buffered from residential areas, and so and compatible with industrial uses, and situated so that highway frontage does not present a poor image of the community.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

**13-15-020 — Use Regulations.**

A. Permitted Uses: The following uses are permitted in C3 district as conditioned in Subparagraph (A)(9) below.

1. All permitted uses in C2 district

2. Business or Professional

a. Hospitals and clinics for animals, (including boarding and lodging within completely enclosed and soundproofed buildings).

3. Retail Sales

a. Building materials sales yards (including the sale of rock, sand and gravel as an incidental part of the main business)

b. Craft shops and work, storage and equipment yards in connection therewith [limited to fifteen thousand (15,000) square feet of floor area]

- c. ~~Feed stores~~
- d. ~~Lumber and building materials businesses (including mill and sash work)~~
- e. ~~Microbreweries~~
- f. ~~Craft Distillers~~
- 4. ~~Service, Wholesale and Minor Industrial~~
  - a. ~~Indoor amusement enterprises (including commercial ballrooms, arenas, gymnasiums, rinks, pools, indoor shooting galleries, bowling alleys, billiard halls, miniature golf courses, and recreation centers)~~
  - b. ~~Auto body and paint shops~~
  - c. ~~Auto storage garages [including storage of automobiles incident to a lawful towing business, but not including automobile salvage or wrecking. Storage of junked motor vehicles as provided in Article 9-04a in Chapter 9 of this Code, incident to this use, shall be completely enclosed within a screen wall as defined in Subsection 13-26-050(B), and shall be temporary. In this context, temporary means no longer than one hundred eighty (180) days. However, nothing herein shall prohibit storage of not more than five (5) junked motor vehicles for an indefinite period if an opaque car cover completely covers the body of such vehicles and they are completely enclosed within a screen wall.]~~
  - d. ~~Auto upholstery shops~~
  - e. ~~Bottling plants, confined to closed buildings [limited to fifteen thousand (15,000) square feet of floor area]~~
  - f. ~~Cabinet and carpenter shops~~
  - g. ~~Catering establishments~~
  - h. ~~Cleaning plants, within closed buildings [limited to fifteen thousand (15,000) square feet of floor area]~~
  - i. ~~Engineering research offices, including a model shop for light machinery prototypes~~
  - j. ~~Electrical, mechanical and plumbing shops~~
  - k. ~~Equipment storage, rental and sales yards~~
  - l. ~~Frozen food lockers~~

- m. ~~General sub-contractors (and accessory storage facilities)~~
- n. ~~Laboratories, medical and dental~~
- o. ~~Pawn shops~~
- p. ~~Public auctions~~
- q. ~~Essential public utility buildings and facilities~~
- r. ~~Transportation terminals and transfer facilities within an enclosed building [limited to fifteen thousand (15,000) square feet of floor area]~~
- s. ~~Wholesale businesses, storage buildings, warehouses and yards, including rental storage units (excluding animals)~~
- t. ~~Light machine shops~~
- u. ~~Sheet metal shops.~~
- v. ~~Electronic and scientific precision instruments~~ PM (performance manufacturing)
- w. ~~Dispensing of propane and similar petroleum products from exposed storage tanks as a primary wholesale use, provided:~~
  - (1) ~~The installation complies with NFPA Standard 58 "Liquefied Petroleum Gas Code, 2008 Edition," and any other fire code standard as administered by Central Yavapai Fire District; and~~
  - (2) ~~Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and~~
  - (3) ~~A site plan shall be submitted indicating:~~
    - (a) ~~location and distances from property lines, street, existing buildings and buildings on adjoining properties; and~~
    - (b) ~~individual tank sizes (in gallon capacity, height, length and diameter); and~~
    - (c) ~~separation between tanks.~~
  - (4) ~~Installation complies with Article 13-26 "Site Development Standards" and all other applicable provisions of the Prescott Valley Town Code.~~
- ~~x. Recreational Vehicle Storage.~~

~~y. Tattoo Parlors~~

~~5. Medical Marijuana Dispensaries (with onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-15-070(B) herein.~~

~~6. Medical Marijuana Cultivation Facility, subject to the regulations in Subsection 13-15-070(C) herein.~~

~~7. Medical Marijuana Designated Caregiver Cultivation ) zone. The Location, subject to the regulations in Subsection 13-15-070(D) herein.~~

~~8. Medical Marijuana Qualifying Patient Cultivation Location, subject to the regulations in Subsection 13-15-070(E) herein.~~

~~9. Conditions~~

~~a. All conditions on permitted uses in PM, M1 and M2 districts shall apply~~

~~b. The front fifty (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 Article 13-26 of this Chapter 13)~~

~~c. 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 (6) foot, eighty-five percent (85%) solid screen wall as defined in Article 13-26 of this Chapter 13, within the rear yard area so as not to be visible from any higher ranking district~~

~~d. All other outdoor lighting provisions of Article 13-26 of this Chapter 13 shall apply~~

~~B. Prohibited Uses: The following uses are prohibited in C3 district.~~

~~1. Concrete Mixing Operations~~

~~2. Livestock Yards and Auctions~~

~~3. Any other use whose primary purpose or nature of the PM zone is first specified as a permitted use or use permitted by use permit in PM, M1 or M2 districts~~

~~4. Single and Multiple-Family Dwellings [except those in commercial buildings in accordance with Subparagraph 13-13-020(A)(4)(b)]~~

~~5. Any prohibited use in PM, M1 or M2 districts.~~

~~C. Uses Permitted by Use Permit: The following uses are permitted by use permit in C3 district (subject to hearing procedures set forth under Section 13-21-110).~~

1. ~~Amusement Parks including go-cart and race tracks~~
2. ~~Cemeteries for human or animal interment~~
3. ~~Dairy Products Manufacturing~~
4. ~~Drive-In Theaters~~
5. ~~Drug Manufacturing or Processing~~
6. ~~Outdoor runs, pens and cages for boarding or lodging of animals [no less than one hundred (100) feet from any residential district] with special consideration to:~~
  - a. ~~Neighborhood reaction to the use permit application~~
  - b. ~~Type and number of animal guests~~
  - c. ~~Extent of outdoor activity~~
7. ~~Welding Shops~~
8. ~~Tire Recapping~~
9. ~~Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13~~
10. ~~Electronic Information Centers.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-020, 13-15-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 206, Amended, 05/25/89; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended, 08/12/10; Ord. No. 753, Amended, 02/10/11; Ord. No. 782, Amended, 12/19/13; Ord. No. 841, Amended, 03/08/18; Ord. No. 2022-902, Amended, 03/24/22)

### ~~13-15-030 Density Regulations.~~

The following density regulations shall apply to all land and buildings in the C3 District.

- A. ~~Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.~~
- B. ~~Yards: The provisions of Subsections 13-13-030(B) and 13-14-030(B) shall apply.~~
- C. ~~Lot Coverage: Lot coverage provisions of Article 13-20 shall apply.~~
- D. ~~Building Spacing: The spacing requirements of Article 13-20 shall apply.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 434, Amended, 01/22/98; Ord. No. 882, Amended, 02/25/21)

### ~~13-15-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)

### ~~13-15-050 — Off-Street Parking.~~

The off-street parking provisions of Article 13-24 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

### ~~13-15-060 — Signs.~~

Sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-030; Ord. No. 178, Rep&ReEn, 05/26/88)

### ~~13-15-070 — Performance Standards.~~

A. — No use shall be established, maintained or conducted in any C3 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

B. — In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana dispensaries/marijuana establishments (with onsite cultivation/infusion facilities) in the C3 district shall be subject to the following conditions:

- 1. — Medical marijuana dispensaries/marijuana establishments (with onsite cultivation/infusion facilities) shall be subject to the regulations set forth in Subsection 13-14-080(B) and the definitions set forth in Subsection 13-14-020(A)(5).
- 2. — Cultivation of marijuana within a medical marijuana dispensary/marijuana establishment shall be confined to a secure indoor area of the dispensary and must not be detectable from the public area of the dispensary or the exterior of the building in which the cultivation takes place.
- 3. — The indoor area of the medical marijuana dispensary/marijuana establishment where marijuana is cultivated shall be completely separated and secured from the public area of the dispensary/establishment.

- ~~4. Medical marijuana dispensaries/marijuana establishments with onsite infusion facilities must obtain any and all permits and licenses from the local health department for all food handling/preparation in connection with infusion operations.~~
  - ~~5. Medical marijuana dispensaries/marijuana establishments with onsite infusion facilities shall comply with applicable laws to safely and securely engage in extraction processes.~~
- ~~C. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, marijuana cultivation facilities in the C3 district shall be subject to the following conditions:~~
- ~~1. Marijuana cultivation facilities shall be subject to all regulations set forth in Section 13-14-080 and definitions set forth in Article 13-02 and Subsection 13-14-020(A)(5).~~
  - ~~2. Applicant shall to provide:~~
    - ~~a. the name and location of the offsite medical marijuana dispensary associated with the cultivation facility.~~
    - ~~b. 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.~~
  - ~~3. Retail sales of marijuana from offsite cultivation facilities are prohibited.~~
  - ~~4. Only medical marijuana dispensary agents/marijuana establishment licensees registered with the Department may lawfully enter the cultivation facility. Entry by others who are not registered/licensed with the Department is strictly prohibited.~~
  - ~~5. No cultivation facility may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary/marijuana establishment or cultivation facility.~~
- ~~D. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana designated caregiver cultivation locations in the C3 district shall be subject to the following conditions:~~
- ~~1. Medical marijuana designated caregiver cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).~~
  - ~~2. A designated caregiver may cultivate medical marijuana only in the event the designated caregiver meets the requirements of A.R.S. §36-2804.02(A)(3)(f).~~
  - ~~3. All conditions and restrictions for medical marijuana dispensary offsite cultivation facilities apply except that the designated caregiver cultivation~~

location is limited to a total of two hundred fifty (250) square feet maximum, including any storage areas.

4. ~~A designated caregiver may cultivate medical marijuana at their residence for a single qualifying patient subject to the requirements of A.R.S. §36-2801(1)(b) and Department rules and regulations.~~
5. ~~More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.~~

E. ~~In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana qualifying patient cultivation locations in the C3 district shall be subject to the following conditions:~~

- ~~1. Medical marijuana qualifying patient cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).~~
- ~~2. A qualifying patient may cultivate medical marijuana only in the event the qualifying patient meets the requirements of A.R.S. §36-2804.02(A)(3)(f).~~
- ~~3. The qualifying patient cultivation location must be located in the C3 district as a permitted use or as an ancillary use to the qualifying patient's primary residence.~~
- ~~4. Medical marijuana cultivation as an ancillary use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which cultivation occurs.~~
- ~~5. The qualifying patient cultivation location must comply with the security requirements of A.R.S. §36-2801(1)(a)(ii) and Department rules and regulations.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96; Ord. No. 753, Rep&ReEn, 02/10/11; Ord. No. 883, Amended, 02/25/21; Ord. No. 2023-922, Amended, 05/25/23)~~



~~Article 13-16 PM (PERFORMANCE MANUFACTURING)~~

~~13-16-010 Purpose.~~

~~13-16-020 Use Regulations.~~

~~13-16-030 Performance Standards.~~

~~13-16-040 Density Regulations.~~

~~13-16-050 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~13-16-060 Off-Street Parking.~~

~~13-16-070 Signs.~~

~~13-16-080 Repealed.~~

~~13-16-010 Purpose.~~

~~N.K. The purpose of the PM (Performance Manufacturing) District is to provide sufficient space in appropriate locations for the promotion and protection of certain types of light industrial uses. Businesses for businesses, light manufacturing, warehouses, and research and development industries shall be operated in such a restricted and limited manner that, because of the nearby residential land uses are protected and fostered by limitations on type the types of structures and uses, control on height and density, prohibitions against open land facilities, omission of such nuisances as fumes, odors, noise, glare and vibration, and similar nuisances, and landscaping requirements, residential desirability adjacent to such industries will be protected and fostered.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-16-020 Use Regulations.~~

~~A. Permitted Uses: IG (industrial; general limited) zone. The following uses are permitted in PM district.~~

- ~~1. All permitted uses in C3 district~~
- ~~2. Scientific or Research Laboratories~~
- ~~3. Manufacturing~~
- ~~4. Machining~~
- ~~5. Tooling~~
- ~~6. Fabricating and Assembling Products~~
- ~~7. Processing and Compounding Materials~~

- ~~8. Concrete Mixing Operations~~
- ~~9. Milling~~
- ~~10. Packaging~~
- ~~11. Mixing~~
- ~~12. Molding~~
- ~~13. Equipping and Decorating~~
- ~~14. Glazing~~
- ~~15. Repairing and Servicing~~
- ~~16. Cleaning~~
- ~~17. Winding~~
- ~~18. Weaving, Knitting and Sewing~~
- ~~19. Welding Shops~~
- ~~20. Baking, Cooking, Roasting and Pickling~~
- ~~21. Breweries and Distillers~~
- ~~22. Plating and Polishing~~
- ~~23. Motion Picture Productions, Radio and Television Studios~~
- ~~24. Facilities for Furnishing Meals and Selling Refreshments and Personal Convenience Items solely to employees of uses~~
- ~~25. Accessory Buildings and Uses~~
- ~~26. Billboard Signs (in accordance with standards set forth in Section 13-23-140 of this Chapter 13, as amended from time to time)~~
- ~~27. Tire Recapping~~
- ~~28. Equipment, Material and Dead Storage Yards.~~
- ~~B. Prohibited Uses: The following uses are prohibited in PM district.~~
  - ~~1. Mobile/Manufactured Homes (including units used for offices but not including units used as offices in conjunction with mobile/manufactured home sales facilities)~~

- ~~2. Residential Uses except one (1) dwelling unit for a watchman or caretaker employed on the premises~~
  - ~~3. Salvage Yards~~
  - ~~4. Sexually-Oriented Businesses~~
  - ~~5. Livestock Yards and Auctions~~
  - ~~6. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in M1 or M2 districts~~
  - ~~7. Any prohibited use in M1 or M2 districts.~~
- ~~C. Uses Permitted by Use Permit: The following uses are permitted by use permit in PM district (subject to hearing procedures set forth under Section 13-21-110).~~
- ~~1. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13~~
  - ~~2. Electronic Information Centers.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 403, Amended, 10/24/96; Ord. No. 435, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 749, Amended 08/12/10; Ord. No. 841, Amended, 03/08/18)~~

### ~~13-16-030 Performance Standards.~~

~~No use shall be established, maintained or conducted in any PM District which does not comply with the nuisance and hazard prohibitions in Article 13-26 of this Chapter.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)~~

### ~~13-16-040 Density Regulations.~~

~~The following density regulations shall apply to all land and buildings in the PM District.~~

- ~~A. Lot Area and Dimensions: No lot shall be established smaller than one hundred (100) feet width, two hundred (200) feet depth, and twenty-five thousand (25,000) square feet area, nor to exceed a depth of six hundred fifty (650) feet unless it can be shown that a greater depth will not block projected streets or alleys.~~
- ~~B. Yards Required:~~

1. ~~Fifty (50) feet adjacent to any street (but not alley)~~
2. ~~Fifty (50) feet adjacent to any residential lot~~
3. ~~Fifteen (15) feet adjacent to any other lot~~
4. ~~Twenty-five (25) feet from any rear lot line~~

C. ~~Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.~~

D. ~~Building Density: The total area of all buildings shall not exceed fifty percent (50%) of the total area of the lot.~~

E. ~~Building Spacing: No building shall be closer to any other building than thirty (30) feet.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-040, 050, 060, 070 & 080; Ord. No. 168, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 435, Amended, 01/22/98)~~

#### ~~13-16-050 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

A. ~~The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply.~~

B. ~~With regard to screening, 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 13-26. No objects shall be stacked higher than the screen wall in the front fifty (50) feet of the lot, except that nothing herein prevents the parking of licensed motor vehicles or the placing of machinery, equipment and supplies within the enclosed remaining area of the lot so as to extend above the screen wall.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 435, Amended, 01/22/98)~~

#### ~~13-16-060 Off-Street Parking.~~

~~Space for parking shall always be kept available to provide no less than two (2) square feet of land area for each square foot of building area. Refer to Article 13-24 for additional requirements.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-020; Ord. No. 178, Rep&ReEn, 05/26/88)~~

#### ~~13-16-070 Signs.~~

~~Sign regulation provisions of Article 13-23 shall apply.~~



~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-16-030; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~**13-16-080 — Repealed.**~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)~~

**Article 13-17 M1 (INDUSTRIAL; GENERAL LIMITED)**

~~13-17-010 Purpose.~~

~~13-17-020 Use Regulations.~~

~~13-17-030 Density Regulations.~~

~~13-17-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~13-17-050 Performance Standards.~~

~~13-17-060 Off-Street Parking.~~

~~13-17-070 Signs.~~

~~13-17-010 Purpose.~~

O.L. The M1 (Industrial; General Limited) District G zone is intended to provide sufficient space ~~in appropriate~~ 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 manner so asway that does not ~~to~~ cause inconvenience to other uses in the zoning district or to adjacent zoning districts, ~~and installed in compliance with all government standards.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95)

~~13-17-020 Use Regulations.~~

~~A. Permitted Uses: IH (industrial; heavy) zone. The following uses are permitted in the M1 district.~~

- ~~1. All permitted uses in the PM district except dwelling units including mobile homes and manufactured homes, hotels, motels, rooming and boarding houses, and similar~~
- ~~2. Meat Packing (no slaughtering except rabbits and poultry)~~
- ~~3. Animal Treating, Boarding, Breeding and Sales~~
- ~~4. Heavy Commercial Uses (provided such uses do not create offensive noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, do not pollute the air, surface waters or ground water, and do not pose latent radiation, explosion or fire danger)~~
- ~~5. Trucking and Freight Yards~~
- ~~6. Dispensing of gasoline and similar petroleum products from low-profile exposed storage tanks provided:~~

- a. ~~The installation complies with NFPA Standard 30A "Flammable and Combustible Liquids Code, 2000 Edition", and any other Fire Code standard as administered by the State Fire Marshal, and the installation otherwise poses no imminent life or fire safety hazard~~
  - b. ~~The tank(s) is/are for the sole use of the property occupant and fuel dispensed is not intended for resale~~
  - c. ~~Installation is within the rear sixty percent (60%) of the lot and in no case is less than twenty-five (25) feet from any lot boundary~~
  - d. ~~Installation is screened from any adjacent property or streets~~
  - e. ~~A site plan submittal accompanies the request indicating:~~
    - (1) ~~location and distances from property lines, streets, existing buildings and buildings on adjoining properties~~
    - (2) ~~individual tank sizes (in gallon capacity, height, length, and diameter)~~
    - (3) ~~separation between tanks~~
  - f. ~~Any permit required by Central Yavapai Fire District is obtained~~
7. ~~Circuses and Carnivals~~
8. ~~Race Tracks~~
9. ~~Stadiums~~
10. ~~Other Industrial, Office, Laboratory and Manufacturing Uses (provided such uses do not create danger to health and safety in surrounding areas, and do not create noise, vibration, smoke, dust, odor, heat or glare)~~
11. ~~Livestock Yards and Auctions~~
12. ~~Sexually-Oriented Businesses, subject to the regulations in Subsection 13-17-050(B) herein and subject to the following definitions:~~
- a. ~~Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, video tape machines, projectors, or other image-producing devices are maintained to show images to one or more persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas"~~

b. ~~Adult Bookstore: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following-- books, magazines, periodicals or other printed matter which predominantly depict or predominantly describe "specified sexual activities" or "specified anatomical areas"; and which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult bookstore. Such other business purposes will not serve to exempt such retail business from being categorized as an adult bookstore so long as one (1) of its principal business purposes is offering for sale or rental the above-listed items (for consideration)~~

c. ~~Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:~~

~~(1) persons who appear in a "state of nudity" or seminude;~~

~~(2) live performances or activities which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or~~

~~(3) films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"~~

~~The term "adult cabaret" is intended to apply to businesses which emphasize and seek to arouse or excite the patrons' sexual desires. Nothing in the definition of "adult cabaret" shall be construed to apply to 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~~

d. ~~Adult Enterprise (General): Any commercial or business enterprise which promotes or exploits nudity or semi-nudity in the regular course of business and as one (1) of its principal business purposes, for the purpose of advancing the economic welfare of the business or enterprise~~

e. ~~Adult Motel: A motel or hotel or similar commercial establishment~~

~~(1) which offers accommodations to the public for any form of consideration; which 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 which has a sign visible from the public right-of-way which advertises the availability of any of the above types of material;~~

~~(2) which offers a guest room for rent for a period of time that is less than ten (10) hours; or~~

~~(3) which allows a tenant or occupant of a guest room to sub-rent the room for a period of time that is less than ten (10) hours~~

~~f. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, audio visual materials, slides, transparencies, or similar photographic reproductions (either in positive or negative form) are regularly shown which are predominantly characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"~~

~~g. Adult Novelty Store: A retail business which offers for sale or rental any instruments, devices, or paraphernalia which are 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 thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult novelty store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult novelty store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items~~

~~h. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a "state of nudity" or seminude, or live performances which are predominantly characterized by the exposure of "specified anatomical areas" or by actual or simulated "specified sexual activities". Nothing herein shall be construed to apply to 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~~

~~i. Adult Video Store: A retail business which devotes a substantial and significant portion of its total display area to any one or more of the following -- photographs, films, motion pictures, video cassettes or video reproductions, audio visual materials, slides, or other visual representations which predominantly depict or predominantly describe "specified sexual activities" or "specified anatomical areas"; and which regularly excludes all~~

~~minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein. Such a retail business may have other principal business purposes that do not involve the offering for sale or rental of the above-listed items and still be categorized as an adult video store. Such other business purposes will not serve to exempt such retail business from being categorized as an adult video store so long as one (1) of its principal business purposes is offering for sale or rental (for consideration) the above-listed items~~

- ~~j. Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or offers to privately model lingerie or to privately perform a striptease for another person~~
- ~~k. Escort Agency: A person or business association that (for a fee, tip, or other consideration) furnishes, offers to furnish, or advertises to furnish escorts as one of his/her/its primary business purposes~~
- ~~l. Nude Model Studio: Any place (other than one offering fine arts class instruction) where a person who regularly appears in a "state of nudity" or seminude or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, for consideration~~
- ~~m. Nudity (or State of Nudity): The act of exposing (or failing to opaquely cover) a human anus, the cleft of the buttocks, genitals, or the female breast below a point immediately above the top of the areola~~
- ~~n. Seminude: The state of dress in which clothing covers no more than the genitals, pubic region and the female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices~~
- ~~o. Sexual Encounter Center: A non-medical business which offers (for consideration):~~
  - ~~(1) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a "state of nudity" or seminude; or~~
  - ~~(2) the matching and/or exchanging of persons for "specified sexual activities"~~
- ~~p. Sexually-oriented Business: Any business classified as a sexually-oriented business pursuant to Section 9-07-020, or any combination thereof~~
- ~~q. Specified Anatomical Areas: A human anus, the cleft of the buttocks, human genitals, or the female breast below a point immediately above the top of the areola, when less than opaquely covered; and human genitals in a state of sexual arousal (even if opaquely covered)~~

~~r. Specified Sexual Activities: Any of the following--~~

- ~~(1) the fondling or other erotic touching of the human anus, the buttocks, genitals, the pubic region, or the female breast~~
- ~~(2) sex acts, actual or simulated, including intercourse, oral copulation, sodomy, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitalia, flagellation or torture in the context of a sexual relationship, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, or zooerastia~~
- ~~(3) masturbation, actual or simulated~~
- ~~(4) human genitals in a state of sexual arousal~~
- ~~(5) excretory functions as part of or in connection with any of the activities set forth in Subparagraphs through (A)(12)(r)(4) above~~

~~Nothing herein shall be construed as permitting any use or act which is otherwise prohibited or made punishable by law~~

~~B. Prohibited Uses: The following uses are prohibited in M1 district.~~

- ~~1. Wrecking Yards (including automobile wrecking)~~
- ~~2. Any other use whose primary purpose or nature is first specified as a permitted use or use permitted by use permit in the M2 district~~
- ~~3. Any prohibited use in M2 district.~~

~~C. Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).~~

- ~~1. Salvage Yards (including automobile salvage)~~
- ~~2. Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13~~
- ~~3. Electronic Information Centers~~
- ~~4. Heavy commercial uses which produce noise, vibration, smoke, dust, odor, heat or glare beyond the boundaries of the district, or pose latent radiation, explosion or fire danger~~
- ~~5. Outdoor Amusement Parks (including go-cart and race tracks)~~
- ~~6. Cemeteries (for human or animal interment)~~

7. ~~Dairy Products Manufacturing~~
8. ~~Drive-In Theaters~~
9. ~~Drug Manufacturing or Processing.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended 1/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 782, Amended, 12/19/13; Ord. No. 809, Amended, 09/24/15)

### **~~13-17-030 — Density Regulations.~~**

The following density regulations shall apply to all land and buildings in the M1 District.

- A. ~~Building Height: The height of buildings shall not exceed three (3) stories nor thirty-five (35) feet.~~
- B. ~~Yards:~~
  1. ~~Front Yard: There shall be a front yard of not less than fifty (50) feet on all lots adjacent to or abutting any residential district or adjacent to major streets or highways.~~
  2. ~~Side Yards: A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.~~
  3. ~~Rear Yard: A rear yard of not less than thirty (30) feet shall be maintained where the rear of the lot abuts a residential district or abuts an alley which is adjacent to a residential district.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

### **~~13-17-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~**

The landscaping, screening, outdoor lighting, nuisance, and hazard provisions of Article 13-26 of this Chapter shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Ren&Amd, 06/27/96, 13-17-080)

### **~~13-17-050 — Performance Standards.~~**

- A. ~~No use shall be established, maintained or conducted in any M1 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.~~
- B. ~~In addition to the prohibitions set forth in Subsection 13-17-050(A) above, all sexually-oriented businesses in the district shall be subject to the following conditions:~~
1. ~~No sexually-oriented business may be operated or maintained within a one thousand (1,000) foot radius of another sexually-oriented business. For purposes of this Subsection, all sexually-oriented businesses with a common owner and building entrance shall be considered a single sexually-oriented business.~~
  2. ~~No sexually-oriented business may be located within a one thousand (1,000) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.~~
  3. ~~No sexually-oriented business may be located within a one thousand (1,000) foot radius of any of the following listed uses:~~
    - a. ~~public or private (State-approved) day nurseries or preschools;~~
    - b. ~~State-licensed child care facilities;~~
    - c. ~~public or private elementary, middle, or secondary schools (including vocational high schools);~~
    - d. ~~public parks;~~
    - e. ~~public libraries;~~
    - f. ~~public administrative buildings (i.e. Town Hall, the Municipal Court, the Police Department, the Building Department, etc., but not including shop buildings such as the Public Works Department);~~
    - g. ~~public recreational facilities where minors are permitted [including (but expressly not limited to) public recreation centers, swimming pools, playgrounds, ballfields and courts, and community centers];~~
    - h. ~~churches, synagogues, and temples;~~
    - i. ~~private community buildings or recreational facilities (i.e. YMCA's, Boys and Girls Clubs, teen dance centers, etc.); and~~
    - j. ~~private amusement parks and game centers.~~
  4. ~~Measurements for purposes of Subparagraphs 13-17-050(B)(1) - (3) above shall be taken (a) from that point on the structure in which an sexually-oriented business is conducted (including projections therefrom) which is closest to the other use or district (unless the sexually-oriented business is in a multi-tenant structure,~~

~~in which case the measurement shall be taken from the closest point on an exterior building wall of the business), to (b) that point on the structure in which the other use is conducted (unless that use is in a multi-tenant structure, in which case the measurement shall be taken from the closest point on an exterior building wall of that use), or that point along the exterior boundary line of the real property (where no structure is involved) closest to the sexually-oriented business.~~

- ~~5. All exterior doors of the structure in which the sexually-oriented business is located shall remain closed during business hours.~~
- ~~6. All materials, projections, entertainments or other activities involving or depicting "specified sexual activities" or exposing "specified anatomical areas" shall not be visible outside the structure in which the sexually-oriented business is located, nor from portions of the structure accessible to minors.~~
- ~~7. Sound from projections or entertainments shall not be audible outside of the structure in which the sexually-oriented business is located.~~
- ~~8. In addition to the prohibition against obscene signs in Subsection 13-23-060(B) herein, sexually-oriented businesses may not use window displays. Signs permitted for such businesses in Article 13-23 "SIGN REGULATIONS" herein shall be "simple" signs which only identify the business as a sexually-oriented business.~~
- ~~9. All sexually-oriented businesses shall strictly comply with the standards set forth in Article 9-07 of this Code.~~
- ~~10. Any sexually-oriented business lawfully operating on March 13, 2003, that is in violation of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually-oriented businesses are within one thousand feet (1000') of one another and otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 552, Amended, 03/13/03; Ord. No. 550, Amended, 04/24/03)~~

### **~~13-17-060 Off-Street Parking.~~**

~~The off-street parking provisions of Article 13-24 shall apply.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~



~~13-17-070 Signs.~~

~~The sign regulation provisions of Article 13-23 shall apply.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-17-020; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~Article 13-18 — M2 (INDUSTRIAL; HEAVY)~~

~~13-18-010 — Purpose.~~

~~13-18-020 — Use Regulations.~~

~~13-18-030 — Density Regulations.~~

~~13-18-040 — Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

~~13-18-050 — Off-Street Parking.~~

~~13-18-060 — Signs.~~

~~13-18-010 — Purpose.~~

~~P.M. The purpose of the M2 (Industrial; Heavy) Districtthe IH zone is to provide sufficient space in appropriate locations for heavy industrial development, including all types of industrial uses 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 (in compliance with all government standards). It is understood that uses in the M2 District will not be approved in cases where uncertainty exists as to compliance with the intent of the District.~~

~~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 0 (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 <sup>1</sup>	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 <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
Hospital						C
Library	P	P	P	P	P	P
Manufactured home				P		
Model homes	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
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

Description	RU	RL	RM	MH	MF	RS
Solar	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Single family dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u> <sup>4</sup>	<u>P</u>	<u>P</u>
Temporary housing	<u>P</u> <sup>5</sup>	<u>P</u> <sup>5</sup>	<u>P</u> <sup>5</sup>		<u>P</u> <sup>5</sup>	<u>P</u> <sup>5</sup>
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).

<u>DD</u>	<u>W</u>	<u>D</u>	<u>A</u>	<u>DF</u>	<u>C</u>	<u>SP</u>	<u>ST</u>	<u>H</u>	<u>FY</u>	<u>RY</u>	<u>IS</u>	<u>ES</u>
<u>1</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>1,000</u>	<u>55</u>	<u>6</u>	<u>3</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>
<u>2</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>2,000</u>	<u>55</u>	<u>8</u>	<u>3</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>
<u>3</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>3,000</u>	<u>55</u>	<u>8</u>	<u>3</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>
<u>4</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>4,000</u>	<u>55</u>	<u>8</u>	<u>2.5</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>
<u>5</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>5,000</u>	<u>55</u>	<u>8</u>	<u>2.5</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>
<u>6</u>	<u>100</u>	<u>100</u>	<u>10,000</u>	<u>6,000</u>	<u>55</u>	<u>8</u>	<u>2.5</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>7</u>	<u>10</u>

DD	W	D	A	DF	C	SP	ST	H	FY	RY	IS	ES
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
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 0.
- 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. ~~Ord.~~ 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 (06/28/79; Ord. No. 1979), 37, Rep&ReEn, (09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. 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. 705, Amended, 12/20/07)%. 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.

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

- B. ~~13-18-020 Use~~, 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 13-02-ARTICLE 13-05. COMMERCIAL AND INDUSTRIAL ZONE REGULATIONS.**

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

Except for uses regulated by Article 13-08 (regulations pertaining to particular uses

A. ~~A. Permitted 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:

<u>Description</u>	<u>CN</u>	<u>CG</u>	<u>CI</u>	<u>PM</u>	<u>IG</u>	<u>IH</u>
<u>Accessory buildings, structures, and uses<sup>1</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Animal A Uses</u>		<u>C</u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Animal B Uses</u>			<u>C</u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Animal C Uses</u>					<u>P</u>	<u>P</u>
<u>Automotive A Uses</u>	<u>P<sup>4</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Automotive B Uses</u>	<u>C</u>	<u>P<sup>5</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Automotive C Uses</u>		<u>P<sup>5</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Automotive D Uses</u>			<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Food Uses</u>	<u>P<sup>4</sup></u>	<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Hotels and motels</u>	<u>C</u>	<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>			
<u>Industrial A Uses</u>			<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Industrial B Uses</u>			<u>C</u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Industrial C Uses</u>				<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Industrial D Uses</u>					<u>P</u>	<u>P</u>
<u>Industrial E Uses</u>					<u>C</u>	<u>C</u>
<u>Leisure A Uses</u>	<u>C</u>	<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Leisure B Uses</u>		<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Leisure C Uses</u>		<u>C</u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Leisure D Uses</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Leisure E Uses</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Leisure F Uses</u>					<u>P</u>	<u>P</u>
<u>Manufactured home parks</u>	<u>C</u>	<u>C</u>				
<u>Multi-family housing</u>	<u>C</u>	<u>C</u>	<u>C</u>			
<u>Recreational vehicle parks</u>	<u>C</u>	<u>C</u>				
<u>Restaurant A Uses</u>	<u>P<sup>4</sup></u>	<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Restaurant B Uses</u>		<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Restaurant C Uses</u>		<u>C</u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Retail A Uses</u>	<u>P<sup>4</sup></u>	<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Retail B Uses</u>		<u>P<sup>6</sup></u>	<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Retail C Uses</u>			<u>P<sup>2</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>

Description	CN	CG	CI	PM	IG	IH
Salvage yards					<u>C</u>	<u>P</u>
Service A Uses	<u>P</u> <sup>4</sup>	<u>P</u> <sup>6</sup>	<u>P</u> <sup>2</sup>	<u>P</u> <sup>3</sup>	<u>P</u>	<u>P</u>
Service B Uses		<u>P</u> <sup>6</sup>	<u>P</u> <sup>2</sup>	<u>P</u> <sup>3</sup>	<u>P</u>	<u>P</u>
Service C Uses		<u>C</u>	<u>P</u> <sup>2</sup>	<u>P</u> <sup>3</sup>	<u>P</u>	<u>P</u>
Solar <sup>9</sup>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Specialty Schools		<u>P</u> <sup>6</sup>	<u>P</u> <sup>2</sup>	<u>P</u> <sup>3</sup>	<u>P</u>	<u>P</u>
Wrecking yards						<u>C</u>

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

1. “P” means the use is permitted in the M2 District subject to any applicable standards and requirements and any conditions noted with superscript numbers corresponding to the subparagraphs of paragraph C below.
2. 1. All “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. 3uses in the M1.
  - a-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. — Salvage Yards—)

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.
- 2.4. Automotive A Uses include self-service automobile salvage service stations.

3. — Outdoor Amusement Parks (including go-cart and race tracks)

5. 4. — Cemeteries (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.
- ~~3.10.~~ Industrial B Uses include tire recapping, welding shops, dairy products manufacturing, drug manufacturing or processing, and cemeteries for human or animal interment).
  5. ~~\_\_\_\_\_ Dairy Products Manufacturing~~
  6. ~~\_\_\_\_\_ Drive-In Theaters~~
  7. ~~\_\_\_\_\_ Drug Manufacturing or Processing.~~
- ~~B. \_\_\_\_\_ Uses Permitted by Use Permit: The following uses are permitted by use permit (subject to hearing procedures set forth under Section 13-21-110).~~
  1. ~~\_\_\_\_\_ Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13~~
  2. ~~\_\_\_\_\_ Electronic Information Centers~~
  3. ~~\_\_\_\_\_ Wrecking Yards (including automobile wrecking)~~
- ~~11.~~ 4. \_\_\_\_\_ Heavy commercial uses which 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.

- ~~4-13.~~ 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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03; Ord. 648, Amended 1/26/06; Ord. No. 705, Repealed, 12/20/07; Ord. No. 705, Ren&Amd, 12/20/07, 13-18-030, Ord. No. 782, Amended, 12/19/13)

### ~~13-18-030~~ Density Regulations.

14. The 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.

~~B-D. PM (performance manufacturing) zone density regulations in Section 13-17-030 shall apply.~~

1. ~~Ord.~~ 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. 37, 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 (09/04/80; Ord. No. 1980), 178, Rep & ReEn, (05/26/88; Ord. No. 1988), 375 (12/28/1995), 434 (01/22/1998), 589 (03/25/2004), 705, Renumbered, (12/20/07, 13-18-040), 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
- a-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
- b-p. Hospitals
- q. Fairgrounds
- r. Fire and police stations
- s. Accessory uses and structures incidental to permitted uses

~~13-18-040 Landscaping, Screening, Outdoor Lighting, Nuisances, and Hazards.~~

- t. ~~The~~ 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 13-11screening 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 0 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 0.
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.

- 2.1. The sign regulations of 0 and the outdoor lighting provisions in Article 13-12Article 13-26 of this Chapter 13 of this Chapter shall apply, and the front twenty (20) feet of the lot shall be utilized for landscaping and entrance drives to uses within the AG (agricultural) zone.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Ren&Amd, 06/27/96, 13-18-080; Ord. No. 705, Renumbered, 12/20/07, 13-18-050)

### ~~13-18-050 Off-Street Parking.~~

- 3.2. The off-street parking provisionsregulations of Article 13-10Article 13-24 of this Chapter shall not apply to uses within the AG (agricultural) zone.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)

### ~~13-18-060 Signs.~~

The sign regulation provisions of Article 13-23 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-060)

## **Article 13-19 — PAD (PLANNED AREA DEVELOPMENT)**

### **13-19-010 — Definitions.**

3. ~~13-19-020 — Purpose.~~ 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.

### **Purpose.**

- ~~13-19-030 — Initiation.~~  
~~13-19-040 — Reserved.~~  
~~13-19-050 — Location and Size.~~  
~~13-19-060 — Plans Required and PAD Procedures.~~  
~~13-19-070 — Reversionary Clause.~~  
~~13-19-080 — PAD Amendments~~

### **13-19-010 — Definitions.**

~~PAD (Planned Area Development) Districts, as defined more fully in Section 13-02-010(B), involve groups of structures designed for construction as a unified project under a plan to be approved under this Article of the Zoning Chapter.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 772, Amended, 03/28/13)~~

### **13-19-020 — Purpose.**

C. The purpose of ~~Planned Area Development (PAD) provisions~~ the PD (planned area development) zone is to:

- ~~1. A. — 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.~~
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. ~~B. —~~ 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 of the Town of Prescott Valley.~~ general plan.
3. ~~C. —~~ 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. ~~D. — Permit~~ 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, ~~aesthetic~~ esthetic, and desirable use of open space.
5. ~~E. —~~ Produce an environment of stable character in harmony with the surrounding areas and developments.

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 772, Amended, 03/28/13)~~

#### ~~13-19-030 — Initiation.~~

- ~~A. — Action to add a PAD District to a property may be initiated by the owner or owners of property, the Planning and Zoning Commission, or the Town Council.~~
- ~~B. — A PAD District may be added to an existing district to meet the intent of this Article or may be processed concurrently with a request to change an underlying zoning district.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 772, Amended, 03/28/13)~~

~~13-19-040 — Reserved.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 801, Rep&ReEn, 02/12/15)~~

~~13-19-050 — Location and Size.~~

~~A PAD overlay zoning district may be established in any zoning district upon a finding by the Town Council, after receiving a recommendation from the Planning and Zoning Commission, that such a development will comply with the intent of this Article, and that the PAD overlay zoning district substantially complies with the intent and objectives of the General Plan and companion land development codes. A PAD shall be mandatory for developments over forty (40) acres in size.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15)~~

~~13-19-060 — Plans Required and PAD Procedures.~~

~~A. — No use shall be permitted in a PAD District until a Preliminary Development Plan and a Final Development Plan have been reviewed and approved by the Commission and Council respectively, in accordance with the provisions of this Article.~~

~~B. — All Preliminary Development Plans and Final Development Plans prepared for subdivisions shall be prepared in accordance with the requirements of the Subdivision Code in Chapter 14 of the Town Code.~~

~~D. C. Preliminary Development Plan: PD preliminary development plan contents.~~ The applicant for a proposed PADPD shall prepare a Preliminary Development Plan which shall contain necessary preliminary development plan containing written and graphic information describing the general nature of the proposed development as required by and explaining its implementation of and compliance with the Town of Prescott Valley. The Preliminary Development Plan shall contain, a intent and objectives of the general plan and this Chapter. At a minimum, the preliminary development plan shall include the following information elements:

1. 1. — Relationship 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. 4. The relationship of the property to the surrounding areas ~~that will be~~ affected by the proposed PADPD.

- ~~5. 2.~~ 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.
- ~~2-8.~~ A map showing the street system, lot lines, and topography.
- ~~9. 3.~~ Proposed 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.
- ~~3-16.~~ The proposed pattern of residential and/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, and the underlying zoning district.
- ~~17. 4.~~ 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.
- ~~4-19.~~ 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). The site plan shall also indicate, and indicating the proposed access ways, easements, and other public property needed for, and open spaces desired around, buildings and structures.
- ~~5-20.~~ 5. Preliminary plans and elevations of all building types. These, which need not be the result of final architectural decisions and need not be in detail.



~~6.21.~~ 6. — An off-street parking and circulation diagram indicating the proposed movement of vehicles within the developmentproposed PD and to and from the existing thoroughfares.

~~7.22.~~ 7. — A tabulation of the total number of acres in the proposed projectPD and a tabulation of overall density per gross acre.

~~8.23.~~ 8. — ~~Agreements or provisions of conveyance which govern~~Provisions governing the use, maintenance, and continued protection of the planned developmentproposed PD and ~~any of its parks, open areasspaces, and community-owned facilities.~~

~~9.24.~~ 9. — All proposed ~~Model Homesmodel homes~~ and ~~Model Home Complexes, to include information as to model home complexes, including~~ their proposed location in relation to other residential properties ~~as well as and~~ proposed parking, lighting, and landscaping. The ~~Use Regulationsregulations~~ in ~~Section 13-06-020 (B)(3)(a-j)subsection~~ 13-04-010 C. 3 apply to any ~~Model Homesmodel homes~~ and ~~Model Home Complexesmodel home complexes~~ approved in a Development PlanPD.

#### E. D. The Preliminary Development PlanProcedure.

1. The preliminary development plan shall be submitted to the Development Services Department. ~~Once the Department~~

~~10.2.~~ 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 Planplan substantially conforms to the submission requirements of this Section, the Plan shall be presented to the Planning and Zoning Commission at a future regular meeting [but not less than thirty (30) days from the date of filing].section.

~~11.3.~~ E. Preliminary Plan Review: The PlanningThe Commission shall investigate and ascertain that the Preliminary Development Plans for a Planned Area Development meetpreliminary development plan meets the following conditions:

a. ~~1.~~ That the proposed projectPD 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 Articlesection.

2. — That the value or the use of the property adjacent to the area included in the Planproposed PD will not be adversely affected. To this end, the Planning 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 Planning Commission may ~~impose either or both of the following requirements:~~



- b. ~~a. require that structures~~Structures located on the perimeter of the ~~PAD must be setback~~PD be permanently screened and/or set back by a distance sufficient to protect the privacy and ~~amenity~~amenities of adjacent existing uses;
- ~~b. Structures located on the perimeter of the PAD must be permanently screened in a manner which is sufficient to protect the privacy and amenity of the adjacent existing uses.~~
- c. ~~3.~~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. ~~4. That if the PD is an overlay, that the proposed uses are or will be allowed~~permitted in the underlying zoning district.
4. F. ~~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.~~
- ~~42.6.~~If the Commission finds that the preliminary development plan's proposed land uses illustrated on the Preliminary Development Plan are~~do~~ not in conformity with the current or proposed underlying zoning district or does not otherwise meet the intent and objectives of the General Plan~~general plan~~ or objectives of this Chapter, the Commission shall give no further consideration, PD application is denied~~unless, within ten (10) days after the Commission's decision of the Commission is rendered, the applicant requests an appeal of the Commission's decision to the Town Council.~~
- a. ~~Within thirty (30) days of the request for an 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 of the Commission in denying the appeal of a proposed PAD, the Council shall give no further consideration. If the Council upholds the appeal and, the PD application is denied.~~
- ~~b-c.~~If the Council reverses the Commission's decision, the applicant shall be required to prepare a Final Development Plan~~final development plan~~ according to the provisions and procedures contained in this Article~~section~~.
- G. ~~If the Commission finds that the Preliminary Development Plan is consistent with the underlying zoning district and the objectives of the General Plan, the applicant shall then prepare and submit a Final Development Plan. The Commission may require that the applicant modify, alter, adjust or amend the Preliminary Development Plan in a~~

manner, and to an extent, as it may be necessary and appropriate to the public interest. The time period for which Preliminary Development Plan approvals shall be valid shall essentially be the same as for Preliminary Plat approvals in Town Code Subsection 14-02-030(F) (as amended).

~~13.7.~~ H. ~~Final Development Plan: The Final Development Plan~~Final development plan. The final development plan shall include all pertinent information relating to the proposed PADPD and contained in the Preliminary Development Plan (as revised)approved preliminary development plan and as may be required by the Development Services Department, the Planning and Zoning Commission, Town Council, and the officer in charge of administering this ChapterCouncil.

~~14.8.~~ I. ~~The Final Development Plan~~final development plan shall be inspected by the Town of Prescott Valley for compliance with this Zoning Chapter and all other applicable regulations and ordinances.

~~15.9.~~ J. ~~The Final Development Plan~~final development plan shall be submitted to the Development Services Department. Once the Departmentdepartment determines that the Planplan substantially conforms to the submissionapproved preliminary development plan and the requirements of this Sectionsection, it shall be presented to the TownCouncil at a future regular meeting.

~~16.10.~~ K. ~~The decision of the Council in approving or disapproving the Final Development Plan~~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. ~~1.~~ That the development is or is not consistent with the purpose and intent of the Comprehensive Plangeneral plan and Zoningthis 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.

~~b. a. 2. 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. ~~3.~~ That every structure containing residential, commercial, or industrial units does or does not have adequate access to public streets.

- d. ~~4.~~ 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.

~~17.11.~~ ~~L.~~ Before ~~recommending approval of the Final Development Plan~~ approving the final development plan, the Council may ~~make~~ impose reasonable requirements on the proposed PD including, but not limited to:

- a. ~~1.~~ Use limitations,
- b. ~~2.~~ Landscaping requirements,
- c. ~~3.~~ Screening and planting requirements,
- d. ~~4.~~ Setback Minimum or maximum setbacks and building height heights,
- e. ~~5.~~ Paving Requirements for paving and /or location of drives and parking areas,
- f. ~~6.~~ Drainage requirements,
- g. ~~7.~~ Hillside requirements,
- h. ~~8.~~ Location of Restrictions and requirements for access ways and easements,
- i. ~~9.~~ Public Dedication, reservation, or protection of public property ~~(including and open spaces)~~,
- j. ~~10.~~ Shape and minimum size of individual lots,
- k. ~~11.~~ Grouping of uses and buildings,
- l. ~~12.~~ Maintenance of grounds,
- m. ~~13.~~ Regulation of signs, and

n. ~~14. Fences~~Minimum construction design and requirements for fences and walls.

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

~~M. Upon the approval of the Final Development Plan by the Council, the PAD overlay zoning district may be applied to the proposed area of development and the strict application of the requirements of the underlying zoning district may be tailored to provide flexibility in design, density and development requirements of the approved Final Development Plan, provided the plan does not adversely affect the intent and purpose of the General Plan, nor adversely affect surrounding property (including property values~~

12. N. Once the Final Development Plan has been approved by the Council, it can of this section.

~~18-13.~~ After Council approval, the final development plan be amended, changed, or modified only through the procedures prescribed for PD application approvals.

~~19-14. O. After Council approval by the Council, the Final Development Plan, the PD final development plan shall be deemed an official plan, and the Town Clerk shall place it on record it in the Office of the County Recorder of Yavapai County. After recordation, copies of the Final Development Plan shall be filed with the Town Clerk of the Town of Prescott Valley Recorder and maintain one or more copies in the Town's official records.~~

~~P. Easements, Streets and Other Public Property Dedications: To the extent that Final Development Plans are adopted as subdivisions in accordance with Chapter 14 of this Code, required easements, streets and other public property dedications shall be effective upon recordation with the County Recorder. In the case of non-residential PADs, conveyance of designated easements, streets and other public property shall be by separate deed approved as to form by the Town Attorney.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 442, Amended, 08/27/98; Ord. No. 647, Amended, 01/27/06; Ord. No. 751, Amended, 08/12/10; Ord. No. 772, Amended, 03/28/13; Ord. No. 801, Amended, 02/12/15; Ord. No. 839, Amended, 02/22/18; Ord. No. 894, Amended, 01/13/22)

**~~13-19-070 Reversionary Clause.~~**

~~E.F. In the event that Reversion of zoning. If land located within the boundaries of the PADa PD cannot be developed as approved, the only alternative use of the land shall be in accordance with pre-existing use regulations existing immediately prior to said approval. Ifor if the building or work authorized by the building permit for a PADPD is not commenced within twelve (12) months from the date that suchthe permit was issued, or if the building or work authorized by the building permit is suspended or abandoned at any time after work has~~

~~commenced for a period of six (6) months, the permit shall expire by limitation and become null and void. Before such work can be re-commenced after permit expiration, the Town Council, after notification by certified mail to the owner and applicant who requested the rezoning to PD, shall schedule a new building permit must be secured after the Final Development Plan, with appropriate modification, is resubmitted to the Town Council for public hearing and approval 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.~~

~~(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)~~

### ~~13-19-080 — PAD Amendments.~~

~~F.G. A.~~ Amendments: The following procedures shall be followed for any amendment to a PADPD, including amendments to the Development Phasing Schedule~~development phasing schedule~~.

1. ~~1.~~ Major amendments~~Amendments~~:

a. ~~a.~~ A PAD District~~PD~~ applicant or his successor~~successor~~ in interest may file a request for a major amendment with the Development Services Department.

b. ~~b.~~ The change will be deemed major if it involves any one ~~(1)~~ of the following:

(1) ~~(1)~~ — An increase in the approved totals of dwelling units or gross leasable area for the PAD District~~PD~~.

(2) ~~(2)~~ — A significant change in zoning boundaries as determined by the Development Services Director~~Zoning Administrator~~ from those approved for the PAD District~~PD~~.

(3) ~~(3)~~ — Any change which could have significant impact on areas adjoining the PADPD as determined by the Development Services Director~~Zoning Administrator~~.

(4) ~~(4)~~ — Any change which could have a significant traffic impact on roadways adjacent or external to the PADPD as determined by the Development Services Director~~Zoning Administrator~~.

- c. ~~e.~~ The Development Services Department will bring the major amendment before the ~~Planning and Zoning~~ Commission and ~~Town~~ Council and will submit background material relevant to the request.

2. ~~2.~~ Minor ~~Amendments~~amendments:

- a. ~~a.~~ A ~~PAD District~~PD applicant or ~~his successors~~successor in interest may file a request for a minor amendment with the Development Services Department if the ~~Development Services Director~~Zoning Administrator determines that the request is not major, as defined above.
- b. ~~b.~~ The request will be routed for comment to any affected Town departments or other agencies for comment.
- c. ~~c.~~ Upon receipt of comments or no later than ten ~~(10)~~ working days, the ~~Development Services Director~~Zoning Administrator will determine whether to approve or deny the requested change.
- d. ~~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 ~~filed for public record~~recorded in the Office of the Yavapai County Recorder and maintained in the Town's official records.

~~(Ord. No. 772 , Enacted, 03/28/13; Ord. No. 894, Amended, 01/13/22)~~

~~Article 13-19a — PL (PUBLIC LANDS)~~

~~13-19a-010 — Purpose.~~

~~13-19a-020 — Use Regulations.~~

~~13-19a-030 — Development Standards.~~

~~13-19a-010 — Purpose.~~

~~Public lands, or those lands held in ownership of public or quasi-public agencies, constitute a large sector of the Town of Prescott Valley and are therefore set aside in a PL (Public Lands) District reflecting the present and future land uses of this public land. This designation separates these uses from the customary urban uses and is reflected on the official Zoning Map. The district is intended to provide areas within the community for location of parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, towers, antennae and wireless telecommunications facilities, and related uses for the enjoyment and use of present and future generations.~~

~~(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98)~~

~~13-19a-020 — Use Regulations.~~

~~A. — Uses Permitted:~~

- ~~1. — Parks and open spaces~~
- ~~2. — Public recreation facilities~~
- ~~3. — Golf courses, golf driving ranges~~

~~4. — (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)~~

~~e.a. — Zoos~~

- ~~5. — Public schools and playgrounds~~

~~f.a. — 6. Universities and colleges~~

~~g.a. — 7. Governmental office buildings and grounds~~

~~8. Museums, observatories and similar quasi-public facilities~~

~~9. Libraries~~

~~h.a. 10. Governmental service and maintenance facilities~~

~~i.a. 11. Municipal water production and storage facilities~~

~~j.a. 12. Sewage treatment facilities~~

~~k.a. 13. Animal shelters~~

~~14. Flood control facilities~~

~~l.a. 15. Historical landmarks~~

~~16. Hospitals~~

~~m.a. 17. Fairgrounds~~

~~18. Fire and police stations~~

~~n.a. 19. Accessory uses and structures incidental to permitted uses~~

~~20. Commercial uses incidental, accessory to or in conjunction with permitted uses~~

~~21. Essential public utility buildings and facilities~~

~~22. Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.~~

~~B. Prohibited Uses: Sexually-oriented businesses.~~

~~C. Uses Permitted by Use Permit:~~

~~1. Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for caretakers and necessary employees and associates.~~

~~(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 341, Amended, 11/03/94; Ord. No. 439, Amended, 06/25/98; Ord. No. 552, Amended, 03/13/03)~~



~~13-19a-030 Development Standards.~~

- ~~A. Design standards should encourage open space with a minimum of ten percent (10%) landscaping, in compliance with Article 13-26 of this Chapter. A landscaping plan must be approved by the Director of Planning.~~
- ~~B. Setback and yard requirements shall be the same as those of the adjacent use district.~~
- ~~C. Screening, landscaping, outdoor lighting, nuisance and hazard provisions of Article 13-26 of this Chapter shall apply to uses permitted by Use Permit, and shall be specified in the Use Permit.~~
- ~~D. Off-street parking facilities shall be provided for each use as specified under Article 13-24, or as specified in a Use Permit.~~
- ~~E. No sign, outdoor advertising structure, or display of any character shall be permitted except in accordance with the provisions of Article 13-23 or as authorized in a Use Permit.~~

~~(Ord. No. 77, Enacted, 02/10/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96)~~

## ~~Article 13-19b — AG (AGRICULTURAL)~~

### ~~13-19b-010 — Purpose.~~

### ~~13-19b-020 — Use Regulations.~~

### ~~13-19b-030 — Application of Sign Regulations.~~

### ~~13-19b-040 — **Application** of Off-Street Parking Regulations.~~

### ~~13-19b-050 — Application of Site Development Standards.~~

### ~~13-19b-010 — Purpose.~~

The purpose of the AG (Agricultural) District is to designate "agricultural land", defined as land which is one or more of the following:

- A. ~~\_\_\_\_\_ Cropland in the aggregate of at least twenty (20) gross acres;~~
- B. ~~\_\_\_\_\_ An aggregate ten (10) or more gross acres of permanent crops;~~
- C. ~~\_\_\_\_\_ Grazing land with a minimum carrying capacity of forty (40) animal units and containing an economically feasible number of animal units;~~
- D. ~~\_\_\_\_\_ Land devoted to high density use in the production of commodities;~~
- E. ~~\_\_\_\_\_ Land devoted to use in processing cotton necessary for marketing; or~~
- F. ~~\_\_\_\_\_ Land devoted to use in processing wine grapes for marketing.~~

~~(Ord. No. 399, Enacted, 10/10/96)~~

### ~~13-19b-020 — Use Regulations.~~

#### ~~A. \_\_\_\_\_ Uses Permitted:~~

- ~~1. \_\_\_\_\_ All principal and accessory uses and structures related to use of the property as "agricultural land".~~

#### ~~B. \_\_\_\_\_ Uses Permitted by Use Permit:~~

- ~~1. \_\_\_\_\_ Public utilities facilities.~~
- ~~2. \_\_\_\_\_ Residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for managers, caretakers, or watchmen, their immediate families, and necessary employees and associates.~~
- ~~3. \_\_\_\_\_ Towers, antennae and wireless telecommunications facilities that comply with the requirements of this Chapter.~~

~~C. Prohibited Uses:~~

- ~~1. All other uses permitted or permitted by Use Permit in all other zoning districts under this Chapter.~~

~~(Ord. No. 399, Enacted, 10/10/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 638, Amended, 10/13/05)~~

~~13-19b-030 Application of Sign Regulations.~~

~~The sign regulations of Article 13-23 of this Chapter shall apply to uses within the AG (AGRICULTURAL) District.~~

~~(Ord. No. 399, Enacted, 10/10/96)~~

~~13-19b-040 Application of Off-Street Parking Regulations.~~

~~The off-street parking regulations of Article 13-24 of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.~~

~~(Ord. No. 399, Enacted, 10/10/96)~~

~~13-19b-050 Application of Site Development Standards.~~

~~With the sole exception of the outdoor lighting provisions in Article 13-26a and the nuisance and hazards provisions in Section 13-26-070, the regulations in Article 13-26 "SITE DEVELOPMENT STANDARDS" of this Chapter shall not apply to uses within the AG (AGRICULTURAL) District.~~

~~(Ord. No. 399, Enacted, 10/10/96; Ord. No. 521, Amended, 05/09/02)~~

## **Article 13-20 DENSITY DISTRICTS**

### **13-20-010 Density Districts.**

### **13-20-010 Density Districts.**

A. Those areas of Prescott Valley subject to the provisions of this Chapter (except the Agricultural districts) are hereby divided into Density Districts, according to the cross references to use districts, intended to be combined with use districts for the purpose of regulating lot area and dimensions, amount of lot area required for each dwelling unit, yard width and depth, building height, spacing and percent of lot coverage. The following Density Districts [with the regulations thereof (shown on the accompanying chart), together with the general provisions applicable thereto in this Article] shall control just as though the same had been fully described in this Section. These Density Districts are shown on the Zoning Map, Town of Prescott Valley Zoning Code, which accompanies this Chapter, and which Map (with all notations, references, and other information as shown thereon) shall be as much a part of this Chapter as if fully described herein.

### **B. Lot Size and Area Minimums**

Density District	Width	Depth	Area	Density Formula
1	100 ft.	100 ft.	10,000 sq. ft.	1,000 sq. ft.
2	100 ft.	100 ft.	10,000 sq. ft.	2,000 sq. ft.
3	100 ft.	100 ft.	10,000 sq. ft.	3,000 sq. ft.
4	100 ft.	100 ft.	10,000 sq. ft.	4,000 sq. ft.
5	100 ft.	100 ft.	10,000 sq. ft.	5,000 sq. ft.
6	100 ft.	100 ft.	10,000 sq. ft.	6,000 sq. ft.
8	100 ft.	100 ft.	10,000 sq. ft.	8,000 sq. ft.
10	100 ft.	100 ft.	10,000 sq. ft.	None
12	100 ft.	100 ft.	12,000 sq. ft.	None
18	115 ft.	130 ft.	18,000 sq. ft.	None
25	140 ft.	150 ft.	25,000 sq. ft.	None
35	165 ft.	165 ft.	35,000 sq. ft.	None
70	200 ft.	200 ft.	70,000 sq. ft.	None
175	300 ft.	300 ft.	175,000 sq. ft.	None

### **C. Buildings.**

Density District	Maximum Lot Coverage	Minimum Building Spacing	Maximum Stories	Height Ft.
1	55%	6 ft.	8	35
2	55%	8 ft.	3	35
3	55%	8 ft.	3	35

4	55%	8 ft.	2.5	35
5	55%	8 ft.	2.5	35
6	55%	8 ft.	2.5	35
8	55%	8 ft.	2.5	35
10	55%	8 ft.	2.5	35
12	55%	8 ft.	2.5	35
18	35%	8 ft.	2.5	35
25	30%	20 ft.	2.5	35
35	25%	20 ft.	2.5	35
70	20%	30 ft.	2.5	35
175	15%	30 ft.	2.5	35

\* Refer to Section 13-21-080 for additional building spacing regulations for accessory buildings and structures.

#### D. Yard Dimension Minimums

Density District	Front	Rear	Side Interior	Side Exterior
1	25 ft.	20 ft.	7 ft.	10 ft.
2	25 ft.	20 ft.	7 ft.	10 ft.
3	25 ft.	20 ft.	7 ft.	10 ft.
4	25 ft.	20 ft.	7 ft.	10 ft.
5	25 ft.	20 ft.	7 ft.	10 ft.
6	25 ft.	20 ft.	7 ft.	10 ft.
8	25 ft.	20 ft.	7 ft.	10 ft.
10	25 ft.	25 ft.	7 ft.	10 ft.
12	25 ft.	25 ft.	7 ft.	10 ft.
18	30 ft.	30 ft.	10 ft.	15 ft.
25	30 ft.	30 ft.	10 ft.	15 ft.
35	40 ft.	40 ft.	20 ft.	20 ft.
70	60 ft.	60 ft.	30 ft.	30 ft.
175	60 ft.	60 ft.	30 ft.	30 ft.

E. Commercial Zones: The yard dimension minimums applicable to the respective Density Districts as defined herein shall not apply to any commercially-zoned lot, except as follows:

- Any residential district uses shall maintain the same yards required by the Density District, except that where dwelling units, or guest units occupy an upper floor (the ground floor of which is used for business), such upper floor may maintain the same yards as are permitted for the ground floor.
- A front yard of not less than twenty (20) feet shall be required where the proposed building is on a lot contiguous to a residentially-zoned lot fronting on the same street (unless waived in writing by the owner of such residentially-zoned lot).



- ~~3. Where the side lot line is common to the side line of a residentially-zoned lot, the side yard shall be no less than five (5) feet.~~
- ~~4. Where the rear lot line is contiguous to a residentially-zoned lot, the rear yard shall be no less than fifteen (15) feet.~~
- ~~5. On a corner lot, a minimum side yard of fifteen (15) feet is required on the exterior side.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-19, 13-19-010; Ord. No. 67, Amended, 02/25/82; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 375, Ren&Amd, 12/28/95, 13-20; Ord. No. 397, Amended, 08/08/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 882, Amended, 02/25/21)~~

**Article 13-21 GENERAL DISTRICT PROVISIONS**

**Article 13-03 ARTICLE 13-07. 13-21-010 APPLYING GENERAL PROVISIONS.**

- ~~13-21-020 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.~~
- ~~13-21-030 Repealed.~~
- ~~13-21-040 Repealed.~~
- ~~13-21-050 Dwelling Prohibition.~~
- ~~13-21-060 Height Limits.~~
- ~~13-21-070 Additional Lot Area and Dimension Regulations.~~
- ~~13-21-080 Accessory Buildings, Structures and Uses.~~
- ~~13-21-090 Density Formulas.~~
- ~~13-21-100 Swimming Pool Safety.~~
- ~~13-21-110 Use Permits.~~
- ~~13-21-120 Additional Yard and Open Space Regulations.~~
- ~~13-21-130 Streets and Alleys.~~
- ~~13-21-140 Temporary Buildings and Uses.~~
- ~~13-21-150 Livestock Privileges.~~
- ~~13-21-160 Standards for Towers, Antennae and Wireless Telecommunications Facilities.~~

**13-03-010 13-07-010 13-21-010 Applying General Provisions, 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.

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-010. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-20-010; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)~~

**13-03-020 13-07-020 13-21-020 Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards, screening, outdoor lighting, nuisances, and hazards**

The landscaping, screening, nuisances, and hazards provisions of Article 13-11Article 13-26 of this Chapter and the outdoor lighting provisions of Article 13-12 of this Chapter shall apply to each zoning district with regard to landscaping, screening, outdoor lighting, nuisances and hazards. Furthermore, the provisions of Article 13-26a of this Code shall apply to each district with regard to outdoor lighting.

~~(Ord. No. 9, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-21-020. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-20-020; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 392, Amended, 06/27/96; Ord. 1996; amended by Ordinance No. 521, Amended, 05/09/02 2002)~~

~~13-21-030 Repealed.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Rep&ReEn, 07/22/93; Ord. No. 392, Repealed, 06/27/96)~~

~~13-21-040 Repealed.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 392, Repealed, 06/27/96)~~

~~13-21-050 Dwelling Prohibition.~~

13-07-030 Dwelling-Caretaker exception to dwelling prohibition

Notwithstanding any dwelling prohibition in any zoning district shall not be construed to prohibit from any lot, one (1) residence of an individual (and his family) acting in the capacity of manager, caretaker, or watchman (and his or her family) shall be permitted.

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-050. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-20-050; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)~~

~~13-03-030~~ 13-07-040 ~~13-21-060~~ Height Limits.limits

A. General. Height limits, when designated in both stories and feet, shall not exceed the ~~foot~~ dimensions designated in feet.

A. ~~\_\_\_\_\_~~ Spires, Chimneys, Towers, Etc:

B. 1. The 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 ~~when same, as long as the specified feature~~ occupies no more than ~~twenty-five percent (25%)~~ of ~~such the~~ roof area of the building.

2. ~~2. \_\_\_\_\_~~ The Zoning district height limitations for buildings are not applicable to towers, ~~antennae~~ 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).



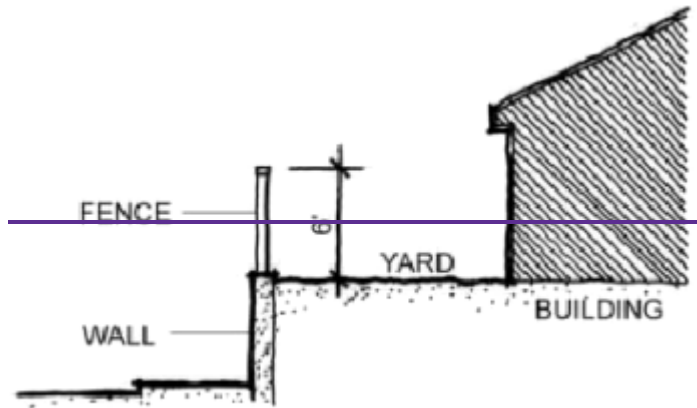
3. ~~3.~~ The Zoning district height limitations for buildings shall apply to towers, ~~antennae~~antennas, and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in any zoning district except the PL ~~District~~(Public Lands) zone and requiring a special use permit under section 0~~Use Permit,~~ unless a greater height is expressly provided for as a condition of the ~~Use Permit.~~special use permit. Note the related setback requirements in subsection 13-07-080 ~~H~~Subsection 13-21-120(F).
4. ~~4.~~ The Zoning district height limitations for buildings are not applicable to towers, ~~antennae~~antennas, and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in the PL ~~District~~(Public Lands) zone.
5. ~~5.~~ Each of the structures enumerated in this ~~Subsections~~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. ~~6.~~ In determining height, the antenna and all related equipment shall be included.

C. B. Structures ~~Near Airplane Runways or Landing Strips:~~ near airplane runways or landing strips.

- ~~7.1.~~ Buildings or structures or any portions thereof exceeding a height of ~~twenty (20)~~ feet shall not be erected or structurally altered within ~~five hundred (500)~~ feet of the projected center line of an existing or proposed runway or landing strip for ~~a distance of one thousand (1,000)~~ feet from the end of the existing or proposed runway or landing strip.
2. Beyond ~~a distance of one thousand (1,000)~~ feet from the end of the existing or proposed runway or landing strip, ~~buildings or structures or any~~ portion ~~thereof~~ of a building or structure shall ~~not~~ be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one ~~(1)~~-foot vertical for every ~~forty (40)~~ feet horizontal, such determined as follows:
  - a. If the runway is paved, the glide angle ~~to be computed as beginning~~begins at a point on the extended center line of the runway ~~two hundred (200)~~ feet beyond and at the same elevation as the end of the runway pavement; ~~or, if,~~
  - a-b. If the runway ~~pavement~~ is not ~~provided,~~ one hundred (paved, the glide angle begins ~~100)~~ feet beyond and at the same elevation as the end of the landing strip.

~~B.D. C.~~ Fences, Walls, Screen Walls, Hedges and Shrubbery. 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. ~~4.~~ On any residentially -zoned lot (or that portion of other ~~lots~~-contiguous ~~thereto~~): ~~four (4) lots~~: Four feet in front yard and six ~~(6)~~ feet in side or rear yards.
2. ~~2.~~ On commercially ~~and industrially~~-zoned lots: Six feet along the front lot line and along the side lot lines to the face of the nearest building, and eight (8) feet behind the face of the nearest building and along the rear lot line.
3. ~~3.~~ Corner Lots - On industrially zoned lots: Eight feet.  
Exterior ~~Sides~~:
- 3.4. ~~sides of corner lots~~: Any fence/~~wall 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 ~~(4)~~ feet in height as measured from the adjacent finished grade at the exterior of the fence/~~or~~ wall. Exterior side fences/~~or~~ walls ~~that are~~ constructed outside of the required exterior side setback area may be six ~~(6)~~ feet in height as measured from the finished grade at the exterior of the fence/~~or~~ wall.
4. ~~Corner Lots Located in Planned Area Development (PAD) - Exterior Sides~~:
- 4.5. ~~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 ~~PAD~~PD may be six ~~(6)~~ feet in height provided that as long as the fence/~~or~~ wall ~~shall~~is not ~~be~~ closer than ten ~~(10)~~ feet to the back of the adjacent curb.
5. ~~Three (3) feet within the triangular area formed by measuring ten (10) feet along the boundary of roadways and drives from the intersection thereof (including hedges and other plantings). Height may be increased not to exceed four (4) feet, provided such height increase does not hamper visibility for traffic safety.~~
- 5.6. ~~6.~~ All fence/~~and~~ wall heights shall be measured from the adjacent finished grade at the exterior of the fence/~~wall~~. ~~The measurement shall not include any retaining wall that is below the finished grade at the exterior of the fence/wall; however the measurement shall include any retaining wall that is above the finished grade at the exterior of the fence/wall as measured from the exterior of the retaining or wall.~~



~~6.7.~~ 7. Decorative gates and entrance ways may exceed the height limits set forth herein up to a maximum of nine ~~(9)~~ 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 ~~(9)~~ feet in height.

~~7.8.~~ 8. As specified in Article 13-11 ~~Article 13-26~~ of this Chapter.

~~D.~~ Buildings.

~~1.~~ No portion of any building exceeding a height of four (4) feet shall occupy the triangular area formed by measuring ten (10) feet along the right-of-way lines from the intersection thereof.

~~C.E. 2.~~ Buildings located on sloping lots are permitted an extra story on downhill side, provided the building height (measured from the floor above ~~such~~ the extra story) does not exceed the maximum height in feet allowed in the zoning district.

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-060. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. No. 1979; reenacted and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-20-060; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 295, Amended, 07/22/93; Ord. 1993; amended by Ordinance No. 392, Amended, 06/27/96; Ord. 1996; amended by Ordinance No. 439, Amended, 06/25/98; Ord. 1998; amended by Ordinance No. 629, Amended, 06/09/05; Ord. 2005; amended by Ordinance No. 638, Amended, 10/13/05 2005)~~

~~13-03-040~~13-07-050 ~~13-21-070~~ — Additional ~~Lot~~ Arealot area and Dimension  
Regulations, dimension regulations

- A. ~~A.~~ Any lot of record ~~existing at that exists on the time~~effective date of this Chapter or amendments ~~thereto become effective, which to it but~~ does not conform with the lot area or width requirements for the zoning district in which where it is located, may be used for any use permitted in that zoning district provided if the use complies with other applicable regulations of this Chapter ~~are complied with~~.
- B. ~~B.~~ Any lot, On and after the effective date of this Chapter or amendments ~~thereto become effective, to it, any lot~~ shall not be reduced ~~in any manner~~ below the lot area and dimension requirements of this Chapter for the zoning district in which where it is located, ~~or if a lot,~~
- ~~B.C.~~ 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 already less than the minimums so required, such lot area or dimension located shall not be further reduced.
- ~~C.D.~~ C. Any lot, On and after the effective date of this Chapter or amendments ~~thereto become effective, to it, the yards, lot coverage, lot area per dwelling unit, or other required spaces of any lot~~ shall not be reduced or diminished ~~so as to cause the yards, lot coverage, or other open spaces to be to~~ less than that required by this Chapter, ~~or to decrease the lot area per dwelling unit except in conformity with this Chapter.~~

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88)

~~13-21-080~~ — (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)

~~13-03-050~~13-07-060 Accessory Buildings, Structures~~buildings, structures,~~ and Uses~~uses~~

- A. ~~A.~~ Accessory buildings, structures, and uses, ~~as defined in Section 13-02-010(B)(3) herein, that do not alter the character of the premises~~ are permitted in conjunction with any "principal" use, ~~provided the same are compatible therewith and do not alter the character of the premises. Any reference to "principal use. Permitted Uses" shall be deemed to uses~~ include ~~such~~ accessory buildings, structures and uses.
- B. ~~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. ~~C.~~ Accessory buildings, structures or uses are allowed prior to installation of principal structures only when a construction permit ~~is has been~~ issued for the principal structure and

construction of the ~~same is commenced~~principal structure begins within six ~~(6)~~ months of permit issuance.

- ~~D. No detached accessory buildings, structures or uses 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.~~
- ~~1. Guest houses shall not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total square footage of the livable area under the roof of the primary residential structure (whichever is greater). All accessory dwelling units shall meet the setback requirements applicable to the primary residence On lots in the respective zoning district.~~
- ~~E. Any detached accessory buildings, structures or uses not in the rear one-half (1/2) of the lot shall maintain such yards as are required for a dwelling unit on the same lot.~~
- ~~F. The minimum building spacing for detached accessory buildings, structures or uses shall be no less than three (3) feet.~~
- ~~G. Accessory buildings located in the rear half of any residential lot shall maintain the same setback at the rear lot line as required for an interior side setback for the zoning district in which the building is located.~~
- ~~H. Any accessory building in excess of ten (10) feet in height shall increase the distance of said building from the rear lot line by one (1) foot for each foot over ten (10) feet in building height.~~
- ~~I. On lots located in the twelve thousand (12,000) square foot districts that do not include a density district and all preceding density districts designation, a single accessory building shall not exceed fifty percent (50%) or the total roof area 25% of the principal dwelling unit including attached garages, carports, etc building's roof area.~~
- ~~J. On lots located in the eighteen thousand (18,000) square foot density district and all density districts following, a single accessory building shall not exceed one hundred percent (100%) of the principal dwelling unit's roof area including attached garages, carports, etc.~~
- ~~K. Whenever doubt exists as to the appropriateness of an accessory building, the Board of Adjustments will interpret the matter.~~

~~(Ord. (Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-21-080. Prior history: Enacted by Ordinance No. 9, Enacted, 06/28/79; Ord. 1979; reenacted and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-20-070; Ord. 1980; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 259, Amended, 06/27/94; Ord. 1991; amended by Ordinance No. 293, Amended, 03/25/93; Ord. 1993; amended by Ordinance No. 439, Amended, 06/25/98; Ord. 1998; amended by Ordinance No. 458, Amended, 04/08/99; Ord. 1999; amended by Ordinance No. 809, Amended, 09/24/15 2015)~~

### ~~13-21-090~~ Density Formulas.

~~Density formulas are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile/manufactured home space. The density formula may be reduced twenty percent (20%) for any units consisting of a combined bed-living room (commonly referred to as an efficiency apartment).~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-080; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 404, Amended, 11/07/96; Ord. No. 434, Amended, 01/22/98)~~

### ~~13-03-060~~ 13-07-070 ~~13-21-100~~ Swimming Pool Safety, pool safety

- A. ~~A.~~ Any swimming pool, ~~as defined in this Chapter,~~ shall be protected by an enclosure surrounding the swimming pool area, as provided in this ~~Section~~section.
- B. ~~B.~~ Enclosure ~~Standards.~~ standards. Swimming pool enclosures shall meet the following requirements:
1. ~~1.~~ The swimming pool shall be entirely enclosed by a wall, fence, or barrier not less than five feet ~~(5')~~ in height as measured from the finished grade on the exterior side of the wall, fence, or barrier.
  2. ~~2.~~ The wall, fence, or barrier shall have no openings through which a spherical object four inches ~~(4")~~ in diameter can pass.
  3. ~~3.~~ The horizontal components of any wall, fence or barrier shall be spaced not less than ~~forty-five~~45 inches ~~(45")~~ apart measured vertically.
  4. ~~4.~~ Wire mesh or chain link fences shall have a maximum mesh size of one and three-~~quarter~~quarters inches ~~(1¾")~~, measured horizontally.
  5. ~~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. ~~6.~~ The wall, fence, or barrier shall be at least ~~twenty~~20 inches ~~(20")~~ from the ~~water's~~water's edge.

7. ~~7.~~ Gates for the enclosure shall:

a. ~~a.~~ Be self-closing and self-latching with the latch located at least ~~fifty-four~~54 inches ~~(54")~~ above the underlying ground or on the pool side of the gate with a release mechanism at least five inches ~~(5")~~ below the top of the gate and no opening greater than one-half inch ~~(1/2")~~ within ~~twenty-four~~24 inches ~~(24")~~ of the release mechanism.

b. ~~b.~~ Open outward from the pool.

C. ~~C.~~ Residence ~~Constituting Part~~constituting part of ~~Required Enclosure.~~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 ~~Subsections~~subsection B, there shall be one of the following:

1. ~~1.~~ A minimum ~~fifty-four~~54-inch ~~(54")~~ wall, fence, or barrier to the pool area which meets all of the requirements of ~~Subsections~~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. ~~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 ~~which meets the requirements of Subsection D(1).~~ 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 ~~fifty-four~~54 inches ~~(54")~~ 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 ~~(4")~~, or a latching device located not less than ~~fifty-four~~54 inches ~~(54")~~ above the floor.

D. ~~D.~~ Pool ~~Location~~location.

1. ~~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 ~~(10)~~ feet between any property line and the ~~water's~~water's edge.
2. ~~2.~~ In any commercial or multi-family residential zoning district, there shall be a distance of at least ~~twenty-five~~(25) feet between any property line and the ~~water's~~water's edge of a public or semi-public swimming pool.



E. ~~E.~~ ~~Safety Education.~~ 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. ~~F.~~ Exemptions. This ~~Section~~ section shall not apply to:

1. ~~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. ~~2.~~ Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.
3. ~~3.~~ Residential fish ponds or decorative fountains.

~~(Ord. Rewritten and re-codified by Ordinance No. 9, 06/28/79; Ord. No. 1979; reenacted and amended by Ordinance No. 37, 09/04/80, 13-20-090; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, 05/26/88; Ord. 1988; amended by Ordinance No. 619, 03/24/05; Ord. 2005; amended by Ordinance No. 750, 08/12/2010)~~

### ~~13-21-110 Use Permits.~~

- A. ~~Use Permits are generally issued by the Board of Adjustment. However, Use Permits for towers, antennae, and wireless telecommunications facilities are issued by the Town Council after a recommendation from the Planning and Zoning Commission. Both the Board of Adjustment and the Town Council shall issue their decisions with regard to Use Permit applications within thirty (30) days after the last public hearing has been held on the application. The Board of Adjustment shall follow its procedures set forth in Town Code Article 13-29, and the Planning and Zoning Commission and Town Council shall follow the procedures for Zoning Map amendments set forth in Town Code Article 13-30. With regard to Use Permit applications for towers, antennae 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).~~
- B. ~~Use Permit applications must be accompanied by: a layout and landscape plan; typical building elevations and other pertinent development characteristics; total cost of the project, and evidence of the applicant's ability to complete the project. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural or electrical, must be certified by an Arizona licensed professional engineer.~~



C. Applications for Use Permits to construct towers, antennae 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 three hundred (300) feet of the proposed site, together with a mailing list of all property owners within three hundred (300) feet and stamped envelopes pre-addressed to each such property owner;

~~4.1. 3. A map of adjacent roadways;~~

4. A drawing of proposed means of access;

~~5.1. 5. Elevation drawings of the exterior of each element of the proposed wireless telecommunications facility;~~

6. A complete landscape plan;

7. The setback distance between the proposed wireless telecommunications facility Additional yard and

a. the nearest residential unit,

b. all residentially-zoned properties within three hundred (300) feet of the wireless telecommunications facility,

c. all schools within three hundred (300) feet of the wireless telecommunications facility, and

d. all hospitals within three hundred (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. open space ~~The method of fencing;~~

~~6.1. 10. Coloration;~~

11. Materials;

12. ~~Illumination;~~

~~7.1. 13. Camouflage;~~

~~13-03-070~~ 13-07-080 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 (10) 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 (2) miles of the proposed site;~~

~~17. An inventory of towers, wireless telecommunications facilities and alternative tower structures used by applicant which are existing towers, antennae, or wireless telecommunications facilities, or for which a permit application has been submitted for zoning or construction, and all additional sites applicant intends to construct or utilize within one (1) year following the date of the application, which are within the jurisdiction of the Town or within one (1) mile of the municipal boundaries. Such inventory shall include the location, height, and type of each;~~

~~18. Certification, as of the date of the application, that all wireless telecommunications facilities within twenty five (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;~~

~~1. 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 having jurisdiction within five (5) miles of the site have been notified of the application;~~

~~21. Copies of all federal and state wireless telecommunications licenses for providers who will use the wireless telecommunications facility for which the application is filed;~~

~~22. Certification that no PL District site reasonably meets the needs of the applicant [listing all such sites within five (5) miles of the proposed site and the reason each 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 (10) 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.~~

~~B.A. D. The granting of a Use Permit is a matter of grace, 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.~~

~~E. With regard to applications for towers, antennae and wireless telecommunications facilities, the Board of Adjustment and the Town Council shall also 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 utilities, site access, and suitability of alternative sites. With regard to alternative sites, the Board of Adjustment 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, antennae 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, antennae and wireless telecommunications facilities:~~

~~1.1. Existing structures will be preferred over new structures;~~

~~2.1.2. New structures which appear to be structures commonly found within the zoning district are preferred over apparent wireless telecommunications facilities;~~

~~3.1.3. Wireless telecommunications facilities which cannot be readily observed from adjacent streets are preferred;~~

~~4.1.4. Heights which do not exceed the height limitations for the particular zoning district are preferred;~~

~~5.1.5. Collocation of multiple uses on a single wireless telecommunications facility has significant favorable weight in evaluating an application;~~

~~6.1.6. 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 three hundred (300) feet of any residences (including single and multi-family residences and residential facilities such as group homes and nursing homes), schools (but not including secondary school and college athletic fields), or hospitals; and~~

~~7.1.9. Suitability of the location for collocation of governmental public service wireless communication facilities has significant favorable weight in evaluating an application.~~

- ~~F. In approving an application (in all or in part), the Board of Adjustment 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 Inspector shall act accordingly.~~
- ~~G. The granting of any Use Permit shall be contingent upon building permits being obtained within six (6) months and work being diligently pursued to completion. Failure to meet this condition shall void the Use Permit unless an extension of time is secured.~~
- ~~H. If the 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 Permit.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-100; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 439, Amended, 06/25/98)~~

~~13-21-120 Additional Yard and Open Space Regulations.~~

~~C.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). Where reference is to a "required setback" for a structure, the same shall designate the minimum yard therefor. No lot shall be reduced in such a manner to reduce any yard or open space below the minimum required therefor. No yard or open space required for a structure on one (1) lot shall serve the same purpose for a structure on another lot. Through lots fronting on two (2) streets shall be considered (for required setback purposes) as having two (2) front yards. No device (such as doors and windows) may be so installed as to protrude beyond a lot boundary in the operation thereof.~~

- ~~1. A. Yard-Deviations 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.~~

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

1. Front Yard Deviations

1. a. Required front yard deviations

- a. On lots rising in elevation from front to center and exceeding ~~twenty-six percent (26%)~~ grade ~~thereon~~, the required front yard may be reduced to not ~~to exceed fifty percent (less than 50%)~~ of the required minimum.
- b. ~~On lots zoned R1MHMH, a reduction in the required front setbackyard from twenty-five (25) feet to twenty (20) feet shall be allowed if necessary to accommodate a longer mobile or manufactured home; provided, however, that, as long as the total length of suchthe home so accommodated does not exceed the lot depth less forty-four (minus 44) feet. No mobile or manufactured home shall be installed with a reduced front setback, unless suchthe reduction is necessary to accommodate the home in conformance with this Sectionsection.~~

2. Side Yard Deviations

2. a. Required side yard deviations.

- ~~a. On any interior residentially -zoned lot lacking rear access (other than from the front street), and where the septic system is in the rear yard, then one (1) side yard must measure no less than eleven (11) feet from the eave or dripline of the house to provide access to the rear yard. In the event that If this Section should apply, thensection applies, the opposite side yard may be reduced by no more than three (3) feet, when necessary. In the event that the septic system for the residence is in the front yard, the requirement of this paragraph is waived.~~
- ~~b. On a corner lot backing to a key lot, no structure exceeding a four (4)-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. When a lot sides on an alley, suchThe required side yard adjacent theretoto an alley may be reduced notby up to exceed fifty percent (50%),%, provided suchthat the reduced setback, plus half (1/2) the alley width, is not less than the required side yard width-required for the district.~~
- ~~d. On legal nonconforming lots with sub-standard width lots, an lot widths, a required interior side yard may be reduced by half (1/2) the lot width shortage, provided such as long as the reduction does not exceed twenty-five percent (25%) of the required interior side yard width.~~

3. ~~3.~~ Rear Yard Deviations

- a. ~~On lots of less than two hundred eighty (280) foot depth, the required~~Required rear yard ~~may be increased by the width of a potential half-alley.~~

~~2.3.~~ b. ~~deviations. On lots exceeding a two hundred eighty (280) foot depth, 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~~ may be increased by the width of a potential half-street~~requirement.~~

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

1. ~~1.~~ All ~~Yard Encroachments~~yard encroachments.

- a. ~~a.~~ Cornices, eaves, coolers ~~and~~, open balconies, fire escapes, stairways, or fire towers may project no more than five ~~(5)~~ feet into any required yard or court ~~[-]~~, but no closer than seven ~~(7)~~ feet from any lot boundary ~~[-]~~.
- b. ~~b.~~ Stills, leaders, belt courses (and similar ornamental features) ~~[-]~~, and chimneys may project two ~~(2)~~ feet into any required yard or court.

2. ~~2.~~ Front ~~Yard Encroachments~~yard encroachments.

- a. ~~a.~~ A bay window, oriel, entrance, or vestibule ~~[-]~~ not exceeding ~~a ten (10) foot~~feet in width ~~[-]~~ may project three ~~(3)~~ feet into any required front yard.
- b. ~~b.~~ ~~An A balcony, carport, or~~ attached open porch ~~or balcony or a carport~~ may project no more than six ~~(6)~~ feet into any front yard.

3. ~~3.~~ Rear ~~Yard Encroachments~~yard encroachments

- a. ~~a.~~ A bay window, oriel, entrance, or vestibule ~~[-]~~ not exceeding ~~a ten (10) foot~~feet in width ~~[-]~~ may project three ~~(3)~~ feet into any required rear yard.

b. ~~b. An A balcony, carport, or attached open porch or balcony or a carport~~ may project no more than ten ~~(10)~~ feet into any required rear yard ~~[-]~~ but no closer than ten ~~(10)~~ feet from any common lot boundary ~~[-]~~.

~~c. — A detached accessory structure may be placed in a required rear yard, provided same is not:~~

c. ~~(1) Nearer as long as it meets the minimum side lineyard setback of the front half (1/2) of any adjacent lot than the required side yard of such lot.~~

~~(2) — Nearer any property line than is allowed for a principal building or any portion of an accessory building to be used for dwelling or sleeping purposes.~~

D. ~~C. — Setbacks from streets and alleys (yard depth) are deemed as being measured from the more restrictive of the following:~~

1. ~~From the~~ boundary of a full width right-of-way (or what would be ~~such a full width right-of-way~~ where only a partial right-of-way exists), or ~~from~~

2. ~~From a future right-of-way line (see subsection 13-07-090 D width line [See Subsection 13-21-130(C)]). Where reference is to measurements).~~

F. ~~E. Measurements from street or alley centerline, same is deemed as being are~~ from what would be the centerline if a full right-of-way existed in accordance with the minimum right-of-way widths as ~~are~~ designated under ~~subsection 0 Subsection 13-21-130(B).~~

G. ~~F. D. Courts from which rooms depend for that provide~~ natural ventilation or light ~~for rooms~~ must be open to the sky and maintain a minimum dimension of five ~~(5)~~ feet ~~[plus one (1) additional foot width for each story above the first].~~

H. ~~G. E. — 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 though if the tower, antenna, or wireless telecommunications facility may be located on a separately leased portion of the lot. — Furthermore, setback~~ and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

I. ~~H. F. — The following setback requirements shall apply to all towers, antennae, and wireless telecommunications facilities in zoning districts other than PL for which a Use Permitspecial use permit is required. — Note, however, that standard~~ setback requirements may be decreased because of a design safety certification under ~~subparagraph 13-07-040 B. 5 above Subparagraph 13-21-060(A)(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 ~~thereby by them:~~



1. ~~1.~~ Towers, ~~antennae~~antennas, and wireless telecommunications facilities must be set back from any lot line a distance equal to at least ~~one hundred percent (100%)~~ of the height of the structure unless the zoning district where the facility is located requires a greater setback-is required for the particular zoning district.
2. ~~2.~~ Guys and accessory structures must satisfy the minimum zoning district setback requirements.

~~(Ord. Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-120. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; amended by Ordinance No. 16, Amended, 11/08/79; Ord. No. 1979; reenacted and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-20-100A; Ord. 1980; amended by Ordinance No. 66, Amended, 04/29/82; Ord. 1982; amended by Ordinance No. 78, Amended, 03/11/83; Ord. No. 1983; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 282, Amended, 10/22/92; Ord. 1992; amended by Ordinance No. 375, Amended, 12/28/95; Ord. 1995; amended by Ordinance No. 439, Amended, 06/25/98; Ord. 1998; amended by Ordinance No. 589, Amended, 03/25/04; Ord. 2004; amended by Ordinance No. 638, Amended, 10/13/052005)~~

#### ~~13-03-080~~13-07-090 ~~13-21-130~~ Streets and ~~Alleys~~alleys

- A. ~~In providing for future growth, it is necessary that adequate~~General. Adequate street rights-of-way must be planned and ~~that such be kept clear of permanent structures, the removal of which (in all or part) necessitated by roadway widening could be a burden to the public. Where reference in this Chapter is to "streets", the same is deemed to mean a street right-of-way dedicated for public use, except as may be indicated otherwise on an approved, recorded plat to provide for future growth.~~

#### ~~B. A. Street Frontage: frontage:~~

1. No lot of five ~~(5)~~ acres or less shall ~~hereinafter~~ 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 ~~for such street to the type and~~ alignment ~~{of the street, or half (1/2) such right-of-way width where the owner has no control to provide the other half (1/2)}, right-of-way,~~ except that in no case ~~need such dedication be will an owner be required to dedicate more than to create a one hundred (a 100)-foot width {(or a 50-foot half (1/2) such right-of-way, as the case may be}; likewise if ).~~
2. Any permit shall be contingent upon the lot owner's dedication of any other streets or alleys ~~that adjoin such lot (or project along same) any permit shall be contingent upon dedication to complete owner's share thereof. Similarly, such dedications as enumerated above shall be the lot.~~

The following are the minimum required in securing permits for existing lots.

#### ~~B.C. B. Right~~roadway right-of-way widths ~~are herein established as minimum widths required:~~



1. ~~1. Arterial Roads - One hundred (roads: 100) feet;~~
2. ~~2. Collector Roads - Forty (40) to fifty (50) roads: 60 feet;~~
3. ~~3. Local Roads (not having roads without topographic problems) - Fifty (50) feet;~~
4. ~~4. Other Streets - Fifty-four (streets: 54) feet.~~

~~C.D. C. Future width lines are herein established from which setbacks~~Setbacks for structures (other than signs, fences, and free-standing walls) shall be measured ~~to comply with the district requirements, except 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 such future width is unwarranted. Where no setback is required, no such structure shall be located (or extended) nearer to the lot boundary than the future width line. Such future width lines are established as follows (except as may be indicated otherwise on the Zoning Map or on an official highway map):~~ the future right-of-way width is unwarranted:

1. ~~1. Mid-Section Lines - Twenty-seven (27) feet on each side thereof;~~ of mid-section lines
2. ~~2. Section Lines - Fifty (50) feet on each side thereof;~~ of section lines
3. ~~3. Federal Aid, State or Federal Highways - Forty (40) to sixty (60) feet (depending upon topography) on each side of such existing (or projected) centerline.~~ centerlines of federal aid, state, or federal highways

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-130. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-20-110; Ord. No. 1980; repealed and reenacted by Ordinance No. 178, Rep & ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/14/95 1995)~~

### ~~13-21-140 Temporary Buildings and Uses.~~

### 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.

**13-03-09013-07-110 Temporary buildings and uses ~~are permitted as follows:~~**

~~A. A. Recreational vehicles may be temporarily occupied during the construction of a permanent dwelling (subject to the issuance of a temporary housing permit) only upon~~  
Upon issuance of a building permit for the dwelling a permanent dwelling, and during its construction, a recreational vehicle may be temporarily occupied on the same site in residential zoning districts.

1. ~~1. —A temporary housing permit shall be required prior to the occupancy of such the recreational vehicle. Issuance of a~~ The temporary housing permit shall be limited to issued for a period of time not to exceed exceeding six (6) months from the date of issue, but said temporary housing permit may be renewed for a like period thereafter an additional six months upon the property owner submitting satisfactory evidence that construction of the permanent structured dwelling is being diligently pursued to completion and indicating that the need to occupy such recreational vehicle continues to exist.
2. ~~2. —Unless such temporary housing permit is renewed, such~~ The recreational vehicle shall be disconnected from public utilities and unoccupiedvacated or removed from the property upon expiration of the previously issued temporary housing permit, or within ten (10) days after completion of the construction work, whichever occurs first.
3. ~~3. —Fees for The Town Council shall set the temporary housing permits shall be determined by the Town Council permit fee.~~

~~B. B. Temporary real estate offices may be occupied subject to Use Permit upon the approval of a conditional use permit (see section 13-13-090 by the Board of Adjustment in accordance with application procedures outlined in Section 13-21-110,) and subject to the following:~~

1. ~~1. — Such~~The offices shall be located on ~~the property being subdivided~~a subdivision with lots offered for sale ~~as individual lots, and their use shall be limited to use only for the sale of these lots in that subdivision.~~
2. ~~2. — Such~~The offices shall be subject to the height, yard, intensity of use, and parking regulations for the applicable zoning ~~district in which they are located.~~
3. ~~3. — Any Use Permit granted for such offices~~The conditional use permit shall be limited to a period ~~of time not to exceed two (2) years from the date of issue~~, but ~~said Use Permit~~ may be extended for like two-year periods ~~thereafter if eighty percent (80%) until 80% of the lots in the property being subdivided~~subdivision have ~~not~~ been sold.
4. ~~4. — Unless such Use Permit is reissued, such~~The offices shall be removed ~~or eliminated from the property being subdivided~~ upon the expiration of the ~~previously granted Use Permit, or~~conditional use permit or when ~~eighty percent (80%)~~80% of the lots in ~~said property are the subdivision have been~~ sold, whichever occurs first.

~~(Ord. No. 37, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-21-140. Prior history: Enacted, by Ordinance No. 37, 09/04/80; Ord. 1980; amended by Ordinance No. 167, Amended, 12/10/87; Ord. No. 1987; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/28/95 1995)~~

### ~~13-03-100~~13-07-120 ~~13-21-150~~ — Livestock ~~Privileges, privileges~~

Except in the ~~Agricultural districts~~AG (agricultural) zone, livestock, ~~as defined in Article 13-02,~~ shall only be allowed on lots ~~which are one (1) acre or larger in size~~ and shall be limited to two ~~(2) such~~ animals per acre except as follows:

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

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-21-150. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; amended by Ordinance No. 16, Amended, 11/08/79; Ord. 1979; reenacted and amended by Ordinance No. 37, Rep&Amd, 09/04/80, 13-20-120; Ord. 1980; amended by Ordinance No. 58, Amended, 09/24/81; Ord. No. 1981; repealed and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 399, Amended, 10/10/96 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 0.

(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:

- 3.1. 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 0 (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.

13-21-160 — Standards for (Enacted by Ordinance No. %)

**Towers, ~~Antennae and Wireless Telecommunications Facilities.~~**

### ~~13-03-110~~ 13-08-080 A. ~~Applicability. All towers, antennae~~ antennas, and wireless telecommunications facilities

- A. ~~Applicability.~~ shall be subject to the requirements of this Section, except towers, antennae  
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,

including (but not limited to) such as amateur radio and devices necessary for a subscription to a commercial wireless provider service.

B. ~~B.~~ General ~~Provisions~~provisions.

1. ~~1.~~ Appearance.

- a. ~~a.~~ Towers, ~~antennae~~antennas, and wireless telecommunications facilities shall either maintain a galvanized steel finish or, (subject to any applicable standards of the FAA,) be painted ~~so as~~ to reduce visual obtrusiveness and blend with the surroundings.
- b. ~~b.~~ ~~Antennae~~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 ~~so as~~ to make the ~~antennae~~antennas and related equipment visually unobtrusive.
- c. ~~c.~~ Improvements comprising a wireless telecommunications facility shall, to the extent possible, use a mix of materials, colors, textures, screening, and landscaping ~~in order to that~~ blend the appearance of the improvements into the natural setting.
- d. ~~d.~~ Towers, ~~antennae~~antennas, and wireless telecommunications facilities shall not be artificially ~~lighted unless lit, except to the extent~~ required ~~to be~~ by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional ~~light~~lighting devices and ~~a statement of the reason~~applicant's reasons for ~~selection of choosing~~ the selected light device ~~specified~~ over each of the other options. Economy and serviceability are among acceptable criteria for selection.
- e. ~~e.~~ All towers, ~~antennae~~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 ~~such the~~ standards and regulations are changed, ~~then~~ the owners of the towers, ~~antennae~~antennas, and wireless telecommunications facilities shall bring their facilities into compliance within six ~~(6)~~ months of the effective date of ~~such the updated~~ standards ~~(, unless a different compliance schedule is mandated by controlling law).~~.
- f. ~~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. ~~g.~~ Towers, ~~antennae~~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. ~~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 ~~such~~the facilities shall not be stored or parked on site.
2. ~~2.~~ Security. All towers, ~~antennae~~antennas, and wireless telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access ~~to the facilities~~.
3. ~~3.~~ Collocation. The ~~policy of the Town is to encourage~~encourages collocation ~~of telecommunications facilities~~.
- a. ~~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~~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 ~~Use Permit~~special use permit, or favorable terms for a lease agreement with the Town. ~~Note that any~~Any such preferential treatment or favorable terms can only be given after the Town receives a complete and correct application (either for a ~~Use Permit~~special use permit or a lease agreement), ~~and~~ all fees, and required forms and documents.
- b. ~~b.~~ Collocation ~~Agreement~~agreement: The ~~Collocation Agreement~~collocation agreement shall provide for at least the following:
- (1) ~~(1)~~ The ~~Applicant~~applicant shall accept for collocation any FCC licensed wireless telecommunications provider (~~Additional User~~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 ~~such an Agreement~~a collocation agreement.
- (2) ~~(2)~~ Any ~~Additional User~~additional user seeking collocation shall submit specifications for its equipment and use (~~Request~~) to the ~~Applicant~~applicant and the ~~Applicant~~applicant shall, ~~within thirty (30) days~~, respond to ~~such party~~the additional user in writing (~~Response~~), ~~within 30 days~~, furnishing all technical requirements ~~which~~that must be resolved before collocation.

- (3) ~~(3)~~ — The Applicant~~applicant~~ and the Additional User~~additional user~~ shall, attempt in good faith, ~~attempt~~ to resolve any outstanding technical or business terms. ~~If, If technical or business terms are not worked out 30 days or more after thirty (30) days from the Response, the Additional User believes~~applicant's response, the Applicant has not negotiated in good faith, the Additional User ~~my~~additional user may submit to the Applicant, in writing, a written request to the applicant for arbitration, in which case and the Applicant~~applicant~~ shall ~~be obligated to~~ cooperate with the Additional User~~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 ~~thirty (30) days~~ after the request for arbitration. ~~Note that, upon~~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) ~~(4)~~ — If the ~~arbitrator certifies in writing to the Town that the~~ Applicant~~applicant~~ has failed to comply with the decision of the arbitrator within ~~fifteen (15) days after its issuance by the arbitrator~~arbitrator's decision, then either the Use Permits~~special use permit~~ or the lease agreement with the Town related to the ~~particular~~ tower, antenna, or wireless telecommunications facility shall be terminated and the facility shall be removed within ~~thirty (30) days~~ of the date of the ~~arbitrator's~~arbitrator's certificate. If the Applicant~~applicant~~ fails to remove the facility within the specified time, the Town shall have all ~~of the~~ remedies available to it for elimination of a use in violation of the Town Code;.
- (5) ~~(5)~~ — The ~~Additional Party, upon submitting the Request, shall become~~additional user becomes a third-party beneficiary to the Collocation Agreement~~collocation agreement upon submitting the request seeking collocation.~~
- (6) ~~(6)~~ — The Town shall not be a party to any contract between the Applicant~~applicant~~ and the Additional Party~~additional user~~, and shall not be made a party to any dispute or arbitration between ~~the two, them.~~ Applicant shall indemnify, defend, and hold harmless the Town ~~harmless~~ from and against any cost, including reasonable ~~attorneys'~~attorneys' fees, associated with any ~~such matters; and~~dispute or arbitration between the applicant and the additional user.
- (7) ~~(7)~~ — A lease or other agreement containing the business terms proposed by the Applicant~~applicant~~ for collocation shall be attached as an exhibit to the Collocation Agreement~~collocation agreement.~~

4. ~~4.~~ Modification of ~~Structures~~structures. No existing tower, antenna or wireless telecommunications facility may be changed or modified except as follows:
- a. ~~a.~~ The change or modification is required by a change in user or technology;
  - b. ~~b.~~ The change does not increase the height of the tallest component above the height approved in this Chapter, in a Use Permitspecial 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. ~~c.~~ At the conclusion of the change or modification, the structure complies with all requirements of the building department; and
  - d. ~~d.~~ Each of the documents and certifications required for a Use Permitspecial use permit are provided.
5. ~~5.~~ Abandonment of ~~Facilities~~facilities.
- a. ~~a.~~ Any tower, antenna, or wireless telecommunications facility ~~that is not operated for a continuous period of twelve (12) months~~ due to some conduct within the control of and attributable to the property owner shall be considered abandoned, ~~whether despite the owner or not the owner or operator intends to make use of it or any part of it, 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 ~~shall be under a duty to remove~~ are jointly responsible for removing the abandoned facility. If the facility is not removed within ~~sixty (60) days of receipt of notice from the Town notifying~~ after the owner(s) and operator receive notice of such 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. ~~Delay by the Town~~ The Town's delay in taking actionacting shall not ~~in any way~~ waive the Town's right to ~~take action, 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. ~~b.~~ If the owner of an abandoned telecommunications facility wishes to use ~~such~~ 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 ~~such~~ the facility were ~~a new facility.~~
6. ~~6.~~ Removal of ~~Facilities~~facilities.

- a. ~~a.~~ All towers, ~~antennae~~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, ~~so as~~ to ensure their structural integrity. ~~If, upon inspection~~If any ~~such~~ telecommunications facility is determined not to comply with the Code standards or to constitute a danger to persons or property, ~~then upon notice being provided to~~ the owner of the facility and the owner of the real property ~~(if the owners are different), such owners~~ shall have ~~thirty (30)~~ days after notice from the Town to bring the facility into compliance. ~~In~~If the ~~event such~~ telecommunications facility is not brought into compliance within ~~thirty (30)~~ days, the Town may provide notice to the owners requiring the telecommunications facility to be removed. ~~In~~If the ~~event such~~ telecommunications facility is not removed within ~~thirty (30)~~ days of receipt of ~~such~~the Town's notice of removal, the Town may remove ~~such~~the facility and place a lien upon the property for the removal costs ~~of removal~~. Delay by the Town. The Town's delay in taking action~~acting~~ shall not ~~in any way~~ waive the Town's right to ~~take action~~. act. The Town may pursue all legal remedies ~~available to it~~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. ~~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. ~~C.~~ Real property owners in the PL zoning districts~~(Public Lands) zone~~ may require owners of towers, ~~antennae~~antennas, and wireless telecommunications facilities to enter into lease agreements as pre-requisites to ~~such owners~~ exercising the permitted use for towers, ~~antennae~~antennas, and wireless telecommunications facilities in the PL district. ~~(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, ~~antennae~~antennas, and wireless telecommunications facilities owners to seek Use Permits~~special use permits~~ to locate ~~such~~the facilities in other zoning districts if PL 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 ~~(1)~~ informational meeting for owners of real property located within ~~three hundred (300)~~ feet of the proposed facilities.

~~(Ord. No. 439, Enacted, 06/25/98)~~



## ~~Article 13-22~~ **LAND SPLITS**

~~13-22-010~~ **Land Splits.**

~~13-22-020~~ **Reserved.**

~~13-22-030~~ **Reserved.**

### ~~13-22-010~~ **Land Splits.**

~~A. In accordance with ARS §9-463.01(T) (as amended), this Article regulates land splits within the corporate limits with regard to division lines Towers, antennas, and area and shape of tracts or parcels. Any lot or parcel of improved or unimproved land whose area is two and one-half (2 ½) acres or less and is divided into two (2) or three (3) lots, tracts or parcels of land for the purpose of sale or lease is a land split for purposes of this Article.~~

~~B. Lot Dimensions and Area: No land split shall create a lot, tract or parcel wireless telecommunications facilities that is smaller than the minimum dimensions and area, nor larger than the maximum depth (except if it is determined that a greater depth does not adversely affect projected street or alley alignments), provided under the regulations for the district of jurisdiction. Where no Density District has been established, then the regulations of D18 District shall control.~~

~~1. Substandard lots, tracts or parcels (either as to dimensions or area) that were legally established when same came under the district jurisdiction shall be considered as legal lots in that district.~~

~~2. Combined lots, tracts or parcels (to the extent of crossing common boundaries with qualify as accessory buildings, structures) shall be considered as one (1) lot, except that the front of the individual lots shall remain as the front of the combined lots. Nothing contained herein shall be construed to allow the building over lot lines of 2 or more lots used as a building site where the lots have not been consolidated pursuant to Section 13-03-060 in this Chapter (as amended).~~

~~3. Wedge-shaped lots, tracts or parcels shall be considered legal width lots when same (measured at the front required setback line) is not less than the required width for a lot having parallel sides. However, a deeper setback line may be shown on a recorded plat at which location the minimum lot width is acceptable and the required front yard shall thereafter be measured thereto.~~

~~C. No land split shall occur which results in a lot, tract or parcel that does not, or uses, but that otherwise comply with the area and shape requirements of the specific zoning district within which said lot is this Chapter, may be located, or which violates any other portion of this Code (including the review and Town approval process described hereinafter).~~

~~1. Review Process~~

- ~~a. When a land split is anticipated, the owner, representative or purchaser shall file with the Department a land split application form, along with 2 copies of a "record of survey" prepared by a registered land surveyor on lots containing the surveyor's certificate of accuracy and seal. The map of survey shall accurately set forth the boundaries of the lots, tracts, or parcels resulting from the land split, as well as any recorded easements, existing other principal buildings, structures, and other information required on the application form.~~
    - ~~b. The Department shall review the land split application and maps for compliance with the provisions of this Code. If the information is in order and complete and the land split complies with the Code, the Department shall approve the land split within seven (7) working days. Otherwise, the Department shall deny the same in writing within the same period.~~
    - ~~c. Upon approval by the Department, 1 map of survey showing said approval shall be recorded in the Office of the Yavapai County Recorder.~~
  - ~~2. Appeals: A decision by the Department to deny the land split may be appealed to the Prescott Valley Board of Adjustment, but any such appeal must be presented in writing to the Director within thirty (30) calendar days of the decision. Failure to comply with this time limit is jurisdictional and will preclude the appeal.~~
  - ~~3. Civil Penalties~~
    - ~~a. Failure to comply with the review and approval process as set forth in Subparagraph 13-22-010(C)(1) above (as amended), prior to a land split, is unlawful and constitutes a civil violation sanctioned as provided in Section 13-31-030 of this Chapter (as amended).~~
    - ~~b. Recording a land split in the Office of the Yavapai County Recorder which is not in accordance with this Subsection 13-22-010(C) (as amended), is also a civil violation which shall be sanctioned as provided in Section 13-31-030 of this Chapter (as amended). Furthermore, no building permit or other permit to use, construct, occupy, provide utilities to, grade, work in right-of-way adjacent to, etc., may be issued for any lot, tract, or parcel resulting from any such unlawful land split.~~
- ~~D. 4. Criminal Penalties: Notwithstanding Subparagraph 13-22-010(C)(3) above (as amended), it shall also be a class 3 misdemeanor for any owner, representative, or purchaser to record a land split in the Office of the Yavapai County Recorder prior to complying with or uses in accordance with the requirements of this Subsection 13-22-010(C) (as amended).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;
- 4.9. The method of fencing;
10. Coloration;
11. Materials;
- 2.12. 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.

- ~~5. Exemption: The sale or exchange of real property to or between adjoining property owners, if such sale or exchange does not create additional lots, tracts, or parcels, is exempt from the requirements of this Subsection 13-22-010(C) (as amended).~~
- ~~6. No Warranty: The purpose of this Subsection 13-22-010(C) (as amended) is public rather than private, and it is not a purpose of this Subsection to create additional rights under land splits nor to waive other Town regulatory or enforcement provisions. This Subsection 13-22-010(C) (as amended) shall not be construed as an indemnification by the Town, its officers and employees, to the owner or purchaser of any real property subject to this Subsection. An approval or denial under the provisions hereof does not constitute any representation or warranty as to the fitness of the property for use as intended. Property owners and subsequent purchasers remain obligated to comply with all Town Code provisions and procedures respecting such land, and any related uses and activities thereon.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 302, Amended, 07/08/93; Ord. No. 375, Amended, 12/28/95; Ord. No. 551, Amended, 04/24/03; Ord. No. 801, Amended, 02/12/15)~~

**13-22-020 Reserved.**



(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88;  
Ord. No. 801, Rep&ReEn, 02/12/15)

**~~13-22-030~~ Reserved.**

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-21-010; Ord. No. 178, Rep&ReEn, 05/26/88;  
Ord. No. 801, Rep&ReEn, 02/12/15)

## **Article 13-23 SIGN REGULATIONS**

**J. 13-23-010 Purpose** 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.

**Solar as primary use and wind turbines require a special use permit issued pursuant to section 13-110 (special use permits).**

**13-23-020 Definitions.**

**13-23-030 General Provisions.**

**D. 13-23-040** in the IG (industrial; general limited), IH (industrial; heavy), PL (public lands), and AG (agricultural) zones, and are prohibited in all other zones.

### **Sign Standards.**

**13-23-050 Exceptions.**

**13-23-060 Prohibited Signs.**

**13-23-070 Design Specifications.**

**13-23-080 Maintenance of Signs.**

**13-23-090 Non-Conforming Signs.**

**13-23-100 Permits.**

**13-23-110 Enforcement.**

**13-23-120 Liability.**

**13-23-130 Appeal.**

## **Article 13-04 ARTICLE 13-09. 13-23-140 BILLBOARD REGULATIONS.**

**13-23-150 Reserved.**

**13-23-010 Purpose.**

### 13-04-01013-09-010 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.

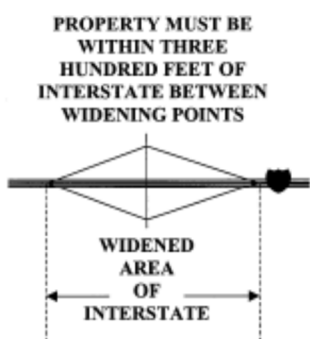
~~(Ord. Rewritten and re-codified by Ordinance No. 37, %%. Previously codified at section 13-23-010. Prior history: Enacted, by Ordinance No. 37, 09/04/80; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. No. 1988; replaced and reenacted by Ordinance No. 220, Rep&ReEn, 12/14/89; Ord. 1989; amended by Ordinance No. 874, Amended, 03/26/2020)~~

### 13-23-020 Definitions.

### 13-09-020 Sign type definitions

Term	Definition
<u>Animated sign</u>	<u>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.</u>
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 <del>(2)two</del> or more edges or at all <del>(4)four</del> corners. <del>ExcludedFlags are excluded from this definition-are flags.</del>
Billboard	See <del>Sign, Off</del> off-site sign.
Building <del>Frontage</del> frontage	That portion of the building which lies parallel to the right-of-way.
<del>Building, Interior Side</del>	<del>That portion of the building adjacent to an interior lot line or which does not front on an exterior street side of the property.</del>
Commercial <del>Tourism</del> <del>Zone</del> 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.
<u>Comprehensive sign package</u>	See section 13-09-060.
<u>Construction site sign</u>	<u>Sign located on a building site between when a permit issuance and certificate of occupancy issuance for the building.</u>

Term	Definition
<u>Directional sign</u>	<u>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.</u>
<u>Directory sign</u>	<u>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)</u>
<u>Double-faced sign</u>	<u>Any sign having copy on two faces of equal dimension with a 45 degree or less interior angle between the two faces.</u>
<u>Electronic message center sign</u>	<u>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.</u>
<u>Façade</u>	<u>Vertical wall surface extending above a porch roof, including a parapet wall.</u>
<u>FlagsFlag</u>	<u>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.</u>
<u>Flashing sign</u>	<u>Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by blinking or any other means.</u>
<u>Frontage/Exposure, OccupancyFreestanding sign</u>	<u>Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure. The width of that portion of a multi-tenant structure which is occupied by a given tenant.</u>

Term	Definition
<u>Highway/Freeway Interchange Area</u>	Where ingress or egress is obtained to a state or federal highway or freeway; specifically delineated as lying within <del>three-hundred</del> 300 feet ( <del>300'</del> ) of the right-of-way and between the two ( <del>2</del> ) points of widening of the highway <del>+</del> or freeway right-of-way approaching the interchange (see example).  
<u>Identification sign</u>	A sign that includes, as copy, only the name of the business, place, organization, building, and/or person it identifies.
<u>Illuminated sign</u>	A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.
<u>Integrated Development Project</u>	<del>AA 25-acre or larger</del> commercial or mixed-use development <del>of not less than twenty-five (25) acres in size that comprises properties in a defined geographical area and includes (i) with multiple businesses, property owners, and parcels; (ii) located adjacent to a numbered State Highway or Interstate Highway for which boundaries for signage purposes are state highway; and (iii) with an approved with a Comprehensive Sign Package.</del> comprehensive sign package.
<u>Interior side building</u>	<u>That portion of the building adjacent to an interior lot line or which does not front on an exterior street side of the property.</u>
<u>International Building Code</u>	The <del>current</del> edition of the International Building Code <del>as</del> adopted by the Town of Prescott Valley.
<u>Maintenance</u>	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.
<u>Monument sign</u>	<u>Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).</u>
<u>National Electric Code</u>	The <del>current</del> edition of the National Electrical Code <del>as</del> adopted by the Town of Prescott Valley.
<u>Nonconforming sign</u>	<u>Any sign not currently allowed, but which was legally permitted when first constructed.</u>
<u>Obsolete sign</u>	<u>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.</u>
<u>Occupancy frontage</u>	<u>The width of that portion of a multi-tenant structure occupied by a particular tenant.</u>



Term	Definition
<u>Off-site sign</u>	<u>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.</u>
<u>Parapet Wall</u>	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).
<u>Permanent sign</u>	<u>Any sign intended and constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition, and position (beyond normal wear).</u>
<u>Pole sign</u>	<u>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).</u>
<u>Portable sign</u>	<u>Any sign designed to be transported or moved and not permanently affixed to a building, structure, or the ground (including A-frame signs).</u>
Roof line	The highest point of the main roof structure which shall not include cupolas, pylons, projections, or minor raised portions of the roof.
<u>Shopping Center</u>	A group of <u>three or more</u> commercial establishments <u>which offer</u> offering goods or services to the public and <u>which are</u> planned, constructed, or managed as one <u>(1)</u> entity and <u>which provide</u> 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). <del>Excluded from this definition are window</del> Window displays, athletic scoreboards, <del>or the and</del> official <u>government</u> insignia or signs <del>of government are excluded from this definition.</del>
<u>Sign, Animated</u>	<del>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. Spinners, pinwheels, pennants, flags, and similar devices respond to wind or other environmental input. Other repetitive motion devices are powered by electric or other mechanical motors. Other devices produce the illusion of motion through illumination capable of simulating movement through flashing, or alternate or sequential light patterns.</del>
<u>Sign, Awning</u>	<u>A sign that is mounted or painted on, or attached to an awning.</u>



Term	Definition
Sign, Directional	<del>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 districts, and which contain no advertising, electronic changing information and are positioned as to not be a traffic or safety issue.</del>
Sign, Directory	Any sign listing the names and/or uses and/or 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)
Sign, Double-Faced	Any sign having copy on two (2) faces of equal dimension with an interior angle between the two (2) faces of forty-five degrees (45°) or less.
Sign, Electronic Message Center face	Any sign using light emitting diodes (LEDs) capable of electronically changing its message and/or graphic presentation by remote or automatic means. Such signs include the following modes: <ul style="list-style-type: none"> <li>_____ 1. _____ Static: no animation or effects simulating animation.</li> <li>_____ 2. _____ Fade: 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.</li> <li>_____ 3. _____ Dissolve: 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.</li> <li>_____ 4. _____ Travel: where the message appears to move horizontally.</li> <li>_____ 5. _____ Scrolling: where the message appears to move vertically.</li> </ul> The area or display surface used for the message.
Sign, Face	The area or display surface used for the message.
Sign, Flashing	Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by blinking, or any other means, so as to provide constant illumination.
Sign, Freestanding	<del>Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure.</del>
Sign, Identification	A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.
Sign, Illuminated State highway	A highway operated and maintained by the State of Arizona, and bearing an official state highway number or interstate highway designation. <del>A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.</del>

Term	Definition
Sign, Monument	<del>Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).</del>
Sign, <del>Non-</del> conforming	Any sign which is not allowed under this Article, but which, when first constructed, was legally allowed by the Town of Prescott Valley or the political subdivision then having the control and regulation over construction of signs.
Sign, Obsolete	Any sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, activity conducted or product available on the premises where such sign is displayed.
Sign, Off-site, Off-premises	Any sign which directs attention to any business, commodity, service or entertainment/event conducted, sold or offered at a location other than the premises on which the sign is located.
Sign, Permanent	Any sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.
Sign, Pole	Any sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above ground level. Excluded from this definition are flags.
Sign, Portable	<del>Any sign designed to be transported or moved and not permanently affixed to a building, structure, or the ground (including A-frame signs).</del>
Sign, Roof	<del>A sign erected in any way upon a building or structure which extends above the roof line of the building or structure.</del>
Sign, Temporary sign	Any sign <del>(designed for short-term use, including, but not limited to, portable signs and banners) which is designed for short-term use as regulated in this Article.</del>
Sign, Wall or Wall-mounted	<del>A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for and forms the background surface of the sign, and which does not project more than twelve (12) inches from such building or structure.</del>
Town Banner Program <u>banner program</u>	A program utilizing Town infrastructure and Town-owned property for placement of banners <del>which promote</del> <u>promoting or celebrating</u> (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, <del>and;</del> (v) scenic locations, <del>and celebrate; or</del> (vi) the community, its traditions, holidays, and accomplishments.
<u>Wall sign</u>	<u>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.</u>

~~(Ord. 1989)~~ (Rewritten and re-codified by Ordinance No. 220, ~~%,~~ Previously codified at section 13-23-020. Prior history: Enacted, ~~by Ordinance No. 220, 12/14/89; Ord. 1989; amended by Ordinance No. 375, Amended, 12/28/95; Ord.~~

~~No. 1995; replaced and reenacted by Ordinance No. 542, Rep&ReEn, 04/10/03; Ord. 2003; amended by Ordinance No. 590, Amended, 03/25/04; Ord. 2004; amended by Ordinance No. 648, Amended, 01/26/06; Ord. 2006; amended by Ordinance No. 686, Amended, 05/24/07; Ord. 2007; amended by Ordinance No. 767, Amended, 02/23/12; Ord. 2012; amended by Ordinance No. 771, Amended, 11/08/12; Ord. 2012; amended by Ordinance No. 816, Amended, 05/26/16; Ord. 2016; amended by Ordinance No. 874, Amended, 03/26/2020)~~

### ~~13-04-020~~13-09-030 ~~13-23-030~~ — General ~~Provisions,~~provisions

#### A. ~~A.~~ Location and ~~Placement~~placement of ~~Signs~~signs:

1. ~~1.~~ No sign shall be allowed on any property unless the same is specifically permitted for the applicable zoning district.
2. ~~2.~~ Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable technical codes.
3. ~~3.~~ No sign shall be erected, relocated, or maintained ~~so as to prevent 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. ~~4.~~ No sign shall be erected or maintained ~~at:~~
  - a. ~~At~~ or near any intersection of streets in ~~such a manner as to obstruct a way that obstructs~~ free and clear vision. ~~No sign shall be erected or maintained at~~
  - ~~a.b.~~ 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. ~~No sign shall be erected or maintained which makes use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.~~
  - c. ~~5.~~ 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.
- 4.5. 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.
- 5.6. ~~6.~~ In addition to the requirements of ~~section 0~~Subsections 13-26a-040(A), (C) and (D), every illuminated sign shall be so placed as to prevent any light or reflection from being cast directly on any adjoining residential zoning district.

~~6-7.~~ 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~~town banner program~~).

B. ~~B.~~ Design Criteria~~criteria~~:

1. ~~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. ~~2.~~ All signs shall have edge treatment or border, except ~~those signs~~ consisting of individual letters mounted against a non-differentiated surface, ~~shall have edge treatment or border~~.

C. ~~C.~~ Measurement of Signs~~signs~~:

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

1. ~~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. ~~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. ~~3.~~ Multiple Faces~~faces~~ of a Single Sign~~single sign~~:
  - a. ~~a.~~ If there are two ~~(2)~~ faces to a single sign and the interior angle is ~~forty-five~~ 45 degrees ~~(45°)~~ or less, the entire area shall be the area of one ~~(1)~~ face only; ~~or if,~~
  - a-b. If the interior angle between the two ~~(2)~~ sign faces is greater than ~~forty-five~~ 45 degrees ~~(45°)~~, the sign area will be the sum of the areas of each face.

~~b-c.~~ b. If there are three ~~(3)~~ or more faces to a single sign, the area will be the sum of the areas of each face.

4. 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. 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. 6. Sign heights shall be measured as follows:

a. a. Freestanding ~~Sign:~~ 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. b. Wall ~~Sign:~~ sign: The height of wall ~~or fascia-mounted~~ signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign (including ornamentation).

~~(Ord. (Rewritten and re-codified by Ordinance No. 37, %%. Previously codified at section 13-23-030. Prior history: Enacted, by Ordinance No. 37, 09/04/80; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 4505/26/88; Ord. 1988; renumbered and amended by Ordinance No. 220, Rep&Amd, 12/14/89, 13-23-020; Ord. No. 1989; replaced and reenacted by Ordinance No. 542, Rep&ReEn, 04/10/03; Ord. 2003; amended by Ordinance No. 816, Amended, 05/26/16; Ord. 2016; amended by Ordinance No. 874, Amended, 03/26/2020)~~

### ~~13-04-030~~ 13-09-040 ~~13-23-040~~ Sign Standards, standards

#### A. ~~A.~~ Building ~~Mounted Sign Standards:~~ mounted sign standards

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<u>MAXIMUM DIMENSIONS</u> <del>STANDARDS</del>
Building <del>Mounted</del> <u>(Non-Residential Use)</u> <del>mounted (non-residential use)</del>	<del>C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH</del>	2 sq. ft. of sign per 1 lineal ft. of building frontage adjacent to Front Lot Line. One sign per front lot line	(1) Sign per front Lot Line  Two square feet of sign per one linear foot of building frontage adjacent to the front lot line

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<del>MAXIMUM DIMENSIONS</del> <u>STANDARDS</u>
Directory	R-2, RCUMF, RU, RS	16 sq. ft. 6 ft. high <u>One building-mounted only</u>	(1) Building mounted only. <u>16 square feet; six feet high</u>
	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH	24 sq. ft. 6 ft. high <u>One building-mounted only</u>	(1) Building mounted only. <u>24 square feet; six feet high</u>
Directional	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH	4 sq. ft. 5 ft. high <u>Per zoning approval</u>	Per Zoning Approval. <u>Four square feet; five feet high</u>
Electronic Message Center <u>message center</u>	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, 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 D2 sq. ft. of sign per 1 linear ft. building frontage  Individual sign areas limited to 200 sq. ft.	In case of buildings which front on more than (1) street, allowable signage must be placed on side of building on which it is calculated. More than (1) building-mounted sign is permitted, provided total signage does not exceed maximum square footage allotment. No building-mounted sign shall project more than (2) feet from building or structure to which it is attached.  Electronic Information Message Boards must comply with the standards prescribed in Section 13-23-040(D). Two square feet of sign per linear foot of building frontage; individual sign areas limited to 200 square feet

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<del>MAXIMUM DIMENSIONS</del> <u>STANDARDS</u>
Shopping Centers (3 or more businesses) <u>centers</u>	<del>C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH</del>	<del>2 sq. ft. of sign per 1 linear ft. of building frontage along the 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.</del>	<del>In Two square feet of sign per linear foot of building frontage along the case of buildings which front on more than one street allowable signage must be placed on the side of the building on which it is calculated.</del>

1. No more than ~~1/2~~ half of the allowable signage as calculated for the building frontage may be placed on any other ~~one~~ side of the building.
2. ~~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 ~~one~~ half of the frontage allocation shall be ~~place~~ placed on the building frontage.
  - b. Signage on the second street side shall not include ~~Electronic Message Centers~~ electronic message centers.
3. ~~3.~~ Businesses ~~which have~~ with three or more street ~~fronts~~ frontages shall not be allocated additional signage beyond the first two streets.
4. ~~4.~~ If the main entrance to a business does not face any roadway, the tenant shall be allowed two ~~(2)~~ square feet of signage per ~~one (1)~~ linear foot of building frontage on the main entrance side of the building.

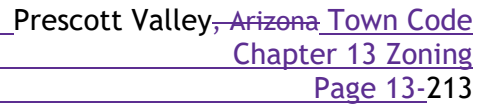
B. ~~B.~~ Freestanding ~~Sign Standard~~ sign standards

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<del>MAXIMUM DIMENSIONS</del> <u>STANDARDS</u>
Directional	<del>R1L, R1M, R1MH, R-2, RCURL, RM, MH, MF, RU, RS</del>	<del>Per zoning approval</del> <u>4 sq. ft. 5 ft. high</u>	<del>Four square feet; five feet high</del> <u>Per zoning approval.</u>
	<del>C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH</del>	<del>Per zoning approval</del> <u>4 sq. ft. 5 ft. high</u>	<del>Four square feet; five feet high</del> <u>Per zoning approval.</u>



PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <del>MAXIMUM</del> <del>A DIMENSIONS</del>	<del>MAXIMUM</del> <del>DIMENSIONS</del> <del>STANDARDS</del>
Electronic <del>Message</del> <del>Center</del> message center	<del>C-1, C-2, C-3</del> CN, CG, CI, PM, <del>A-1, A-2</del> IG, IH	50 sq. ft. Electronic message centers must comply with the standards prescribed in subsection 13-09-040 D	Electronic Message Centers must comply with the standards prescribed in Section 13-23-040(D). 50 square feet
Flags <del>Flag</del>	R1L, R1M, R1MH, R-2, RCURL, RM, MH, MF, RU, RS	Each flag 15 sq. ft. (not exceed total 45 sq. ft.) Pole 25 ft. high (no higher than principal building roof, and meet principal building setback) 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	(1) at entrance of master planned community. (1) per model home/model home complex. (1) per community center. (1) per golf center/restaurant. (1) 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.





~~13~~ - FRANK CASSIDY, P.C.

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <del>MAXIMUM</del> <del>MINIMUM</del> <del>DIMENSIONS</del>	<del>MAXIMUM</del> <del>DIMENSIONS</del> <del>STANDARDS</del>
Integrated Development Project	Any Use District	<p>300 sq. ft. 30 ft. high</p> <p>150 sq. ft. 25 ft. high</p> <p>400 sq. ft. 40 ft. high</p> <p>200 sq. ft. 30 ft. high</p> <p>*Subject to approval of a Comprehensive Sign Package (ii) One additional freestanding sign structure is permitted at each additional entrance from the project to a state highway</p>	<p>25-50 acres</p> <p>(1) sign structure per signed State Highway or Interstate Highway</p> <p>(1) additional freestanding sign structure per additional signed State Route entrance access</p> <p>Over 50 acres</p> <p>(1) sign structure per signed State Route Highway or Interstate Highway</p> <p>(1) additional freestanding sign structure per additional signed State Route entrance access</p> <p>*Subject to approval of a Comprehensive Sign Package 200 square feet 30 feet high</p>
Accessory Drive-through signage	C-1, C-2, C-3CN, CG, CI, PM, A-1, A-2IG, IH	<p>32 sq. ft. 6 ft. high</p> <p>One per drive-through, not readable from the right-of-way</p>	<p>(1) per drive-in and placed so that it is not visible from the right-of-way. 32 square feet; six feet high</p>
Off-site, Directional Signs <u>directional signs</u>		<p>32 sq. ft. 8 ft. high</p> <p>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</p>	<p>(2) Used only in "Specific Plan Developments" of 50 acres or more under ARS 9-461. Must be removed within 60 days of 80% of the lots being sold within the development. 32 square feet; eight feet high</p>

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <del>MAXIMUM</del> <del>MINIMUM</del> <del>DIMENSIONS</del>	<del>MAXIMUM</del> <del>DIMENSIONS</del> <del>STANDARDS</del>
Off-site, <del>Directory</del> <u>directory</u>		<p><u>Allowed only as part of the Prescott Valley Parkway Redevelopment Plan</u></p> <p><u>Individual sign areas are limited to 100 sq. ft. and sign height is limited to 8 ft.</u></p> <p><u>Two off-site signs may be erected not less than 300 linear feet apart</u></p> <p><u>May be double-faced, to be visible to travelers going either direction on Highway 69.</u></p>	<p><u>Individual sign areas are limited to 100 square feet; sign height eight feet</u></p> <p><u>Allowed only as part of the Prescott Valley Parkway Redevelopment Plan.</u></p> <p><u>Two (2) off-site signs may be erected located not less than three hundred (300) linear feet apart. The signs may be double-faced so that the Directory is visible to travelers going either direction on Highway 69.</u></p>

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <del>MAXIMUM</del> <del>MINIMUM</del> <del>DIMENSIONS</del>	<del>MAXIMUM</del> <del>DIMENSIONS</del> <del>STANDARDS</del>
Property Identification	<del>R1L, R1M, R1MH</del> <del>RL, RM, MH</del>	<del>4 sq. ft. One per residence</del>	<del>(1) per residence Four square feet</del>
	<del>R-2MF, RS, RCURU</del>	<del>32 sq. ft. 6 ft. high 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</del>	<del>(1) per project/site, if there are (2) entrances to the site on different streets (2) signs may be allowed with an aggregate area of 32 sq. ft. 32 square feet; six feet high</del>
	<del>C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2IG, IH</del>	<del>50 sq. ft. 20 ft. high, except that freestanding signs located in a Highway/Freeway Interchange Area (13-23-030) shall not exceed a height of thirty (30') feet or, shall not exceed a height twenty (20') feet above the highest roadway bed elevation in the Highway/Freeway Interchange Area. One per project/site</del>	<del>(1) 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</del>
Shopping centers	CN, CG, CI	<del>One sign is permitted for each shopping center.</del>	
		<del>Two signs are permitted for each planned area development of 50 acres or more, with no more than one sign on each arterial roadway.</del>	

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <del>MAXIMUM</del> <del>DIMENSIONS</del>	<del>MAXIMUM</del> <del>DIMENSIONS</del> <del>STANDARDS</del>
Shopping Centers	C-1, C-2, C-3,	<u>50 square feet aggregate sign area for centers with two to five units or tenants</u>	
		<u>90 square feet aggregate sign area for centers with six to nine units or tenants</u>	
		<u>130 square feet aggregate sign area for centers with 10 to 13 units or tenants</u>	
		<u>170 square feet aggregate sign area for centers with 14 to 17 units or tenants</u>	
		<u>200 square feet aggregate sign area for centers with more than 18 units or tenants</u>	
		<u>No other monument or pole signs shall be allowed in lieu of a shopping center sign</u>	
		<del>50 sq. ft.*</del> <del>90 sq. ft.*</del> <del>130 sq. ft.*</del> <del>170 sq. ft.*</del> <del>200 sq. ft.*</del>  <del>*aggregate sign areas</del> <del>No single sign may exceed 100 square feet; however multiple signs may be used for the total aggregate signage allowed</del>	<del>(1) sign per shopping center</del> <del>(2) signs per planned area development of 50 acres or more. No more than (1) sign per arterial roadway with a maximum of (2) per project.</del> <del>2-5 units/tenants</del> <del>6-9 units/tenants</del> <del>10-13 units/tenants</del> <del>14-17 units/tenants</del> <del>20 or more units/tenants</del> <del>No other monument or pole signs shall be allowed in lieu of a shopping center sign.</del> <del>No single sign may exceed 100 sq. ft; however multiple signs may be used for the total aggregate signage allowed.</del>

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<del>MAXIMUM DIMENSIONS</del> <u>STANDARDS</u>
Subdivisions	All <del>Districts</del> <u>zoning districts</u>	24 sq. ft. 5 ft. high  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)	(2) per entry for planned area developments of 50 acres or less <u>32 square feet; eight feet high</u>
		32 sq. ft. 8 ft. high	(2) per entry for planned area developments of 50 acres or more * See, "Flags" * See, "Directional Signs" * See, "Coming Soon Sign"

1. ~~4.~~ Freestanding monument signs shall not exceed a maximum height of ~~8 feet~~ eight feet.
2. ~~2.~~ Freestanding pole signs shall be a minimum of ~~7 ft~~ seven feet high and a maximum of 20 ft high.
3. ~~3.~~ ~~With the exception of Off-Site Directory~~ Except for off-site directory signs, all freestanding signs shall be a minimum of ~~6~~ six feet from the property line to the closest projection of the sign.

C. ~~C.~~ Temporary ~~Sign Standards~~ sign standards

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<del>MAXIMUM DIMENSIONS</del> <u>STANDARDS</u>
<u>Feather</u>	<u>CN, CG, CI, PM, IG, IH</u>	<u>One per parcel</u> <u>No more than four consecutive days, no more than one time per calendar quarter</u> <u>Temporary sign permit required</u>	<u>No larger than two feet wide and ten feet high</u>

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<u>MAXIMUM DIMENSIONS</u> <del>STANDARDS</del>
Commercial	R1L, R1M, R1MH, R-2, RCURL, RM, MH, MF, RU, RS	32 sq. ft. 8 ft. high 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	(1) at entrance of master-planned community. (1) per model home/model home complex. (1) per community center. (1) per golf center/restaurant. 32 square feet; eight feet high
	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2 IG, IH	32 sq. ft. 8 ft. high One per parcel	(1) per parcel. 32 square feet; eight feet high
Construction Sites <u>site</u>	R1L, R1M, R1MH, R-2, RCURL, RM, MH, MF, RU, RS	24 sq. ft. 8 ft. high 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	(1) per project or construction site; if more than (1) street entrance or project is (50) acres or more, then (2) per project or construction site with aggregate area of (32) sq. ft. 24 square feet; eight feet high
	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2 IG, IH	32 sq. ft. 8 ft. high One per project or construction site, or two if the project or construction site has more than 300 feet of street frontage	(1) per project or construction site; if more than (300) ft. of street frontage, then (2) per project or construction site. 32 square feet; eight feet high
Portable	C-1, C-2, C-3CN, CG, CI, PM, M-1, M-2 IG, IH	16 sq. ft. 5 ft. high One per parcel; must be removed at the end of each business day.	(1) per parcel to be removed at end of each business day. 16 square feet; five feet high

PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<u>MAXIMUM DIMENSIONS</u> <del>STANDARDS</del>
Inflatable <del>Objects</del> objects	RS, <del>C-1, C-2, C-3</del> CN, CG, CI, PM, <del>A-1, A-2</del> IG, IH	<u>One per parcel</u> <u>Permitted only two times per calendar year at three-day intervals</u> <u>Shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking</u> <u>Shall maintain a minimum six-foot setback from any property line</u> <u>Shall not be placed in or on any public right-of-way</u> <u>Shall not impede pedestrian or vehicular visibility or traffic</u> <u>Separate permit required</u> 20 ft. high	<del>(1) per parcel. Inflatable Objects shall be permitted only (2) times per calendar year at (3) day intervals. Inflatable Objects shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking. Inflatable Objects shall be placed a minimum of (6) ft. back from any property line to the closest point of the Inflatable Object. None shall be placed in or on any public ROW and shall not impede pedestrian or vehicular visibility or traffic. 20 feet high</del> <u>Separate permit required.</u>



PURPOSE	ZONING DISTRICTS	<del>STANDARDS</del> <u>MAXIMUM DIMENSIONS</u>	<u>MAXIMUM DIMENSIONS</u> <del>STANDARDS</del>
Residential	R1L, R1M, R1MH, R-2, RCURL, RM, MH, MF, RU, RS	<del>6 sq. ft.</del> <del>6 ft. high</del> One per parcel; plus 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 (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 Illumination is prohibited May not be placed within public rights-of-way or attached to trees, fences, utility poles, light posts, street signs, or other public facilities No sign permit is required	<del>(1) per parcel and (1) off-site per turning movement (provided such off-site sign is placed on private property, subject to express permission of the property owner) beginning at residence of origin and continuing to (A) entrance of master-planned or clearly-defined subdivision, (B) main road, or (C) maximum (1.5) miles;. Each off-site sign shall be allowed for a maximum (3) days during daylight hours.</del>  No illuminated signs; no signs within public rights-of-way or attached to trees, fences, utility poles, light posts, street signs, or other public facilities; no sign permit required. Six square feet; six feet high

D. ~~D.~~ Electronic ~~Message Center Standards~~ message center standards

- ~~1.~~ 1. Messages shall not change more frequently than every eight ~~(8)~~ seconds.
- ~~2.~~ 2. Fading and dissolving, for the purpose of transitioning from one message to the next, is permitted.
- ~~3.~~ 3. Flashing, traveling, and animation ~~is~~ are prohibited.
- ~~4.~~ 4. All ~~EMC~~ electronic message centers shall be equipped with automatic dimming technology which automatically adjusts the display's brightness based on ambient light conditions.

5. ~~5.~~ EMCElectronic 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. ~~a.~~ At least ~~thirty (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) ~~at a distance of one hundred (100) feet from the sign.~~
  - b. ~~b.~~ A second measurement (using the same methods described above) shall be taken after turning the sign on to a full white display.
  - c. ~~c.~~ If the difference between the two measurements is 0.3 foot-candles or less, the brightness is properly adjusted.
  - d. ~~d.~~ Upon installation of any EMCElectronic message center, the ~~permiteepermittee~~ 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.

~~(Ord. No. 220, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-23-040. Prior history: Enacted, by Ordinance No. 220, 12/14/89; Ord. No. 1989; replaced and reenacted by Ordinance No. 542, Rep&ReEn, 04/10/03; Ord. 2003; amended by Ordinance No. 648, Amended, 01/26/06; Ord. 2006; amended by Ordinance No. 686, Amended, 05/24/07; Ord. 2007; amended by Ordinance No. 767, Amended, 02/23/12; Ord. 2012; amended by Ordinance No. 771, Amended, 11/08/12; Ord. 2012; amended by Ordinance No. 816, Amended, 05/26/16; Ord. 2016; amended by Ordinance No. 874, Amended, 03/26/2020)~~

### ~~13-23-050~~ Exceptions.

The provisions of this Article, except Subparagraph 13-23-030 (A) (4), Subsection 13-23-060(B) and Subparagraph 13-23-110(A)(4), shall not apply to:

- A. ~~Tablets, grave markers, headstones, statuary or remembrances of persons, buildings, events, and dates of erection, (which are non-commercial in nature).~~
- B. ~~Temporary decorations or displays celebrating traditionally-accepted 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/her designee.

~~e.a. 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. Only Town staff or a Town-approved contractor may install the banners. 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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 27, Amended, 04/24/80; Ord. No. 37, Ren&Amd, 09/04/80, 13-22-010; Ord. No. 37, Renumbered, 09/04/80, 13-22-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-030; Ord. No. 220, Rep&ReEn, 12/14/89; Ord. No. 276, Amended, 06/11/92; Ord. No. 279, Amended, 06/25/92; Ord. No. 521, Amended, 05/09/02; Ord. No. 529, Amended, 7/25/02; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16; Ord. No. 874, Amended, 03/26/20)

### 13-23-060 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 Subsections 13-26a-040(A), (C) and (D) of this Code).

B. Signs which are obscene, hazardous to traffic, imitative of official government signs (i.e. "stop", "danger", "caution", etc.) or obstructive to visibility so as to create a hazard to the public.

~~E.A.C. Any sign emitting sound or emitting any substance.~~

D. Posters, pennants, streamers, balloons or other inflated objects, except as provided for in Section 13-23-040(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 (where such vehicles are used primarily as support for such signs) is prohibited.

E. Portable signs (except the following):

- ~~1. Business identification signs which are painted on or permanently affixed to an operable vehicle (which is intended to be operated on highways on a regular basis and is not intended to be parked on the business premises) in order to provide advertising in addition to, or in place of, signage allowed by this Article.~~
- ~~2. Those permitted in Subsection 13-23-040(C).~~

~~F.A.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 13-23-040 and 13-23-140 of this Article).~~

~~H. Roof signs.~~

~~(Ord. No. 220, Enacted, 12/14/89; Ord. No. 276, Amended, 06/11/92; Ord. No. 521, Amended, 05/09/02; Ord. No. 529, Amended, 7/25/02; Ord. No. 542, Amended, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 689, Amended, 06/21/07; Ord. No. 816, Amended, 05/26/16); Ord. No. 874, Amended, 03/26/20)~~

### ~~13-23-070 Design Specifications.~~

~~G.A.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.~~

~~H.A.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: Materials of construction for signs and sign structures shall be of the quality and grade as specified in the International Building Code.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-22-020, 13-22-050; Ord. No. 63, Amended, 11/12/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-040; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 590, Amended, 03/25/04)~~

### ~~13-23-080 Maintenance of Signs.~~

~~A. Maintenance and Repair: 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 such sign. All cracked, broken or missing sign faces and non-functioning interior lamps shall be repaired or replaced within forty-five (45) working days following the receipt of notification from the Zoning Inspector that the sign requires repair or maintenance.~~

~~B. Obsolete or Abandoned Signs:~~

- ~~1. Any sign which is located on property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his business, or a sign which pertains to a time or event which no longer applies, shall be deemed to have been abandoned.~~
- ~~2. The owner of the property, his agent or person having the beneficial use of the property or structure upon which the sign is erected, shall remove the abandoned sign within six (6) months of the date of notification from the Zoning Inspector that the sign is obsolete.~~
- ~~3. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.~~

~~(Ord. No. 220, Enacted, 12/15/89; Ord. No. 542, Rep&ReEn, 04/10/03)~~

~~13-23-090 Non-Conforming Signs.~~

- ~~A. A legal non-conforming sign may not be altered in any manner not in conformance with this Article; however, the sign(s) shall be maintained as required by Subsection 13-23-080(A) of this Article.~~
- ~~B. A legal non-conforming sign may be utilized in perpetuity, except as noted below:~~
  - ~~1. Whenever the use of a given building or premise changes to another use allowed in the respective zoning district, all non-conforming signs on the building and/or premise shall be modified to bring it into conformance with these regulations.~~
  - ~~2. Non-conforming signs shall be brought into conformance upon major additions, alterations or more than fifty percent (50%) destruction by fire or other causes of the building or premise upon which the non-conforming sign(s) are located.~~

~~(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)~~

~~13-23-100 Permits.~~

~~A. Permits Required:~~

- ~~1. 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 to do such work.~~

2. ~~Sign permits shall not be required for name plate signs, temporary signs (except for Inflatable Objects pursuant to Section 13-23-040(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.~~
3. ~~Applications for permit:~~
  - a. ~~The application for permit shall be made by the owner, tenant, or lessee of the property for which the sign is proposed, or his authorized agent or contractor licensed by the State of Arizona. Applications shall be made in writing on forms furnished by the Planning and Zoning Department and shall be signed by the applicant.~~
  - b. ~~The application for permit shall include:~~
    - (1) ~~Site plan indicating the location of the sign in relation to right-of-way, easements, buildings and driveways.~~
    - (2) ~~Drawings indicating the dimensions of the sign, sign copy, materials and method of construction, and attachment to the building.~~
    - (3) ~~The address of the proposed sign location, the owner of the sign, the owner of the property, and the person or firm erecting the sign, and an estimate of the cost of the work.~~
  - c. ~~An approved insignia shall be placed on all signs at the time of final inspection by the inspector.~~
4. ~~Sign permit fees are included in the Comprehensive Fee Schedule.~~

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16; Ord. No. 874, Amended, 03/26/20; Ord. No. 2023-929, Amended, 11/09/23)

### ~~13-23-110 Enforcement.~~

#### ~~A. Enforcement:~~

- ~~1. The zoning inspector is responsible for the enforcement of this Article.~~
- ~~2. Unauthorized signs may be removed from any public right-of-way by the Zoning Inspector, except as otherwise provided by law. Such signs will be impounded and will be disposed of in thirty (30) days if not claimed by the owner.~~
- ~~3. The installation, erection or display of any sign in violation of this Article is hereby declared unlawful.~~

- ~~4. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises. For those signs as herein described whose ownership cannot be identified, the zoning inspector shall, immediately and without notice, remove or cause to be removed any such sign, except as otherwise provided herein.~~

~~B. Penalty – Enforcement:~~

- ~~1. 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.~~
- ~~2. The owner of any sign and the person or entity who assists a sign owner in altering or erecting a sign in violation of the provisions of this Article shall be equally responsible and culpable for such violations.~~
- ~~3. Except as otherwise provided herein, 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 inspector.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-22-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-060; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 816, Amended, 05/26/16)~~

~~13-09-050 13-23-120~~ **Billboard regulations**

~~Liability.~~

~~The provisions of this Article shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm or corporation which erects or owns any sign for personal injury or property damage caused by the sign, nor shall the provisions of this Article be construed to impose upon the Town of Prescott Valley, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this Article.~~

~~(Ord. No. 220, Enacted, 12/14/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 539, Amended, 02/27/03; Ord. No. 542, Rep&ReEn, 04/10/03)~~

~~13-23-130~~ **Appeal.**

~~All rights enumerated in Section 13-29-050 of the Zoning Code are applicable to this Article regulating signs.~~



(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03)

### ~~13-23-140~~ — **Billboard Regulations.**

~~A. A. Code Conformance:~~ It is unlawful to construct, erect, alter, relocate, or use any billboard sign in violation of this ~~Section, except as provided by Subsection B of this Section.~~ section.

~~I.B.~~ If any provision of this ~~Section is in conflict~~ section conflicts with ~~the provisions of~~ any other ~~Section~~ section of the Prescott Valley Town Code, the provisions of this ~~Section~~ section shall prevail.

~~J.C.~~ The ~~Zoning Inspector~~ Code Official shall issue a citation and file an action involving all violations of this ~~Section. Such an action shall initially be filed~~ section with a court having jurisdiction to impose all penalties sought by the action. ~~Only the superior court has jurisdiction to order removal, abatement, reconfiguration or relocation of a billboard sign. Notwithstanding any other law, each day that a billboard 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.~~

#### ~~B. — Non-Conforming Billboard Sign:~~

~~K.D. 1.~~ Any billboard sign constructed ~~prior to September 28, 1980 (or the effective date of Ordinance No. 33 which first established billboard regulations for the Town), or subject to the provisions of this Section by reason of annexation into the Town of Prescott Valley, which sign was erected in conformance with all applicable ordinances and codes existing at the time of its construction but is not now in conformance with the provisions of this Section,~~ section shall be designated a ~~"non-conforming"~~ "nonconforming billboard sign" and may be continued in use, except under any of the following conditions:

1. ~~a. —~~ When ~~such sign~~ the billboard creates a traffic hazard due to any of the following:

a. ~~(1) Due to its~~ The position, shape, color, copy, format, or illumination, ~~such sign 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. ~~(2)~~ When ~~such sign~~ 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. ~~(3)~~ When ~~such sign~~ the billboard in any other way causes an unsafe obstruction for motor vehicle operators.



2. ~~b.~~ When the billboard is damaged and the costs of reconstruction to reconstruct or repair of such sign by reason of damage from any source, exceeds fifty percent (it exceed 50%) of the ~~then its~~ current replacement costs for damage incurred from any source market value.
3. ~~c.~~ When ~~such non-conforming~~ the billboard sign is structurally altered, re-erected, or replaced ~~(unless such structural alteration, re-erection or replacement shall comply with the requirements of this Section).~~
4. ~~d.~~ When ~~non-conforming~~ nonconforming outdoor light fixtures on ~~such~~ the billboard are required to be brought into compliance with subsection 0 ~~the provisions of Article 13-26a, pursuant to Subsection 13-26a-020(A).~~

L.E. C. Plans and Specifications:

1. ~~1.~~ Size: No sign structure Face area.
  - a. The face area, or combination of sign structure face areas, a billboard shall not exceed two hundred (200) square feet in one (1) any single direction, except that back.
  - b. Back-to-back or V-shaped signs having with an interior angle of forty-five (45) degrees (45°) or less may have a maximum area of two hundred (200) square feet on each face. The maximum width
2. Width. A billboard shall not exceed twenty (20) feet, and the minimum height from in width.
4. ~~3.~~ Clearance. The clearance between the ground to and the actual sign bottom of the billboard shall not be less than at least ten (10) feet.

2.4. 2. Illumination:

- a. ~~a.~~ Signs may be illuminated pursuant to this Section, but such Billboard illumination shall comply with section 0 (lighting standards Subsections 13-26a-040(A), (C) and (D) of this Code), and shall
  - (1) Shall not be intermittent, flashing, scintillating, animated, or of varying intensity. If;
  - (2) No red, green, or yellow illumination shall be used if located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used;

~~(2)(3)~~ b. ~~In addition to compliance with the requirements of Subsections 13-26a-040(A), (C) and (D), the~~ The source of illumination ~~for signs~~ shall be so oriented or shielded so that it is not visible from any residential use or any public thoroughfare; and

~~(3)(4)~~ c. ~~On any lot adjacent to a residential zoning district or separated therefrom from a residential zoning district by only by a street or alley, the face of any such illuminated sign structure must be placed in such a manner that the face of the sign is~~ located behind the greater of either the existing or the required setbacks of adjacent residential lots ~~(so that no portion of the sign face is visible from the adjacent residential lots at or in front of those residential setbacks), in addition to compliance with Subsections 13-26a-040(A), (C) and (D) of this Code.~~

~~3.5. 3.~~ ~~Materials:~~ Materials used in the construction of ~~billboard signs~~ billboards shall conform to the requirements of the Building Code of the Town of Prescott Valley.

~~4.6. 4.~~ ~~Design:~~

a. ~~a.~~ All ~~billboard signs~~ billboards shall be designed in accordance with the Building Code of the Town of Prescott Valley.

b. ~~b.~~ The engineered plans for all ~~billboard signs~~ 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. ~~c.~~ No ~~such billboard or billboard~~ sign structure shall emit sound.

~~D.~~ ~~Locations:~~

~~A.F. 1.~~ ~~Billboard signs.~~ Billboards may be located in the PM (Performance Manufacturing) ~~District~~ zone, subject to the provisions of this ~~Section~~ section.

1. ~~a.~~ A billboard ~~sign~~ shall not be located within ~~four hundred (400)~~ feet of any other billboard ~~sign~~ on the same street.

2. ~~b.~~ A billboard ~~sign~~ shall not be located closer than ~~six hundred (600)~~ feet ~~to 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 ~~ninety 90-degree (90°)~~ angle, a billboard ~~signs~~ shall not be located closer than ~~six hundred (600)~~ feet from the center line of the freeway.

3. ~~c.~~ — A billboard ~~sign~~ shall be set back a minimum of ~~fifty-five (55)~~ feet from the center line of an arterial street.

If the ~~street should be increased to a width greater than one hundred ten (110) feet, the billboard shall be moved at the sign owner's expense so as to be at least a distance equal to one-half (1/2) sign structure of the total ultimate right-of-way width from the center line of said arterial street.~~

4. ~~d.~~ — If the~~a~~ proposed billboard ~~sign structure~~ is within ~~one hundred (100)~~ feet of any existing building ~~or buildings~~, no part of ~~such the~~ sign structure shall be closer to the right-of-way line than the front line of the ~~nearest building within one hundred (100) feet; and further provided that, when such~~. If the sign structure is located between two ~~(2)~~ buildings that are within ~~one hundred (100) feet of the advertising structure~~, no part of ~~said the sign~~ structure shall be ~~erected~~ closer to any street line than an imaginary line drawn from the nearest front ~~corner of one building to the nearest adjacent corner of the second building. When a building is constructed within one hundred (100) feet of an existing billboard sign, such~~ corners of the two buildings.

~~A billboard sign shall be relocated at the sign owner's expense so as to comply with the provisions of this Subparagraph.~~

- 4.5. ~~e.~~ — ~~Such sign structures~~ 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 ~~the~~ greater.

- 5.6. ~~f.~~ — No ~~such sign structure billboard~~ shall be erected in any block in which the front third of any lots or parcels of land used for residential purposes comprise ~~fifty percent (50%)~~ or more of the block frontage. ~~For the purpose of this Section, a~~ corner lot shall be considered to be in that block on which it fronts.

- 6.7. ~~g.~~ — Notwithstanding any other requirement herein in this Article, no billboard sign shall be located within the Special Gateways/Highway Corridors of the Town as defined in this Chapter.

~~(Ord. (Rewritten and re-codified by Ordinance No. 8, %). Previously codified at section 13-23-140. Prior history: Enacted, by Ordinance No. 8, 06/28/79; Ord. 1979; amended by Ordinance No. 33, Amended, 08/28/80; Ord. No. 1980; renumbered and amended by Ordinance No. 178, Ren&Amd, 05/26/88, 14-01-050, 060, 070 & 080; Ord. No. 1988; renumbered and amended by Ordinance No. 220, Ren&Amd, 12/14/89, 13-23-070; Ord. 1989; amended by Ordinance No. 276, Amended, 06/11/92; Ord. 1992; amended by Ordinance No. 375, Amended, 12/28/95; Ord. 1995; amended by Ordinance No. 403, Amended, 10/24/96; Ord. 1996; amended by Ordinance No. 521, Amended, 05/09/02; Ord. 2002; amended by Ordinance No. 539, Amended, 02/27/03; Ord. No. 2003; replaced and reenacted by Ordinance No. 542, Rep&ReEn, 04/10/03; Ord. No. 2003; replaced and reenacted by Ordinance No. 689, Rep&ReEn, 06/21/07 2007)~~

~~13-04-040~~ ~~13-09-060~~ ~~13-23-150~~ — Comprehensive Sign Package, sign package

- A. ~~General.~~ A ~~Comprehensive Sign Package~~ comprehensive sign package is intended for coordinated developments over ~~twenty-five (25) acres which can be defined as Shopping Centers, Planned Area developments (PADs).~~ For purposes of this section, a coordinated development is a shopping center, PD (planned area development), or Integrated Development Project integrated development project (IDP) comprising properties as 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—packets.~~ The application packet for ~~Comprehensive Sign Packages~~ a comprehensive sign package may be obtained from the Development Services Department. ~~Applications approved under this section,~~ shall be evaluated based upon the following criteria in this section, and will be approved by a separate ~~Resolution~~ resolution of the Town Council or in conjunction with approval of a ~~Final Development Plan;~~ final development plan.
- C. ~~4.—~~Placement. All signs shall be placed where they are sufficiently visible and readable for their function. ~~Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers in which tenants are in locations having little or no street visibility, identification wall signs may be placed on walls of the tenants' building.~~ 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
    - Structures
  4. 2.—
  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 ~~sub-areas~~ subareas, and the integration of sign functions.
- E. ~~3.—~~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 ~~by more than 50 percent any maximum standard prescribed under this Article.~~ Under no circumstances may an integrated development project exceed any maximum height standard or by 25 percent any maximum area standard prescribed under this Article. ~~Integrated Development Projects may exceed by more than 50 percent any maximum height standard or by 25 percent any maximum area standard for projects comprising 25 – 50 acres and may exceed up to by more than 100 percent any maximum height standard or by 100 percent any maximum area standard. %.~~

G. ~~4. Evaluation Criteria~~criteria. In reviewing ~~Comprehensive Sign Packages~~a comprehensive sign package, staff shall consider the following:

1. ~~a.~~ —The views of or from adjacent properties ~~are~~must not ~~be~~ impaired;
2. ~~b.~~ —The signs do not interfere with public utilities, government uses, transportation, landscaping, or other relevant factors;
3. ~~c.~~ —The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;
4. ~~d.~~ —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 ~~Development Services Director~~Zoning Administrator.

~~(Ord. Rewritten and re-codified by Ordinance No. 220, %. Previously codified at section 13-23-150. Prior history: Enacted, by Ordinance No. 220, 12/14/89; Ord. No. 1989; replaced and reenacted by Ordinance No. 542, Rep&ReEn, 04/10/03; Ord. 2003; amended by Ordinance No. 771, Amended, 11/08/12; Ord. 2012; amended by Ordinance No. 894, Amended, 01/13/222022)~~

### 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.
- 4.2. 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 0 (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.



## **Article 13-24 OFF-STREET PARKING REQUIREMENTS**

G. 13-24-010 Purpose 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)

### **Liability-**

~~13-24-020 General Regulations.~~

~~13-24-030 Location of Parking.~~

~~13-24-040 Design and Installation of Parking Facilities.~~

~~13-09-140 13-24-050~~

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 13-05~~ **ARTICLE 13-10. OFF-STREET PARKING REQUIREMENTS**  
(MINIMUM).

~~Purpose 13-24-060 — Off-Street Loading Requirements.~~  
~~13-24-070 — Mixed Use Shared Parking Reductions.~~

~~13-24-010 — Purpose.~~

~~13-05-010~~ **13-10-010**

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

- ~~A. To~~ A. To alleviate or prevent congestion of the public streets ~~and to~~;
- ~~A-B. To~~ A-B. To promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles ~~in accordance with the use to which the property is put. These requirements are designed to encourage effectively developed parking areas which provide sufficient quantities of parking spaces with ample areas for automobile maneuvering. It is the further purpose of this Article to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking commensurate with the property's use;~~
- ~~C. Ord. To~~ C. To encourage parking areas with sufficient vehicle parking and maneuvering areas; and
- ~~D. To~~ 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. 9, %. Previously codified at section 13-24-010. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. No. 1979; renumbered and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)

~~13-05-020~~ **13-10-020 13-24-020 — General Regulations, regulations**

- ~~A. A. Except in the Agricultural districts, no~~ A. A. Except in the Agricultural districts, no General. No building permit shall be issued ~~nor, and no use operated shall be begun, until the applicant has presented satisfactory provided evidence to the Town that he owns or has otherwise available for his use of sufficient property parking to meet the requirements of this Article.~~

Additions and change of occupancy. The applicant shall provide the parking evidence of required as specified in this Article.

~~B. B. Additions and Change of Occupancy. Except in the Agricultural districts, the standards for providing off-street parking shall apply at the time of the erection of:~~

~~1. When any main building. With the same exception, these standards shall also be complied with when is erected;~~

~~2. When an existing building is altered or enlarged, or where the; and~~

~~4.3. Where a use is intensified by a change of occupancy, or by the addition of floor area, seating capacity, or seats.~~

~~B.C. C. Maintenance of Existing Parking. existing parking. Off-street parking being maintained required in connection with any existing main building or use shall be maintained so long as said main while the building or use remains; provided, however, that this regulation shall not require the maintenance of more parking space than is required herein for a new building or use.~~

~~1. D. Non-conforming Parking. Where automobile parking space is provided and maintained in connection for the building or use may be reduced commensurate with any amendment that reduces off-street parking requirements.~~

~~4.2. An existing main building or use as that is not altered, enlarged, or intensified by a change of September 4, 1980 and occupancy or the addition of floor area, seating capacity, or seats is insufficient not required to meet the requirements for the use comply with which it is associated, or where no such any amendment that increases off-street parking has been provided, then said building or requirements.~~

~~structure may be enlarged or extended only if automobile parking spaces are provided for said enlargement, extension or addition to the standards set forth in these regulations. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building, and then only that excess portion may be counted.~~

~~C.D. E. Combination of Uses. Where there is a combination of uses. If uses on a lot are combined, the total off-street parking requirement shall be the sum of such the off-street parking requirements for the various individual uses computed separately.~~

~~E. F. Collective Action Relative to Parking. This Chapter shall not be construed to prevent the parking. The joint use of off-street parking spaces for two (2) or more adjoining buildings or uses is permitted if the:~~

~~1. The total of such spaces when used together is not less than the sum of spaces required off-street parking equals or exceeds the off-street parking requirements for the various individual buildings or uses computed separately.; and~~

~~2. G. The owners of all affected buildings and uses provide copies of recorded cross-parking easements or other documentation evidencing the owners' reciprocal parking rights.~~

D.F. Recreational and Commercial Vehicles. commercial vehicles.

For the purposes of this subparagraph F

1. ~~1.~~ In residential districts, recreational vehicles and single axle utility trailers shall not be stored in the required front yard or exterior side yard (that side yard abutting a street). For the purposes of this subparagraph (1), the term "recreational vehicle" includes, "recreational vehicles" include travel trailers, motor homes, busses, pickup trucks with an installed camper which extends over the cab, unmounted camper shells, boats, boat (including kayaks), boat trailers, utility trailers, off-road vehicles without an enclosed driver and passenger compartment, and aircraft.
2. ~~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).
- ~~2.3.~~ Residential properties unable to accommodate a recreational vehicle within the rear or interior side yard may temporarily park one ~~(1)~~ recreational vehicle within the in a front or exterior side yard for loading and unloading purposes only for a period not to exceed ~~forty-eight (48) hours (i.e. one day for loading and one day for unloading) in any one in~~ any calendar month.
4. Recreational vehicles shall not be parked within the in or encroach into a street right-of-way, and.
- ~~3.5.~~ Recreational vehicles shall not ~~create~~ be parked in a location or manner that creates a traffic sight ~~safety~~ visibility problem for any neighbor or passing motorist.
- ~~4.6.~~ ~~3.~~ The parking, ~~except~~ Except for loading or unloading for a reasonable time, the parking of any commercial vehicle with a rated capacity of more than one ~~(1)~~ ton rated capacity on any lot in a residential zoning district shall be considered a commercial use and is prohibited.

Except as permitted by section 13-08-050 (mobile food vendors

- ~~5.7.~~ ~~4.~~ The ~~), the~~ parking in a residential zoning district of more than one ~~(1)~~ vehicle of not more than one ~~(1)~~ ton rated capacity, customarily in commercial use ~~(such as delivery vans, flat bed and stake bed trucks, or trucks carrying a visible full or partial load, including but not limited to tanks, vehicles, building materials, trash or garbage during the time parked)~~ 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.

This subsection F

- ~~6.8.~~ ~~5.~~ The term "on any residential lot" as used throughout this Subsection 13-24-020(G), includes parking in the open, in carports, and where only tarpaulins or other temporary means are used to shelter or conceal; the provisions of this Subsection 13-24-020(G) do does not apply where to parking or storage ~~is~~ within a completely enclosed permanent structure.

~~7.9.~~ ~~6.~~ The parking or storage in a residential zoning district of backhoes, dump trucks, road graders, semi-truck tractors and trailers, flatbed or enclosed trailers ~~(other than camping, single axle utility or travel trailers),~~ self-propelled industrial equipment such as tanks, pumps, machinery, and other large equipment not customarily in residential use is prohibited except where active during construction ~~is in progress.~~

~~8.10.~~ ~~7.~~ Any person, firm or corporation found guilty of violating any provision of this Subsection 13-24-020(G) 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.

~~E.G. H.~~ Handicapped Accessible Parking ~~accessible parking.~~

1. ~~4.~~ At the time of application for a building permit for a commercial, industrial, or multi-family use, the Zoning ~~Inspector~~ Administrator shall determine the number of off-street parking spaces required, according to the following standards:

a. ~~a.~~ Handicapped-accessible parking spaces for multiple-family housing shall be provided as follows:

(1) ~~(1)~~ Where parking is provided for all residents, one ~~(1)~~ accessible parking space shall be provided for each accessible dwelling unit.

(2) ~~(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) ~~(3)~~ Where parking is provided for visitors, two percent (2%) ~~2%~~ of the spaces, or at least one ~~(1)~~ space, shall be accessible.

b. ~~b.~~ Handicapped-accessible parking spaces for health care facilities shall be provided as follows:

(1) ~~(1)~~ At facilities providing medical care and other services for persons with mobility impairments, ~~the number of parking spaces required in~~ subparagraph c below Subparagraph H(1)(c) herein.

(2) ~~(2) — At outpatient units and facilities: ten~~Ten percent (10%) of the total number of parking spaces ~~provided serving each such outpatient unit or facility.~~ units and facilities.

(3) ~~(3) — Units~~Twenty percent of the total number of parking spaces serving units and facilities that specialize in treatment or services for persons with mobility impairments: ~~twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.~~

c. ~~c.~~ Handicapped-accessible parking spaces for all other facilities shall be provided as follows:

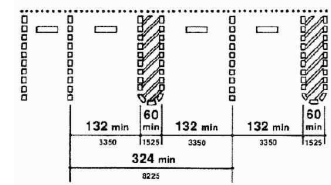
Total Parking In Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	10
401 to 500	12
501 to 1000	2% of Total
1001 and more	20 + 1 per each 100 over 1000

2. —

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

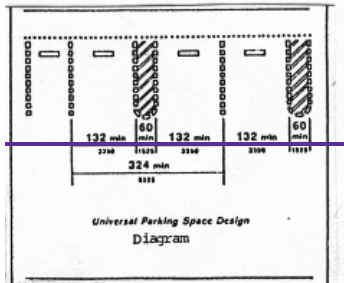
2. Each handicapped-accessible parking space shall meet the following minimum requirements for size: ~~width of eleven (11)~~ (see diagram to the right):

a. Width: 132 inches





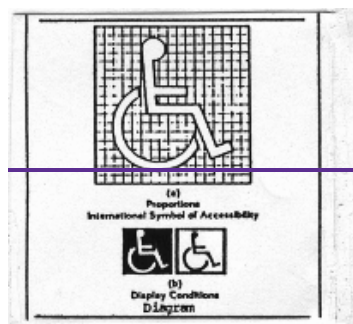
- b. Length: 20 feet and length of twenty (20) feet, with an adjacent access
- c. Access aisle on: 60 inches wide along the right side five (5) feet in width. Two (2) of one handicapped-accessible parking space or shared by two adjacent handicapped-accessible parking spaces may share a single five (5) foot wide access aisle. Every
- d. Curb ramp: Each access aisle shall lead directly to a curb ramp and accessible route of travel.



- 2.3. 3. All handicapped-accessible parking spaces shall be prominently outlined on all four (4) 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 ~~that~~ the color scheme of the surrounding regular parking.



- 3.4. Furthermore, all Each handicapped-accessible parking ~~spacespace~~ shall be identified by a sign ~~on~~ 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 (3) feet nor more than six (6) feet above the grade and shall be visible directly in front of the parking space. ~~Accessible parking spaces shall be designated as reserved for the physically disabled by a sign showing the international symbol of accessibility in any color scheme on a contrasting background. Such signs must, at minimum, display the words "reserved parking" or "parking only".~~





- ~~5.~~ ~~4.~~ 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. ~~In~~
- ~~4.6.~~ Handicapped-accessible parking ~~facilities~~spaces that do not serve a particular building, ~~accessible-parking~~ shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- ~~5.7.~~ In facilities with multiple accessible building entrances with adjacent parking, handicapped-accessible parking spaces shall be dispersed and located near accessible entrances.
- ~~6.8.~~ 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.
- ~~7.9.~~ 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.
- ~~8.10.~~ In parking garages, ~~not less no fewer~~ than ~~twenty percent (20%)~~ of the handicapped-accessible spaces shall be designated for high-profile vehicles, with a minimum headroom clearance of nine ~~(9)~~ feet six ~~(6)~~ inches provided in all parking, maneuvering, and circulation areas serving ~~such 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.
- ~~9.11.~~ ~~5.~~ Handicapped-accessible parking spaces and access aisles shall be level, with surface slopes not exceeding ~~4.2% (one inch rise over 50 (2%) inches)~~ in all directions.
- ~~10.12.~~ Access aisles shall be constructed so that the ground surface is stable, firm, and slip - resistant. ~~Such access~~Access aisles shall not be constructed with surfaces of loose sand, gravel, wet clay, cobblestones, or similar material.
- ~~11.13.~~ ~~6.~~ Whenever a parking area built before the effective date of this Subsection ~~(as amended)~~ does not have sufficient accessible parking spaces to comply with this Subsection ~~(as amended)~~, existing non-accessible parking spaces may be combined and converted to accessible parking spaces and associated access aisles, provided that so long as the overall reduction in total parking spaces does not exceed ~~five percent (5%)~~ of the off-street parking spaces otherwise required ~~by this Code~~.

~~(Ord. (Rewritten and re-codified by Ordinance No. 37, %%. Previously codified at section 13-24-020. Prior history: Enacted, 09/04/80; Ord. by Ordinance No. 93, Amended, 37, 09/04/1980; amended by Ordinance No. 93, 02/09/84; Ord. 1984; amended by Ordinance No. 153, Amended, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, Rep. ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 181, Amended, 08/11/88; Ord. 1988; amended by Ordinance No. 285, Amended, 10/22/92; Ord. 1992; amended by Ordinance No. 399, Amended, 10/10/96; Ord. 1996; amended by Ordinance No. 650, Amended, 01/26/062006)~~

~~13-05-030~~ 13-10-030 ~~13-24-030~~ — Location of Parking-off-street parking

- A. ~~A. Parking~~Off-street parking for ~~all uses in~~ residential ~~district uses~~zoning districts shall be provided on the same lot or on a contiguous ~~lot so~~residentially zoned lot.
- B. ~~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.
- ~~B.E.~~ Off-street parking for uses in commercial or industrial ~~district uses~~zoning districts shall be provided on the same lot as the use they are intended to serve, or on a lot within three hundred (300) feet thereof on property so zoned feet with the same or less restrictive zoning district.
- ~~C.~~ Such off-street parking may be provided on a joint basis, provided all such supplied parking serves the minimum requirements for the sum of all uses served except in those instances where a mixed-use shared parking program has been approved pursuant to Section 13-24-070.
- ~~C.F. D.~~ Any required yards may be used for parking or loading except as may be specifically prohibited by this Article or by the ~~district~~provisions of the applicable zoning district.
- ~~D.G. E.~~ Off-site parking on Town streets may be included for required parking if developed in conjunction with a comprehensive final development plan in the PAD District and and approved by the Town Council as part of ~~that a~~ PD final development plan.
- ~~H. F.~~ Other off-site parking in the Town right-of-way may be included for required parking if such the parking and the use is part are:
1. Included in a special taxing district into which the user pays its fair share of ~~an approved Improvement District~~the actual costs through assessments or ~~otherwise approved by~~other contributions; or
  - 4.2. Addressed in a development agreement ~~with~~between the user and the Town.

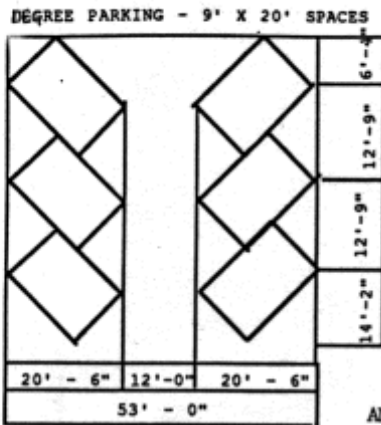
~~(Ord. (~~Rewritten and re-codified by Ordinance No. ~~9, %~~. Previously codified at section 13-24-030. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. No. 1979; renumbered and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. ; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 564, 07/10/032003)

~~13-05-040~~ ~~13-10-040~~ ~~13-24-040~~ — Design and ~~Installation of Parking Facilities,~~ installation of parking facilities

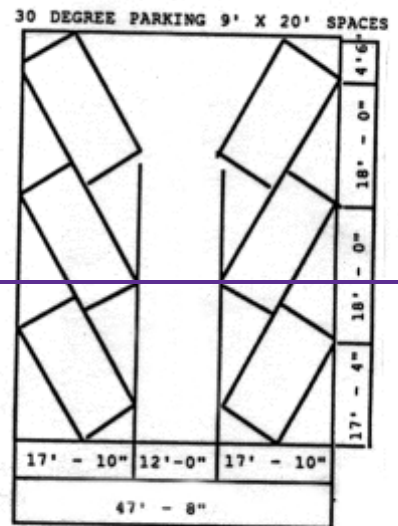
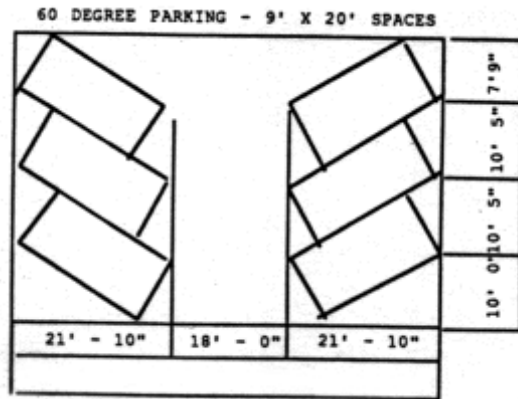
~~Parking areas permitted (Permitted or required) under the provisions of this Chapter ( parking areas, except such parking accessory to dwelling units), shall adhere to meet the following provisions~~ requirements:

- A. ~~A.~~ Each parking space shall consist of an area of not less than nine ~~(9)~~ feet by ~~twenty (20)~~ feet (exclusive of ~~drive-ways~~ driveways required to make ~~such~~ the parking space accessible from public streets or alleys).
- B. ~~B.~~ Off-street parking areas, necessary driveways, and maneuvering areas, ~~except detached single-family residential uses (but including model homes as defined in this Code),~~ 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. ~~C.~~ All driveways shall be ~~of sufficient width~~ wide enough to permit access into spaces, ~~but and in no any case no~~ less than ~~twelve (12)~~ feet for one-way and ~~twenty-four (24)~~ feet for two-way travel.
- D. ~~D.~~ All off-street ~~automobile~~ parking facilities shall be designed ~~with appropriate means of:~~
  - 1. With legal and physical vehicular access to a street, alley, or public thoroughfare, ~~as well as;~~
  - 2. With necessary maneuvering areas such as driveways. ~~Whenever possible, the parking facility shall be designed so;~~
  - 3. So that vehicles exiting ~~therefrom~~ from the parking facility will not be required to back into any street. ~~Maneuvering;~~
  - 4. With maneuvering areas ~~adjacent to parking spaces shall be designed so as that do~~ not to disrupt traffic on public roadways, ~~and arranged in~~
  - ~~4.5.~~ In accordance with the design standards set forth in the diagrams contained in this Section.
- ~~D-E.~~ E. ~~Protective screening~~ Parking facilities shall be ~~provided to adjacent~~ screened from the view of residentially -zoned lots within ~~two hundred (200)~~ feet.

1. ~~1.~~ Where ~~public parking areas front, side or rear on a street which is a boundary with a residential district, a~~ solid wall or screen four ~~(4)~~ feet in height shall be erected ~~provided where public parking areas about a street bounded by a residential zoning district.~~
  2. ~~2.~~ Where ~~such a~~ parking ~~areas side or rear area~~ directly ~~on~~adjoins a residential zoning district, a solid wall or screen shall be provided six ~~(6)~~ feet in height ~~shall be installed on the district boundary line [said wall to be reduced to four (4) along the side or rear and four~~ feet in height ~~within~~along the front yard ~~area~~ of the abutting residential zoning district~~].~~
- ~~E.F. F.~~ A minimum of ~~ten percent (10%)~~% of all parking lot areas shall be landscaped in accordance with the provisions of ~~section 13-11-040 (required landscapingArticle 13-26 "Landscaping Requirements").~~
- ~~F.G. G.~~ In addition to complying with the requirements of ~~section 0 (lighting standardsSubsections 13-26a-040(A), (C) and (D) of this Code,)~~, any lights used to illuminate ~~said parking areaareas~~ shall be ~~so~~ arranged and screened ~~as to reflect thekeep~~ light away from ~~streets and~~ adjoining lots in residential zoning districts ~~and from streets.~~ Commercial parking lots ~~or and~~ customer parking facilities ~~(other than that area lying between a street and the principal building) shall require illuminationmust be illuminated.~~

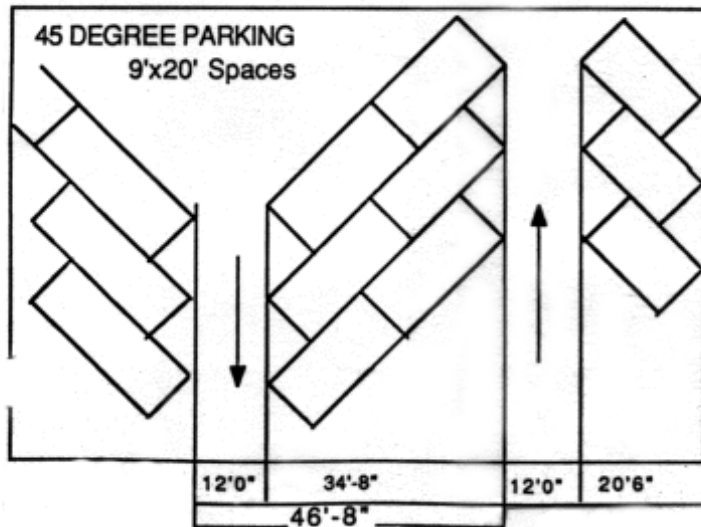


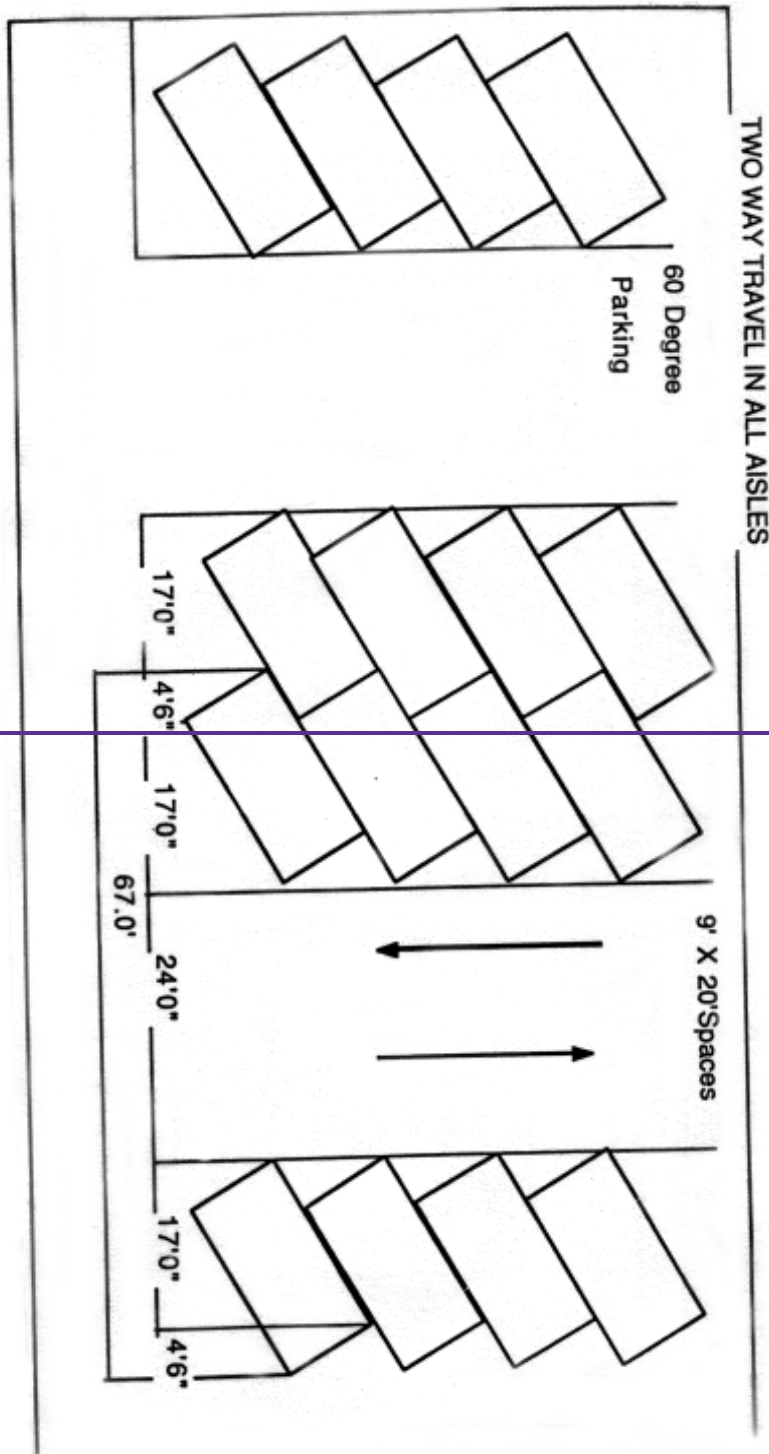
ANGLE PARKING



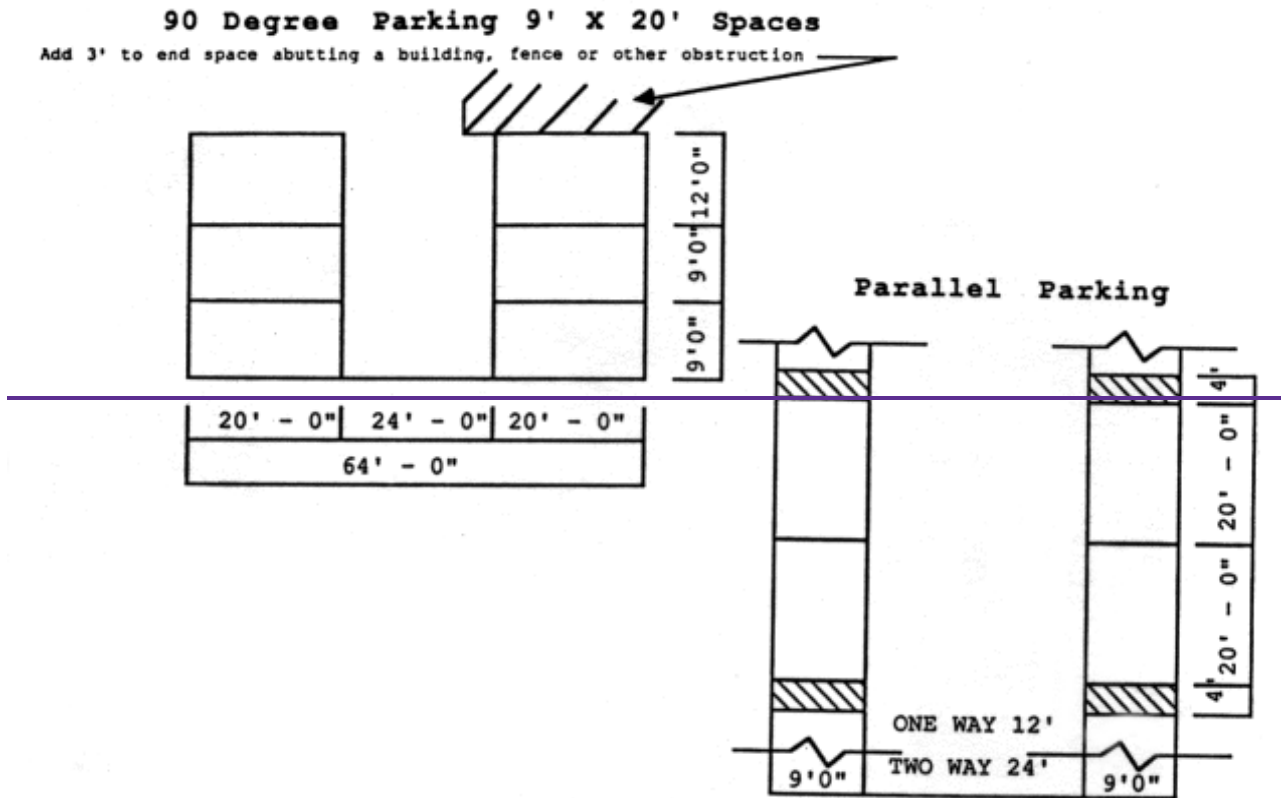
## HERRINGBONE PATTERNS

### OPPOSITE DIRECTIONS IN ALTERNATE AISLES









(Ord. (Rewritten and re-codified by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered and amended by Ordinance No. 37, 09/04/80, 13-23-040; Ord.; amended by Ordinance No. 150, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, 05/26/88; Ord. 1988; amended by Ordinance No. 276, 06/11/92; Ord. 1992; amended by Ordinance No. 279, 06/25/92; Ord. 1992; amended by Ordinance No. 375, 12/28/95; Ord. 1995; amended by Ordinance No. 394, 07/25/96; Ord. 1996; amended by Ordinance No. 521, 05/09/02, Ord. 2002, amended by Ordinance No. 748, 09/12/2010)

### 13-10-050 13-24-050 Off-Street Parking street parking requirements

**G.A. Requirements (Minimum):** 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:

A. \_\_\_\_\_

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

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



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

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

H.B. Definition of Floor Areafloor area:

1. 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. 2. Where parking spaces are referenced to determined based on seats, each eighteen (18) inches of width shall be deemed as one (1) seat. Where there is uncertainty as to which of the herein enumerated categories of parking requirements any use falls, the Zoning Inspector's Administrator's decision shall stand unless modified by the Board of Adjustment.

B. Requirements: Except in the Agricultural districts, for every structure or part thereof hereafter erected, or for any building converted to such uses or occupancy, or any addition thereto, there shall be provided on the premises, accessible off-street parking as set forth in the following:

1. Residential Use: \_\_\_\_\_ Spaces Required:

a. One (1) or two (2) family residences \_\_\_\_\_ 2 per dwelling unit

- b. Multiple family dwellings
- Efficiency (Rewritten) and one (1) bedroom units 1 1/2 per dwelling unit
- Two (2) or more bedrooms 2 per dwelling unit
- c. Rooming houses, fraternities, 1 per sleeping/guest room  
sororities, vacation rental/short-term rental
- d. Mobile/manufactured home parks 2 per dwelling unit  
and subdivisions
- e. Model homes 5 per dwelling unit

2. Hotels, Motels: Spaces Required:

1 per guest room plus  
1 per 3 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: Spaces Required:

- a. Hospitals 1 per 3 beds plus 1  
per staff physician  
plus 1 per 3  
employees
- b. Sanitariums, convalescent and 1 per 3 beds plus  
nursing homes, children's homes, homes 1 per employee  
for the aged

4. Offices and Clinic Uses: Spaces Required:

- a. Offices, banks, savings and 1 per 200 sq. ft. of  
loan agencies usable floor area  
plus 1 space per  
employee
- b. Medical and dental offices and clinics 1 per 200 sq. ft. of

gross floor area

5. Places of Public Assembly: Spaces Required:

- a. Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms 1 per every 3 persons for which seating is provided
- b. re-codified by Ordinance Churches 1 per every 3 persons for which seating is provided

6. Commercial Recreation: Spaces Required:

- a. Skating rinks, dance halls, dance studios 1 per 100 sq. ft. of usable floor area
- b. Bowling alleys 4 per lane plus 1 per 5 seats in gallery, plus 1 per 2 employees
- c. Billiard parlors 2 per billiard table plus 1 per employee
- d. Gymnasiums 1 per 400 sq. ft. of usable floor area plus 1 per 2 employees
- e. Private golf clubs, swimming clubs, tennis clubs and similar 1 space per 1 1/2 member families

7. Commercial Sales and Service: Spaces Required:

- a. Restaurants, bars, cocktail lounges 1 per 50 sq. ft. of usable floor area plus 1 per 2 employees
- b. Drive-in food or drink places with on-site consumption 1 per 50 sq. ft. of usable floor area
- c. Mortuaries, funeral homes 1 per 3 seats plus 1 per official vehicle
- d. Self-service laundries and dry cleaners 1 per 2 machines
- e. Open air businesses, swap meets, mini-golf 1 per 1000 sq. ft. of open business area

f.	Building material yards, plant nurseries, equipment or sales yards and similar	1 per 300 sq. ft. of sales and display area
g.	New and used car lots	1 per 1000 sq. ft. of outdoor vehicle display area plus 1 per 200 sq. ft. of indoor floor area
h.	Automobile service stations	3 per bay
i.	Carwash	1 per employee, plus reserve space equal to five times the wash line capacity
j.	Planned shopping centers under unified control	Requirements for all uses elsewhere specified herein
k.	Motor vehicle and machinery sales, auto repair shops	3 per service bay or 1 per 500 sq. ft. of floor area
l.	Barber shops, beauty shops	2 per chair
m.	Furniture and appliance stores, household equipment	1 per 800 sq. ft. of usable floor area
n.	Supermarkets, drug stores	1 per 150 sq. ft. of usable floor area
o.	Retail establishments not elsewhere listed	1 per 150 sq. ft. of usable floor area
p.	Bus depots	1 per 150 sq. ft. of waiting area
q.	Video rental outlets	1 per 200 sq. ft. of gross floor area
8.	Public and Quasi-Public Uses:	Spaces Required:
a.	Elementary and intermediate schools	1 per employee plus 1 per 10 students
b.	High schools	1 per 5 students plus 1 per employee

c. Junior colleges, colleges, universities	1 per 3 students plus 1 per employee
d. Trade schools	1 per 5 students plus 1 per employee
e. Golf courses - public	5 per hole plus 1 per employee
f. Post Offices	1 per 200 sq. ft. gross of area plus 1 per employee
g. Parks, public or private park area	3 per each acre of park area
9. Wholesaling and Warehousing Uses:	Spaces Required:
	1 per employee
10. Manufacturing and Industrial Uses:	Spaces Required:
	1 per 2 employees

(Ord. No. 9, 06/28/79; previously codified at section 13-24-050. Prior history: Enacted by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered and amended by Ordinance No. 37, Ren&Amd, 09/04/80, 13-23-040; Ord.; amended by Ordinance No. 151, Amended, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 279, Amended, 06/25/92; Ord. 1992; amended by Ordinance No. 282, Amended, 10/22/92; Ord. 1992; amended by Ordinance No. 381, Amended, 03/28/96; Ord. 1996; amended by Ordinance No. 399, Amended, 10/10/96; Ord. 1996; amended by Ordinance No. 809, Amended, 09/24/15; Ord. 2015; amended by Ordinance No. 820, Amended, 09/22/16; Ord. 2016; amended by Ordinance No. 2022-900, Amended, 03/24/222022)

### **13-24-060 Off-Street Loading Requirements.**

#### **13-10-060 A. Off-street loading requirements**

**A. Applicability:** In all zoning districts (except the Agricultural districts), for every building or part thereof erected or enlarged after August 2, 1987 which is occupied by a use receiving or distributing materials or merchandise by motor truck, there shall be provided and maintained on the same premises as the building or use, adequate AG (agricultural), off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space. 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.

~~J.B.~~ B. Schedule of ~~Loading Space Requirements~~ loading space requirements:

<del>Total Floor Area</del> <del>of Building</del>	<del>Number of Loading</del> <del>Space(s) Required</del>
<del>20,000 sq. ft. to 30,000 sq. ft.</del>	<del>1</del>
<del>30,000 sq. ft. to 50,000 sq. ft.</del>	<del>2</del>
<del>for each 100,000 additional sq. ft.</del>	<del>1 additional</del>

~~C.~~ C.

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

~~K.C.~~ C. Location:

~~1. Location:~~ Required off-street loading space shall not be permitted ~~in:~~

~~a. In~~ any front yard, ~~nor in:~~

~~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 occupy:~~

~~a. Occupy~~ all or any part of a required rear yard except as otherwise provided ~~herein,~~  
~~and may be in this section.~~

~~a-b.~~ Be partially or entirely enclosed within a building.

~~3. D. Alleys: Where a building or use in a non-residential district abuts an~~ Loading  
space shall not be counted or included as off-street parking space.

~~L.D. Alley: An~~ alley, such alley within and that abuts only non-residential zoning districts may be used as maneuvering space for loading ~~and unloading spaces; provided, however that no alley abutting any residential district may be so used.~~

~~E. E. Size: Every required~~ Each off-street loading space shall ~~have~~ meet the following  
minimum width of twelve (requirements:

~~1. Width: 12) feet, a minimum length of forty-five (~~

~~2. Length: 45) feet, and a minimum height of fourteen (~~

~~4.3. Height: 14) feet exclusive of access aisles and maneuvering space.~~

(Ord. (Rewritten and re-codified by Ordinance No. 452, %%. Previously codified at section 13-24-060. Prior history: Enacted, by Ordinance No. 152, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 399, Amended, 10/10/96 1996)

### ~~13-24-070~~ ~~Mixed Use Shared Parking Reductions.~~

#### ~~13-10-070 A. Notwithstanding any other use shared parking requirements set forth in this Code, a reductions~~

~~A. The Zoning Administrator and Town Engineer may approve a mixed-use shared parking program ("shared parking program") may be applied where mixed-upon finding that:~~

- ~~1. Mixed non-residential uses are proposed and the,~~
- ~~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 allows the property developer to use parking spaces more efficiently by allowing:~~

- ~~1. Allows the same spaces to be "shared" by various multiple land uses, thus reducing the total amount of required parking. A shared parking program may~~
- ~~2. May include parking on the same site or different sites on one or more separate parking parcels, subject to the provisions herein. In no case shall a of this section.~~

~~A.C. An applicant for a shared parking program must demonstrate the feasibility of shared parking program include the parking spaces required for residential uses pursuant to this section.~~

~~D. B. The Development Services Director ("Director") Shared parking spaces may approve be located on a shared parking program upon application of a developer provided that: 1) different parking parcel than the use it serves only under the following conditions:~~

- ~~1. The pedestrian access distance is provided to and 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.~~
- ~~4.2. A copy of the covenant required by paragraph J parking area and the of this section is submitted with the application for a building; and 2) all other requirements set forth herein are met., permit or certificate of occupancy for the use to be served by the mixed-use shared parking program.~~

~~N.E. C. Parking spaces that are reserved for a specific individual or business purpose (e.g., for example, reserved for doctors only) or designated and marked for use by handicapped persons shall not be counted toward meeting the shared parking requirements.~~

~~O.F. D. Those wishing to apply for a shared parking program must demonstrate to the Director the feasibility of shared parking pursuant to subparagraphs (F) & (G) of this Section. The maximum reduction in the number of parking spaces required for all uses sharing their a mixed-use shared parking are a program shall be twenty percent (20%).%~~



E. ~~Shared parking spaces may be located on a different lot than the use which it serves only where the following conditions are met:~~

1. ~~The parking is located no more than 300 feet from the use that it serves. The distance between the use Zoning Administrator and the parking lot shall be measured following a reasonable and safe walking route from the main entrance of the use to the nearest parking lot;~~
2. ~~The applicant(s) for a building permit or certificate of occupancy for the use which is to be served by a shared parking program shall submit a copy of a written agreement pursuant to subparagraph (H) of this Section along with his or her application for such permit or certificate.~~
3. ~~There is no substantial conflict in the operating hours of the buildings served by the shared parking program.~~

G. F. ~~Shared Parking Study: Determination of Town Engineer may determine the shared parking requirements may be determined by use of the Mixed Use Shared Parking Calculation of a mixed-use shared parking program by:~~

1. ~~Using the mixed-use shared parking calculation method set forth in paragraph Hsubparagraph (G) below, or the Director may require a more detailed study which clearly establishes which of this section, or~~
- 4.2. ~~Finding that the land uses in question will utilizeuse the shared spaces at different times of the day, week, month, or year. The using a more detailed study shallthat:~~
  - a. ~~1. Be based on the Urban Land Institute'sInstitute's shared parking study methodology or other generally accepted methodology;~~
  - b. ~~2. AddressAddresses 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. ~~3. ProvideProvides for a reduction by not more than 20% of the combined parking required for each non-commercial land use; and~~
  - d. ~~4. ProvideProvides for no reduction in the number of spaces reserved for persons with disabilities or used for a specific individual or business purpose as described above;~~
5. ~~Provide a plan to convert the reserved space to parking area; and~~
6. ~~Be reviewed and approved by the Planning Director and the Town Engineer.~~

**P.H. G. Parking Credit Schedule Chart for Mixed Use Shared Parking Calculation:** The minimum number of parking spaces required for a mixed-use shared parking plan/program may be determined by multiplying the minimum parking requirements for each individual use by appropriate the percentage (as set forth below in the parking credit schedule chart shared parking) table below for each of the five designated time periods and then adding the resulting sums from each vertical column. The column total having with the highest total valuesum 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 <sup>1</sup>	5%	90%	50%	100%	70%
Hotel	70%	70%	0%	70%	100%
Restaurant	10%	50%	100%	50%	100%
Hotel restaurant <sup>2</sup>	10%	50%	60%	50%	60%
Entertainment <sup>3</sup>	10%	40%	100%	80%	100%
Day care facilities	5%	100%	10%	20%	5%
All other	100%	100%	100%	100%	100%

The superscript notes in the table set forth in paragraph H

	Weekday			Weekend	
	Night	Day	Eve.	Day	Eve.
	Midnight 7 a.m.	7 a.m. 5 p.m.	5 p.m. Midnight	6 a.m. 6 p.m.	6 p.m. Midnight
USES					
Office/ Industrial	5%	100%	10%	10%	5%
Comm. Retail	5%	90%	50%	100%	70%
Hotel	70%	70%	00%	70%	100%
Restaurant	10%	50%	100%	50%	100%
Restaurant associated with hotel	10%	50%	60%	50%	60%
Ent./Recr. (theaters, bowling cocktail and	10%	40%	100%	80%	100%
					alleys, lounge, similar)
Day Care Facilities	5%	100%	10%	20%	5%
All Other	100%	100%	100%	100%	100%

I. H. Agreement For Shared Parking Plan: The developer(s) applying 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 in accordance with this Section with shared parking spaces located on a different parking parcel than the use it serves shall submit a written agreement approved by to the Town Attorney requiring a covenant recorded in the office of the Recorder of Yavapai County, Arizona, which, at a minimum:

1. Provides that the parking spaces parcel and the parking spaces provided on the parking parcel shall be maintained as for so long as the uses requiring the parking exist, or unless until the required parking is provided elsewhere in accordance with the provisions of this Section. Such written agreement shall be recorded by the developer(s) with the Yavapai County Recorder’s Office prior to the issuance of a building permit or certificate of occupancy, and a copy filed in the project review file. The agreement shall, at a minimum: as permitted by this Article
2. 1. List Lists the names and ownership interest of all parties to the agreement and contain the with an ownership interest in the parking parcel and the properties containing the uses that will share the parking parcel
2. 3. Includes the notarized signatures of those parties; all parties with an ownership interest in the parking parcel and the properties containing the uses that will share the parking parcel
2. Provide a legal description of the land;
4. 3. Include Includes legal descriptions of the parking parcel and the properties containing the uses that will share the parking parcel
3. 5. Includes a site plan showing the area and layout of the parking parcel and open space any area reserved area which would provide for future parking;
4. 6. 4. Describe the area of Reserves the parking parcel and designate and reserve it for shared parking, unencumbered by any conditions which that would interfere with its use;
5. 7. 5. Agree and expressly declare the intent for the a covenant to run running with the land and bind binding all parties and all their successors in interest to the covenant;

~~6-8. 6. —~~ Assure the continued availability of the spaces for joint use and provide ~~Provides~~ assurance that all spaces will be ~~usable~~ available without charge to ~~all~~ participating uses;

~~9. 7. —~~ Describe ~~Describes~~ the obligations of each party, including ~~the~~

a. The party or parties responsible for maintenance ~~responsibility of the parking parcel, and~~

a-b. The parties' obligation, if any, to retain and develop any reserved open space for additional parking spaces ~~if the need arises;~~

Incorporates by reference the mixed-use shared parking calculation method set forth in paragraph H

~~8. —~~ Incorporate of this section or the shared parking study, ~~if applicable, by reference;~~ and

~~9. —~~ Describe the method by which that was used to determine the covenant ~~shall, if necessary, be revised.~~

~~10. I. —~~ In shared parking requirements of the event a use in mixed-use projects 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 changed, the application for the new business license (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 ~~Section 8-02-100) related to the~~ 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.

~~Q-L.~~ If a use in a mixed-use shared parking program changes, the owner or operator of the changed use must be accompanied by evidence that the parking necessary for the demonstrate to the satisfaction of the Zoning Administrator and Town Engineer that the new mix of uses does not exceed the amount that was required by the previous mix of uses meets the shared parking requirements of the mixed-use shared parking program.

~~(Ord.~~ (Rewritten and re-codified by Ordinance No. 564, %. Previously codified at section 13-24-070. Prior history: Enacted, by Ordinance No. 564, 07/10/03; Ord. ~~2003; amended by Ordinance No. 894, Amended, 01/13/22~~ 2022)



**~~Article 13-25 MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS~~**

**~~13-25-010 Purpose.~~**

**~~13-25-020 Density Requirements.~~**

**~~13-25-030 Yards and Spacing.~~**

**~~13-25-040 Park Site Design Requirements.~~**

**~~13-25-010 Purpose.~~**

~~This Section is intended to provide standards for the design and establishment of temporary or long-term parking and occupancy areas for mobile homes, manufactured homes, and recreational vehicles. Principal uses in addition to the aforementioned include recreational and community facilities to be used by non-permanent occupants. Mobile/manufactured home parks and recreational vehicle parks are normally operated by a commercial enterprise charging a fee for the rental of a space within the park.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)~~

**~~13-25-020 Density Requirements.~~**

~~The density formula for the D3 District shall be applied in determining the combined total of mobile homes, manufactured homes, recreational vehicles, or any permitted non-residential uses that may be located within any one (1) park, provided that:~~

- ~~A. Each mobile/manufactured home space shall have an area of not less than three thousand (3,000) square feet and a width of not less than thirty-six (36) feet.~~
- ~~B. Each recreational vehicle space shall have an area of not less than one thousand eight hundred (1,800) square feet and a width of not less than twenty-five (25) feet.~~
- ~~C. Recreational vehicle spaces shall not be permitted in mobile/manufactured home parks.~~
- ~~D. The height of the buildings within a mobile/manufactured home park or recreational vehicle park shall not exceed two (2) stories nor thirty-five (35) feet.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 882, Amended, 02/25/21)~~

**~~13-25-030 Yards and Spacing.~~**

~~The minimum distance from any portion of the mobile home, manufactured home, recreational vehicle or its accessory structures from the following lines shall be as follows:~~

A. ~~Mobile/Manufactured Home Parks~~

1. ~~From front space line: eight (8) feet from the nearest edge of an interior drive or roadway.~~
2. ~~From rear space line: five (5) feet.~~
3. ~~From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.~~
4. ~~From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.~~
5. ~~From another mobile or manufactured home, or accessory structure on an adjoining mobile/manufactured home space: ten (10) feet.~~

B. ~~Recreational Vehicle Parks~~

1. ~~From front space line: five (5) feet from the nearest edge of an interior drive or roadway.~~
2. ~~From the rear space line: five (5) feet.~~
3. ~~From other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.~~
4. ~~From an exterior boundary of the park abutting public streets: twenty (20) feet; from all other exterior park boundaries: ten (10) feet.~~
5. ~~From another recreational vehicle or accessory structure on an adjoining recreational vehicle space: ten (10) feet.~~
6. ~~The location of mobile homes or manufactured homes on recreational vehicle spaces is prohibited.~~

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92)

**~~13-25-040 Park Site Design Requirements.~~**

- A. ~~Each parcel of land used for a mobile/manufactured home park or recreational vehicle park shall have a minimum area of three (3) acres.~~
- B. ~~Interior drives or roadways within a mobile/manufactured home park or recreational vehicle park shall be paved to a minimum width of not less than twenty-two (22) feet.~~

- ~~C. A minimum of two (2) vehicular entrances shall be provided for each park, one (1) entrance of which may be kept closed to the general public if provision is made for emergency access.~~
- ~~D. Street lighting shall be provided along park streets for the safety of pedestrians and shall comply with the outdoor lighting provisions of Article 13-26a and Article 13-26 of this Code.~~
- ~~E. Service buildings to house toilet, bathing and other sanitation facilities shall be provided as required by the Yavapai County Health Department.~~
- ~~F. All mobile/manufactured home spaces or recreational vehicle spaces shall be connected to an approved sewage disposal facility.~~
- ~~G. All utility lines, cable TV and electric transmission lines under twelve thousand (12,000) volts shall be placed underground within a park. Each park space shall be provided with water, electric, telephone and gas lines, if needed. An approved fire protection system shall be installed by the developer.~~
- ~~H. Refuse collection areas shall be central and screened from public view in compliance with Article 13-26 of this Chapter.~~
- ~~I. Recreational vehicle storage areas, if provided in mobile/manufactured home parks, shall be at the minimum ratio of fifty (50) square feet of land for each mobile/manufactured home space. If no such storage areas are provided, recreational vehicles shall not be stored at mobile/ manufactured home parks.~~
- ~~J. The total area set aside for recreation shall not be less than ten percent (10%) of the area within a mobile/manufactured home park or recreational vehicle park, and one or more recreational areas, having not less than three thousand (3,000) square feet in area, shall be set aside within such parks.~~
- ~~K. Mobile/manufactured home parks and recreational vehicle parks shall be screened in an attractive manner from surrounding lots by a solid fence, wall or suitable planting as follows:
  - ~~1. Not less than four (4) feet in height nor more than six (6) feet in height when located in a front yard or street side yard.~~
  - ~~2. Six (6) feet in height when located in any other yard.~~
  - ~~3. When adjacent to any single-family residential district, in compliance with the requirements of Article 13-26 of this Chapter.~~~~
- ~~L. Landscaping shall be installed in accordance with Article 13-26.~~
- ~~M. Signs shall be permitted in accordance with Article 13-23.~~



- ~~N. A minimum of two (2) off-street parking spaces shall be provided for each mobile home or manufactured home, and a minimum of one (1) off-street parking space shall be provided for each recreational vehicle. Parking spaces shall be surfaced with dust-free materials. Guest parking shall be provided at a ratio of one (1) parking space for each five (5) mobile/manufactured home spaces or recreational vehicle spaces.~~
- ~~O. No mobile/manufactured home spaces or recreational vehicle spaces shall be occupied unless and until thirty percent (30%) of the total planned [or ten (10) spaces, whichever is greater] shall have been completely prepared and equipped for use in all respects, including drives and community facilities.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-24-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)~~

**Article 13-26 SITE DEVELOPMENT STANDARDS**

**13-26-010 Purpose.**

**13-26-020 Applicability.**

**Article 13-06 ARTICLE 13-11. 13-26-030 HOW THE SITE DEVELOPMENT STANDARDS ARE REVIEWED, INSTALLED AND MAINTAINED.**

**13-26-040 Landscaping Provisions.**

**13-26-050 Screening Provisions.**

**13-26-060 Prescott Valley Recommended Species List.**

**13-26-070 Nuisance and Hazards Provisions.**

**13-26-080 Topography.**

**13-26-010 Purpose.**

**13-06-010 13-11-010 A. Intent and Purpose: purposes**

A. 1. This Article is intended to help achieve the overall land use and image objectives of the Prescott Valley General Plan.

B. 2. The purpose purposes of this Article is are:

1. a. To enhance the community's community's general welfare through the promotion of attractive site appearances;
2. b. To reduce erosion, dust, and glare; and
3. c. To screen unattractive or incompatible uses.

(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-26-010. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-25-010; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. No. 1988; replaced and reenacted by Ordinance No. 392, Rep&ReEn, 06/27/96; Ord. 1996; amended by Ordinance No. 630, Amended, 06/30/05 2005)

**13-06-020 13-11-020 13-26-020 Applicability.**

~~A. A.~~ Generally: The provisions of this Article 13-11 (site development standardsArticle) apply to ~~in all zoning districts and overlay zones to all of the following:~~

- ~~1. All new buildings and uses, and to all~~
- ~~4.2. All additions to existing buildings and uses which are larger than twenty-five percent (25%)25% of the existing building or use in all zoning districts and overlay districts.~~
- ~~2.3. New uses and additions to existing uses as noted in Subparagraph 13-26-020(A)(1) above mean any new or expanded use of an existing building or premises Uses that requires the addition ofrequire 25% or more additional parking spaces, pursuant to Article 13-10 (off-street parking requirements,the off-street parking requirements of this Chapter, in an amount equal to or greater), than twenty-five percent (25%) of the required parking for the previous occupancy.~~

~~B. B.~~ ~~Single-Family Residential Districts: 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 ~~Planned Area DevelopmentPD (planned area development)~~ or other overlay ~~districtzone~~, 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 0 (satellite dishes), 6 (fuel storage tanks), and 7 (trash dumpsters).~~

~~Article 13-12 (outdoor lighting requirements)~~

- ~~1. Subparagraph 13-26-040(I)(2), Types of Off-site Landscaping Material Along Street Frontages;~~
- ~~2. Subsection 13-26-050(D)(5), Satellite Dishes, Heating Fuel Tanks and Trash Dumpsters; and Article 13-26a, Outdoor Lighting Requirements.~~
- ~~3. Article 13-26a, Outdoor Lighting Requirements.~~

~~3. C.~~ ~~Agricultural Districts: Uses in the ).~~

~~C. AG (agricultural districts) zone:~~ Uses in the AG (agricultural) zone are subject only to the requirements of Article 13-12 (outdoor lighting requirementsprovisions in Article 13-26a) and in Section 13-11-070 (nuisances and hazards13-26-070.).

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-26-020. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord.1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-25-020; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord.1988; amended by Ordinance No. 282, Amended, 10/22/92; Ord. No. 1992; replaced and reenacted by Ordinance No. 392, Rep&ReEn, 06/27/96; Ord.1996; amended by Ordinance No. 399, Amended, 10/10/96; Ord.1996; amended by Ordinance No. 521, Amended, 05/09/02; Ord.2002; amended by Ordinance No. 630, Amended, 06/30/052005)~~

### 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;

Landscaping, screening, and outdoor lighting as required by Article 13-11

### ~~13-26-030 — How the Site Development Standards are Reviewed, Installed and Maintained.~~

#### ~~A. — Site Plan Review and Installation:~~

- ~~1. — A "Site Plan" is a drawing, prepared to scale, which accurately depicts 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.~~
- ~~2. — Prior to issuance of a building permit, a Site Plan drawn in detail and fully dimensioned to reflect compliance with all standards required in this Article and other articles of this Code, shall be submitted for the Town staff's review. When the Town staff determines that the Plan meets full compliance with all development standards and Code requirements, the Site Plan shall be approved.~~
- ~~4. 3. — Prior to issuance of an occupancy permit, all site development standards for screening, parking, loading, and driveway areas, and on-site and off-site landscaping with automatic irrigation systems (;~~
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 be installed in accordance with the approved Site Plan. In lieu of such 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, where of all improvements as shown on the approved site plan.
- 4.4. Where weather conditions warrant a delay [but for] no more than six (6) 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 an amount which guarantees the of at least 115% of a Town Engineer-approved estimate of the cost to complete the installation of such all improvements as shown on the approved site development standards, shall be filed with the Town plan.

D.E. B. Maintenance of Site Development Standards: 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.

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

6. 1. "Maintenance" is).

- 4.7. 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.

2. All screening, lighting, on-site landscaping, (Rewritten and off-site landscaping shall be maintained re-codified by the owner, an owners' association, or the lessee of the site.
3. Approved and installed landscaped areas shall be maintained and shall not be used for vehicle parking, storage, or display of merchandise.

4. ~~Areas designated for on-site detention of drainage water shall be maintained and used solely for that purpose.~~
5. ~~Dead plants, trees, shrubs or ground covers; and damaged landscaping, irrigation devices or screening walls, shall be replaced in accordance with the approved Site Plan.~~
6. ~~All of the site and land between the property line and the shoulder of the roadway shall be kept free of litter, weeds and trash.~~
7. ~~Failure to maintain site development standards shall constitute a violation of this Article and shall be subject to the penalties prescribed in Article 13-31 of this Chapter.~~

~~(Ord. Ordinance No. 9, %%. Previously codified at sections 13-03-050 and 13-26-030. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-25-030; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/28/95; Ord. No. 1995; replaced and reenacted by Ordinance No. 392, Rep&ReEn, 06/27/96; Ord. 1996; amended by Ordinance No. 563, Amended, 07/10/032003)~~

### 13-11-040 Required landscaping

#### Purpose.

### ~~13-26-040 Landscaping Provisions.~~

~~E.A. A. The Purpose of Landscaping Provisions: The purpose of requiring landscaping is to provide for minimum standards which will 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. Landscaping Defined:~~

1. ~~The combination of living plants, trees, shrubs, vines, and ground covers used for creating an attractive appearance;~~
2. ~~Inorganic ground covers, such as river rock and decorative stone, used in combination with living plants, trees, shrubs, and ground covers to create an attractive appearance; or~~
3. ~~Plazas, patios, decorative courtyards, and other areas reserved for pedestrian use, water features, and public art, in combination with living plants, trees, shrubs, and ground covers, except that other paved surfaces are not included in this definition.~~

#### ~~C. Basic Landscaping Requirements Include:~~

B. 4.—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. ~~2.—~~Installation of living landscaping selected from ~~those specified in Subsection 13-26-060, Prescott Valley Recommended Species List, similar species recommended in Sunset Western Garden Book applicable to the approved plant list (see section 13-11-060 Prescott Valley region, or other drought tolerant plants acclimated to the Prescott Valley region;);~~ and
3. ~~3.—~~Continued maintenance of all landscaping ~~materials~~ as required in subsection 13-11-030 E Subsection 13-26-030(B) of this Article;

D.—On-site Landscaping Standards Along Street Frontages:

F.C.— ~~1.—~~ Landscape Area: frontages. In all cases ~~there shall be at least a ten-foot (10') wide, an on-site landscaped border running~~ shall run continuously and contiguously ~~with~~ along each street, ~~except that lots in the multiple-dwelling district (R2) may reduce the.~~ The landscaped border shall have a minimum width of ~~required landscaping borders to seven (7) feet.;~~

- ~~1.—~~ 2. On-site Seven feet in the MF (residential; multi-family dwelling units) zone; and
2. Ten feet in all other zones.

G.D. Landscaping Border Requirements ~~border.~~ All the following shall be installed on-site:

1. ~~a.—~~ a.— At least one ~~(1) tree~~ of minimum 15-gallon size shall be installed for every ~~thirty (30) lineal~~ linear feet, ~~(or fraction thereof);~~ of all adjacent street frontages;;
  - a.— ~~(1) Clustering of trees and shrubs is encouraged to create an attractive appearance in accordance with the requirements of this Section and to allow certain portions of a building~~ buildings to be visible. ~~To achieve this objective, trees~~
  - a.b. Trees may be moved within the required landscape area; ~~however, but in no case shall~~ the distance between trees ~~should not~~ shall not exceed ~~fifty (50) feet.~~
2. ~~b.—~~ At least one ~~(1) shrub~~ of minimum five-gallon ~~shrubs~~ size and four ~~(4) shrubs~~ of at least one-gallon ~~shrubs~~ size shall be installed for every 100 square feet of total required landscape border area;;



- a. ~~(1)~~ Five ~~(5)~~ shrubs of minimum one-gallon shrub size may be substituted for a single 5-gallon shrub for up to one-third of the number of ~~5~~ required five-gallon shrubs required herein. The maximum.
- a-b. In no case shall the distance between shrubs ~~shall not~~ exceed ten ~~(10)~~ feet.
3. ~~c.~~ Sufficient inorganic or organic ground cover materials ~~(in addition to shrub requirements)~~ shall be installed to completely control erosion and dust in the landscaped area;.
- ~~(1) Undisturbed native grasses or re-seeded native grasses shall qualify as ground cover material.~~
4. ~~d.~~ The required Required on-site landscaping borders along street frontages shall not be obscured by walls ~~exceeding higher than~~ one ~~(1)~~ foot. Walls higher than one foot in height [i.e. walls exceeding one ~~(1)~~ foot within the landscaping border] shall be located at least seven ~~(7)~~ feet from the property line ~~within the landscaping border];.~~
5. ~~e.~~ Landscaping borders for vehicle parking areas shall be subject to the requirements of paragraph H provisions set forth in Section 13-26-040(I); and of this section.
6. ~~f.~~ 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 ~~if containing landscaping and slopes not exceeding 2:1.~~

E. ~~Other On-Site Landscaping Requirements:~~

E. ~~1.~~ Other.

~~7.1.~~ Undeveloped areas in all districts (except single-family residential district and approved screened storage or yard areas) extending beyond a required landscape border and which are not occupied by parking areas or structures shall contain additional inorganic or organic ground cover materials to completely control erosion and dust. ~~Undisturbed native grasses or re-seeded grasses may be applied~~ 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.

~~8.2.~~ 2. Commercial Districts: The 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 frontage shall contain at least the following landscaping.

- a. ~~a.~~ One ~~(1)~~ tree per for each 500 square feet (or fraction thereof) of area.



b. ~~\_\_\_\_\_~~ b. ~~At least one (1) 5~~One shrub of minimum five-gallon shrub persize  
for each 100 square feet of total undeveloped area.

c. ~~\_\_\_\_\_~~ c. ~~Three (3)shrubs of minimum~~ one-gallon shrubssize may be  
substituted for ~~a 5-gallon shrub for up to one--half of the 5~~required five-gallon shrub  
requirement.shrubs.

~~3. Multi-Family Uses, Mobile/In the MF (residential; multi-family dwelling units)  
zone and in~~ Manufactured Home Parks and Recreational Vehicle Parks:

~~9.3. Properties zoned for multiple-family residential uses, mobile/manufactured home park  
or recreational vehicle parks shall contain at least, at least one (1)tree of minimum 15-  
gallon treesize and two (2) 5shrubs of minimum five-gallon shrubs in addition to ground  
cover materials~~size for each residential dwelling unit on the ground floor, ~~and such  
landscaping is to be located shall be installed, with organic or inorganic ground cover  
materials, on-site~~ in open courtyards and rear yards ~~for use and enjoyment by the  
residents.~~

#### F. ~~\_\_\_\_\_~~ Types:

~~4. 1. Trees planted~~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.

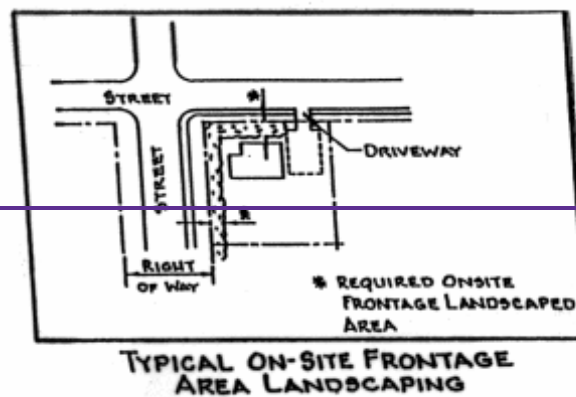
~~40.1. For planting~~ within the first ten ~~(10)-~~feet of the property, trees shall be selected from  
those specified in subsection 13-11-060 B~~Subsection 13-26-060(A),~~ and living plants,  
shrubs, vines, and ground covers shall be selected from those specified in the approved  
plant list (section 13-11-060~~Subsection 13-26-060(C) of this Article.-).~~

~~41.2. \_\_\_\_\_~~ 2. Trees to be placed adjacent to pedestrian areas with sidewalks existing or  
planned sidewalks shall be selected from those specified in subsection 13-11-  
060 B~~Subsection 13-26-060(A)-.~~

~~42.3. \_\_\_\_\_~~ 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" "deciduous trees" and "Evergreen Tree" "evergreen trees" lists of the  
approved plant list (section 13-11-060~~Subsection 13-26-060(C)-).~~ Landscaping may be  
located anywhere within the front ~~twenty (20)~~ feet of the street frontage to allow  
plantings to be staggered.

~~13.4.~~ 4. Trees to be placed on Public Lands (in the PL) (public lands) zone shall be approved by the ~~director~~ Zoning Administrator.

~~14.5.~~ 5. Trees in ~~PADs (pursuant to Article 13-19)~~ the PD (planned area development) zone will follow ~~these guidelines unless the requirements of this section except as otherwise provided in the approved as part of the Final Development Plan approval process~~ PD final development plan.



~~H.G. G.~~ G. Landscaping ~~Standards~~ standards for ~~Vehicle Parking~~ vehicle parking and ~~Separation~~ separation.

1. ~~1.~~ In addition to the landscaping border requirements set forth in ~~Subsection 13-26-040(D), a minimum~~ subsection D of ten percent (this section, landscaping shall be installed in at least 10%) of all parking lot areas, including parking and maneuvering spaces, access aisles, ~~and driveways, shall be landscaped with living plants, trees, shrubs, and ground covers. The 10% landscaped area may include any parking island and parking area~~ landscape area described below ~~islands~~.

2. ~~2.~~ Landscaping Islands in Parking Areas ~~area landscape islands~~.

a. ~~a.~~ In parking areas, islands ~~are at least equal in size to be installed with a minimum width of seven (7) feet running the full length of a contiguous~~ standard parking space or, in an alternative design variation [ranging seventeen (17) feet to twenty (20) feet], so that a minimum seven foot (7') width is maintained in the ~~for the angle of parking provided~~.

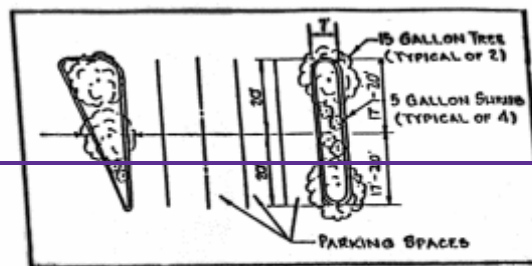
One parking area of street installation;

~~a-b.~~ b. A ratio of one (1) landscape island is to shall be installed for every ~~twelve (12)~~ parking spaces, and in no instance shall more than ~~eleven (11)~~ contiguous parking spaces be installed ~~in a row~~ without the placement of a ~~landscaped~~ landscape island, except as noted below.

~~b-c.~~ c. Each parking area landscape island shall contain a minimum for each parking space length of one ~~(1)~~ tree of minimum two-inch caliper measured six inches above the ground and four shrubs of minimum five-gallon tree and two (2) 5-gallon shrub size (which shall be kept trimmed ~~so as to not exceed thirty-six (36)~~ more than 24 inches in height), and ground cover materials sufficient to control dust and erosion. ~~However,~~

d. (1) Exceptions and substitutions.

- (1) An on-site landscaping border abutting parking spaces may substitute for a parking area landscape island ~~where parking spaces abut it;~~
- (2) ~~(2)~~ — Parking lots with ~~over one hundred (more than 100)~~ spaces may install one ~~landscaped~~ parking area landscape island for every ~~fifteen (15)~~ parking spaces; and
- (3) ~~(3)~~ — Parking lots in the PM (performance manufacturing and), IG (industrial zoning districts; general limited), and IH (industrial; heavy) zones may install one ~~(1)~~ landscaped parking area landscape island for every ~~twenty-five (25)~~ parking spaces.

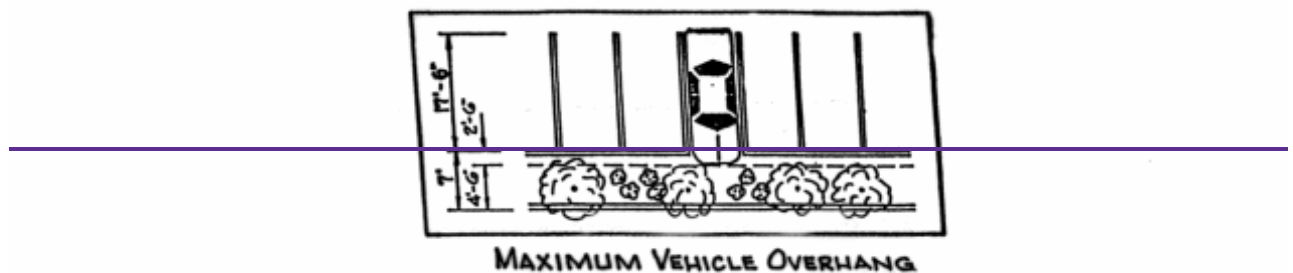


TYPICAL LANDSCAPE ISLAND

3. ~~3.~~ — Vehicles Overhanging Landscaping; overhanging landscaping.

- a. ~~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 ~~thirty (30)~~ inches;
- b. ~~b.~~ Ground cover shall be installed within the allowable overhang area; and
- c. ~~c.~~ Trees and shrubs shall be located beyond the allowable overhang area.

Sight visibility triangle. Landscaping shall comply with section 13-07-100 (site visibility triangle at street intersections)



#### 4. ~~\_\_\_\_\_~~ Traffic Visibility:

4. ~~a.~~ ~~\_\_\_\_\_~~ at maturity.

#### 5. Additional traffic visibility requirements.

~~d.~~ ~~a.~~ Trees planted in parking areas and near driveways shall be of a ~~specie~~type commonly and customarily pruned ~~so as to~~ allow ~~driver~~ visibility ~~to drivers~~ while providing a shade canopy above; ~~and.~~

~~e.~~ ~~b.~~ Wide-base spreading evergreens are prohibited where they may interfere with traffic visibility.

~~c.~~ Shrubs, ground covers, and other landscaping material may not exceed eighteen (18) inches in height from grade within any street corner or driveway intersection and any street area within a 40 foot triangle consistent with YAG Standard detail.

#### 4.6. ~~H.~~ Buffering of ~~Parking Areas;~~parking areas.

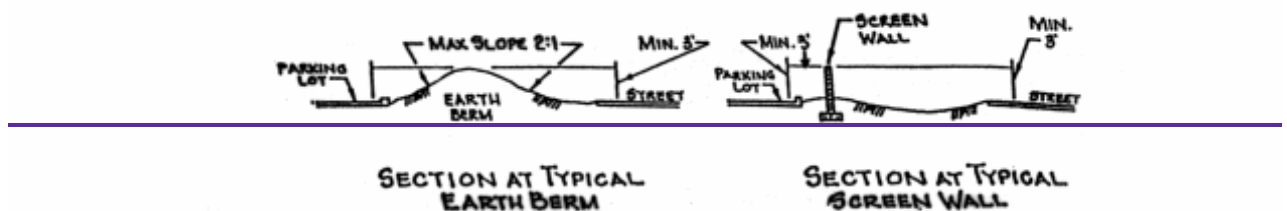
- a. ~~1.~~ In addition to the landscape requirements of ~~paragraph GSubsection 13-26-040(G), of this section,~~ all parking areas with more than eight (~~8~~) spaces shall be buffered from street view by one, or a combination, of the following:

- (1) ~~a.~~ Decorative solid, ~~one hundred percent (100%)~~ obscuring screening walls ~~of with~~ materials, finishes, and construction design compatible with the primary building on the site; ~~or.~~
- (2) ~~b.~~ Dense landscaping of hedge shrubbery of such size and quantity as to completely obscure views within two ~~(2)~~ 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-~~percent~~% density coverage and shall reach a minimum height of 36 -inches and provide 100-~~percent~~% screening density within two ~~(2)~~ years. ~~The species shall be selected from those specified in 13-26-060(B).~~

The species shall be selected from those specified in subsection 0

(b) c.

- (3) Earthen berms with ~~a maximum slope of 2:1~~ 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-~~(3)~~ feet into a landscaped border to allow for automobile overhangs or door swing area, as long as a minimum of seven ~~(7)~~-feet of landscaping is maintained between the wall and the property line. ~~Both such dimensions are measured from the centerline of the wall.~~

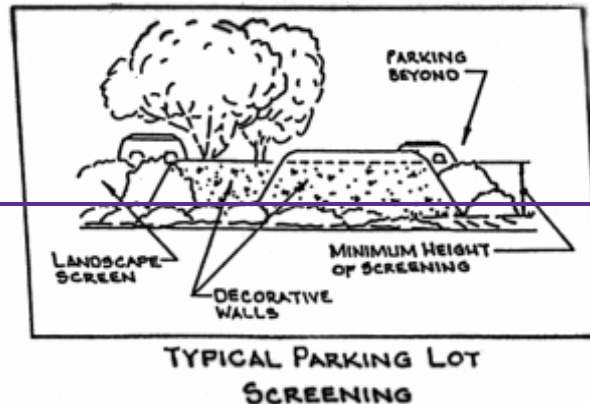


- b. ~~2.~~ All buffering devices described above shall be of a minimum height of three ~~(3)~~ feet and a maximum height of four ~~(4)~~-feet above the finished grade of the parking area or roadway, whichever is higher.
- c. ~~3.~~ For businesses principally engaged in the outdoor sale of boats, cars, trucks and recreational vehicles, the minimum height of the buffering devices required above may be reduced to one-and-one-half ~~(1-1/2)~~ feet where the finished grade of the display parking area is at least two-~~(2)~~ feet higher in elevation than that of the contiguous roadway, to allow visibility of display merchandise.

d. ~~4.~~ Where any parking lot area is situated across a street from a residential zoning district:

(1) ~~a.~~ It shall be screened by a solid, ~~one hundred percent (100%)~~ obscuring screening wall, four ~~(4)~~ feet in height, above the finished grade of the parking area or roadway, whichever is higher; and

(2) ~~b.~~ SuchThe wall shall be installed between the required landscaped border and the parking area, and may encroach into the landscaped border not more than three ~~(3)~~ feet as specified in subparagraph 13-11-040 G. 6. a~~Subparagraph 13-26-040(H)(1) above.~~



# I. Off-Site Landscaping Standards:

## H. 1. Area Locations: Off-site landscaping standards.

1. General. The area between the property line and the shoulder of the roadway shall be landscaped continuously, except ~~that such landscaped area may be where~~ interrupted by paved driveways and drainage ditches. ~~Note, however, that drainage~~

a. Drainage ditches ~~are to must~~ be kept free of weeds, litter and other debris. Furthermore, all

e.b. All plans for structures within the right-of-way are subject to approval by the Public Works Director.

## 2. Types of Landscaped Material:

5.2. a. Landscape material types. Ground cover, of organic or inorganic materials, or in combination as ~~previously specified in paragraph 0~~Subparagraph 13-26-040(D), of this

section shall be installed in sufficient quantity to completely control erosion and dust within the area.

- a. ~~(1)~~ Undisturbed native grass areas may fulfill these off-site landscaping requirements; but
- b. ~~(2)~~ Trees, large shrubs, and hedges are not permitted, except in areas where maximum street construction widths are established by the Town Engineer.

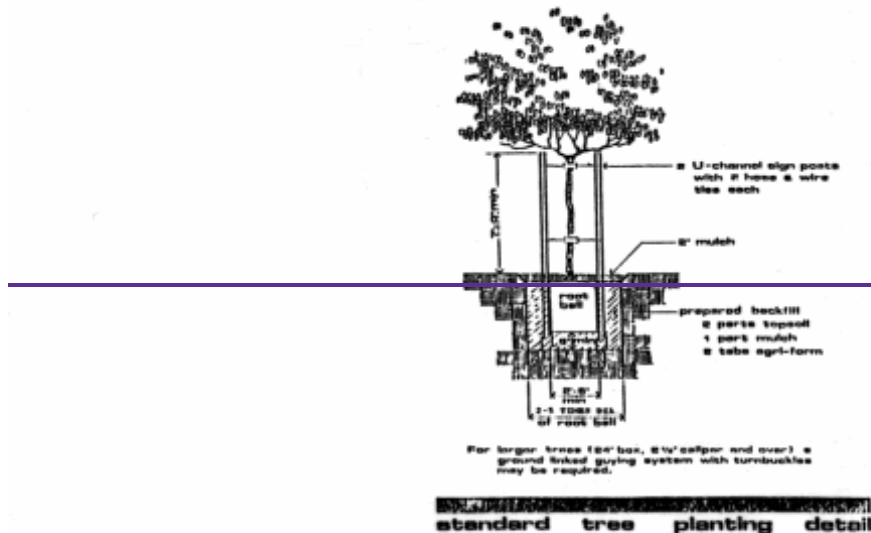
~~6.3.~~ 3. Rights-of-Way Landscaping Within Subdivisions: Right-of-way landscaping within subdivisions. Landscaping along rights-of-way and within medians in residential ~~PAD subdivisions~~ shall meet the basic landscaping requirements set forth in ~~Subsection 13-26-040(C) subparagraph~~ 13-06-040 E. 7 and shall be reviewed by the Public Works Department to ensure plantings will not require extensive maintenance or water consumption. ~~Such~~ In a PD (planned area development), the landscaping shall beconform to the approved as part of a Final Development PlanPD final development plan.

~~I. J.~~ Exemptions:

1. ~~1.~~ Town Center Development-center development and development in ~~other Planned Area Development (PAD) districts~~ a PD (planned area development) utilizing street frontage building design ~~(e.g. "Main Street")~~, or other innovative designs, may modify the landscaping border requirements set forth ~~herein in this section~~ when suchthe landscaping is incorporated into a design package and included in the approved in conjunction with a Final Development Plan pursuant to Section 13-19-060(D).PD final development plan.
2. ~~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; however, such districts but shall at all times comply with any applicable dust control requirements.
3. ~~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. ~~4.~~ Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:
  - a. ~~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 (5) feet. 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 feet.



b. ~~Ord.~~ 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. 9,-%. Previously codified at section 13-26-040. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord.1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-25-040; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord.1988; amended by Ordinance No. 279, Amended, 06/25/92; Ord.1992; amended by Ordinance No. 282, Amended, 10/22/92; Ord.1992; amended by Ordinance No. 375, Amended, 12/28/95; Ord. No. 1995; replaced and reenacted by Ordinance No. 392, Rep&ReEn, 06/27/96; Ord.1996; amended by Ordinance No. 563, Amended, 07/10/03; Ord.2003; amended by Ordinance No. 630, Amended, 06/30/052005)

### ~~13-06-030~~ 13-11-050 ~~13-26-050~~ — Screening Provisions.

A. ~~A. The Purpose of~~ Screening Provisions: In conjunction with Subsection 13-26-010(A), the purpose of screening provisions is to separate separates incompatible uses, concealconceals objectionable areas, and bufferbuffers intense activities.

B. ~~B.~~ Definitions:



1. ~~1.~~ "Screening Walls and Devices", generally, are any structures intended to fully or partially ~~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. ~~They include structures constructed of masonry units, wood, stone, earthen berms, and landscaping. However, wood fences and walls do not include structures constructed of plywood, pressboard, particleboard, chipboard, masonite or other similar manufactured materials.~~

~~a. 2.~~ "Solid Screen Wall" ~~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 ~~screening~~screen wall that obscures ~~one-hundred percent (100%)~~% of the enclosed activities or uses ~~and~~. A solid screen wall shall be six ~~(6)~~ feet in height unless a greater height, up to a maximum of eight feet in height, is approved by the Board of Adjustment ~~to be up to eight (8) feet in height.~~

3. ~~3.~~ "An "85% Screen Walls", defined for this Chapter ~~to allow partial surveillance, are screening walls~~screen wall" is a screen wall of masonry, wood, or slatted chain-link fencing, ~~so constructed as designed to completely block at least eighty-five percent (85%)~~% of the view of enclosed activities or uses from adjacent ~~real property that is at~~ approximately ~~at~~ the same elevation as the activity or use. ~~Such screening~~An 85% screen wall is only allowed for commercial districts that are only for uses on commercially zoned property ~~adjacent to other commercial districts~~zoned property.

C. ~~C.~~ Basic Requirements for ~~All Types~~all types of ~~Screenings~~screening:

1. ~~1.~~ The height of ~~screening walls and devices~~area screen wall is measured from the highest finished adjacent grade of the element to be screened.

2. ~~2.~~ Openings in screening ~~Where pedestrians or bicycles cross, screen walls and buffer landscaping, may have openings no greater~~wider than six ~~(6)~~ feet in width ~~for the facilitation of pedestrian and bicyclist traffic, are required where appropriate.~~

3. ~~3.~~ All required walls ~~Required screening~~ shall be located on-site ~~and~~.

~~3.4.~~ Required screening shall be reduced ~~into a height to of~~ no more than three ~~(3)~~ feet ~~if there is potential of where necessary to avoid obstructing vision for vehicular traffic visibility.~~

~~4.5.~~ 4. All screening walls and fences shall comply with the requirements in this section conflict with the other articles of requirements in this Chapter, whichever provisions are the more restrictive requirement shall apply.

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

~~5.1.~~ Refuse, Storage, Loading Docks, and Mechanical Equipment: collection areas.

~~1.~~ Refuse Collection Areas:

- a. ~~a.~~ Refuse collection areas and equipment shall be screened on three (3) sides by solid, one hundred percent (100%) obscuring screening walls, six (6) feet in height six-foot-high solid screen walls; and
- b. ~~b.~~ Where the front of a refuse collection area that faces a street or entry way into a site, such refuse collection area front shall be enclosed by opaque gates attached to the screening solid screen walls required above.

~~6.2.~~ 2. Outdoor Storage Areas: storage areas.

- a. ~~a.~~ Outdoor storage of materials, equipment, vehicles, or trailers shall be screened from view by a screen walls of wall at least six (6) feet and not more than eight (8) feet in height; and.
- b. ~~b.~~ Stacking of materials Materials or equipment above shall not be stacked higher than the height of the screening walls is prohibited, except that vehicles greater in height screen wall.
- ~~b-c.~~ Vehicles higher than eight (8) feet may protrude above the screening screen wall.

~~7.3.~~ 3. Loading Dock Areas dock areas and Overhead Bay Doors: overhead bay doors.

- a. ~~a.~~ Loading, delivery, or service areas shall be oriented away from public streets or be screened by six-foot (6') high screen walls with adjacent screening landscaping;.
- b. ~~b.~~ Loading, delivery, or service areas shall be screened from contiguous residential zoning districts by six-foot (6') high screen walls and screening trees and landscaping as required in subsection 13-11-040 F Subsection 13-26-040(F) of this Article; and.

- c. ~~In addition to loading, delivery or service areas, all~~ All overhead bay doors shall be oriented away from major streets, highways, and contiguous residential zoning districts, or shall be screened by six-foot ~~(6')~~ high screen walls with adjacent screening trees and landscaping as required in subsection 13-11-040 F Subsection 13-26-040(F) of this Article.

Notwithstanding subparagraph c above

- d. ~~Legal substandard lots, on legal nonconforming lots in the RS and CN zones created with an approved by a subdivision plat prior to approved before 1979 will be subject to be subject to the following exceptions:~~
- d. ~~(1) The requirements of Section 13-26-050(D)(3)(c) shall not be applied to legal non-conforming lots in RS and C1 districts where to do so would create undue hardship. In the event, if~~ an overhead bay door must be oriented toward a major street, highway, or contiguous residential zoning district, ~~said overhead bay the~~ door shall be no ~~greater~~ higher than twelve ~~(12)~~ feet in height. ~~Additionally, the overhead bay door shall be screened by installing one of the following and:~~
- (1) ~~(2)~~ Building frontage landscaping shall be installed adjacent to the overhead bay doors pursuant to subsection 0Section 13-26-040(D), or
- (2) ~~(3)~~ An awning shall be installed above the overhead bay ~~doors~~ door to create a visual break to the building facade.

#### 8.4. 4. Outdoor Mechanical Equipment:~~mechanical equipment.~~

- a. ~~a.~~ Ground-mounted mechanical equipment shall be screened from view on all sides by screen walls, ~~on all sides, of a height equal to or greater than~~ at least as high as the mechanical equipment~~;~~.
- b. ~~b.~~ Roof-mounted mechanical equipment shall be ~~concealed~~ screened from view on all sides by screening ~~devices, equal to or greater in height than~~ at least as high as the mechanical equipment. ~~Such screening devices shall be, or appear to be, an integral part and consisting of material similar in type and appearance to the building upon which they are the equipment is mounted;~~ and.
- c. ~~c.~~ Meters, pedestals, and junction boxes for public utilities are excluded from ~~the above~~ these screening requirements.

#### 5. Earth Satellite Receiving Dishes, Heating Fuel Tanks, and Trash Dumpsters:

5. a. ~~Earth~~dishes. A satellite ~~receiving dishes [twenty-five (dish) 25]~~ inches in diameter or larger] shall be ~~ground~~either:

~~d.a.~~ Ground-mounted and located in the rear half of any lot, ~~except that a non-residential use may be permitted to be located on the roof if screened; or~~

~~b. b.~~ LiquidRoof-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~~tank shall be either ~~be~~ located:

a. Located within the rear half of a lot, ~~or shall be screened~~

~~e.b.~~ Screened from view by a non-combustible wall, ~~equal to or greater in height than at least as high as~~ the tank, and enhanced with landscaping; ~~and.~~

~~9.7. c.~~ Trash dumpsters. Trash dumpsters are prohibited ~~from all on~~ single -family ~~residences~~residential lots except ~~as required~~ during construction.

E. ~~E.~~ Screening of outdoor merchandise display.

~~10.1.~~ Outdoor Displaydisplay of merchandise is permitted for new or used auto sales or rentals, plant nurseries, manufactured home sales facilities, truck or trailer sale, and Vending Equipment; other similar outdoor businesses.

~~2. 1.~~ Outdoor display of merchandise for other than outdoor businesses (e.g. plant nurseries and car sales) is subject to all the following requirements and restrictions:

a. Outdoor display of merchandise shall be limited to one ~~(1)~~ item per product of those product types ~~that are sold in the business and~~ typically and customarily used ~~in the outdoors (e.g.; for example, lawn furniture, bar-b-que~~outdoor grills, etc.). ~~All other outdoor display is prohibited.~~

b. ~~2.~~ Outdoor display of merchandise, as described above, shall be limited to the following locations and hours shall be located:

(1) ~~a.~~ Under the roof overhang of a building; or

(2) ~~b.~~ Under a freestanding, roofed structure; or

(3) ~~c.~~ In an open area further from the street and beyond the required on-site landscaping frontage described in subsection 0~~Subsection 13-26-040(D)~~ of this Article, and not; and

~~(3)(4)~~ Not within any required parking, water detention, or landscaping areas; and area.

c. ~~d.~~ Any outdoor display of merchandise located within ~~twenty (20)~~ feet of a street right-of-way shall be buffered by a ~~screeningscreen~~ wall or earth berm with landscaping to a height of three ~~(3)~~ feet ~~[See Subsection 13-26-050(F) below]; and feet.~~

d. ~~e.~~ In no case shall any outdoor merchandise ~~be located so as to~~ interfere with or encroach upon vehicular or pedestrian movement, or ~~with~~ ramps for the handicapped; ~~and.~~

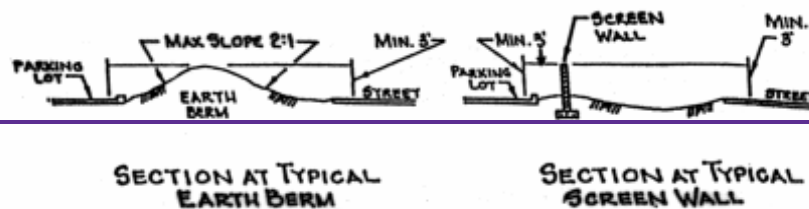
e. ~~f.~~ All outdoor displays shall be ~~removed from the outdoors~~ brought indoors within one ~~(1)~~ hour after ~~the~~ close of business ~~operations.~~

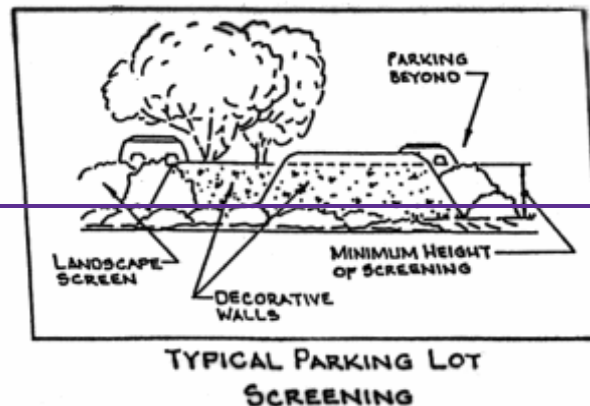
~~D.F. 3.~~ Outdoor Screening of outdoor vending machines and ~~newsracks shall be located as follows~~ news racks. Outdoor vending machines and news racks:

a. ~~Shall be located~~ Immediately adjacent to the walls of a building; or

1. ~~b.~~ Within within a walled alcove, designed for containment of vending machines and ~~newsracks~~ news racks; and

2. ~~c.~~ In no case so as to ~~Shall not~~ interfere with or encroach upon vehicular or pedestrian traffimovement or ~~access to~~ ramps for the handicapped.





F. Screening for ~~Protection~~protection of ~~Adjacent Properties~~:

~~E.G. adjacent properties.~~ The following screening provisions ~~listed below shall~~ apply to ~~developers of non-residential or multiple uses, multi-family uses, or mobile/manufactured home parks or, and recreational vehicle parks, as follows:~~

1. ~~1.A Solid Screen Wall shall be installed at a height of~~A solid screen wall, six (6) feet ~~above~~high as measured from the ~~grade~~elevation of the contiguous property, ~~shall be installed~~ for the following uses:
  - a. ~~a. Commercial and~~ A commercial or non-residential uses, ~~when such uses are~~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.
- 2.3. Exception. The requirements of this subparagraph ~~OR1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to~~ do not apply where the property to be screened is undeveloped property in RCU districts ~~which are the RU zone~~ designated for high intensity uses in the adopted Prescott Valley ~~General~~

~~Plangeneral plan and which are not located within the Civic/Business Center (Sectioncivic/business center (section 14) as described in the General Plangeneral plan and any amendments thereto]; andto it.~~

~~b. In the case of Multiple-family residential uses comprised of three (3) or more units and contiguous to an R1 district or single family use (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

~~General species requirements. Trees, shrubs, groundcovers, grasses, and perennials listed in an RS district, or,~~

~~c. Multiple-family residential uses with five (5) or more units or one (1) acre in size being contiguous to any R1 district and/or adjacent to multiple-family use in the R2 or RS district with less than five (5) units.~~

~~d. Mobile/manufactured home parks or recreational vehicle parks when such uses are contiguous to any R1, R2 or RS district or residential use.~~

~~2. Screening trees are to be installed in addition to Solid Screen Walls for the following uses and shall include 15-gallon trees planted fifteen (15) feet on center, running the full length of common property lines inside the screen wall and such screening trees shall be of an evergreen (non-deciduous) type selected from Subsection 13-26-060, "the Prescott Valley Recommended Species List."~~

~~a. Commercial and multiple-family residential uses where the lots are over one (1) acre in size and when such uses are contiguous to any R1 or R2 residential district or any residential use in an RS district [except where such uses are contiguous to undeveloped property in RCU district which are designated for high intensity uses in the adoptedAMA plant list or the Prescott Valley supplemental plant list (see subsection D belowGeneral Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto];~~

~~G. All walls, fences and other screening devices described in this Section shall be maintained as set forth in Subsection 13-26-030(B) of this Article.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03; Ord. No. 630, Amended, 06/30/05)~~

### 13-26-060 Prescott Valley Recommended Species List.

~~F.A. The following lists comprise selections of living trees, shrubs, vines, and ground covers suggested for installation of) must be used for used to meet the minimum landscaping materials as required byrequirements set forth in this Article, and are recommended to be~~



used for additional landscaping as desired. ~~The species listed here have been selected based upon experienced hardiness in Prescott Valley's climate and elevation. Native and drought resistant plants are recommended and are so noted by symbol and footnotes.~~

~~G.B. A. Trees for Pedestrian Streets: In order to~~ 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 ~~are required for planting of trees must be planted~~ within the first ten (10) feet of on-site street frontage ~~yards:~~ Thornless Honey Locust, Chinese Elm, Locust, or Arizona Ash.

~~London Plane Sycamore, Honey Locust, Seedless Cottonwood, Chinese Elm, Purple Locust, Arizona (Modesto) Ash~~

~~B. Buffering of Parking Lots: lot shrub species. The following species of shrubs should~~ must be ~~used~~ planted to buffer parking lots as ~~stated~~ required in subparagraph 13-11-040 G. 6 ~~Section 13-26-040(H):~~

~~H.C. : Juniper variety, Photinia, (Shrubs), Spanish Broom, Mountain Mahogany, Mahogany, Gray Rabbit Bush, Brush, or Parney~~ Cotoneaster.

~~C. Recommended Species List: The following is a list of recommended species of trees, shrubs, vines, groundcovers, perennials, native grasses and lawn grasses. The species of suggested trees and shrubs are divided into "deciduous" and "evergreen" varieties. The evergreen varieties are required for screening trees to buffer dissimilar uses as specified in Subparagraph 13-26-050(F)(2) above:~~

DECIDUOUS TREES	DECIDUOUS SHRUBS	EVERGREEN TREES	EVERGREEN SHRUBS
Ash, Arizona <sup>12</sup>	Barberry, Crimson	Arbor Vitae	Agave
Ash, Mrshall	Beauty Bush	Cedar, Atlas	Apache Plume <sup>12</sup>
Ash, Raywood	Buddleia	Cedar, Deodar	Barberry, Evergreen
Aspen, Quaking <sup>4</sup>	Common	Cypress, Arizona <sup>12</sup>	Bear Grass <sup>12</sup>
Crab, Flowering	Chokecherry <sup>12</sup>	Cypress, Leylandii	Big Sagebrush <sup>12</sup>
Fruit Trees	Cotonester, Rock	Fir, White <sup>12</sup>	Cliffrose <sup>12</sup>
Goldenrain Tree	Crape Myrtle	Juniper, Alligator <sup>12</sup>	Cotoneaster, Lowfast
Locust, Idaho	Curleaf Mountain	Juniper, Blue Point	Cotoneaster, Parneyi
Locust, Moraine	Mahogany <sup>12</sup>	Juniper, Rocky	Dwarf Coyote Brush <sup>12</sup>
Locust, New Mexico <sup>1</sup>	False Mock Orange <sup>1</sup>	Mountain <sup>12</sup>	Euonymus, Gold
Locust, Purple Robe	Fernbush <sup>12</sup>	Juniper, Spartan	Euonymus, Silver
Locust, Rubylace	Flowering Almond	Pine, Austrian	Queen
Locust, Shademaster	Forsythia	Pine, Bristlecone <sup>12</sup>	Four Wing Salt Bush <sup>12</sup>
Locust, Sunburst	Golden Current <sup>1</sup>	Pine, Pinion <sup>12</sup>	Hesperaloe
Locust, Thornless Hone	Golden Rabbitbrush <sup>12</sup>	Pine, Scotch	Holly, Blue Boy/Girl
	Honeysuckle	Sequoia, Giant	Holly, Yaupon
Maple, Autumn Blaze	Tartarian	Spruce, Alberta	Juniper, Blue Carpet
Maple, Bigtooth <sup>12</sup>	Lilac	Spruce, Blue <sup>12</sup>	Juniper, Buffalo



<p>Maple, Red Sunset Maple, <del>Rocky</del> Mountain<sup>12</sup> Maple, Silver Oak, Emory<sup>1</sup> Oak, Gambel's<sup>12</sup> Oak, Pin Olive, Russian<sup>12</sup> Pear, <del>Bradford</del> Flowering Plum, Flowering</p> <p><b>DECIDUOUS TREES (cont.)</b></p> <p>Poplar, Lombardi Redbud, Eastern Sweetgum Sycamore, Arizona<sup>1</sup> Walnut, Black<sup>12</sup> Willow, Desert Willow, Globe</p> <p><b>PERENNIALS</b> Bronze Beauty Creeping Phlox Creeping <del>Thyme</del> Harbour Lamb's Ear Mexican Primrose Peruvian "Pink/Red" Verbena Snow in Summer Stonecrop Sedum Woolly Thyme [<sup>1</sup>Native Species]</p>	<p>Mock Orange<sup>1</sup> Mountain Mahogany<sup>12</sup> New <del>Mexican</del> Forestiera(Olive)<sup>12</sup> Pampas Grass Potentilla Plum, Cistina Quince Rose Rose of Sharon, Althea</p> <p><b>DECIDUOUS SHRUBS (cont.)</b></p> <p>Roundleaf Buffaloberry<sup>12</sup> Russian Sage<sup>12</sup> Salvia Greggii Santolina Silver Buffaloberry<sup>12</sup> Smooth Sumac<sup>1</sup> Spirea, <del>Anthony</del> Waterii Spirea, Bridal Veil Spirea, Bridal Wreath Spirea, Little Princess Squabush<sup>12</sup> Utah Serviceberry<sup>12</sup></p> <p><b>DECIDUOUS VINES GROUND COVERS</b></p> <p>Ivy, Boston Rock Cotoneaster Silver Lace Trumpet Vine Virginia Creeper Wisteria</p>	<p>Spruce, Colorado <del>EVERGREEN VINES &amp; GROUND COVERS</del></p> <p>Bar Harbour Juniper(12") Bearberry Cotoneaster Blue Rug Juniper(6") Creeping Myrtle Dragon's Blood Sedum Dwarf Coyote Bush Dwarf Periwinkle Emerald <del>Carpet</del> Manzanita English Ivy Euonymus, Wintercreeper Evergreen Candytuft Green Santolina Grey Santolina Halls Honeysuckle Dwarf Nandina Honeysuckle, Texas Mondo Grass Ornamental Strawberry Purple Leaf Winter Creeper Sargent Juniper 18" Trailing Rosemary Warty Barberry</p>	<p>Juniper, Old Gold Juniper, Seaspray Juniper, Tam Kinnikinnick<sup>12</sup> Nandina, Compact Nandina, Standard Oregon <del>Grape,</del> Compact Photinia Fraseri</p> <p><b>EVERGREEN SHRUBS (cont.)</b></p> <p>Pine, Mugho Point Leaf Manzanita<sup>12</sup> Prostrate Rosemary Pyrantha Shrubby Cinquefoil<sup>1</sup> Sugarbush<sup>12</sup> Yucca</p> <p><b>NATIVE GRASSES</b></p> <p>Buffalo Grass<sup>12</sup> Blue Grama<sup>12</sup> Sideoats Grama<sup>12</sup> Bent Grass<sup>12</sup> Weeping Love Grass<sup>12</sup> Tall Fescue<sup>12</sup> Creeping Red Fescue<sup>12</sup></p> <p><b>LAWN GRASSES</b></p> <p>Kentucky Blue Grass Perennial Rye Grasses Fescue Grasse</p>
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[<sup>1</sup>Native Species]

[<sup>2</sup>Commonly Drought Resistant]

D. ~~Ord.~~ 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](http://www.prescottvalley-az.gov/158/Planning-Zoning).

Rewritten and re-codified by Ordinance No. 37, %%. Previously codified at section 13-26-060. Prior history: Enacted, by Ordinance No. 37, 09/04/80; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. No. 1988; replaced and reenacted by Ordinance No. 392, Rep&ReEn, 06/27/96; Ord. No. 1996; replaced and reenacted by Ordinance No. 521, Rep&ReEn, 05/09/02; Ord. No. 2002; replaced and reenacted by Ordinance No. 630, Rep&ReEn, 606/30/052005)

## ~~13-26-070~~ — ~~Nuisance and Hazards Provisions.~~

### 13-11-070 A. Nuisances and hazards

~~I.A.~~ A. Purpose of Nuisance and Hazards Provisions: In addition to those purposes listed in section 13-11-010 ~~conjunction with Subsection 13-26-010(A),~~ the purpose of these provisions is to prohibit or abate conditions ~~which poseposing~~ potential hazards and nuisances to the general welfare of the Prescott Valley residents and businesses.

~~J.B.~~ B. No use shall be established, maintained, or conducted in any ~~district~~zone which may cause any of the following nuisances or hazards:

1. ~~1.~~ 4.—Dissemination of smoke, gas, dust, odor, or any other atmospheric pollutant outside the building ~~in which~~where the use is conducted, or ~~with respect to a use or any part thereof that is any such dissemination~~ not conducted within a completely enclosed building, ~~any such dissemination whatsoever.~~
2. ~~2.~~ 2.—Objectionable noise beyond the zone boundary of the use's zoning district.
3. ~~3.~~ 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. ~~4.~~ 4.—Dissemination of glare or vibration beyond the immediate site of the use.
5. ~~5.~~ 5.—Physical hazards by reason of fire, explosion, radioactivity, or any similar cause to property in the same or an adjacent zoning district.

~~(Ord. No. 392, Enacted, 06/27/96)~~

~~13-26-080~~ — (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-26-070. Prior history: Enacted by Ordinance No. 392, 06/27/1996)

~~13-06-040~~ 13-11-080 Topography.

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

B. ~~A. Single Family Residential~~ Retaining Walls walls in all zoning districts:

1. ~~Retaining Walls~~ Any fencing above a retaining wall shall not exceed six (6) feet in height in rear and side yards and four (4) feet in height in front yards. from the retaining wall and landscaped.

4.2. If higher retaining walls are required, the use of terraces or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet 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 0 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.

Except as provided in subsection 0 below

B. ~~Commercial~~ Retaining Walls:

~~Retaining walls shall not exceed 12 feet in height in rear and side yards and 8 feet in height in front yards. If higher retaining walls are required, the use of terraced or stepped walls may be allowed provided that each wall shall not exceed the height limits set forth herein and shall have a minimum horizontal terrace spacing of three (3) feet which will be landscaped in accordance with the standards below. Any commercial fencing above a retaining wall should be set back at the same three (3) foot terrace standard stated above along with all terraced landscaping provisions stated below. Any commercial fencing above a retaining wall shall be set back at the same three (3) foot terrace standard stated above and shall be landscaped in accordance with the standards below.~~

c. ~~1.~~ 1., 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 ~~Section 13-26-040(D)(2)~~ subsection 13-11-040 D for non-pedestrian street frontage ~~with the exception, except~~ that the

required street trees may be replaced with other shrubs of similar size from the Prescott Valley Species Listapproved plant list.

C.E. C. ~~Other Grade Changes~~ grade changes in all zoning districts:

1. ~~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 Prescott Valley Species Listapproved plant list in a minimum ratio of 50 ~~percent~~% living vegetation to 50 ~~percent~~% inorganic groundcover.
2. ~~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 DSubparagraph 13-26-080(B) of this section.

~~(Ord. No. 630, Enacted, 06/30/05)~~

## ~~Article 13-26a~~ OUTDOOR LIGHTING REQUIREMENTS

~~13-26a-010 Purpose.~~

~~13-26a-020 Exemptions.~~

~~13-26a-030 Definitions.~~

~~F. 13-26a-040 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 13-07~~ ARTICLE 13-12. OUTDOOR LIGHTING STANDARDS REQUIREMENTS

~~Purpose 13-26a-050 Town Center (Section 14) Lighting Standards.~~

~~13-26a-060 Light Trespass and Shielding.~~

~~13-26a-070 Lighting Level Guidelines.~~

~~13-26a-080 Applicable Codes.~~

~~13-26a-090 Permit Process and Plans.~~

~~13-26a-100 Penalties.~~

~~13-26a-010 Purpose.~~

~~13-12-010 It is the intent of this Article to apply lighting standards consistent with prior Town policy and Council actions in order to ensure minimal~~

~~This Article is intended to minimize light pollution, reduce glare, promote public safety, and retain the enjoyment of Prescott Valley's Valley's night-time quality. These provisions are also consistent with prior policy to allow, while allowing for necessary commercial services and encourageencouraging quality development withinin the Town, and particularly the area generally known asin the Town Center (Section 14). .~~

~~(Ord. No. 521, Enacted 05/09/02)~~

~~13-26a-020 Exemptions.~~

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

### ~~13-07-040~~ 13-12-020 Exemptions

~~Existing Fixtures:~~

A. ~~1. fixtures.~~ All existing outdoor light fixtures ~~legally~~ installed in conformance with ~~adopted~~ Town Code provisions ~~then~~ in effect ~~at that time, prior to the effective date of any new standards adopted by this Article,~~ are exempt from new requirements of this Article, except that:

1. ~~a. When existing light fixtures are reconstructed or replaced, such~~ Upon reconstruction or replacement, light fixtures shall be inbrought into compliance with this Article.

~~b. Mercury vapor fixtures shall be reconstructed or replaced in conformance with Subsection 13-26a-040(A)(2)(a).~~

2. ~~B. Recreational Facilities. Lighting applications for recreational facilities as defined in Subsection 13-26a-030(A)(13), are exempt from the requirements of this Article. However, such applications shall~~ must be designed to utilize internal louvers ~~removed~~ and external shields to minimize upward light emissions and light trespass, and to reduce light levels to not more than one (1) foot-candle adjacent to any roadway and one-half (.5) foot-candle at any residential property line. ~~Any non-replaced with~~ conforming lighting for recreational facilities is subject to a Use Permit granted by the Board of Adjustment. light fixtures.

B. ~~C. Seasonal Decorations. decorations.~~ Seasonal ~~Decorations~~ decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all zoning districts from ~~15-November thru 15 through~~ January. ~~Such lighting 15, and~~ shall be extinguished ~~after 11:00pm or at the closing earlier of 11:00 p.m. or close of business (whichever comes first).~~

C. ~~D. Frosted Lamps. lamps.~~ Light fixtures with a frosted lamp emitting not more than ~~10001,000~~ lumens ~~and consisting of a frosted lamp~~ shall be permitted, subject to the light trespass standards of section 13-12-060 ~~Section 13-26a-060.~~

E. ~~Temporary Exemptions:~~

D. ~~1. 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, ~~business grand openings, etc. Such exemptions shall be permitted only by approval of the Development Services Director upon written request. Such permit shall be valid for not more than thirty (30) consecutive calendar days from the date thereon. Any individual requesting an exemption for a period greater than thirty (30) consecutive calendar days (or an extension beyond the original 30-day period), shall make application directly to the Board of Adjustment and business grand openings. Upon written application, a temporary exemption:~~

1. ~~Or~~ 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. 521, %%. Previously codified at section 13-26a-020. Prior history: Enacted, by Ordinance No. 521, 05/09/02; Ord-2002; amended by Ordinance No. 894, ~~Amended~~, 01/13/222022)

### ~~13-07-020~~ 13-12-030 ~~13-26a-030~~ Definitions.

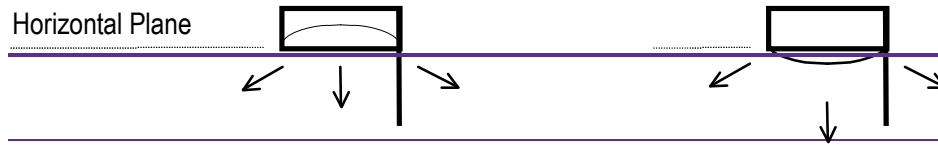
#### A. ~~The following terms apply:~~

##### ~~1.~~ 1. "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. 2. "CCT ~~or Color Correlated Temperature~~" means color correlated temperature; that is, the equivalent color of a heated metal object to the accompanying temperature in Kelvin Scalekelvin scale (K).
- ~~3.~~ 3. "Fixture Height""Floodlight" means ~~the height measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.~~
- C. 4. "Flood Light" means a specific form of lamp typically designated as a floodlight by its manufacturer and designed to direct its output in a specific direction ~~(a beam)~~ with a reflector formed from the glass envelope of the lamp itself, with a clear or nearly clear glass envelope. ~~Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.~~
- D. 5. "Foot-Candle ~~(fc)"~~ candle" means one ~~(1)~~ lumen per square foot unit of ~~illuminance~~ illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 lux.
- E. 6. "Fully-~~Shielded~~ 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~~ shielded" shall also conform to cutoff guidelines defined by ~~IESNA as "the candlepower per 1000 lumens does not numerically exceed 25 (2.5%) at an angle of 90° above (nadir) horizontal, and 100 (10%) at a vertical angle of 80° above nadir."~~ IES. Drop or sag lens type fixtures shall not be allowed.

Shielded Fixture

Prohibited, Drop or Sag Lenses



F. ~~7.~~ “Horizontal Foot-Candle (hfc)” ~~“foot-candle”~~ means the ~~illuminance~~ illuminance measured by a light meter at the adjacent grade of the fixture or building on which it is attached, unless otherwise specified.

G. ~~8.~~ “IESNA (“IES”)” means the Illuminating Engineering Society ~~of North America.~~

H. ~~9.~~ “Illuminance” means the intensity of light in a specified direction measured at a specific point.

~~10. “Individual” means any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.~~

I. ~~11.~~ “Lamp or Bulb” means a source of light.

J. ~~12.~~ “LED” means light emitting diode.

~~“Light Emitting Diode.”~~

~~J.K.~~ 13. “Light Fixture” ~~“fixture”~~ means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Light ~~Fixture~~ fixture shall also mean Luminaire ~~luminaire~~ as referenced by ~~IESNA.~~ IES.

~~K.L.~~ 14. “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.

~~15. “Recreational Facilities” means public, municipal or private facilities designed and equipped for the conducting of sports, leisure time activities, and other customary and usual recreational activities. 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.”~~



16. "Town Standard" street lighting means the LSI (Model XCN4 3000K) light fixture models.

M. ~~Ord.~~ "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. 521, %%. Previously codified at section 13-26a-030. Prior history: Enacted, by Ordinance No. 521, 05/09/02; Ord. 2002; amended by Ordinance No. 832, Amended, 08/10/172017)

### ~~13-26a-040~~ — Lighting Standards.

#### ~~13-07-030~~ 13-12-040 A. — General lighting standards (unless specified elsewhere):

A. ~~1.~~ All light fixtures ~~(unless specifically exempted) will~~ must be designed and installed as "fully -shielded" ~~as defined in Subsection 13-26a-030(A) (1).~~, unless specifically exempted.

B. ~~2.~~ 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.

~~B-E.~~ Light fixture types shall be regulated as follows:

a. ~~Installation of new mercury vapor (MV) fixtures was prohibited within the Town as of July 11, 1993 [being one (1) year after the effective date of Ordinance No. 276]. Mercury vapor fixtures shall be prohibited within the Town as an outdoor lighting source as of January 1, 2005.~~

1. ~~b.~~ Mercury vapor fixtures are prohibited.

~~4-2.~~ Metal halide ~~(MH)~~ fixtures shall be allowed for the following applications:

a. ~~(1)~~ Approved outdoor merchandise sales display including, but not limited to, automobile sales.

- b. ~~(2)~~ Building-mounted lighting for accent and entrances installed per paragraph HSubsection 13-26a-040(B) of this section.
  - c. ~~(3)~~ Gas pump island areas under a canopy.
  - d. ~~(4)~~ Main Street ~~as defined in Subsection 13-26a-050 (B).~~
- ~~2.3.~~ c. Incandescent, fluorescent, high pressure sodium ~~(HPS),~~<sub>1</sub> low pressure sodium ~~(LPS),~~<sub>2</sub> quartz, and LED fixtures are allowed in all zoning districts, subject to all other provisions of this Article.
- ~~3.4.~~ d. 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.
- ~~4.5.~~ e. Incandescent or arc-type searchlights, beacon lights, or similar lighting devices projecting a beam of light into the sky are prohibited ~~unless express permission is obtained from the Town Council. However, nothing herein shall prohibit~~ except by conditional use permit or for emergency searchlights or beacons operated ~~pursuant to public authority.~~ by government entities.
- ~~C.F. 3.~~ Any light fixtures placed in public rights-of-way shall meet the ~~intent~~requirements of this Article, and ~~the requirements~~ of any other adopted Town policy or standard, and shall first be approved by the Public Works Director.
- ~~D.G. 4.~~ 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, ~~that the lamp emits more or less than stated herein.:~~
- 1. . Less than ~~1000~~1,000 lumens~~—:~~
    - a. 60 watt incandescent
    - b. ~~75 watt flood,~~ floodlight
    - ~~b.c.~~ c. 25 watt fluorescent.
  - 2. ~~1000—2000~~1,000 to 2,000 lumens~~—:~~
    - ~~c.a.~~ a. 100 watt incandescent
    - ~~d.b.~~ b. ~~120 watt flood light,~~ floodlight
  - 3. ~~2000—4000~~2,000 to 4,000 lumens~~—:~~
    - a. 160 watt ~~flood light,~~ floodlight

- b. 50 watt HPS, high pressure sodium
- c. 50 watt MH, metal halide
- e.d. 40 watt fluorescent.
- 2.4. 4000+ More than 4,000 lumens
- a. —100 watt MV, 100 watt MH, metal halide
- a.b. 110 watt florescent (48" inch tube)-.)

B. ~~—The installation of building-mounted light fixtures shall be governed by the following:~~

H. 1. ~~Building-mounted light fixtures shall be HPS, MH:~~

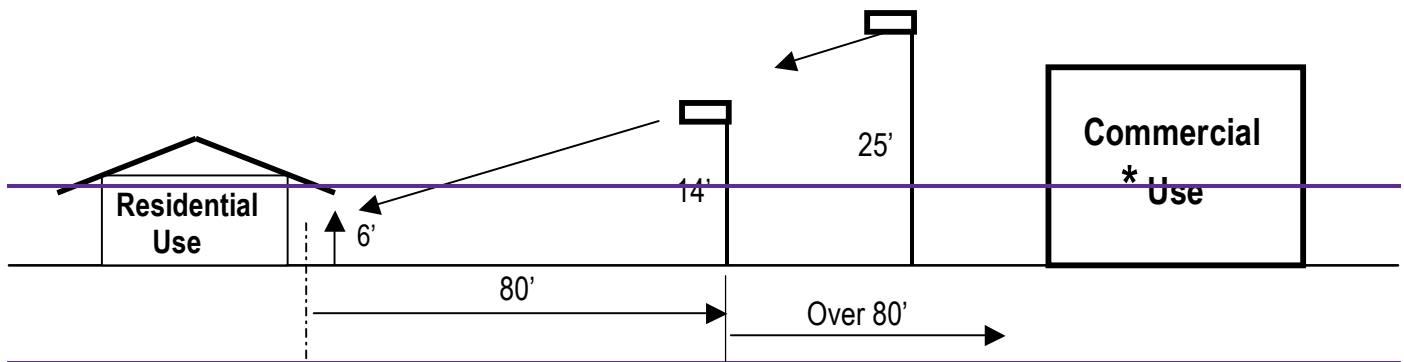
- 1. High pressure sodium, metal halide or other allowed source, ~~and all such fixtures are subject~~
- 3.2. Subject to the light trespass standards of Section 13-26a-060section 13-12-060 and the lighting level standards of Section 13-26a-070.section 13-12-070
- 4.3. ~~—2.~~ Such light fixtures shall be installedInstalled per the following guidelines:
  - a. ~~a. Maximum of fourteen (No higher than 14) feet in height with lamps no more than 175 watts within eighty (80) feet of, any residential zoning district, or if located across the street from a residential zoning district, and lamps shall not be more than 175 watts.~~
  - b. ~~b. Maximum of twenty-five (No higher than 25) feet in height in all other locations, and with lamps shall not beno more than 250 watts. in all other locations~~
  - 3. ~~Building-mounted light fixtures shall be at least fifty (50) feet apart on average. Fixtures that are fully recessed and mounted under a canopy or other solid overhang portion of a structure are not subject to this spacing standard.~~

C. ~~—The installation of freestanding light fixtures shall be governed by the following:~~

I. 1. ~~Freestanding light fixtures shall be:~~

- 1. LED, HPS or LPShigh pressure sodium, or low pressure sodium only (unless specified elsewhere), ~~and all such fixtures are subject)~~
- 5.2. Subject to the light trespass standards of Section 13-26a-060section 13-12-060 and the lighting level standards of Section 13-12-07013-26a-070.
- 6.3. ~~—2.~~ Such light fixtures shall be installedInstalled per the following guidelines:

- a. ~~a. Maximum of fourteen (No higher than 14) feet in height with lamps no more than 250 watts within eighty (80) feet of any residential zoning district, or if located across the street from a residential zoning district, and lamps should not be more than 250 watts.~~
  - b. ~~b. Maximum of twenty-five (25) feet in height in all other locations and No higher than 35 feet with lamps should not be no more than 400 watts.~~
  - b. ~~c. Maximum of thirty-five (35) feet in height in Industrial in industrial zoning districts (M1 or M2)IG and IH), when the light fixture is not visible from a highway, and is located at least 200 feet from a residential use. Lamps should not be more than 400 watts.~~
3. ~~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 support for said fixture.~~



~~Light fixtures shall be shielded so that the light source, and direct glare is not visible at a 6' vertical distance at a residential property line.~~

D. ~~Topographic Features:~~

1. ~~Any light fixture installed on a hillside site being more than ten feet (10') higher than an adjacent roadway, or residential zoning district and visible therefrom, shall be fully shielded (and shall include any internal or additional external shielding) so as to prevent direct glare, and prevent the lamp from being visible from said adjacent roadway, or residential zoning district.~~

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

- c. ~~13-26a-050~~ 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)

~~13-07-040~~ 13-12-050 Town Center (~~Section 14~~) ~~Lighting Standards~~, lighting standards

A. ~~Arterial Streets:~~

~~A. 1. The illustration in Subsection 13-26a-050(E) below depicts those arterial streets that~~ Arterials.

- ~~1. Those portions of arterials located in Town Center will utilize the light fixture Constitution-Decorative Post Top Light (Model XCN4, color temperature 3000) manufactured by LSI (Model XCN4 3000K) as Industries, Inc., depicted to the "Town Standard" (right, or a substantially similar an approved equal fixture as to type and color as approved by the Town Manager).~~



- ~~2. Other arterial streets and rights-of-way may utilize other light fixtures subject to Subsection 13-26a-050(C) below.~~

- ~~2. 3.~~ Pole heights for light fixtures for other arterial streets should ~~be~~ have a height of 25 feet or less than twenty-five (25) feet in height, and spacing and illumination levels should enhance security and safety and should encourage pedestrian circulation (subject to approval by the Public Works Director).

B. ~~B.~~ Main Street:

- ~~1. 1.~~ The illustration in Subsection 13-26a-050(E) depicts those "Main Street" areas that will utilize the light fixture ~~manufactured by Lumec~~ depicted to the right (or a substantially similar an approved equal fixture as to type and color), ~~approved by the Town Manager~~ shall be used on Main Street.



- ~~2. 2.~~ The height ~~of these shall match the light poles and fixtures shall match those~~ 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 (Section 14) Streets~~ streets and ~~On-Site Lighting:~~

- ~~C. 1.~~ on-site lighting. Other decorative-style light fixtures not in compliance with this Article may be utilized in the Town Center (~~Section 14~~) where unique pedestrian scale lighting and accent is desired, subject to the following standards:

- ~~1. a.~~ Unshielded light fixtures of only 1,000 total lamp lumens or less are allowed.

2. ~~b.~~ Non fully-shielded light fixtures of 4,000 total lamp lumens or less are allowed only in:

a. In conjunction with ~~Final Development Plans~~ final development plans per subparagraph 13-06-040E.7 ~~Subsection 13-19-060(G)~~, and ~~only if the same are~~

~~a-b.~~ Where not oriented ~~toward~~ toward any residential use or major roadway.

~~2.3. c.~~ If ~~All~~ additional lighting ~~is needed it~~ shall take the form of higher -profile, fully -shielded light fixtures, subject to all other provisions of this Article.

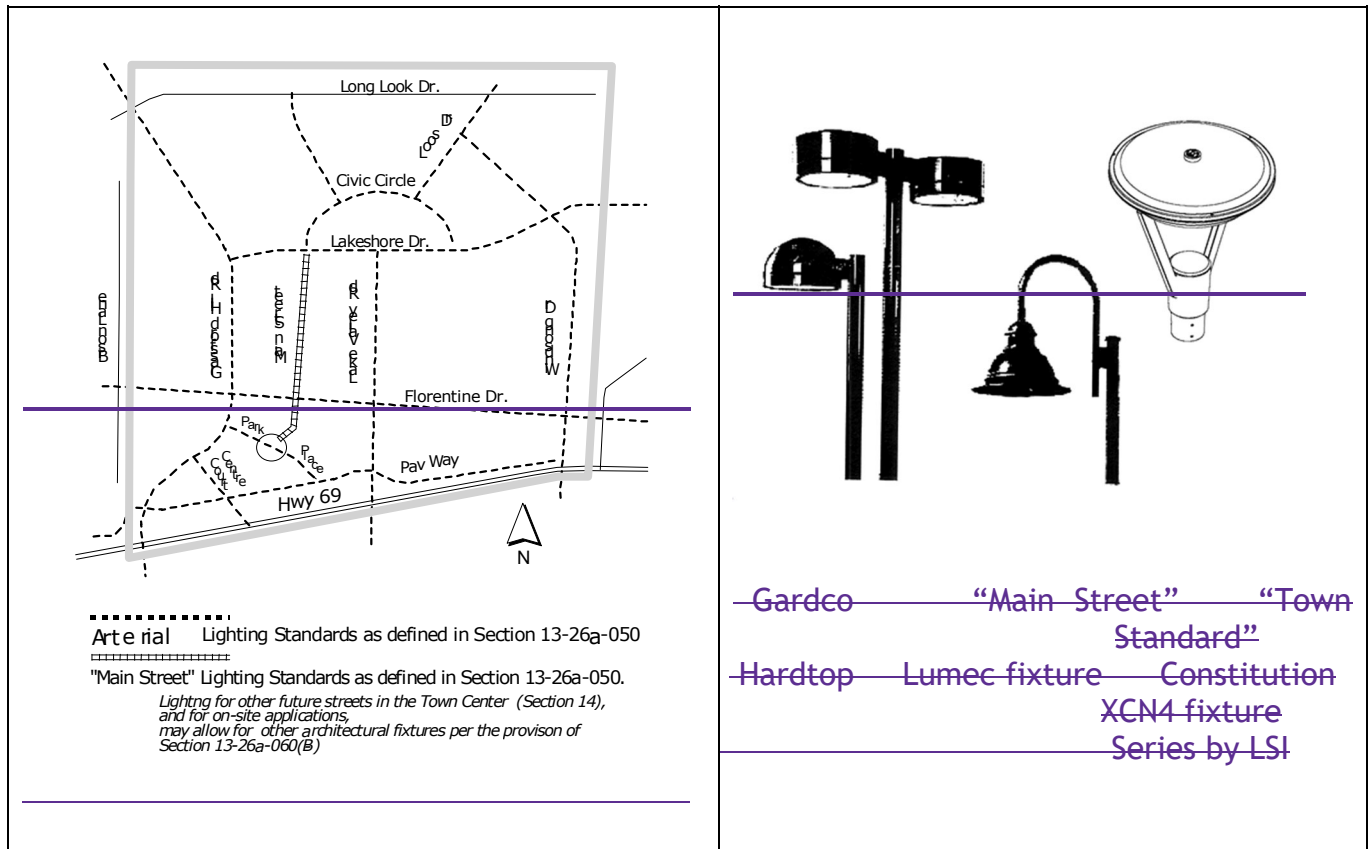
D. ~~D.~~ Parking ~~Lots~~ lots and ~~Parking Structures~~ parking structures.

1. ~~1.~~ Parking lots and the upper level of ~~any~~ parking structures ~~should~~ shall be lit with neutral, non-decorative light fixtures similar to the Gardco Hardtop series, depicted to the right, and poles ~~should~~ shall be simple and non-articulated.



2. ~~2.~~ Spacing and illumination levels ~~should be based on~~ shall comply with an approved site plan (see subsection 0) ~~Site Plan per Subsection 13-26a-090(E)~~.

E. ~~Illustrations:~~



~~(Ord. 521, 05/09/02; Ord. 2002; amended by Ordinance No. 832, Amended, 08/10/172017)~~  
~~(Rewritten and re-codified by Ordinance No. 521, 05/09/02; Ord. 2002; amended by Ordinance No. 832, Amended, 08/10/172017)~~

### ~~13-07-050~~ ~~13-12-060~~ ~~13-26a-060~~ Light Trespass and Shielding

- A. ~~All light fixtures shall be fully shielded as defined in Subsection 13-26A-030(A)(1), and~~  
~~and shall be installed in such a manner so~~ that the light source and direct glare ~~is~~ are not visible from adjoining residential uses.
- B. ~~Light levels shall not exceed one (1) horizontal foot candle at any property line, and the total level of lighting at an adjoining residential property line shall not exceed one-quarter (0.25) foot-candles at a vertical point the height of six (6) feet above grade 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 as defined in this Article.~~

D. ~~D.~~ Exemptions:

1. ~~1.~~ Light Residential light fixtures emitting no more than ~~2000~~2,000 lumens as ~~stated~~provided in subsection 13-12-070 E~~Subsection 13-26-070(E)~~, subject to all other provisions of this Article.
2. ~~2.~~ Incandescent spot lights ~~in commercial uses~~ of no more than 4,000 lumens in a shielded fixture, ~~used~~where they are:
  - a. Used to illuminate a commercial use,
  - b. Used for landscape or building accent, ~~if such fixtures are mounted~~
  - c. Mounted at ground level, ~~are directed~~
  - d. Directed away from roadways and residential property, ~~and project~~
  - e. Directed at not more than a 45-degree angle above horizontal. ~~Such light fixtures shall be spaced, and~~
  - a-f. Spaced at not more than one ~~(1)~~ per 30-feet of building wall face, or one ~~(1)~~ per monument sign face.

~~(Ord. No. 521, Enacted, 05/09/02)~~

~~13-26a-070~~ (Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-060. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

~~13-07-060~~ 13-12-070 Lighting Level Guidelines, level guidelines

A. ~~A.~~ General: ~~—~~.

1. ~~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 ~~IESNAIES~~ guidelines or as a maximum value, and may be indicated as either horizontal or vertical foot-candles.
2. ~~2.~~ Unless otherwise specified, maximum illuminance levels shall conform to the lowest levels recommended by ~~IESNAIES~~.
3. ~~3.~~ For uses not specified herein in this Section, the ~~Development Services Director~~Zoning Administrator may approve levels of illuminance based on minimum guidelines established by ~~the IESNAIES~~.



B. ~~B. Building-Mounted Light Fixtures:~~mounted light fixtures.

1. ~~1.~~4.—Exterior, building-mounted light fixtures shall be 25,000 lumens or less and shall not exceed ~~twenty (20) hfc~~horizontal foot candles of illuminance.
2. ~~2.~~2.—Building entrances, loading areas, drive-through and ATM locations, and fixtures otherwise fully ~~recessed~~ and mounted under a canopy or other solid overhang ~~portion~~ of a building or structure shall not exceed ~~twenty (20) hfc~~horizontal foot candles of illuminance.

C. ~~C. Parking Lots~~lot and ~~Freestanding Light Fixtures:~~freestanding light fixtures.

1. ~~1.~~1.—Only LED, ~~HPS~~high pressure sodium, or ~~LPS~~low pressure sodium light fixtures shall be used for parking lots and freestanding light fixtures.
2. The lighting systems for parking lots shall be ~~so~~ designed ~~as to produce an:~~
  - a. ~~An~~ average maintained light level on the horizontal pavement surface that does not exceed an average of two and one-half ~~(2.5) fc~~foot-candles, and ~~the~~
  - b. ~~A~~ maximum-to-minimum uniformity ratio ~~shall of~~ not ~~exceed twenty~~more than 20 to one ~~(20:1) with a, and~~
  - c. ~~A~~ maximum level of ten ~~(10) fc.~~ Additionally, a foot-candles.
- ~~2.3.~~2.3. ~~A~~ CCT of  $\leq 3500\text{K}$  or less shall be maintained for all LED lighting.

D. ~~D.~~ Outdoor sale displays and canopies may be illuminated with ~~MH~~metal halide light fixtures ~~as stated in Section 13-26a-040 (A) (2) (b),~~ at the following lighting levels:

1. ~~1.~~1.—Illumination ~~for pump islands~~ under pump island canopies shall not exceed an average illuminance of ten ~~(10) hfc~~horizontal foot candles or a maximum of ~~twenty (20) hfc~~horizontal foot candles.
2. ~~2.~~2.—Automobile sales lighting shall be installed according to the standards in one of the two following ~~standards~~subparagraphs, and the total site lighting shall be reduced to at least no more than 25% ~~of the regular levels,~~ after the later of 11:00 p.m. or ~~one-a~~half ~~(1/2) hour after the close of business (whichever is later).~~

~~—— a. (All numbers in hfc. Maximum Average is the maintained average level.)~~

a. Light levels shall meet the requirements in the following table:

<u>Area/Location</u>	<u>Max. Avg. Maximum Average</u>	<u>Max. Maximum</u>	<u>Min/Minimum</u>	<u>Max/Min Ratio of Maximum to Minimum</u>
Merchandise	10	15	3 <sup>1</sup>	5:1 <sup>2</sup>
Feature Display <sup>(c)-3</sup>	15	20	<del>4</del> <sup>4(a)</sup>	5:4 <sup>2-1(b)</sup>
Other/Employee	5	10	0.5 <sup>5(a)</sup>	20:1 <u>Max. maximum</u> <u>m</u>
<del>Fully recessed fixtures in covered display areas, within the building structure.</del> <del>30 Max.</del>				

(1) ~~\_\_\_\_\_~~<sup>4</sup> ~~Recommended~~ The table's superscript letters correspond to the following subparagraphs:

- (a) This is the recommended minimum ~~levels~~ level, but is not required.
- (b) ~~\_\_\_\_\_~~<sup>2</sup> ~~Recommended~~ This is the recommended maximum ratio, but in any event the maximum ratio shall not to exceed 10:1
- (c) ~~\_\_\_\_\_~~<sup>3</sup> ~~Front~~ This requirement applies to the row of merchandise adjacent to the street.

(2) ~~b.~~ 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 ~~an~~:

(1) A maintained average of ~~twelve~~ (12) maintained hfc, with a horizontal foot candles, and

(2) A maximum of ~~twenty~~ (20) hfc, not horizontal foot candles, but

~~(2)~~ (3) Not counting those fixtures fully recessed and mounted under a canopy or other solid overhang ~~portion of the~~ building or structure, which shall not exceed a maximum of thirty (30) hfc 30 horizontal foot candles.

3. ~~\_\_\_\_\_~~<sup>3</sup> Other seasonal retail outdoor lighting areas shall not exceed ten (10) fc. foot-candles.

#### E. ~~E.~~ Residential Fixtures: fixtures.

1. ~~4.~~ The following light fixtures up to 20002,000 lumens are allowed in residential zoning districts and are exempt from the full shielding requirements of subsection 13-12-040 A Subsection 13-26a-030(A)(1) when all such fixtures are a minimum of thirty (30) feet apart (on average)::

- a. ~~a.~~ Lighting fixtures emitting not more than ~~4000~~1,000 lumens and consisting of a frosted lamp.
  - b. ~~b.~~ Floodlights or shielded spot light fixtures emitting not more than 2,000 total lumens ~~that project and directed downward at a down-an~~ angle of at least 45 - degrees (~~whether or not including those on a motion sensor) or not.~~).
2. ~~2.~~ The following light fixtures are allowed in residential zoning districts and are ~~exempted~~exempt from the 30-foot average spacing ~~requirements~~requirement:
- a. ~~a.~~ Low-voltage systems installed at ground level.
  - b. ~~b.~~ Fixtures up to ~~2000~~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. ~~3.~~ ~~Maximum installation height of any light fixture~~Light fixtures shall be ~~twelve (installed no higher than 12)~~ feet ~~from above the~~ adjacent grade.
4. ~~4.~~ The total level of lighting at an adjoining residential property line shall not exceed ~~one-quarter (-0.25) fc foot-candles~~ at a ~~vertical point~~height of six (6) feet above grade, except that; light fixtures emitting less than ~~4000~~1,000 lumens and consisting a of a frosted lamp are exempt when installed a minimum of 30 feet apart on a permitted residence or accessory structure ~~at a minimum of thirty (30) feet apart (on average).~~

~~(Ord. (Rewritten and re-codified by Ordinance No. 521, %%. Previously codified at section 13-26a-070. Prior history: Enacted, by Ordinance No. 521, 05/09/02; Ord. 2002; amended by Ordinance No. 832, Amended, 08/10/17; Ord. 2017; amended by Ordinance No. 894, Amended, 01/13/222022))~~

### ~~13-07-070~~13-12-080 ~~13-26a-080~~ Applicable ~~Codes.~~codes

All outdoor electrically ~~-~~powered illuminating devices shall be installed in conformance with the provisions of this Article, ~~the Town of Prescott Valley Administrative Town Code and the National Electrical Code (all as adopted by the Town from time to time), as well as Chapter 7 (Building), and all~~ other applicable Town zoning and nuisance regulations.

~~(Ord. (Rewritten and re-codified by Ordinance No. 521, %%. Previously codified at section 13-26a-080. Prior history: Enacted, by Ordinance No. 521, 05/09/02; Ord. 2002; amended by Ordinance No. 590, Amended, 03/25/042004))~~

~~13-07-080~~ 13-12-090 ~~13-26a-090~~ Permit Process and Plans

- ~~A.~~ A. Any ~~individual~~person intending to install or replace an outdoor light fixture shall submit ~~an application~~ to the Building Official a permit application providing evidence that the proposed work will comply with this Article. ~~Should~~
- ~~A.B.~~ A.B. Any person intending to change any outdoor light fixture or ~~the~~ type of light source ~~therein~~ be changed after the original installation, ~~a change request~~ shall ~~be submitted~~submit to the Building Official ~~for his approval prior to the~~ change ~~(together with adequate request and information adequate~~ to assure compliance with this Article~~).~~
- ~~B.C.~~ B. ~~Applications for permits~~Permit applications shall include ~~manufacturer's~~manufacturer's catalog cuts and drawings (including sections where required~~),~~) and specifications identifying lamp types and lumen outputs.
- ~~C.D.~~ C. ~~Utility companies that enter into an approved~~ An entity engaged in the business of providing public utilities required by a contract with the Town by which they agree to comply with these ~~the~~ provisions of this Article shall be exempt from obtaining a permit for the installation of individual outdoor light fixtures.
- ~~D.E.~~ D. 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.
- ~~E.F.~~ E. All appeal procedures generally applicable to the issuance of building permits shall apply ~~hereto~~ to permits for installation of outdoor lighting fixtures under this Article.
- E. ~~Lighting Plans:~~
- ~~F.G.~~ 1. 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.~~ a. ~~A Site Plan indicating site plan identifying~~ the proposed location of each ~~of the~~ lighting ~~fixtures~~fixture.
2. ~~b.~~ b. ~~A description of each illuminating device, fixture, lamp, support, and shield. This description shall include (, including but shall not necessarily be limited to) manufacturer's~~ 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 ~~(10)~~ feet at ground level ~~f.~~ and at five ~~(5)~~ feet above ground where required by the Building Official ~~].~~

~~G.H. F. If The final plat of~~ any subdivision ~~proposes to have with proposed~~ street or other common or public area outdoor lighting, ~~the final plat or Final Development Plan~~ shall ~~contain~~include a statement certifying ~~that compliance with~~ the applicable provisions of this Article ~~will be adhered to.~~

~~(Ord. No. 521, Enacted, 05/09/02)~~

~~13-26a-100~~ (Rewritten and re-codified by Ordinance No. %. Previously codified at section 13-26a-090. Prior history: Enacted by Ordinance No. 521, 05/09/2002)

#### ~~13-07-090~~13-12-100 Penalties.

~~A.~~ Any ~~individual~~person violating any ~~of the provisions~~provision of this Article shall be deemed guilty of a class 2 misdemeanor, ~~and such individual shall be deemed guilty of a separate offense for each and every.~~

~~B.~~ Each day or portion ~~thereof~~of a day during which a violation ~~continues~~ is a separate offense.

~~A.C.~~ A person ~~convicted~~ of any ~~of the provisions~~violation of this Article ~~is committed, continued or permitted. Upon conviction of any such violation, the individual may be punished as set forth in ARS §§A.R.S. §§ 13-707, 13-802 and 13-803, as amended from time to time.~~

~~(Ord. No. 521, Enacted, 05/09/02)~~

## **Article 13-27 — ENFORCEMENT**

13-27-010 — (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**

#### **13-07-10013-13-010 Planning and Zoning Inspector, Commission**

~~13-27-020 — Zoning Permits.~~

~~13-27-030 — Reserved.~~

~~13-27-040 — Establishment Inspection.~~

~~13-27-050 — Other Permits.~~

~~13-27-060 — Fees and Charges.~~

#### **13-27-010 — Zoning Inspector.**

For the purpose of enforcement of the provisions of this Chapter, a Zoning Inspector, and such Deputy Zoning Inspectors as may be required, membership. The Council shall be appointed by the Town Council. The Zoning Inspector and Deputy Inspectors shall administer and enforce this Chapter, including the receiving of applications, the inspection of premises, and the issuing of zoning permits. No zoning permit shall be issued except where the provisions of this Chapter have been complied with.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04)

#### **13-27-020 — Zoning Permits.**

A zoning permit shall be required for any building or structure which is less than one hundred forty-four (144) square feet in size; all fences that are four (4) feet in height or greater; and all signs that are exempt from building permit requirements under town Code Article 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 Inspector 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 five hundred dollars (\$500), nor for new construction of a value not exceeding one hundred dollars (\$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 one thousand dollars (\$1,000.00).~~

#### **A. — Permit Issuance**

For each permit issued the Inspector shall provide:

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

~~B. Information Required~~

- ~~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 inspector may require for the purpose of determining whether the application complies with the requirements of this Code.~~

~~C. 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 is commenced within six (6) months of date of issuance and diligently pursued thereafter.~~
- ~~2. Any requirements or stipulations conditional upon which the permit was issued are complied with.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-26-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 268, Amended, 12/12/91; Ord. No. 607, Amended, 12/02/04; Ord. No. 894, Amended, 01/13/22)~~

~~13-27-030 Reserved.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 607, Rep&ReEn, 12/02/04)~~

### ~~13-27-040 — Inspection.~~

~~The Zoning Inspector (or any Deputy Inspector) may, in the discharge of his 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 noticed personally in writing (or by registered mail) at least twenty-four (24) hours prior to such inspection in all cases in which entry has been refused. Every person who, after receipt of such written notice, denies, prevents or obstructs (or so attempts) access to such premises shall be guilty of a class 1 misdemeanor.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 600, Amended, 07/22/04)~~

### ~~13-27-050 — Other Permits.~~

~~All other permit applications provided for in this Chapter shall be filed in the Development Services Department and transferred thereafter through proper channels.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-26-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 607, Amended, 12/02/04; Ord. No. 894, Amended, 01/13/22)~~

### ~~13-27-060 — Fees and Charges.~~

~~Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the Comprehensive Fee Schedule (except where such are waived by the Town Council). Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.~~

~~(Ord. No. 241, Enacted, 09/27/90; Ord. No. 337, Amended, 10/13/94; Ord. No. 398, Amended, 09/12/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 527, Amended, 07/25/02; Ord. No. 607, Amended, 12/02/04; Ord. No. 780, Amended, 11/21/13; Ord. No. 837, Amended, 11/16/17; Ord. No. 839, Amended, 02/22/18; Ord. No. 2023-929, Amended, 11/09/23)~~



~~Article 13-28 PLANNING AND ZONING COMMISSION~~

- ~~13-28-010 Town Council.~~
- ~~13-28-020 Structure.~~
- ~~13-28-030 Duties.~~
- ~~13-28-040 Meetings.~~
- ~~13-28-050 Voting.~~
- ~~13-28-060 Reserved.~~
- ~~13-28-070 Public Hearing.~~

~~13-28-010 Town Council.~~

~~B.A. The Prescott Valley Town Council shall establish and appoint the Planning and Zoning Commission which shall, in turn, be 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.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-28-020 Structure.~~

~~B. A. The Planning and Zoning Commission shall be composed of seven (7) residents of the Town who shall serve without pay. The Town Staff.~~

- ~~1. The Council may hire clerical and technical aid for the Commission.~~
- ~~2. The Zoning Inspector/Administrator shall serve as ex-officio member (without vote) of the Commission and shall make recommendations concerning the matters before it. Members of the Commission shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council.~~

~~C. B. Officers. The Commission shall elect its own Chairperson/Chair and Vice-Chairperson/Vice-Chair from its membership, each of whom shall serve for a period of two (2) years from the Election Date (as defined herein). Such election shall be held.~~

- ~~1. Elections for chair and vice-chair shall occur at the November Commission meeting in every odd-numbered calendar year (the "Election Date"). Where the office of Chairperson shall become vacant, the Vice-Chairperson shall automatically become Chairperson for the balance of the term to have otherwise been served by the prior Chairperson and an election shall be held for the office of Vice Chairperson (whose term shall be coterminous with that of the newly elected Chairperson). A Chairperson/years.~~

2. A chair or ~~Vice-Chairperson~~vice-chair may not consecutively serve more than one full two-year term ~~(but,~~

a. A member may serve as chair or vice-chair for more than one two-year term if such so long as the terms are not consecutive and may have served a prior.

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). ~~Where.~~

3. If the office of ~~Vice-Chairperson~~chair becomes vacant, the vice-chair shall ~~be automatically~~ become chair for the remainder of the term.

~~3.4.~~ If the office of vice-chair becomes vacant ~~prior to expiration of the two-year term,~~ an election shall be held for the office of vice-chair for which such Vice-Chairperson was elected, the Commission shall immediately elect a replacement Vice-Chairperson to serve the balance the remainder of the term.

~~C.D. C.~~ Member removal. If any Commission member shall ~~miss~~ absent for three ~~(3)~~ consecutive meetings or ~~be guilty of~~ commits misconduct, ~~a quorum of the membership~~ Commission may, ~~by majority vote,~~ place an item on the next available agenda to recommend to that the Council ~~that such~~ remove the member ~~be asked to resign and appoint a new member be appointed as~~ replacement.

~~D.E. D.~~ 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 ~~Robert's~~ Rules of Order.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-020; Ord. No. 42, Amended, 10/07/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 2023-929, Amended, 11/09/23)

#### ~~13-28-030~~ — Duties.

F. It shall be the duty of the ~~The~~ Commission ~~to formulate~~ shall:

1. Formulate, create, and administer any lawful plan duly adopted by the governing body ~~Town Council~~ for the present and future growth of the Town pertaining to the use of land and buildings for any purpose, ~~together with~~

2. Undertake all incidental activities usually associated ~~therewith~~ with the plans formulated, created, or administered by the Commission

3. Undertake all activities and commonly known as "Planning and Zoning"; to make"

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; ~~to recommend~~

~~4.5.~~ Recommend to the governing body ~~Town Council~~ revisions in such plans which, in the opinion of the Commission, are in the best interests of the citizens of the Town; ~~to~~

~~promulgate rules of procedure for approval by the governing body, and to supervise the enforcement of those rules.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~6. 13-28-040 — 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. Meetings.~~ The Commission shall provide in its rules for its meetings; ~~provided that special.~~

~~1. Special meetings of the Commission may be called by the Chairman. In addition, any chair.~~

~~2. Any three (3) members of the Commission may make written request to the Chairman chair for a special meeting, and in if the event such special meeting is not called such, the three members may call such the special meeting in such the manner and form as may be provided in the Commission rules.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-040; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~E, H. 13-28-050 Voting. Four (4) members of the Commission shall constitute a quorum.~~

~~1. The affirmative vote of four (4) members shall be required for passage of any matter before the Commission.~~

~~2. The minutes of the Commission meetings shall reflect the "Ayes" "ayes" and "Nays" "nays" cast on a particular measure and shall reflect the vote of each member present.~~

~~3. A member may abstain from voting only upon at the member's declaration that he has of a conflict of interest, in which case such the member shall take no part in the deliberations on the matter in question.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-050; Ord. No. 178, Rep&ReEn, 05/26/88)~~

~~13-28-060 — Reserved.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-27-060; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 2023-929, Amended, 11/09/23)~~

~~13-28-070 — Public Hearings.~~

I. Commission public hearing. The Commission shall hold a public hearing on any proposed ~~Zoning Code rezoning or~~ amendment. ~~to this Chapter.~~

1. After the public hearing, the Commission shall ~~prepare a written recommendation to the Town Council. The recommendation will include the provide~~ sufficient information concerning the Commission's reasons for the recommendation and 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 ~~(10)~~ days of the public hearing.

J. Council public hearing. The ~~Town~~ Council shall then hold a second hearing on ~~the any~~ proposed ~~Zoning Code rezoning or~~ amendment. ~~to this Chapter.~~

F.K. Decision. After the Council public hearing, the ~~Town~~ Council shall make a final determination on the ~~proposed Zoning Code amendment~~ proposal and may adopt or reject, in whole or part, the Commission's recommendation.

G.L. Notice. Notice of ~~both the~~ public hearings by the Commission and Council shall be provided in ~~a single Notice disseminated 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))

#### Board of Adjustment

~~(Ord. No. 645, Enacted, 01/26/06)~~

**Article 13-29 BOARD OF ADJUSTMENT**

~~13-29-010 Town Council.~~

~~13-29-020 Structure.~~

~~13-13-020 13-29-030~~

~~Establishment and membership. The Procedure.~~

~~13-29-040 Powers.~~

~~13-29-050 Hearing Applications.~~

~~13-29-060 Hearings and Rulings.~~

~~13-29-010 Town Council.~~

~~The Prescott Valley Town Council shall establish and appoint the Board of Adjustment which shall, in turn, perform the duties prescribed by Title 9, Chapter 4, Article 6.1, Arizona Revised Statutes.~~

~~(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)~~

~~13-29-020 Structure.~~

H.A. A. ~~The Board of Adjustment shall be composed of five (5) residents of the Town who shall serve without pay. Such appointees shall not include any individual or any person employed by any individual who is, during the term of appointment, serving as a member of the Planning and Zoning Commission. The Director of Planning and Zoning shall serve as an ex-officio member (without vote), and shall make recommendations concerning the matters before the Board. Members of the Board of Adjustment shall be appointed for three (3) year staggered terms, but shall serve at the pleasure of the Council; provided however, that with appointments beginning in 1987, one (1) member shall be appointed to a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for terms of three (3) years. All subsequent appointments shall be for terms of three (3) years 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. 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 Chairman and Vice-Chairman from its membership, each of whom shall serve for a period of one (1)-year from date of election. Upon the expiration of the term of office of the Chairman, or in any event where the office shall become vacant, the Vice-Chairman shall automatically become Chairman and an election shall be held for the office of Vice-Chairman.
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.

#### Secretary.

3. C.—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).
- ~~J.E.~~ Member removal. If any Board of Adjustment member shall ~~miss~~ absent for three (3) consecutive meetings or ~~be guilty of~~ commits misconduct, ~~a quorum of the membership~~ Board may, ~~by majority vote,~~ place an item on the next available agenda to recommend ~~to that~~ the Council ~~that such~~ remove the member ~~be asked to resign and~~ appoint a new member ~~be appointed as~~ replacement.
- ~~J.F. D.~~ 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 provision provisions of this Chapter), and shall conduct all meetings according to Robert's Robert's Rules of Order.

#### Meetings.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-020; Ord. No. 42, Amended, 10/07/80; Ord. No. 164, Rep&ReEn, 11/12/87; Ord. No. 170, Rep&ReEn, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

#### 13-29-030 Procedure.

- G. Board of Adjustment meetings and hearings shall be open to the public.
- H. Quorum. Three (3) ~~Board~~ members of the Board of Adjustment shall constitute a quorum ~~and the affirmative vote of three (3) members.~~
- 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. ~~be required~~ The Board of Adjustment shall fix a reasonable time for ~~passage of any~~ 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 before the Board. The Board shall adopt and maintain 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 procedural rules not inconsistent with this Chapter and the laws of Arizona. The Board shall also select, from its members, a Chairman and pertinent development characteristics;
3. ~~Secretary~~—The Chairman shall be the executive officer of the Board with the power of administering oaths and taking evidence total cost of the project; and shall preside over its meetings
- 4.4. Evidence of the ability and hearings. The Secretary shall cause minutes of the meetings intention of the applicant to proceed with actual construction and hearings to be kept, showing records of votes, examinations and other official actions (all of which shall be filed in the Office of the Zoning Inspector). diligently pursue it to completion.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 500, Amended, 04/26/01)

~~K.M.~~ 13-29-040 Powers. The Board of Adjustment is authorized to:

The Board shall have the power to:

1. A. Decide if there is error in any order, requirement, or decision of the Inspector Zoning Administrator in the enforcement of this Chapter; reverse
- 4.2. 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 Inspector). Zoning Administrator)
- 2.3. B. Interpret this Zoning 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 particular zoning districts a zone, either as a Permitted Use permitted use or a Use Permitted by Use Permit (as the case may be). conditional use.



- ~~3.4. C.~~ Authorize in specific cases such VarianceHear and decide appeals for variances from the terms of this Chapter as will not be contraryonly if, because of special circumstances applicable to the public interest, where owing to special conditions, a literal enforcement of property, including its size, shape, topography, location, or surroundings, the provisions herein will, in the Board's opinion, strict application of this Chapter will deprive the subject property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such 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 suchthe property is located.
- ~~D.~~ Allow the extension of a district where the boundary thereof divides a lot, and grant such extension conditionally upon development of the extended area following an approved plan (particularly in instances where the Town Council has adopted a zoning request in such a manner that a project development is to follow permission to extend such zoning).
- ~~4.5. E.~~ Determine the location of a districtzone boundary where doubt exists as to theits location of same-on the Zoning Mapzoning map.
- ~~5.6. F.~~ Modify the Zoning Inspector's protectiveAdministrator's requirements in instances where a districtuse is conditional upon certain stipulations to be-specified by the InspectorZoning Administrator.
- ~~G.~~ Grant the Inspector clearance to issue a building permit where the applicant has failed to secure the same prior to commencing construction (but only in cases where the Inspector has chosen to allow such applications to be filed prior to court action).
- ~~6.7. H.~~ Hear and determine appeals from notices to abate public nuisances (junked motor vehicles) perunder Town Code Article 9-04a of this Code,(Junked Motor Vehicles) and from notices of intent to abate nuisances and remove vehicles (abandoned vehicles) perunder Town Code Article 11-04. (Abandoned Vehicles).
- ~~L.N. I.~~ The Board of Adjustment may not:
- ~~1. 1.~~ Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoningthis Chapter, provided the restriction in this subparagraph shall not affect the authority to grant Variancesvariances pursuant to this Articlesection.
  - ~~2. 2.~~ Grant a Variancevariance 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. ~~For~~ 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. 9,~~ 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, 06/28/79; Ord. No. 1979; renumbered and amended by Ordinance No. 37, Renumbered, 09/04/80, 13-28-040; Ord. No. ~~;~~; replaced and reenacted by Ordinance No. 178, Rep & ReEn, 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~~88~~; Ord. No. 295, Amended**

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, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 375, Amended, 12/28/95; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/052004)

### 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.

### 13-29-050 — Hearing Applications.

~~Applications for a hearing shall be filed in the Office of the Zoning Inspector on forms provided therefor by any person or by any officer, department, board or bureau of the Town affected by any order or decision of the Inspector within thirty (30) days thereafter, and specifying the grounds thereof; or for ruling on other matters of Board jurisdiction.~~

~~A. — An appeal shall stay all proceedings in the matter appealed from unless the Inspector certifies to the Board that by reason of the fact stated in his certificate, a stay would (in his opinion) cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board or by a court of record on application and notice to the Inspector.~~

~~B. — Where an application involves a definite development scheme, it~~ (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 and;

2. A landscape plan; typical building elevation stamped by a registered landscape architect;

3. Building elevations and other pertinent development characteristics;

3.4. An estimate of the total cost of the project; and evidence of the applicant's ability and intention of the applicant to proceed with actual construction and diligently pursue to completion to complete the project; and

C. A Variance appeal applicant should be prepared to show:

5. 1. That there are special circumstances Civil, mechanical, structural, or conditions applicable to the property of electrical engineering information, certified by an Arizona licensed professional engineer, as needed to support the application, or to adjacent property, or to the neighborhood, that justify a Variance from the requirements so that strict.

C. A conditional use permit application thereof would deprive such 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 privileges enjoyed by other 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 same classification in the same 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.

A.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 district.

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.

#### Procedure.

- D. 2. That such granting will not materially 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 health or safety of the neighborhood residents nor the public welfare, or orderly development and improvement of surrounding property for uses permitted within the zoning district;
  - 4.2. Will be injurious to property or improvements, 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;

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 588, Amended, 03/25/04)

### ~~13-29-060 — Hearings and Rulings.~~

~~The Board of Adjustment shall hold at least one (1) public hearing (within a reasonable time from date of application) after giving notice thereof to parties of interest and the public by both publication in a newspaper of general circulation in accordance with A.R.S. §9-462.04, as amended, and by posting the notice in conspicuous places close to the property affected. The Board shall render a decision within thirty (30) days after initial hearing on same, unless an extension is concurred in by the applicant. If less than the full Board is present at the hearing, the applicant may demand a hearing before the full membership in which case the thirty (30) day ruling deadline shall be waived.~~

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.
- N.C. — In approving an application (in all or in part), the Board for a special use permit, the Planning Commission and the Town Council may designate such conditions in conjunction therewith 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 violated or not complied with, the approval shall cease, and the Zoning Inspector/Administrator shall act accordingly.
- O.D. B. In The granting permission to proceed on a specific development scheme or on a of any special use permit for a construction variance, the same shall be contingent upon building permits being obtained and work commenced within six (6) months and or within a longer period specified in the special use permit and work being diligently pursued to completion. Failure to do so meet this condition shall void the rulings special use permit unless a longer time is granted or an extension of time is secured.
- C. — The concurring vote of a majority of If the Board members shall be necessary to render a ruling.
- D. — Any decision of special use permit is granted without an operational time limit, the Board of Adjustment Permit may be appealed to operate permanently within the Superior Court.
- P.E. E. — Each case considered by the Board of Adjustment has special confines of this Chapter and unique factors and conditions differentiating it from all other cases, related or otherwise. Therefore, no decision of the requirements imposed at the Board of Adjustment shall be construed as establishing a precedent or precedents which shall in any way restrict time of granting the exercise of the powers of the Board of Adjustment in any subsequent cases special use permit.

### Article 13-08. ARTICLE 13-14. AMENDMENTS

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Renumbered, 09/04/80, 13-28-060; Ord. No. 171, Rep&ReEn, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 541, Amended, 02/27/03)

## Article 13-30 — AMENDMENTS

### ~~13-08-010~~13-14-010 ~~13-30-010~~ — Authority.

- ~~13-30-012~~ — Neighborhood Meeting.
- ~~13-30-015~~ — Pre-Application Review.
- ~~13-30-020~~ — Applications.
- ~~13-30-025~~ — Citizen Review Process.
- ~~13-30-030~~ — Public Hearing.

### ~~13-30-010~~ — Authority.

- A. The Planning and Zoning Commission may, from time to time, adopt recommendations to amend, supplement or change zoning boundaries ~~or regulations herein or subsequently established. Recommendations for such amendments may be initiated by the Commission, the Town Council or by application in accordance with this Article. No amendment affecting a zoning boundary shall be passed until a public hearing is held in accordance with this Article~~ on the zoning map or the regulations in this Chapter.
- B. ~~Ord.~~ 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. 9,~~ 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, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-29-010; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/28/95 1995)

### ~~13-08-020~~13-14-020 ~~13-30-012~~ — Neighborhood Meeting, meeting

- A. ~~Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Requirement. An applicant for an amendment to the Town's General Plan, Town zoning regulations this Chapter, or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.~~
- A. B. ~~Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on the proposed applications and application.~~
- A-B. Schedule. The neighborhood meeting shall be conducted at least ~~thirty (30)~~ days prior ~~to before~~ any public hearing on the application.



~~C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification~~Notice form. The applicant shall be provided as follows:

- ~~1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;~~
- ~~2. Notification by first-class mail to all homeowners associations within 1,000 feet of the property to be included in the application;~~
- ~~3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;~~
- ~~4. Notification by first-class mail to any persons who have specifically requested~~prepare a notice regarding proposed zoning applications by registering their names and addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;

~~B.C. 5. The notice shall set forth~~explaining the substance of the proposed application and shall include 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; and.

~~D. 6. Posting of~~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.

~~C.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~~setting forth the time, date and place of the neighborhood meeting, and motorists, with an attached information tube containing copies of the meeting notice.

1. The sign or signs shall comply with the requirements for notification signs set forth in ARS 59-462.04 (as amended), be posted on the affected property so that it is legible from the public right-of-way.

2. D. — 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.~~ Neighborhood meetingsmeeting procedure.

- 2.1. The neighborhood meeting shall be conducted at a location and time, and followingshall follow a meeting format, approved by the Zoning Administrator.
- 3.2. Town staff may or may not attend such meetings (the neighborhood meeting, at their discretion), and may augment the meeting record described hereinafter as staff deemsas they deem necessary.

D. H. E. Record of Proceedings. Persons holding the neighborhood meetings required hereinproceedings. The applicant shall prepare and submit to the Zoning Administrator the following for submittal prior to any public hearing on the application:

1. — 1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings weremeeting was noticed and conducted in compliance with the requirements of this Section;section.
2. — 2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; andsection.
3. — 3. A written summary of the neighborhood meetingsmeeting, including a list of all attendees'attendees' names and addresses and a summary of any comments received in or as a result of the neighborhood meetingsmeeting.

I. F. Additional Neighborhood Meetings. neighborhood meetings.

1. The Zoning Administrator may require that the applicant to hold one or more additional neighborhood meetings be held.:
  - a. If a subsequentan application as submitted or modified is substantially different from what was presented at the neighborhood meetings,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 ~~may be required by the~~ by the.

~~4.2. Zoning Administrator at his/her sole discretion.~~ The applicant shall follow the same notification procedures prescribed herein ~~shall be followed in this section for any additional neighborhood meeting.~~

~~G. Other Required Meetings. Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.~~

~~J. H. Neighborhood Meeting Waivers. meeting waiver.~~

~~1. The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits for an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a previously approved General Plan Amendment amendment for which was subject to a previous a neighborhood meeting and public hearing. In such cases, the were held.~~

~~5.2. The Zoning Administrator shall prepare and file in the development file for the project a written statement setting forth explaining the reasons for approving granting the waiver.~~

(Ord. No. 637, Enacted, 08/25/05)

### ~~13-30-015 Pre-Application Review.~~

~~A. Pre-Application Review. All persons who wish to submit applications (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

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

~~B. B. Requests for Pre-Application Review. Requests Request for pre-application review.~~

~~1. An applicant shall file a request for pre-application review shall be filed with the Development Services Department on a form established by the Zoning Administrator.~~

~~2. The Zoning Administrator shall endeavor to arrangeschedule the pre-application reviewsreview with appropriate Town staff at a date, time, and location convenient to all involved. Nothing herein shall preclude~~

~~2.3.~~ The applicant, the Zoning Administrator, or reviewing Town staff may hold additional meetings being held as part of the pre-application review ~~as mutually determined by the person or persons requesting the review and the Zoning Administrator.~~

~~C. C. Pre-Application Review Process.~~ Pre-application ~~reviews are~~review process.

1. A pre-application review consists of one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. ~~At such meetings,~~

2. During pre-application review:

a. Town staff shall review and provide informal comments on the information that persons wishing to apply for amendments to Town zoning regulations or to provided by the applicant

b. Town zoning map would include in their applications. At such meetings staff may present to the applicant other information relevant to the application

c. The applicant shall also provide, and Town staff shall review with the persons, the record of proceedings for neighborhood meetings held under section 13-14-020 ~~Section 13-30-012 or the requirements for such~~

d. If a neighborhood meetings if they have meeting has not yet been held. During such meetings, Town staff shall provide informal comments on the information provided. No answer any applicant questions about neighborhood meeting requirements

3. Pre-application staff summary.

a. No later than fifteen (15) calendar days after the last pre-application review meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary email the applicant a summary of staff comments. A copy of said summary

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 included sent by first-class mail to the applicant's address.

~~a-c.~~ The applicant shall submit a copy of the summary of staff comments with any subsequent application filed with the Development Services Department.

~~(Ord. (Rewritten and re-codified by Ordinance No. 637, %%. Previously codified at section 13-30-015. Prior history: Enacted, by Ordinance No. 637, 08/25/05; Ord. 2005; amended by Ordinance No. 894, Amended, 01/13/222022)~~

~~13-08-030~~ 13-14-040 Application

~~13-30-020~~ Applications.

A. A zoning ordinance that changes the zoning of any property from one zone to another, that, imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed must be adopted following the procedure prescribed in this Article and in the manner set forth in A.R.S. §9-462.04 (as amended). Applications for any

~~of the aforementioned amendments shall be made on the Town's form and shall be signed by the property owner or owners for all property included in the application. Such applications shall not be complete unless they indicate compliance with the pre-application review requirement of Town Code §13-30-015A.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.

An application is not complete unless it complies with section 13-14-030 (pre-application review C. (Ord.).

(Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-30-020. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord.1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-29-020; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord.1988; amended by Ordinance No. 375, Amended, 12/28/95; Ord.1995; amended by Ordinance No. 541, Amended, 02/27/03, Ord.2003, amended by Ordinance No. 637, Amended, 08/25/052005)

### ~~13-30-025~~ Citizen Review Process.

~~13-08-040~~ 13-14-050 A. Prior to any public hearing required under Section 13-30-030 of this Article, all landowners of property adjacent to and situated within three hundred (300) feet from the property that is the subject of the zoning ordinance and all other potentially affected citizens shall be given the opportunity to review the proposed amendments to this Chapter or Zoning Map as set forth in the application ("citizen review process"). This citizen review process shall include the following:

A. 1. 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 all landowners:

1. All owners of property adjacent to and situated located within three hundred (300) feet from of the property that is the subject of the zoning ordinance application, and to such

4.2. Any other persons as person the Zoning Administrator reasonably determines to be otheris potentially affected citizensby the application.

B. 2. The written notice shall include a general explanation of the substance of the proposed zoning ordinance application and shall indicate provide the name, address, and phone number of the member of the planning staff whom an adjacent landowner or other potentially affected citizen may contact before the public hearing to express any member available to receive calls, questions, issues or, and concerns that the landowner or citizen may have with the proposed rezoning about the application.

- C. ~~3.~~ A staff report summarizing ~~any~~ issues or concerns ~~so~~ expressed to the planning staff member shall be ~~presented~~provided to the applicant within a reasonable time prior to the public hearing and to the Planning and Zoning Commission ~~(and Town Council if applicable)~~ at the public hearing on the application. ~~A copy of said staff report shall also be provided to the applicant within a reasonable time prior to the public hearing.~~

~~(Ord. No. 9, (Rewritten and re-codified by Ordinance No. 541, %%. Previously codified at section 13-30-025. Prior history: Enacted, by Ordinance No. 541, 02/27/03; Ord. 2003; amended by Ordinance No. 637, Amended, 08/25/05 2005)~~

### ~~13-08-050~~13-14-060 ~~13-30-030~~ — Public ~~Hearing~~hearing

Every application submitted pursuant to ~~Section 13-30-020 of this Article~~section 13-14-040 shall be considered by the Planning and Zoning Commission at a public hearing ~~in the manner set forth in as required by~~ A.R.S. § 9-462.04, ~~as amended.~~

~~(Ord. No. 9, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-30-030. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-29-030; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 375, Amended, 12/28/95; Ord. 1995; amended by Ordinance No. 541, Amended, 02/27/03 2003)~~

**Article 13-31 VIOLATIONS AND PENALTIES**

**13-31-010 Building Permit Required.**

**Article 13-09 ARTICLE 13-15. 13-31-020 VIOLATIONS AND PENALTIES**

**13-31-030 Misdemeanor.**

**13-31-040 Remedies.**

**13-31-050 Responsibility.**

**13-31-060 Conviction.**

**13-09-010 13-15-010 13-31-010 Building Permit Required, 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 from the Zoning Inspector, except in circumstances where such the Town Code expressly provides that a building permit is not required thereby.

(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-31-010. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-30-010; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; 1988)

**13-09-020 13-15-020 13-31-020 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 herein of this Chapter.

A-B. Each and every individual day during which such a violation of this Chapter continues is a separate offense, except as otherwise provided herein in this Chapter or in state law.

(Ord. No. 9, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-31-020. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-30-020; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 539, Amended, 02/27/03 2003)

**13-09-030 13-15-030 13-31-030 Misdemeanor.**

Any person, firm, or corporation found guilty of violating any regulation or provision of this Chapter and any amendment thereto, shall be guilty of a misdemeanor, and upon conviction thereof, the same shall be treated as a Class 3 misdemeanor, unless otherwise specified herein. Each day such violation is committed or permitted to continue shall constitute a separate



offense and shall be punishable as such thereunder, except as otherwise provided herein in this Chapter.

~~(Ord. No. 9, (Rewritten and re-codified by Ordinance No. %%. Previously codified at section 13-31-030. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-30-030; Ord. 1980; amended by Ordinance No. 150, Amended, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. 1988; amended by Ordinance No. 539, Amended, 02/27/03; Ord. 2003; amended by Ordinance No. 600, Amended, 07/22/04 2004)~~

### ~~13-09-040~~ 13-15-040 ~~13-31-040~~ — Remedies.

If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of this Chapter, In addition to any other remedies provided by law, the Town Council, the Town Attorney, the Zoning Inspector/Administrator, or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, with legal standing may institute injunction, mandamus, abatement, or any other appropriate action or proceedings/proceeding to prevent or, abate, or remove the unlawful erection/actual or planned

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

B. ~~Ord.~~ Use of any land in violation of this Chapter.

~~(Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-31-040. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-30-040; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)~~

### ~~13-09-050~~ 13-15-050 ~~13-31-050~~ — Responsibility.

A. All remedies provided herein in this Chapter shall be cumulative and not exclusive. ~~The~~

~~A-B.~~ A conviction for violation of any this Chapter shall not relieve the convicted person, firm, or corporation hereunder shall not relieve such person from the responsibility to correct such the violation, nor and shall not prevent the enforcement, correction, or removal thereof of the violation.

~~(Ord. (Rewritten and re-codified by Ordinance No. 9, %%. Previously codified at section 13-31-050. Prior history: Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80 1980, 13-30-050; Ord. No. replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)~~

### Conviction





13-15-060 13-31

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: ~~Conviction.~~

Conviction for a class 3 misdemeanor shall be punishable as provided by law.

(Ord. No. 9, Enacted, by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-30-060; Ord. 1980; amended by Ordinance No. 150, Amended, 07/02/87; Ord. No. 1987; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88 1988)

**Article 13-32 SEVERABILITY**

**Article 13-10 ARTICLE 13-16. 13-32-010 SEVERABILITY.**

**13-10-010 13-16-010 13-32-010 Severability.**

This Chapter and the various parts ~~thereof~~ of this Chapter are hereby declared to be severable. ~~If any Section, Subsection, Subparagraph~~ A final determination that any section, subsection, subparagraph, clause, word, or phrase herein of this Chapter is for any reason held to be unconstitutional, such holding or unenforceable shall not effect affect the validity of the remaining portions of this Chapter.

~~(Ord. No. 9, (Rewritten and re-codified by Ordinance No. %%.~~ Previously codified at section 13-32-010. Prior history: Enacted, ~~by Ordinance No. 9, 06/28/79; Ord. 1979; renumbered by Ordinance No. 37, Renumbered, 09/04/80, 13-34, 13-34-010; Ord. No. 1980; replaced and reenacted by Ordinance No. 178, Rep&ReEn, 05/26/88; Ord. No. 1988; renumbered and amended by Ordinance No. 375, Ren&Amd, 12/28/95, 13-32-1995)~~

**Article 13-33 PROTECTED DEVELOPMENT RIGHTS**

**Article 13-11. ARTICLE 13-17. 13-33-010 PROTECTED DEVELOPMENT RIGHTS**

**13-11-010 13-17-010 Definitions.**

- ~~13-33-020 Protected Development Right Approval.~~
- ~~13-33-030 Effective Date; Exceptions.~~
- ~~13-33-040 Submission Procedures and Requirements.~~
- ~~13-33-050 Revocation for Non-compliance.~~
- ~~13-33-060 Duration of Protected Development Right.~~
- ~~13-33-070 Limitations.~~
- ~~13-33-080 Subsequent Changes Prohibited; Exceptions.~~
- ~~13-33-090 Council Designation of Development Plan.~~
- ~~13-33-100 Approval Not Conditioned Upon Waiver.~~
- ~~13-33-110 Protected Development Right; Exercise; Agreements.~~
- ~~13-33-120 Resolution of Conflict.~~

**13-33-010 Definitions.**

In this Article, unless the context otherwise requires:

- A. ~~"Development Plan" means a subdivision final plat in conformance with Article 14-02 or a PAD plan in conformance with Article 13-19 of a project site submitted by a Landowner that provides detailed information as to how a proposed project will be developed in compliance with Town ordinances and regulations.~~
- B. ~~"Landowner" means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representative of the owner, or a representative authorized by a Landowner to submit to the Town a development application for a property for approval.~~
- C. ~~"Property" means all real property subject to zoning regulations and restrictions by the Town.~~
- D. ~~"Protected development right" means the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan and this Article, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S. § 9-1204 and Section 13-33-080.~~
- E. ~~"Protected Development Right Plan" means a Development Plan identified as a Protected Development Right Plan at the time of the Landowner's submission, that, if approved by the Council, grants to the Landowner a Protected Development Right to undertake and complete the development and use of the property as shown thereon for a specified period of time. A Protected Development Right Plan, at a minimum, shall describe with a reasonable degree of certainty all of the following:~~

- ~~1. The proposed uses of the site.~~
- ~~2. The boundaries of the site.~~
- ~~3. Significant topographical and other natural features affecting development of the site.~~
- ~~4. The number of dwelling units or other structures, and~~
- ~~5. The location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads and pedestrian walkways.~~

~~A. F. "Non-Phased Protected Development Right Plan" means Protected Development Right Plan which, at a minimum, shall describe with a reasonable degree of certainty all of the elements of a Protected Development Right Plan~~ be defined as set forth in Subsection F, above, as well as all of the following: A.R.S. § 9-1201 and in this section.

- ~~1. The requirements for final site development approval and for issuance of a building permit.~~
  - ~~2. The general location on the site of the proposed buildings, structures and other improvements.~~
  - ~~3. The square footage and height of the proposed buildings and other structures.~~
- ~~A final subdivision plat that meets the requirements of Article 14-02 of the Prescott Valley Town Code and A.R.S. § 9-463.01 and was identified and submitted by the Landowner for approval through the process established in this Article shall be a Non-Phased Protected Development Right Plan.~~

~~B. G. "Phased Protected Development Right Plan" means a Development Plan for~~ To be a phased development, a development must be a master planned development in accordance with one of the requirements of a Planned Area Development following:

1. A PD (planned area development) in section 13-06-040 Article 13-19 and a Development Master Plan; 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 elements articulated in Subsection E above. information required by A.R.S. § 9-1202.

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-020 Protected Development Right Approval.~~

~~A Protected Development Right shall be granted upon approval by the Council of a Development Plan identified at the time it is submitted as a Protected Development Right Plan.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-030 Effective Date; Exceptions.~~

~~A. A Protected Development Right shall be deemed established with respect to a property on the Effective Date of the Council's approval of the Protected Development Right Plan.~~

~~B. A Protected Development Right Plan approved with a condition or stipulation that a variance be obtained does not confer a Protected Development Right until the necessary variance is obtained. Approval of a Protected Development Right Plan does not guarantee approval of a variance.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-040 Submission Procedures and Requirements.~~

~~When a Development Plan is required to be processed in accordance with this Article, preparation, application, and approval shall be as follows:~~

~~A. Phased Protected Development Right Plan. A Phased Protected Development Right Plan shall be submitted to the Town in accordance with the PAD plan approval process described in Article 13-19.~~

~~B. Non-Phased Protected Development Right Plan. A Non-Phased Protected Development Right Plan shall be submitted to the Town as described for preliminary and final plat approval in Article 13-19 and Article 14-02.~~

~~C. Council Consideration.~~

~~1. The Mayor and Council shall consider for approval Protected Development Right Plan submitted in accordance with this Article and Arizona Revised Statutes (A.R.S.) §§9-1201 through 1205, inclusive.~~

~~2. A Protected Development Right is subject to the terms and conditions imposed by the Council on the Protected Development Right Plan approval and nothing in this Article is intended to or shall preclude the Council from establishing such terms and conditions.~~

3. ~~Nothing in this Article is intended to or shall preclude the Town's other additional requirements for submittal or approval of Development Plans for any land use category or district and such requirements may include, but are not limited to, traffic reports or studies, drainage reports or studies, master street plans, development phasing schedules and phased public infrastructure schedules.~~
- D. ~~Subsequent Reviews and Approvals. After the approval of a Protected Development Right Plan, the plan will be subject to subsequent reviews and approvals by the Council, as set forth in the original resolution of approval, to ensure compliance with the terms and conditions of the original approval.~~
- C. E. ~~Later Detailed Plan Submittals.~~ detailed plan submittals. The Landowner shall submit a more detailed plan for each phase of a phased development ~~in order~~ to obtain final site development approval to develop the property.

(Ord. No. 554, Enacted, 05/22/03)

**~~13-33-050~~ — Revocation for ~~Non~~non-compliance.**

- D. ~~The Town may revoke, upon~~ Upon notice to the ~~Landowner~~landowner and public hearing, ~~the Town may revoke its approval of the Protected Development Right Plan for a~~ protected development right plan for landowner's failure to comply with applicable terms and conditions ~~imposed on the approval as well as Landowner's or landowner's~~ failure to submit a more detailed plan for each phase of a ~~Phased~~phased development ~~for final site development approval.~~

(Ord. No. 554, Enacted, 05/22/03)

**~~13-33-060~~ — Duration of Protected Development Right.**

- A. ~~A Protected Development Right established under a Protected Development Right Plan is valid for three years for a Non-Phased development or five years for a Phased development.~~
- E. B. ~~The Town may extend for a maximum of two additional years. A.R.S. § 9-1203 establishes the duration of a Protected Development Right obtained through approval of a Protected Development Right Plan, if a longer time period is warranted by all relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the Landowner, economic cycles and market conditions. The decision to extend the time period for a Protected Development Right is in the discretion of the Town. However, a Protected Development Right shall not remain established for more than five years for a Non-Phased development or seven years for a phased development.~~ protected development right.

~~C. A Protected Development Right terminates at the end of the applicable period established under this section. If a building permit has been issued before the date of termination of a Protected Development Right, the Protected Development Right remains valid until the building permit expires, but in no event for longer than one year. On expiration, only principal structures for which footings or foundations have been completed may be finished under the Protected Development Right. On the expiration of a Protected Development Right, development may continue based on a valid building permit and according to standards in effect at that time. An unexpired building permit issued for a property with a Protected Development Right neither expires nor shall be revoked merely because a Protected Development Right expires under the time limitations specified in this section.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-070 Limitations.~~

~~A Protected Development Right is established only for the specific elements of the development or other specific matters shown on the approved Protected Development Right Plan. A Protected Development Right is not established for any elements or other matters, or portions of any elements of the development or other matters not shown on the approved Protected Development Right Plan.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-080 Subsequent Changes Prohibited; Exceptions.~~

~~A. A Protected Development Right established under this section precludes the enforcement against the property to which the Protected Development Right applies of any legislative or administrative land use regulation by the Town or pursuant to an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in an approved Protected Development Right Plan, except under any one or more of the following circumstances:~~

- ~~1. With the written consent of the affected Landowner.~~
- ~~2. On findings, by ordinance or resolution, and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.~~
- ~~3. On findings, by ordinance or resolution, and after notice and a hearing, that the Landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.~~

4. ~~On the enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Council, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.~~
- B. ~~A Protected Development Right does not preclude the enforcement of a subsequently adopted overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the Town, such as building, fire, plumbing, electrical and mechanical codes.~~
- C. ~~Notwithstanding any other provision of this Article, the establishment of a Protected Development Right does not preclude, change or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing nonconforming property or uses.~~
- D. ~~This Article does not alter or diminish the authority of the Town to exercise its eminent domain powers.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

#### ~~13-33-090 Council Designation of Development Plan.~~

~~The Council may designate, by ordinance or resolution, a Development Plan as a Protected Development Right Plan even if not identified as a Protected Development Right Plan at the time of Landowner submission. The Council must make a finding on the record that it's granting of a Protected Development Right to undertake and complete the development shown on the Development Plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and that it will secure the reasonable investment-backed expectations of the Landowner.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

#### ~~13-33-100 Approval Not Conditioned Upon Waiver.~~

~~The Town shall not require a Landowner to waive a Protected Development Right as a condition of development approval.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

#### ~~13-33-110 Protected Development Right; Exercise; Agreements.~~

- A. ~~A Protected Development Right obtained under this Article is not a personal right but attaches to and runs with the applicable property. After approval of a Protected~~



~~Development Right Plan, all successors to the original Landowner are entitled to exercise the Protected Development Rights.~~

- ~~B. Nothing in this Article precludes judicial determination, based on common law principles or statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Article, nothing herein shall be construed to alter the existing common law of vested rights.~~
- ~~C. Nothing in this Article shall preclude, change or limit the ability of the Town to enter into a development agreement as authorized in A.R.S. §9-500.05.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

### ~~13-33-120 Resolution of Conflict.~~

~~In the event of a conflict between the provisions of this Article and A.R.S. §§9-1201 through 9-1205, inclusive and as they may be amended, the statutory provisions shall govern.~~

~~(Ord. No. 554, Enacted, 05/22/03)~~

~~(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)~~