CHAPTER 13. ZONING

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Article 13-01  PURPOSE AND TITLE

13-01-010  Purpose.
13-01-020  Title.

13-01-010  Purpose.

This Chapter is adopted for the purpose of achieving adequate light, air and safety from fire and other dangers; conserving and protecting land and building values in the Town of Prescott Valley; preserving the aesthetic beauty of the community; reducing and avoiding congestion in public rights-of-way; and promoting 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.

This Chapter will be cited as the Zoning Code for the Town of Prescott Valley, Yavapai County, State of Arizona.

(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)
Article 13-02 DEFINITIONS

13-02-010 Definitions.

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

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

2. Singular includes the plural, the plural includes the singular.

3. The word "may" is permissive; the words "shall" and "will" are mandatory. The word "or" shall mean "either" and the word "and" shall mean "in conjunction with".

4. Words not defined herein but which are defined in the Building Code of the Town of Prescott Valley are to be construed as defined therein.

5. The word "person" includes an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, and Federal or State government, Town, County, 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;

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

   c. "Council" shall mean the Town Council;

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

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

7. The word "building" includes the word "structure". The word "dwelling" includes the word "residence".

B. The following definitions apply:

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)

5. **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.

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 adjoined one another.

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

8. **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.

9. **Alternative 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.

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

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

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.

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.

16. Arterial: A highway 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).

18. Automobile Sales, New: A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles as a permitted use.

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.


21. Automobile Service Station (Self-Service): 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.

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).


25. Bar or Cocktail Lounge: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

26. Basement: One or more stories wholly or partly underground and having one-half (1/2) or more of its height measured from its floor to its finished ceiling below 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) feet.

27. Board: The Board of Adjustment of the Town of Prescott Valley. See, Article 13-29

28. Boarding House or Rooming House: A building with no more than one (1) common kitchen and no more than five (5) guest rooms that are rented or leased to a maximum of ten (10) persons who are not members of the resident family (on a transient basis), with or without meals.

29. Boundary, Zone: The limit and extent of each zone district classification as shown on the official Zoning Map.

30. Brewery: Any facility that produces more than six million two hundred thousand 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.
32. **Building**: A structure having 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**: The total areas, taken on a horizontal plane, at the mean grade level, 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.

39. **Building, Floor Area**: Sum of floor areas of all stories of a building.

40. **Building Height**: The vertical distance measured from the natural grade level to the highest level of the roof surface of flat roofs, to the deck line of the mansard roofs, or to the mean height between eaves and ridge for gable, gambrel or hip roofs.

41. **Building, Modular**: See, “Building, Factory-Built.”

42. **Building 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.

43. **Building (Principal)**: A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

44. **Building Setback**: See, “Yard, Required.”

45. **Carport**: An accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.
46. Catering Establishment: A place, site or business for the preparation and assembly of food and/or non-alcoholic beverages exclusively for sale and service to off-site locations (not on the business premises).

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

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

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).

51. Church: A permanently located building commonly used for religious worship and fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

52. Clinic: A place for the provision of group medical services, not involving overnight housing of patients.

53. Collocation (Wireless Telecommunications Facilities): Use by two (2) or more wireless telecommunications providers located on the same tower or alternative tower structure.

54. Commercial Coverage (Wireless Telecommunications Facilities): 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 commercial operation.

55. Commission: Town of Prescott Valley Planning and Zoning Commission. See, Article 13-28

56. 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.

57. Condominiums: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, 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 areas.

58. Contiguous: In contact with.


61. Court: Any space other than a yard on the same lot with a building or group of 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.

62. Craft Distiller: A distiller who produces less than twenty thousand gallons of distilled spirits in a calendar year and holds a license pursuant to ARS §4-205.10 (as amended).

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

64. Day Care or Day Nursery: See, “Child Care Center or Child Care, In Home.”

65. 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.

66. Density: The number of dwelling units permitted for a specified square footage of land provided. See, Article 13-20

67. Display: A visual presentation of goods or products offered for sale either inside or outside of a building during normal business hours.

68. Distiller: Any person who produces more than twenty thousand gallons of distilled spirits in a calendar year for retail or wholesale in compliance with ARS Title 4.

69. District: Either a use district, a density district or a combination of both such districts.

70. District Map: Zoning Map.

71. Drive-In Theater: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

72. Drive-Through Establishment or Drive-In Facility: An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services and goods while remaining in 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.
73. **Duplex**: A building or portion thereof having 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.

74. **Dwelling**: A building or portion thereof designed exclusively for residential purposes, including single- and multiple-family dwellings.

75. **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 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.

76. **Dwelling, Single-Family**: A detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

77. **Dwelling Unit**: A room (or group of rooms) designed for one (1) or more persons living and cooking as homogeneous body (See, “Family”) and containing 1 accommodation for preparation of meals.

78. **Easement**: A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

79. **Efficiency Apartments**: See, “Apartment, Efficiency or Studio.”

80. **Enclosed Storage Area**: Any building which is enclosed on all sides facing the perimeter of the lot.

81. **FAA**: Federal Aviation Administration.

82. **Factory-Built Building**: See, “Building, Factory-Built.”

83. **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 place (including, but not limited to, carnivals, bazaars, midways, horse racing, exhibitions, amusements and education displays).

84. **Family**:

   a. An individual or two (2) or more persons related by blood, marriage or adoption, or other legal relationship (including any domestic employees), living together as a single housekeeping unit in a dwelling
unit; or

b. A residential facility for not more than ten (10) persons duly licensed by the State of Arizona for the developmentally disabled, family foster care, adult foster care, child foster care or similar.

85. FCC: Federal Communications Commission.

86. Fence: A barrier constructed of materials such as block, solid wood slats, wire, pipe and chain link designed to separate two parcels of land or separate a single parcel of land into different use areas.

87. Floor Area: See, “Building, Floor Area.”

88. Floor Area, Gross: 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 a height of more than seven (7) feet (but excluding areas used exclusively for vehicle parking or loading).

89. 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.

90. 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.

91. Frontage: The property line of a site abutting on a street, other than the side line of a corner lot.

92. 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.

93. 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.”

94. 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.

95. Group Home: A home serving ten (10) or fewer mentally or physically disabled persons: provided the home provides care on a twenty-four (24) hour basis and is licensed or otherwise approved by the State of Arizona for that purpose. A group home shall be considered a single-family dwelling.

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.

98. Home Occupation: A "home occupation" is any 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, does not change the character of the dwelling unit, and conforms to the requirements set forth in Section 13-06-020(A)(8) of this Chapter.

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

100. 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.

101. Hotel or Apartment Hotel: A building other than a boarding house as defined herein, in which there are five (5) or more guest rooms or apartments that, for a fee, provides temporary sleeping accommodations with or without meals, usually on a transient basis. “Hotel” shall not be construed to include 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.


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

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

106. 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).

107. Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rocks, stones, granite or other approved material. The area shall be void of any asphalitic or concrete pavement except for pedestrian walkways.

108. 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.

109. Livable Floor Area: The heated floor area of a building, above finish grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling area such as attic, storage, carport and garage.

110. Livestock: Includes horses, ponies, mules, cows, goats, sheep, llamas, any other large animals, poultry, domestic rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons or any other fowl, birds or rodents that are customarily raised for food, profit or pleasure.

111. 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.

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

113. Lot, Corner: A lot adjoining two (2) or more streets at their intersection.

114. Lot Coverage: The percentage of the area of a lot which is occupied by the footprint of all buildings or other covered structures.

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

116. Lot (Interior): Lots having no sides abutting on a street.
117. Lot (Key): An interior lot contiguous to the rear line of a corner lot and fronting on the side street of such corner lot.

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

119. 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.

120. Lot Line (Rear): That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.

121. Lot Line (Side): Those property lines connecting the front and rear property lines.

122. 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.

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

124. Lot Width: The horizontal distance between side lot lines. Lot width shall be measured between side lot lines at the required front setback line.

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

126. Manufactured Home: A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USCA §5401 et seq.), and 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 (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

127. 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.
128. Microbrewery: A brewery that produces between five thousand and six million two hundred thousand gallons of beer in a calendar year and otherwise meets the requirements of ARS §4-205.08 (as amended).

129. Mobile Home: A structure built prior to June 15, 1976 on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation 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.

130. Mobile/Manufactured Home Park: 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.

131. Mobile/Manufactured Home Space: A plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home or manufactured home.

132. Model Home: A residential unit constructed by a licensed general contractor which has never been occupied for residential purposes, open for inspection by the general public in order to sell that unit or similar residential units that can be constructed on other property, and otherwise serving as a formal example of the contractor's abilities and products.

133. 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.


135. 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.

136. Natural Grade: The condition 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.

137. Newspaper of General Circulation: A daily newspaper (if one is published), or if no daily newspaper is published, a weekly newspaper.

138. 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 use regulations of this Chapter, or such 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.

139. Nuisance: Any thing, condition or use of property which 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

140. Nursing Home: Any place or institution which makes provisions for bed care or for chronic or convalescent care for one (1) or more persons (exclusive of relatives) who, by reason of illness or physical infirmity, are unable to properly care for themselves. 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.

141. Overlay District: A zoning district that encompasses one or more underlying zoning districts and imposes additional or alternative requirements to those required by the underlying districts.

142. 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.

143. Parking Space: A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the public right-of-way.

144. Permanent Dust-Free Pavement (Parking): Surface materials such as asphaltic concrete or Portland cement concrete (but expressly not including such materials as chip seal, gravel or granite).

145. 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.

146. Plot Plan: See, “Site Plan.”

147. 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.

148. 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.

149. Professional Use: The rendering of service of a professional nature by:
   a. Architects, engineers and surveyors, who are licensed by the Arizona State Board of Technical Registration.
   b. Doctors, osteopaths, dentists, optometrists and all other persons who are licensed by the State of Arizona to treat patients.
   c. Lawyers who are admitted to practice before the courts of the state.
   d. Accountants who are members of the Arizona Society of Certified Public Accountants and/or the Arizona Association of Accountants, Incorporated.
   e. Consultants and practitioners who are recognized by the appropriate above licensed professions.

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

151. Public Building: Facilities for conducting public business constructed for various public agencies, including all Federal, State, County and Town offices and buildings.

152. Public Utility: Private or public facilities for distribution of various services such as water, power, gas, communications etc., to the public, but expressly excluding all towers, antennae and wireless telecommunications facilities.

153. Recreation Facilities: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

154. Recreational Vehicle: For purposes of this Chapter [except Subsection 13-24-020(G), as amended], a vehicular-type unit which is (a) a portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping; (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor
vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle; (c) a park trailer built on a single chassis, mounted on wheels and designed to be connected to 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 travel trailer mounted on wheels, 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) 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.

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

156. Recreational Vehicle Space: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

157. Recycling Collection Facility: A building or fenced/enclosed area used for the collection and processing of pre-sorted recyclable materials. Processing includes the preparation of recyclable material 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.

158. 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.

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


161. 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.

162. School: Unless otherwise specified, private or public places of general instruction for the education of children through grade twelve (12) which are licensed through the Arizona Department of Education: not including preschools, dancing schools, riding academies, or trade or specialized vocational schools (i.e. business colleges, art, music or nursery schools.

163. 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.

164. School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

165. 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.

166. Seats: Where parking spaces are based on numbers of seats in a facility, each eighteen inches (18") of width for bench seating shall be deemed one (1) seat. In the case of fixed seating, each chair shall constitute 1 seat.

167. Service Station: See, “Automobile Service Station.”

168. 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.”

169. Sexually-Oriented Business: Any business classified as a sexually-oriented business pursuant to Section 9-07-020, or any combination thereof.

170. Sign: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners or logo sculpture, and obtrusive, colored facie or architectural element. National flags and flags of political subdivisions shall not be construed as signs. See, Section 13-23-020

171. 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
preserves. 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.

172. 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.”

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

174. 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.

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

176. 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.

177. Storage 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.

178. 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)

179. 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 ceiling of which is more than six (6) feet above the average
contact ground level at the exterior walls of the building. The mezzanine story
shall be deemed a full story where it covers more than thirty-three and one-
third percent (33 1/3%) of the area of the ground story.

180. 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.

181. 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.
182. Subdivision: See, Chapter 14

183. Swimming Pool: Any constructed pool or other contained body of water 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.

184. Tower (Wireless Telecommunications Facilities): Any 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 to enable their use as a tower.

185. Transportation Terminal: A facility for loading and unloading freight for current distribution but not warehousing.

186. Travel Trailer: (See Recreational Vehicle)

187. Under Roof: The total area, exclusive of overhangs, measured in square feet, of the building area: includes porches, covered decks and breezeways.

188. Use: The purpose for which a building, or lot or structure is arranged, designed, occupied or maintained.

189. 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)].

190. 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.

191. 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.

192. 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.

193. 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.

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

195. 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.

196. Variance: A device that allows certain modifications in zoning requirements such as fence heights, building setback, etc., 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 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.

197. 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].

198. 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.

199. 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.

200. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.

201. Weeds: See, Section 9-04-010

201. Wireless Telecommunications: Any technology for transmitting telecommunications through the air.
203. **Wireless Telecommunications Facility:** Any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless telecommunications.

204. **Wholesale:** The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.

205. **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.

206. **Yard:** An open space at grade level 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.

207. **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.

208. **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.

209. **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.

210. **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.

211. **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.

212. **Zoning Administrator:** The officer of the Town of Prescott Valley charged with the administration of this Chapter.
213. Zoning District:  A zoned area in which the same zoning regulations apply throughout. See, Section 13-05-060

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 9, Enacted, 06/28/79; Ord. No. 27, Amended, 04/24/80; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 47A, Amended, 11/25/80; Ord. No. 58, Amended, 09/24/81; Ord. No. 82, Amended, 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, 13-02-010; Ord. No. 185, Amended, 10/27/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 361, Amended, 04/13/95; Ord. No. 362, Amended, 04/13/95; Ord. No. 375, Ren&Amd, 12/28/95, 13-02; Ord. No. 392, Amended, 06/27/96; Ord. No. 403, Amended, 10/24/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 552, Amended, 03/13/03; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 603, Amended, 08/26/04; Ord. No. 619, Amended, 03/24/05; Ord. No. 647, Amended, 01/26/06; Ord. No. 676, Amended, 01/11/07; Ord. No. 809, Amended, 09/24/15; Ord. No. 820, Amended, 09/22/16; Ord. No. 839, Amended, 02/22/18; Ord. No. 841, Amended, 03/08/18)
Article 13-03  GENERAL REQUIREMENTS

13-03-010  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 - 25
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
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.

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.

(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.

If, at the time of enactment of Ordinance No. 9 (originally adopting this Chapter) or of any amendment thereto or of any amendment thereof, resulting from annexation of territory to the incorporated area of the Town of Prescott Valley, any lot, structure or building was being used in an otherwise lawful manner that does 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 erection shall be deemed to be a nonconforming use and may 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 nonconforming use to any other use or any abandonment or discontinuance of such nonconforming use for a period of one (1) year or more, or in case any nonconforming business or manufacturing 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 continue or begin such nonconforming use shall terminate. 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.

(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.
13-05-040  Regulations 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:

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

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, 13-05-020; 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, Ren&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 annexed into the Town of Prescott Valley shall initially be assigned land use district classifications which permit densities and uses no greater than those permitted by Yavapai County, immediately before annexation.

B. Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a nonconforming use under the County zoning regulations shall not be considered a nonconforming use hereunder, and the continuance thereof shall constitute a violation of this Chapter.

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

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

In conformity with the purpose and effect of this Chapter, use districts and density districts are hereby established in order to effect 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)

13-05-070  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

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.
Prescott Valley, Arizona

638, Amended, 10/13/05)
Article 13-06 R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)

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:

         Home occupations may serve as headquarters or dispatch centers where employees do not come to the site to be dispatched to other locations.

         A home occupation may employ persons that do not come to the site and that work from other locations.

      (5) Goods related to the home occupation shall not be visible from the street.

      (6) No on-site sales or public display of items for sale shall be permitted on the premises.

      (7) Outdoor storage of materials or equipment related to the home occupation activity is not permitted on the premises.

      (8) The home occupation shall not substantially alter the exterior appearance or character of the residence in which it is conducted, either by exterior construction, lighting, graphics, or other means.
(9) A home occupation shall not create any nuisance, hazard, or other offensive condition, such as 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 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) Group Homes for adults, the disabled, and children, with no more than ten (10) unrelated persons living together (including caregivers)

(3) Massage therapy
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):

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)
6. Commercial stables
7. In-home child care with six (6) or more children
8. Limousine or taxicab service
9. Mortician or hearse service
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)
13. Tattoo parlors
14. Tow truck service
15. Upholstery
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.
   d. Owners shall provide guests with a 24-hour emergency point of contact.

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. 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.
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:

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>Livable Sq.Ft.</th>
<th>Under Roof Sq. Ft.</th>
<th>Livable Sq.Ft. (First Floor)</th>
<th>Under Roof Sq.Ft. (First Floor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 7500</td>
<td>850</td>
<td>1070</td>
<td>638</td>
<td>850</td>
</tr>
<tr>
<td>7500-8499</td>
<td>900</td>
<td>1120</td>
<td>675</td>
<td>900</td>
</tr>
<tr>
<td>8500-9999</td>
<td>1020</td>
<td>1240</td>
<td>765</td>
<td>1020</td>
</tr>
<tr>
<td>10,000 &amp; Above</td>
<td>1200</td>
<td>1420</td>
<td>900</td>
<td>1200</td>
</tr>
</tbody>
</table>

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.**

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.
13-07-030 Density Regulations.

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

<table>
<thead>
<tr>
<th>Lot Area (Sq.Ft.)</th>
<th>Livable Sq. Ft.</th>
<th>Under Roof Sq. Ft.</th>
<th>Livable Sq.Ft. (First Floor)</th>
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<td>1200</td>
<td>1420</td>
<td>900</td>
<td>1200</td>
</tr>
</tbody>
</table>

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.

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  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 and wireless telecommunications facilities.

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.

C.  Prohibited Housing Types:

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

13-08-040  Off-Street Parking.

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

13-08-050  Signs.

The sign provisions of Article 13-23 shall apply.
Article 13-09 R2 (Residential; Multiple Dwelling Units)

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.

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 Housing Types:

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

(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)

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.**

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.

(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)

**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)

**13-10-040  Off-Street 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.

The purpose of the RS (Residential and Services) District is to provide for orderly and compatible development in transitional areas between residential and non-residential districts and to establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.

(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.

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
Photography

Group instruction

Tailoring

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.

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.

13-11-040 Off-Street Parking.

Off-street parking shall meet no less than the minimum requirements as provided in Article 13-24.
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, 13-11-030; 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.

The P1 (Parking) District is intended to establish and preserve areas for the parking of motor vehicles in close proximity to land uses which create a need for substantial amounts of vehicle parking, and to assure that parking in those areas is so located and screened as not to be incompatible with uses in any adjoining residential 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)

13-12-020       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.

The purpose of the C1 (Commercial; Neighborhood Sales and Services) District is to provide for convenience shopping in a residential neighborhood, to preserve and protect neighborhood commercial areas, located in close proximity to 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 sales and service

o. Shoe stores, shoe repair and sporting goods

p. Toy stores

q. Variety stores

r. Dispensing 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 to accommodate neighborhood needs.

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.

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.**

(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)

**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:** The maximum lot coverage shall be fifty percent (50%) of the lot area.

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)

**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.
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.

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 the market area 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 commercial enterprise including, but not limited to, dancing, art, trades, etc.)

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

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. Cultivation: The process by which a person grows a marijuana plant(s) as allowed by A.R.S. §36-2801 et seq., and the Department rules and regulations.

b. 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.

c. Department: The Arizona Department of Health Services or its successor agency.

d. 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.

e. 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.

f. 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).

g.  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.

h.  Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in A.R.S. §36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.

i.  Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, transfers, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients.

j.  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.

k.  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).

l.  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 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.
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
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 licensees 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).

(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)

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 13-13-02(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: The maximum lot coverage shall be fifty percent (50%) of the lot area.

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)

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.
13-14-070 Landscaping.

The landscaping provisions of Article 13-26 shall apply.

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 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 may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or offsite cultivation facility.

3. No medical marijuana dispensary 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 R5.

4. No medical marijuana dispensary 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 building to the property line of the protected use.

6. A medical marijuana dispensary shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

7. The total maximum floor area of a medical marijuana dispensary shall not
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... exceed one thousand (1,000) square feet. Maximum dispensary square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

8. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 1,000 square foot maximum floor area of a medical marijuana dispensary. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

9. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 6:00 pm.

10. A medical marijuana dispensary shall not have a drive-through service.

11. A medical marijuana dispensary shall not have outdoor seating areas.

12. Offsite delivery of medical marijuana is prohibited.

13. Consumption of marijuana on the premises of a medical marijuana dispensary is prohibited.

14. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.

15. No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.

(Ord. No. 753, Enacted, 02/10/11; Ord. No. 839, Amended, 02/22/18)
Article 13-15  C3 (COMMERCIAL; MINOR INDUSTRIAL)

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.

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 adequately buffered from residential areas, and so 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)


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, gymnasiuims, 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 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.

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 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 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)


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: The maximum lot coverage shall be fifty percent (50%) of the lot area.

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)

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)


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)


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)


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 (with onsite cultivation/infusion facilities) in the C3 district shall be subject to the following conditions:

1. Medical marijuana dispensaries (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 medical marijuana within a medical marijuana dispensary 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 where medical marijuana is cultivated shall be completely separated and secured from the public area of the medical marijuana dispensary.

4. There shall be no emission of dust, fumes, vapors, or odors into the environment from the medical marijuana dispensary or onsite infusion and/or cultivation areas.

5. Medical marijuana dispensaries 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.
C. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana cultivation facilities in the C3 district shall be subject to the following conditions:

1. Medical marijuana cultivation facilities shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).

2. Applicant shall 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 medical marijuana from offsite cultivation facilities are prohibited.

4. Only medical marijuana dispensary agents registered with the Department may lawfully enter the cultivation facility. Entry by others who are not registered medical marijuana dispensary agents is strictly prohibited.

5. No cultivation facility may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or cultivation facility.

6. No cultivation facility may be located within a 500 foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.

7. No cultivation facility 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.

8. Measurements for purposes of Subparagraphs 13-15-070(C)(5)-(7) above shall be the shortest horizontal line from the exterior walls of the cultivation facility building to the property line of the protected use.

9. A cultivation facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

10. The total maximum floor area of a cultivation facility shall not exceed three thousand (3,000) square feet. Maximum cultivation facility square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
11. The secure storage area for the medical marijuana stored at the cultivation facility shall not exceed one thousand (1,000) square feet of the 3,000 square foot total maximum floor area of a cultivation facility. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

12. Consumption of marijuana on the premises of a cultivation facility is prohibited.

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

13-16-010 Purpose.

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, light manufacturing, warehouses, and research and development industries shall be operated in such a restricted and limited manner that, because of the limitations on type 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 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: 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.
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(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96)
**Articulate 13-17 M1 (INDUSTRIAL; GENERAL LIMITED)**

13-17-010 Purpose.

The M1 (Industrial; General Limited) District 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 a manner so as not to cause inconvenience to other uses in the district or to adjacent 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: 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:
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
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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, bukgery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, or zoerastia

(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

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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.

The purpose of the M2 (Industrial; Heavy) District is to provide sufficient space in appropriate locations for heavy industrial development, including all types of industrial uses where any potential hazards to health or property are appropriately mitigated and adequate controls 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.

(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. 705, Amended, 12/20/07)

13-18-020  Use Regulations.

A. Permitted Uses: The following uses are permitted in the M2 District.

1. All permitted uses in the M1 district
2. Salvage Yards (including automobile salvage)
3. Outdoor Amusement Parks (including go-cart and race tracks)
4. 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)

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.

(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.

The density regulations in Section 13-17-030 shall apply.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 705, Renumbered, 12/20/07, 13-18-040)

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

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


13-18-050 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; 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.
13-19-020 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.

The purpose of Planned Area Development (PAD) provisions is to:

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.

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.

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 utilities.

D. Permit 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 and desirable use of open space.

E. Produce an environment of stable character in harmony with the surrounding areas and developments.
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.

13-19-040 Reserved.

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.

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.

C. Preliminary Development Plan: The applicant for a proposed PAD shall prepare a Preliminary Development Plan which shall contain necessary written and graphic information describing the general nature of the proposed development as required by the Town of Prescott Valley. The Preliminary Development Plan shall contain, at a minimum, the following information:

1. Relationship of the property to the surrounding areas that will be affected by
the proposed PAD.

2. A map showing the street system, lot lines and topography.

3. 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.

4. 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 the proposed access ways, easements and other public property needed for (and open spaces desired around) buildings and structures.

5. Preliminary plans and elevations of all building types. [These need not be the result of final architectural decisions and need not be in detail.]

6. An off-street parking and circulation diagram indicating the proposed movement of vehicles within the development and to and from the existing thoroughfares.

7. A tabulation of the total number of acres in the proposed project and a tabulation of overall density per gross acre.

8. Agreements or provisions of conveyance which govern the use, maintenance and continued protection of the planned development and any of its open areas.

9. All proposed Model Homes and Model Home Complexes, to include information as to their proposed location in relation to other residential properties as well as proposed parking, lighting and landscaping. The Use Regulations in Section 13-06-020 (B)(3)(a-j) apply to any Model Homes and Model Home Complexes approved in a Development Plan.

D. The Preliminary Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, 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].

E. Preliminary Plan Review: The Planning Commission shall investigate and ascertain that the Preliminary Development Plans for a Planned Area Development meet the following conditions:

1. That the proposed project 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 Article.
Prescott Valley, Arizona

2. That the value or the use of the property adjacent to the area included in the Plan 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:

- Structures located on the perimeter of the PAD must be setback by a distance sufficient to protect the privacy and amenity of adjacent existing uses;

- 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.

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.

4. That the proposed uses are or will be allowed in the underlying zoning district.

F. If the Commission finds that the proposed land uses illustrated on the Preliminary Development Plan are not in conformity with the current or proposed underlying zoning district or does not otherwise meet the intent and objectives of the General Plan or objectives of this Chapter, the Commission shall give no further consideration, unless, within ten (10) days after the decision of the Commission is rendered, the applicant requests an appeal of the Commission decision to the Town Council. Within thirty (30) days of the request for an appeal, the Council shall hold a public hearing to affirm, reverse or modify the Commission decision. If the Council concurs with the 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 reverses the Commission decision, the applicant shall be required to prepare a Final Development Plan according to the provisions and procedures contained in this Article.

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).

H. Final Development Plan: The Final Development Plan shall include all pertinent information relating to the proposed PAD and contained in the Preliminary Development Plan (as revised) and as may be required by the Community Development Department, the Planning and Zoning Commission, Town Council, and the officer in charge of administering this Chapter.

I. The 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.

J. The Final Development Plan shall be submitted to the Community Development Department. Once the Department determines that the Plan substantially conforms to the submission requirements of this Section, it shall be presented to the Town Council at a future regular meeting.

K. The decision of the Council in approving or disapproving the Final Development Plan shall be accompanied by a statement explaining to the applicant why a particular decision was rendered and that the proposed plan met or failed to meet the following conditions:

1. That the development is or is not consistent with the purpose and intent of the Comprehensive Plan and Zoning Chapter in promoting the health, safety, morals and general welfare of the public.

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.

3. That every structure containing residential, commercial or industrial units does or does not have adequate access to public streets.

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.

L. Before recommending approval of the Final Development Plan, the Council may make reasonable requirements including, but not limited to:

1. Use limitations
2. Landscaping
3. Screening and planting
4. Setback and building height
5. Paving and location of drives and parking areas
6. Drainage
7. Hillside requirements
8. Location of access ways and easements
9. Public property (including open spaces)

10. Shape and minimum size of individual lots

11. Grouping of uses and buildings

12. Maintenance of grounds

13. Regulation of signs

14. Fences and walls.

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

N. Once the Final Development Plan has been approved by the Council, it can be amended, changed or modified only through the procedures prescribed for application approvals.

O. After approval by the Council, the Final Development Plan shall be deemed an official plan, and the Town Clerk shall place it on record 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.

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)

13-19-070 Reversionary Clause.

In the event that land located within the boundaries of the PAD 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. If the building or work authorized by the building permit for a PAD is not commenced within twelve (12) months from the date that such 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, 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.

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

**13-19-080    PAD Amendments.**

A. Amendments: The following procedures shall be followed for any amendment to a PAD including amendments to the Development Phasing Schedule.

1. Major Amendments:

   a. A PAD District applicant or his successors in interest may file a request for a major amendment with the Community Development Department.

   b. The change will be deemed major if it involves any one (1) of the following:

      (1) An increase in the approved totals of dwelling units or gross leasable area for the PAD District.

      (2) A significant change in zoning boundaries as determined by the Community Development Director from those approved for the PAD District.

      (3) Any change which could have significant impact on areas adjoining the PAD as determined by the Development Services Director.

      (4) Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the Community Development Director.

   c. The Community Development 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. Minor Amendments:

   a. A PAD District applicant or his successors in interest may file a request for a minor amendment with the Community Development Department if the Community Development Director determines that the request is not major, as defined above.

   b. The request will be routed for comment to any affected Town departments or other agencies for comment.
c. Upon receipt of comments or no later than ten (10) working days, the Community Development Director will determine whether to approve or deny the requested change.

d. If the requested change is approved, a letter of approval signed by the Town Manager will be mailed to the applicant with a copy filed for public record.

(Ord. No.772, Enacted, 03/28/13)
Article 13-19a  PL (PUBLIC LANDS)

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.  Zoos

5.  Public schools and playgrounds

6.  Universities and colleges

7.  Governmental office buildings and grounds

8.  Museums, observatories and similar quasi-public facilities

9.  Libraries

10.  Governmental service and maintenance facilities

11.  Municipal water production and storage facilities
12. Sewage treatment facilities
13. Animal shelters
14. Flood control facilities
15. Historical landmarks
16. Hospitals
17. Fairgrounds
18. Fire and police stations
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.


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.
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.

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

<table>
<thead>
<tr>
<th>Density District</th>
<th>Width</th>
<th>Depth</th>
<th>Area</th>
<th>Density Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100 ft.</td>
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<td>10,000 sq. ft.</td>
<td>1,000 sq. ft.</td>
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<td>10,000 sq. ft.</td>
<td>2,000 sq. ft.</td>
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<td>6</td>
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<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>8</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>10</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>10,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>12</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>12,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>18</td>
<td>130 ft.</td>
<td>130 ft.</td>
<td>18,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>25</td>
<td>140 ft.</td>
<td>150 ft.</td>
<td>25,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>35</td>
<td>165 ft.</td>
<td>165 ft.</td>
<td>35,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>70</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>70,000 sq. ft.</td>
<td>None</td>
</tr>
<tr>
<td>175</td>
<td>300 ft.</td>
<td>300 ft.</td>
<td>175,000 sq. ft.</td>
<td>None</td>
</tr>
</tbody>
</table>

C. Buildings.

<table>
<thead>
<tr>
<th>Density District</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Building Spacing</th>
<th>Maximum Stories</th>
<th>Height Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>50%</td>
<td>6 ft.</td>
<td>8</td>
<td>35</td>
</tr>
<tr>
<td>2</td>
<td>50%</td>
<td>8 ft.</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>50%</td>
<td>8 ft.</td>
<td>3</td>
<td>35</td>
</tr>
</tbody>
</table>
Prescott Valley, Arizona

4  50%  8 ft.  2.5  35
5  40%  8 ft.  2.5  35
6  40%  8 ft.  2.5  35
8  40%  8 ft.  2.5  35
10 40%  8 ft.  2.5  35
12 40%  8 ft.  2.5  35
18 25%  8 ft.  2.5  35
25 20%  20 ft.  2.5  35
35 15%  20 ft.  2.5  35
70 10%  30 ft.  2.5  35
175 5%  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

<table>
<thead>
<tr>
<th>Density District</th>
<th>Front</th>
<th>Rear</th>
<th>Side Interior</th>
<th>Side Exterior</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>2</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>3</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>4</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>5</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>6</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>8</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>10</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
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<td>12</td>
<td>25 ft.</td>
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<td>7 ft.</td>
<td>10 ft.</td>
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<tr>
<td>18</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>10 ft.</td>
<td>15 ft.</td>
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<tr>
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<td>30 ft.</td>
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<td>10 ft.</td>
<td>15 ft.</td>
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<tr>
<td>35</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>70</td>
<td>60 ft.</td>
<td>60 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>175</td>
<td>60 ft.</td>
<td>60 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

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:

1. 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.

2. 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)
Article 13-21  GENERAL DISTRICT PROVISIONS

13-21-010  Applying General Provisions.

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

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-21-020  Landscaping, Screening, Outdoor Lighting, Nuisances and Hazards.

The provisions of Article 13-26 of this Chapter shall apply to each 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, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Amended, 06/27/96; Ord. No. 521, Amended, 05/09/02)

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.
Prescott Valley, Arizona

(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.

Dwelling prohibition in any 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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-21-060    Height Limits.

Height limits, when designated in both stories and feet, shall not exceed the foot dimensions.

A.   Spires, Chimneys, Towers, Etc:

1.   The 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 occupies no more than twenty-five percent (25%) of such roof area.

2.   The district height limitations for buildings are not applicable to towers, antennae 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.   The district height limitations for buildings shall apply to towers, antennae 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 and requiring a Use Permit, unless a greater height is expressly provided for as a condition of the Use Permit. Note the related setback requirements in Subsection 13-21-120(F).

4.   The district height limitations for buildings are not applicable to towers, antennae and wireless telecommunications facilities other than those used solely for transmissions and receipt by a single use, located in the PL District.

5.   Each of the structures enumerated in this Subsection must be so located on a lot that its reclining length (in case of collapse) would be contained within the bounds thereof, unless certifications are provided showing that the structures have been specially designed to be safe from collapse.

6.   In determining height, the antenna and all related equipment shall be included.
B. Structures Near Airplane Runways or Landing Strips: 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. 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 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 glide angle to be computed as beginning 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 runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

C. Fences, Walls, Screen Walls, Hedges and Shrubbery. Unless otherwise provided in this Chapter, the maximum height for fences, walls, screen walls, hedges and shrubbery shall be:

1. On any residentially-zoned lot (or that portion of other lots contiguous thereto): four (4) feet in front yard and six (6) feet in side or rear yards.

2. On commercially and industrially-zoned lots: eight (8) feet.

3. Corner Lots - Exterior Sides:

   Any fence/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 ("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/wall. Exterior side fences/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/wall.

4. Corner Lots Located in Planned Area Development (PAD) - Exterior Sides:

   Any fence/wall constructed within the required exterior side setback area of a corner lot located in a PAD may be six (6) feet in height provided that the fence/wall shall 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.

6. All fence/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 wall.
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.

8. As specified in 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.

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

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Am’d, 09/04/80, 13-20-060; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 392, Amended, 06/27/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 629, Amended, 06/09/05; Ord. No. 638, Amended, 10/13/05)

13-21-070 Additional Lot Area and Dimension Regulations.

A. Any lot of record existing at the time this Chapter or amendments thereto become effective, which does not conform with the lot area or width requirements for the district in which it is located, may be used for any use permitted in that district provided other applicable regulations of this Chapter are complied with.

B. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Chapter for the district in which it is located, or if a lot is already less than the minimums so
required, such lot area or dimension shall not be further reduced.

C. Any lot, after this Chapter or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage, or other open spaces to be 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 Accessory Buildings, Structures and Uses.

A. Accessory buildings, structures and uses, as defined in Section 13-02-010(B)(3) herein, 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 "Permitted Uses" shall be deemed to include such accessory buildings, structures and uses.

B. Accessory buildings, structures and uses may be attached to or detached from the "principal" building, except that no accessory buildings, structures or uses housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.

C. Accessory buildings, structures or uses are allowed prior to installation of principal structures only when a construction permit is issued for the principal structure and construction of the same is commenced within six (6) months.

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 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 density district and all preceding density districts, a single accessory building shall not exceed fifty percent (50%) or the total roof area of the principal dwelling unit including attached garages, carports, etc.

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. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-070; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 293, Amended, 03/25/93; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 809, Amended, 09/24/15)

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)

13-21-100 Swimming Pool Safety.

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.

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

1. The swimming pool shall be entirely enclosed by a wall, fence or barrier not less than five feet (5’) in height as measured from the finished grade on the exterior side of the wall, fence or barrier.

2. The wall, fence or barrier shall have no openings through which a spherical object four inches (4”) in diameter can pass.

3. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five inches (45”) apart measured vertically.

4. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches (1¾”) measured horizontally.
5. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

6. The wall, fence or barrier shall be at least twenty inches (20") from the water's edge.

7. Gates for the enclosure shall:
   a. Be self-closing and self-latching with the latch located at least fifty-four 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 (½") within twenty-four inches (24") of the release mechanism.
   b. Open outward from the pool.

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

1. A minimum fifty-four inch (54") wall, fence or barrier to the pool area which meets all of the requirements of Subsection B, paragraphs 2 through 7, shall be constructed between the swimming pool or other contained body of water and the residence or living area.

2. All ground-level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device 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 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 inches (54") above the floor.

D. Pool Location.

1. In any single-family residential 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 edge.

2. In any commercial or multi-family residential district, there shall be a distance of at least twenty-five (25) feet between any property line and the water's edge of a public or semi-public swimming pool.

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

F. Exemptions. This Section shall not apply to:

1. A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

2. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.

3. Residential fish ponds or decorative fountains.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-090; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 619, Amended, 03/24/05; Ord. No. 750, Amended 08/12/10)

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;
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;

7. The setback distance between the proposed wireless telecommunications facility 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. The method of fencing;

10. Coloration;

11. Materials;

12. Illumination;

13. Camouflage;

14. Certification that the wireless telecommunications facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations;

15. A map of all locations owned, leased or operated by the applicant (and their coverages) within ten (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;

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.

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. 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 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

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.

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 therefrom. 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.

A. Yard Deviations (where not in conflict with future width line):

1. Front Yard Deviations
   a. On lots rising in elevation from front to center and exceeding twenty-six percent (26%) grade thereon, the front yard may be reduced not to exceed fifty percent (50%) of the required minimum.
   b. On lots zoned R1MH, a reduction in the required front setback 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 the total length of such home so accommodated does not exceed the lot depth less forty-four (44) feet. No mobile or manufactured home shall be installed with a reduced front setback, unless such reduction is necessary to accommodate the home in conformance with this Section.

2. 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 this Section should apply, then 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.
   c. When a lot sides on an alley, such required side yard adjacent thereto may be reduced not to exceed fifty percent (50%), provided such reduced setback, plus half (1/2) the alley width, is not less than the yard width required for the district.
d. On legal sub-standard width lots, an interior side yard may be reduced by half (1/2) the lot width shortage, provided such reduction does not exceed twenty-five percent (25%) of the required yard width.

3. Rear Yard Deviations

a. On lots of less than two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-alley.

b. On lots exceeding a two hundred eighty (280) foot depth, the required rear yard may be increased by the width of a potential half-street.

B. Encroachment 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, yard, setback requirement, lot area or parking areas as is designated under these provisions or under the provisions of the district in which located, except that:

1. All Yard Encroachments

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. Stills, leaders, belt courses (and similar ornamental features) and chimneys may project two (2) feet into any required yard or court.

2. Front Yard Encroachments

a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required front yard.

b. An attached open porch or balcony or a carport may project no more than six (6) feet into any front yard.

3. Rear Yard Encroachments

a. A bay window, oriel, entrance or vestibule [not exceeding a ten (10) foot width] may project three (3) feet into any required rear yard.

b. An 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:

   (1) Nearer the side line 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.

C. Setbacks from streets and alleys (yard depth) are deemed as being measured from the boundary of a full width right-of-way (or what would be such where only a partial right-of-way exists), or from a future width line [See Subsection 13-21-130(C)]. Where reference is to measurements from street or alley centerline, same is deemed as being 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 13-21-130(B).

D. Courts from which rooms depend for natural ventilation or light 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].

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 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.

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 Permit is required. Note, however, that standard setback requirements may be decreased because of a design safety certification under 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:

1. Towers, antennae 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 a greater setback is required for the particular zoning district.

2. Guys and accessory structures must satisfy the minimum zoning district setback requirements.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-100A; Ord. No. 66, Amended, 04/29/82; Ord. No. 78, Amended, 03/11/83; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 439, Amended, 06/25/98; Ord. No. 589, Amended, 03/25/04; Ord. No. 638, Amended, 10/13/05)

13-21-130 Streets and Alleys.

In providing for future growth, it is necessary that adequate street rights-of-way 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.

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A. Street Frontage: 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 alignment [or half (1/2) such right-of-way width where owner has no control to provide the other half (1/2)], except that in no case need such dedication be more than to create a one hundred (100) foot width [half (1/2) such as the case may be]; likewise if other streets or alleys 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 required in securing permits for existing lots.

B. Right-of-way widths are herein established as minimum widths required:

1. Arterial Roads - One hundred (100) feet;
2. Collector Roads - Forty (40) to fifty (50) feet;
3. Local Roads (not having topographic problems) - Fifty (50) feet;
4. Other Streets - Fifty-four (54) feet.

C. Future width lines are herein established from which setbacks for structures (other than signs, fences and free standing walls) shall be measured to comply with the district requirements, except 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):

1. Mid-Section Lines - Twenty-seven (27) feet on each side thereof;
2. Section Lines - Fifty (50) feet on each side thereof;
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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-20-110; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/14/95)

13-21-140 Temporary Buildings and Uses.

Temporary buildings and uses are permitted as follows:

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 issuance of a building permit for the dwelling.
1. A temporary housing permit shall be required prior to the occupancy of such recreational vehicle. Issuance of a temporary housing permit shall be limited to a period of time not to exceed six (6) months from the date of issue, but said temporary housing permit may be renewed for a like period thereafter upon the property owner submitting satisfactory evidence that construction of the permanent structure is being diligently pursued to completion and indicating that the need to occupy such recreational vehicle continues to exist.

2. Unless such temporary housing permit is renewed, such recreational vehicle shall be disconnected from utilities and unoccupied 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. Fees for temporary housing permits shall be determined by the Town Council.

B. Temporary real estate offices may be occupied subject to Use Permit approval by the Board of Adjustment in accordance with application procedures outlined in Section 13-21-110, and subject to the following:

1. Such offices shall be located on the property being subdivided for sale as individual lots, and their use shall be limited to the sale of those lots.

2. Such offices shall be subject to the height, yard, intensity of use and parking regulations for the district in which they are located.

3. Any Use Permit granted for such offices 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 periods thereafter if eighty percent (80%) of the lots in the property being subdivided have not been sold.

4. Unless such Use Permit is reissued, such offices shall be removed or eliminated from the property being subdivided upon the expiration of the previously granted Use Permit, or when eighty percent (80%) of the lots in said property are sold, whichever occurs first.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 167, Amended, 12/10/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-21-150 Livestock Privileges.

Except in the Agricultural districts, 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. No animals shall be allowed in the Town of Prescott Valley in contravention of existing restrictive covenants.

B. All such animals, where permitted, shall be kept in conformance with Chapter 6 of the
Town Code of the Town of Prescott Valley.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-120; Ord. No. 58, Amended, 09/24/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)


A. Applicability. All towers, antennae and wireless telecommunications facilities shall be subject to the requirements of this Section, except towers, antennae and wireless telecommunications 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.

B. General Provisions.

1. Appearance.

   a. Towers, antennae 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. Antennae 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 and related equipment visually unobtrusive.

   c. Improvements comprising a wireless telecommunications facility shall, to the extent possible, use a mix of materials, colors, textures, screening, and landscaping in order to blend the improvements into the natural setting.

   d. Towers, antennae and wireless telecommunications facilities shall not be artificially lighted unless required to be by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the other options. Economy and serviceability are among acceptable criteria for selection.

   e. All towers, antennae 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 standards and regulations are changed, then the owners of the towers, antennae and wireless telecommunications facilities shall bring their facilities into compliance within six (6) months of the effective date of such standards (unless a different compliance schedule is mandated by controlling law).
f. No signs shall be placed or allowed to be placed on any tower, antenna or wireless telecommunications facility.

g. Towers, antennae and wireless telecommunications facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Town or by any state or federal law or agency.

h. Accessory structures used in direct support of a tower, antenna, or wireless telecommunications facility are permitted but may not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of such facilities shall not be stored or parked on site.

2. Security. All towers, antennae, 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. Collocation. The policy of the Town is to encourage collocation.

a. Preference: An applicant who certifies in writing that the tower, antenna or wireless telecommunications facility constructed will be suitable for collocating multiple providers and, as a condition of zoning, executes a written agreement (Collocation Agreement) with the Town consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for either a final approval or rejection of an application for a Use Permit, or favorable terms for a lease agreement with the Town. Note that 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 or a lease agreement), and all fees and required forms and documents.

b. Collocation Agreement: The Collocation Agreement shall provide for at least the following:

   (1) The Applicant shall accept for collocation any FCC licensed wireless telecommunications provider (Additional User) who uses any compatible technology, on commercially reasonable terms considering all of the factors a reasonable leasing company would deem relevant in entering into such an Agreement.

   (2) Any Additional User seeking collocation shall submit specifications for its equipment and use (Request) to the Applicant and the Applicant shall, within thirty (30) days, respond to such party in writing (Response), furnishing all technical requirements which must be resolved before collocation.
(3) The Applicant and the Additional User shall, in good faith, attempt to resolve any outstanding technical or business terms. If, after thirty (30) days from the Response, the Additional User believes the Applicant has not negotiated in good faith, the Additional User may submit to the Applicant, in writing, a request for arbitration, in which case the Applicant shall be obligated to cooperate with the Additional User to arrange for the American Arbitration Association to designate a person knowledgeable in collocation of wireless telecommunications providers to act as arbitrator and to decide all issues between the parties. The arbitration shall be held within thirty (30) days after the request for arbitration. Note that, upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable;

(4) If the arbitrator certifies in writing to the Town that the Applicant has failed to comply with the decision of the arbitrator within fifteen (15) days after its issuance by the arbitrator, then either the Use Permit or the lease agreement 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 certificate. If the 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) The Additional Party, upon submitting the Request, shall become a third party beneficiary to the Collocation Agreement;

(6) The Town shall not be a party to any contract between the Applicant and the Additional Party, and shall not be made a party to any dispute or arbitration between the two. Applicant shall indemnify, defend and hold the Town harmless from any cost, including reasonable attorneys’ fees, associated with any such matters; and

(7) A lease or other agreement containing the business terms proposed by the Applicant for collocation shall be attached as an exhibit to the Collocation Agreement.

4. Modification of Structures. No existing tower, antenna or wireless telecommunications facility may be changed or modified except as follows:

a. The change or modification is required by a change in user or technology;

b. The change does not increase the height of the tallest component above the height approved in this Chapter, in a Use Permit, in a lease
agreement, or (in the case of an existing facility) above its current height;

c. At the conclusion of the change or modification, the structure complies with all requirements of the building department; and

d. Each of the documents and certifications required for a Use Permit are provided.

5. Abandonment of Facilities.

   a. Any tower, antenna or wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. 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 the abandoned facility. If the facility is not removed within sixty (60) days of receipt of notice from the Town notifying the owner(s) of such abandonment, 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 in taking action shall not in any way waive the Town’s right to take action. The Town may seek to have the telecommunications facility removed regardless of the owner’s or operator’s intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.

   b. If the owner of an abandoned telecommunications facility wishes to use such 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 facility were a new facility.


   a. All towers, antennae, 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 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 to bring the facility into compliance. In 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 the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the Town may remove such facility and
place a lien upon the property for the costs of removal. Delay by the Town in taking action shall not in any way waive the Town’s right to take action. The Town may pursue all legal remedies available to it to ensure that telecommunications facilities not in compliance with the Code standards or which constitute a danger to persons or property are brought into compliance or removed. The Town may seek to have the telecommunications facility removed regardless of the owner’s or operator’s intent to operate the facility and regardless of any permits, federal, state or otherwise, which may have been granted.

b. Upon removal of the wireless telecommunication facility, the site shall be returned to its natural state and topography, and vegetated consistent with the natural surroundings.

C. Real property owners in PL zoning districts may require owners of towers, antennae, and wireless telecommunications facilities to enter into lease agreements as prerequisites to such owners exercising the permitted use for towers, antennae, and wireless telecommunications facilities in the PL district. 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 and wireless telecommunications facilities owners to seek Use Permits to locate such facilities in other zoning districts if PL sites 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 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 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 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 comply with the area and shape requirements of the specific zoning district within which said lot is 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 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 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.

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 the requirements of this Subsection 13-22-010(C) (as amended).

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)
13-23-010  Purpose.

The purpose of this Article is to provide fair, comprehensive and enforceable regulations that will foster a good visual environment for the Town of Prescott Valley, enhancing it as a place to live and do business. Signs are herein regulated to help maintain the health, comfort and well-being of the public; to prevent adverse community appearance from the unrestricted use of signs; to allow signs appropriate to the character of each zoning district and to promote traffic safety. These regulations are intended to improve the effectiveness of signs by allowing adequate and appropriate signs to effectively identify each business location and type of business conducted while not allowing unsafe, oversize or excessive signs which obscure the buildings and natural beauty of the Town and to protect travelers in the Town from injury or damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Rep&ReEn, 12/14/89)

13-23-020  Definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banner &amp; Pennants</td>
<td>A temporary sign composed of fabric, pliable plastic, paper or other light material not enclosed in a rigid frame and secured or mounted so as to allow movement of the atmosphere to cause movement of the sign.</td>
</tr>
<tr>
<td>Billboard</td>
<td>See Sign, Off-site</td>
</tr>
<tr>
<td>Building Frontage</td>
<td>That portion of the building which lies parallel to the right-of-way.</td>
</tr>
<tr>
<td>Building, Interior Side</td>
<td>That portion of the building adjacent to an interior lot line or which does not front on an exterior street side of the property.</td>
</tr>
</tbody>
</table>
**Prescott Valley, Arizona**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Commercial Tourism Zone</td>
<td>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.</td>
</tr>
<tr>
<td>Façade</td>
<td>Vertical wall surface extending above a porch roof, including a parapet wall.</td>
</tr>
<tr>
<td>Flags</td>
<td>Any fabric or banner containing distinctive colors, patterns, or symbols, used to represent a government entity, subdivision, or corporation.</td>
</tr>
<tr>
<td>Frontage/Exposure, Occupancy</td>
<td>The width of that portion of a multi-tenant structure which is occupied by a given tenant.</td>
</tr>
<tr>
<td>Highway/Freeway Interchange Area</td>
<td>Where ingress or egress is obtained to a state or federal highway or freeway; specifically delineated as lying within three-hundred feet (300′) of the right-of-way and between the two (2) points of widening of the highway/freeway right-of-way approaching the interchange (see example).</td>
</tr>
<tr>
<td>Integrated Development Project</td>
<td>A commercial or mixed-use development of not less than twenty-five (25) acres in size that comprises properties in a defined geographical area and includes multiple businesses, property owners and parcels located adjacent to a numbered State Highway or Interstate Highway for which boundaries for signage purposes are approved with a Comprehensive Sign Package.</td>
</tr>
<tr>
<td>Maintenance</td>
<td>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.</td>
</tr>
<tr>
<td>Parapet Wall</td>
<td>A wall extending above the roof line of a building.</td>
</tr>
<tr>
<td>Parcel</td>
<td>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).</td>
</tr>
<tr>
<td>Roof line</td>
<td>The highest point of the main roof structure which shall not include cupolas, pylons, projections or minor raised portions of</td>
</tr>
<tr>
<td><strong>Shopping Center</strong></td>
<td>A group of commercial establishments which offer goods or services to the public and which are planned, constructed or managed as one (1) entity and which provide customer and employee parking in a common parking lot.</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Sign</strong></td>
<td>Any object, device, display or structure, 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, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are national or state flags, window displays, athletic scoreboards, or the official insignia or signs of government.</td>
</tr>
<tr>
<td><strong>Sign, Animated</strong></td>
<td>Any sign or part of a sign which changes physical position by any movement, rotation, or undulation, or which gives the visual impression of such movement, rotation or undulation. This category of signs includes, but is not limited to, banners, pennants, flags and spinners as well as signs with flashing, intermittent or sequential illumination.</td>
</tr>
<tr>
<td><strong>Sign, Awning</strong></td>
<td>A sign that is mounted or painted on, or attached to an awning.</td>
</tr>
<tr>
<td><strong>Sign, Directional</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Sign, Directory</strong></td>
<td>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)</td>
</tr>
<tr>
<td><strong>Sign, Double-Faced</strong></td>
<td>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.</td>
</tr>
</tbody>
</table>
| **Sign, Electronic Information Center** | A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operation:  

1. **Static.** Signs which include no animation or effects simulating animation.  
2. **Fade.** Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces in intensity to the point of not being visible and the subsequent message gradually increases in intensity to the point of visibility. |
3. **Dissolve.** Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose visibility simultaneous to the gradual appearance and visibility of the subsequent message.

4. **Travel.** Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

5. **Scrolling.** Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

<table>
<thead>
<tr>
<th>Sign, Face</th>
<th>The area or display surface used for the message.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign, Flashing</td>
<td>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.</td>
</tr>
<tr>
<td>Sign, Freestanding</td>
<td>Any non-movable sign which is not affixed to a building and is mounted on its own self-supporting structure.</td>
</tr>
<tr>
<td>Sign, Identification</td>
<td>A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.</td>
</tr>
<tr>
<td>Sign, Illuminated</td>
<td>A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.</td>
</tr>
<tr>
<td>Sign, Monument</td>
<td>Any freestanding sign, other than a pole sign, placed upon or supported by the ground (independent of any other structure, except footing).</td>
</tr>
<tr>
<td>Sign, Non-conforming</td>
<td>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.</td>
</tr>
<tr>
<td>Sign, Obsolete</td>
<td>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.</td>
</tr>
<tr>
<td>Sign, Off-site, Off-premises</td>
<td>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.</td>
</tr>
<tr>
<td>Sign, Permanent</td>
<td>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.</td>
</tr>
<tr>
<td>Sign, Pole</td>
<td>A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above ground level.</td>
</tr>
<tr>
<td>Sign, Portable</td>
<td>A sign that is not permanently affixed to a building, structure or the ground.</td>
</tr>
<tr>
<td>Sign, Roof</td>
<td>A sign erected in any way upon a building or structure which extends above the roof line of the building or structure.</td>
</tr>
<tr>
<td>Sign, Temporary</td>
<td>Any sign (including A-shaped and V-shaped signs) which is designed for short-term use as regulated in this Article.</td>
</tr>
<tr>
<td>Sign, Wall or Wall-mounted</td>
<td>A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the...</td>
</tr>
</tbody>
</table>

A. Location and Placement of Signs:

1. No sign shall be allowed on any property unless the same is specifically permitted for the applicable zoning district.

2. Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable technical codes.

3. No sign shall be erected, relocated or maintained so as to prevent 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. Signs interfering with Traffic: No sign shall be erected or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision, or 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; or 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.

5. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, utility pole, utility structure, or any authorized traffic sign, signal or device.

6. In addition to the requirements of 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 district.

7. No sign shall be placed or maintained on or in any public right-of-way except for any signs required by a government agency for the protection of public health, safety or general welfare, including without limitation traffic control signs.

B. Design Criteria:
1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscaping design.

2. All signs, except those consisting of individual letters mounted against a non-differentiated surface, shall have edge treatment or border.

C. Measurement of Signs:

All sign areas shall be measured in accordance with the following:

1. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any materials or colors forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural elements located outside the limits of the sign and not forming an integral part of the display (such as supports or uprights) shall not be included in determining the area of the sign.

2. The area within the perimeter of the entire illuminated surface of an internally illuminated sign, or that area within the perimeter of an internally illuminated architectural building feature which encompasses sign copy.

3. Multiple Faces of a Single Sign:

   a. If there are two (2) faces to a single sign and the interior angle is forty-five degrees (45°) or less, the entire area shall be the area of one (1) face only; or if the interior angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area will be the sum of the areas of each face.

   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. Area of spherical, free-form, sculptural, and other non-planar signs will be the sum of the area of the sides of the smallest four-sided polyhedron that will encompass the sign structure.

5. All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

6. Sign heights shall be measured as follows:

   a. Freestanding Sign: The height of freestanding signs shall be measured as the vertical distance from the nearest adjacent ground level to the top of the sign. The total sign height shall include any monument base, earthen works or other structure
erected to support or ornament the sign.

b. Wall Sign: The height of wall 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. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 15/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-020; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 816, Amended, 05/26/16)

13-23-040 Sign Standards.

A. Building Mounted Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Mounted (Non-Residential Use)</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>2 sq. ft of sign per 1 lineal ft of building frontage adjacent to Front Lot Line.</td>
<td>(1) Sign per front Lot Line</td>
</tr>
<tr>
<td>Directory</td>
<td>R-2, RCU, RS C-1, C-2, C-3, PM, M-1, M-2</td>
<td>16 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Directional</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>24 sq. ft 6 ft high</td>
<td>(1) Building mounted only. No advertising copy.</td>
</tr>
<tr>
<td>Electronic Information Center</td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>4 sq. ft 5 ft high</td>
<td>Per Zoning Approval.</td>
</tr>
</tbody>
</table>

Electronic Information Center

2 sq. ft of sign per 1 linear ft of building frontage.

Individual sign areas are limited to two hundred (200) sq. ft.

In 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. More than one building-mounted sign is permitted, provided that the total signage does not exceed the maximum square footage allotment. No building-mounted sign shall project more than two (2) feet from the building or structure to which it is attached.

A Use Permit, subject to Use Permit application and
hearing procedures set forth under Section 13-21-110, shall be required for Electronic Information Centers.

| Shopping Centers (3 or more businesses) | C-1, C-2, C-3, PM, M-1, M-2 | 2 sq. ft of sign per 1 linear ft of building frontage along the street side of the building. | In 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. |

1. No more than ½ of the allowable signage as calculated for the building frontage may be placed on any other one side of the building.

2. On a corner lot, the signage calculated for the building frontage may be placed on the second street side. If so placed, no greater than one half of the frontage allocation shall be placed on the building frontage. Signage on the second street side shall not include Electronic Information Centers.

3. Businesses which have three or more street fronts shall not be allocated additional signage beyond the first two streets.

4. If the main entrance to a business does not face any roadway, the tenant shall be allowed two (2) square feet of signage per one (1) linear foot of building frontage on the main entrance side of the building.

B. Freestanding Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directional</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>4 sq. ft 5 ft high</td>
<td>Per zoning approval.</td>
</tr>
<tr>
<td>Flags</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft</td>
<td>(1) per master planned community of 50 acres or more. (2) per model home/model home complex not to exceed aggregate of 24 sq. ft. *See “Exceptions” 13-23-050.A</td>
</tr>
<tr>
<td>Integrated Development</td>
<td>Any Use District</td>
<td>300 sq. ft. 30 ft high</td>
<td>25-50 acres</td>
</tr>
<tr>
<td>Project</td>
<td>150 sq. ft.</td>
<td>(1) sign structure per signed State Highway or Interstate Highway</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25 ft high</td>
<td>(1) additional freestanding sign structure per additional signed State Route entrance access</td>
<td></td>
</tr>
<tr>
<td></td>
<td>400 sq. ft.</td>
<td>Over 50 acres</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40 ft high</td>
<td>(1) sign structure per signed State Route Highway or Interstate Highway</td>
<td></td>
</tr>
<tr>
<td></td>
<td>200 sq. ft.</td>
<td>(1) additional freestanding sign structure per additional signed State Route entrance access</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30 ft high</td>
<td>*Subject to approval of a Comprehensive Sign Package</td>
<td></td>
</tr>
<tr>
<td>*Subject to approval of a Comprehensive Sign Package</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Drive-thru-signage</th>
<th>C-1, C-2, C-3, PM, M-1, M-2</th>
<th>32 sq. ft</th>
<th>(1) per drive-in and placed so that it is not visible from the right-of-way.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6 ft high</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Off-site, Directional Signs</th>
<th>32 sq. ft</th>
<th>(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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8 ft high</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Off-site, Directory</th>
<th>Individual sign areas are limited to 100 sq. ft. and sign height is limited to 8 ft.</th>
<th>Allowed only as part of the Prescott Valley Parkway Redevelopment Plan. 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.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Portable/Sandwich</th>
<th>C-1, C-2, C-3, PM, M-1, M-2</th>
<th>16 sq. ft</th>
<th>(1) per lot to be removed at the end of each business</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 ft high</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boards</td>
<td>Property Identification</td>
<td>day.</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>R1L, R1M, R1MH</td>
<td>4 sq. ft</td>
<td>(1) per residence</td>
<td></td>
</tr>
<tr>
<td>R-2, RS, RCU</td>
<td>32 sq. ft</td>
<td>(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.</td>
<td></td>
</tr>
<tr>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>50 sq. ft</td>
<td>(1) per project/site</td>
<td></td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>C-1, C-2, C-3,</td>
<td>50 sq. ft*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>90 sq. ft*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>130 sq. ft*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>170 sq. ft*</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>200 sq. ft*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*aggregate sign areas</td>
<td>(1) sign per shopping center (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. 2-5 units/tenants 6-9 units/tenants 10-13 units/tenants 14-17 units/tenants 20 or more units/tenants No other monument or pole signs shall be allowed in lieu of a shopping center sign.</td>
<td></td>
</tr>
</tbody>
</table>
No single sign may exceed 100 sq. ft; however multiple signs may be used for the total aggregate signage allowed.

<table>
<thead>
<tr>
<th>Subdivisions</th>
<th>All Districts</th>
<th>24 sq. ft</th>
<th>5 ft high</th>
<th>(2) per entry for planned area developments of 50 acres or less</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>32 sq. ft</td>
<td>8 ft high</td>
<td>(2) per entry for planned area developments of 50 acres or more</td>
</tr>
</tbody>
</table>

* See, “Flags”
* See, “Directional Signs”
* See, “Coming Soon Sign”

1. Freestanding monument signs shall not exceed a maximum height of 8 ft.
2. Freestanding pole signs shall be a minimum of 7 ft high and a maximum of 20 ft high.
3. With the exception of Off-Site Directory signs, all freestanding signs shall be a minimum of 6 feet from the property line to the closest projection of the sign.

C. Temporary Sign Standards

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>ZONING DISTRICTS</th>
<th>MAXIMUM DIMENSIONS</th>
<th>STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per new subdivision; 2 per master-planned community (50 acres or more); on-site only</td>
</tr>
<tr>
<td>Signs Located on Construction Sites</td>
<td>R1L, R1M, R1MH, R-2, RCU, RS</td>
<td>24 sq. ft 8 ft high</td>
<td>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 an aggregate area of 32 sq. ft</td>
</tr>
<tr>
<td></td>
<td>C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft 8 ft high</td>
<td>1 per project or construction site; if more than 300 ft of street frontage, then 2 per project or construction site</td>
</tr>
<tr>
<td>Banners</td>
<td>RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>32 sq. ft/6 ft high</td>
<td>6 times per year for a maximum of 4 consecutive days. A minimum of 14 days shall pass between each</td>
</tr>
<tr>
<td>Inflatable Objects</td>
<td>RS, C-1, C-2, C-3, PM, M-1, M-2</td>
<td>20 ft high maximum.</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 fixed Inflatable Object per business address. Inflatable Objects shall be permitted only twice (2) per year at three (3) day intervals. Inflatables shall not be roof-mounted and shall be securely fastened to a permanent structure and/or proper ground staking. Inflatables shall be placed on private property a minimum of (6) ft. back from any property line to the closest point of the inflatable. No inflatable shall be placed in or on any Public right of Way and shall not impede pedestrian or vehicular visibility or traffic. Separate permit required.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signs in Residential Zones</th>
<th>All Districts</th>
<th>6 sq. ft 6 ft high</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum of 1 sign per lot and 1 off-site sign per turning movement (provided that such off-site sign must be placed on private property, subject to the express permission of the property owner) beginning at residence of origin and continuing to (1) entrance of master-planned or clearly-defined subdivision, (2) main road, or (3) maximum 1.5 miles; maximum 3 days during daylight hours</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>
Prescott Valley, Arizona

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. Flags, pennants and insignias of any national, state or other political unit.

B. Tablets, grave markers, headstones, statuary or remembrances of persons, buildings, events, and dates of erection, which are non-commercial in nature.

C. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

D. The 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 that such signs do not constitute a traffic or safety hazard.

13-23-060 Prohibited Signs.

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

A. Animated or flashing signs (excepting clocks, barber poles, public service information signs, time or temperature signs, and Electronic Information 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.

C. Any sign emitting sound or emitting any substance.

D. Windblown signs such as posters, banners, 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 or buildings, sheds, 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 the 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(B).

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)

13-23-070 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: 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&Amend, 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&Amend, 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. 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. Signs not requiring permits: Sign permits shall not be required for name plate signs, temporary signs (except for banners and inflatable objects pursuant to Section 13-23-040(C)), 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 fee schedule:
   a. Permit fees: There shall be a charge of one and one-half percent (1 1/2%) of the value of the sign plus fifteen cents (15) per square foot or fifteen dollars ($15.00), whichever is greater.
   b. Double fees: The sign permit fees established in Subparagraph 13-23-100(A)(4) (a) above shall be doubled in the event that any sign is installed prior to the issuance of a sign permit.

(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)

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)

13-23-120 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. 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. If any provision of this Section is in conflict with the provisions of any other Section of the Prescott Valley Town Code, the provisions of this Section shall prevail.

The Zoning Inspector shall issue a citation and file an action involving all violations of this Section. Such an action shall initially be filed 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:

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 ordinances and codes existing at the time of construction but is not now in conformance with the provisions of this Section, shall be designated a "non-conforming billboard sign" and may be continued in use, except under the following conditions:

   a. When such sign creates a traffic hazard due to any of the following:

      (1) Due to its position, shape, color, copy, format or illumination, such sign obstructs the view of or causes confusion with an official traffic sign, signal or device, or with any other official sign.

      (2) When such sign obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, alley or from another thoroughfare.

      (3) When such sign in any other way causes an unsafe obstruction for motor vehicle operators.

   b. When the costs of reconstruction or repair of such sign by reason of damage from any source, exceeds fifty percent (50%) of the then current replacement costs for damage incurred from any source.
c. When such non-conforming 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).

d. When non-conforming outdoor light fixtures on such billboard are required to be brought into compliance with the provisions of Article 13-26a, pursuant to Subsection 13-26a-020(A).

C. Plans and Specifications:

1. Size: No sign structure face area, or combination of sign structure face areas, shall exceed two hundred (200) square feet in one (1) direction, except that back-to-back or V-shaped signs having an interior angle of forty-five degrees (45°) or less may have a maximum area of two hundred (200) square feet on each face. The maximum width shall not exceed twenty (20) feet, and the minimum height from the ground to the actual sign shall not be less than ten (10) feet.

2. Illumination:

a. Signs may be illuminated pursuant to this Section, but such illumination shall comply with Subsections 13-26a-040(A), (C) and (D) of this Code, and shall not be intermittent, flashing, scintillating, animated or of varying intensity. If located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.

b. In addition to compliance with the requirements of Subsections 13-26a-040(A), (C) and (D), 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.

c. On any lot adjacent to a residential district or separated therefrom only by a street or alley, 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.


4. Design:

a. All billboard signs shall be designed in accordance with the Building Code of the Town of Prescott Valley.

b. The engineered plans for all billboard signs must accompany the application for a building permit and are subject to approval by the Building Department prior to the issuance of a building permit.
c. No such sign structure shall emit sound.

D. Locations:

1. Billboard signs may be located in the PM (Performance Manufacturing) District, subject to the provisions of this Section.
   
a. A billboard sign shall not be located within four hundred (400) feet of any other billboard sign on the same street.

b. A billboard sign shall not be located closer than six hundred (600) feet to 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 degree (90°) angle, billboard signs shall not be located closer than six hundred (600) feet from the center line of the freeway.

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) of the total ultimate right-of-way width from the center line of said arterial street.

d. If the proposed billboard sign structure is within one hundred (100) feet of any existing building or buildings, no part of such 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 sign structure is located between two (2) buildings that are within one hundred (100) feet of the advertising structure, no part of said 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 billboard sign shall be relocated at the sign owner’s expense so as to comply with the provisions of this Subparagraph.

e. Such sign structures must maintain a side yard setback from any residential district or residential use equal to that of the residential district or half of the sign structure height, whichever is the greater.

f. No such sign structure 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.

g. Notwithstanding any other requirement herein, no billboard sign shall be located within the Special Gateways/Highway Corridors of the Town.
as defined in this Chapter.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 33, Amended, 08/28/80; Ord. No. 178, Ren&Amd, 05/26/88, 14-01-050, 060, 070 & 080; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-070; Ord. No. 276, Amended, 06/11/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 403, Amended, 10/24/96; Ord. No. 521, Amended, 05/09/02; Ord. No. 539, Amended, 02/27/03; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 689, Rep&ReEn, 06/21/07)

13-23-150 Comprehensive Sign Package.

A Comprehensive Sign Package is intended for coordinated developments over twenty-five (25) acres which can be defined as Shopping Centers, Planned Area developments (PADs) or Integrated Development Project (IDP) comprising properties as a defined geographical area under a common or joint ownership.

Application packets for Comprehensive Sign Packages may be obtained from the Community Development Department. Applications approved under this section shall be evaluated based upon the following criteria and will be approved by a separate Resolution of the Town Council or in conjunction with approval of a Final Development Plan:

1. 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.

2. Quantity. The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas, and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the integration of sign functions.

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 distracting influences.

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 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 100 percent any maximum height standard or by 100 percent any maximum area standard.
4. Evaluation Criteria. In reviewing Comprehensive Sign Packages staff shall consider the following:

a. The views of or from adjacent properties are not impaired;

b. The signs do not interfere with public utilities, government uses, transportation, landscaping or other relevant factors;

c. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;

d. The signs do not pose a hazard to public safety.

Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Community Development Director.

(Ord. No. 220, Enacted, 12/14/89; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 771, Amended, 11/08/12)
Article 13-24 OFF-STREET PARKING REQUIREMENTS

13-24-010 Purpose.

The purpose of this Article is to alleviate or prevent congestion of the public streets and 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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-24-020 General Regulations.

A. Except in the Agricultural districts, no building permit shall be issued nor use operated until the applicant has presented satisfactory evidence to the Town that he owns or has otherwise available for his use sufficient property to provide the parking required as specified in this Article.

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 any main building. With the same exception, these standards shall also be complied with when an existing building is altered or enlarged, or where the use is intensified by a change of occupancy, or by the addition of floor area, seating capacity, or seats.

C. Maintenance of Existing Parking. Off-street parking being maintained in connection with any existing main building or use shall be maintained so long as said main 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.

D. Non-conforming Parking. Where automobile parking space is provided and maintained in connection with any existing main building or use as of September 4, 1980 and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or
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.

E. Combination of Uses. Where there is a combination of uses on a lot, the total parking requirement shall be the sum of such requirements for the various uses computed separately.

F. Collective Action Relative to Parking. This Chapter shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.

G. Recreational and Commercial Vehicles.

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 travel trailers, motor homes, busses, pickup trucks with an installed camper which extends over the cab, unmounted camper shells, boats, boat trailers, off-road vehicles without an enclosed driver and passenger compartment, and aircraft.

2. Residential properties unable to accommodate a recreational vehicle within the rear or interior side yard may temporarily park one (1) recreational vehicle within the 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 calendar month. Recreational vehicles shall not be parked within the street right-of-way, and shall not create a sight safety problem for any neighbor.

3. The parking, except for loading or unloading for a reasonable time, of any commercial vehicle of more than one (1) ton rated capacity on any lot in a residential district shall be considered a commercial use and is prohibited.

4. The parking 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) shall be deemed a commercial use and is prohibited.

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 not apply where parking or storage is within a completely enclosed permanent structure.

6. The parking or storage 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 construction is in progress.

7. Any person, firm or corporation found guilty of violating any provision of this Subsection 13-24-020(G) 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.

H. Handicapped Accessible Parking.

1. At the time of application for a building permit for a commercial, industrial or multi-family use, the Zoning Inspector shall determine the number of off-street parking spaces required, according to the following standards:

a. Handicapped-accessible parking spaces for multiple-family housing shall be provided as follows:

   (1) Where parking is provided for all residents, one (1) accessible parking space shall be provided for each accessible dwelling unit.

   (2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit.

   (3) Where parking is provided for visitors, two percent (2%) of the spaces, or at least one (1) space, shall be accessible.

b. Handicapped-accessible parking spaces for health care facilities shall be provided as follows:

   (1) At facilities providing medical care and other services for persons with mobility impairments: the number of parking spaces required in Subparagraph H(1)(c) herein.

   (2) At outpatient units and facilities: ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility.

   (3) 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. Handicapped-accessible parking spaces for all other facilities shall be provided as follows:
Prescott Valley, Arizona

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<tr>
<th>Total Parking In Lot</th>
<th>Required Number of Accessible Spaces</th>
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<td>1 to 25</td>
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<td>1001 and more</td>
<td>20 + 1 per each 100 over 1000</td>
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2. Each handicapped-accessible parking space shall meet the following minimum requirements for size: width of eleven (11) feet and length of twenty (20) feet, with an adjacent access aisle on the right side five (5) feet in width. Two (2) accessible parking spaces may share a single five (5) foot wide access aisle. Every access aisle shall lead directly to a curb ramp and accessible route of travel.

3. All handicapped-accessible parking spaces shall be prominently outlined on all four (4) sides and shall have the international symbol of accessibility (see diagram) 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 of the surrounding regular parking.

Furthermore, all handicapped-accessible parking spaces shall be identified by a sign on 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".
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 parking facilities 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. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entrances. Wherever practical, the accessible route of travel 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.

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. In parking garages, not less than twenty percent (20%) of the 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 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.

5. Handicapped-accessible parking spaces and access aisles shall be level, with surface slopes not exceeding 1:50 (2%) in all directions. Access aisles shall be constructed so that the ground surface is stable, firm, and slip-resistant. Such access aisles shall not be constructed with surfaces of loose sand, gravel, wet clay, cobblestones, or similar material.

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 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. No. 37, Enacted, 09/04/80; Ord. No. 93, Amended, 02/09/84; Ord. No. 153, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 181, Amended, 08/11/88; Ord. No. 285, Amended, 10/22/92; Ord. No. 399, Amended, 10/10/96; Ord. No. 650, Amended, 01/26/06)
13-24-030 Location of Parking.

A. Parking for all residential district uses shall be provided on the same lot or on a contiguous lot so zoned.

B. Parking for commercial or industrial district uses shall be provided on the same lot as the use they are intended to serve, or within three hundred (300) feet thereof on property so zoned.

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.

D. Any required yards may be used for parking or loading except as may be specifically prohibited by the district provisions.

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 approved by the Town Council as part of that final development plan.

F. Other off-site parking in the Town right-of-way may be included for required parking if such parking and the use is part of an approved Improvement District or otherwise approved by a development agreement with the Town.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 564, 07/10/03)

13-24-040 Design and Installation of Parking Facilities.

Parking areas permitted (or required) under the provisions of this Chapter (except such parking accessory to dwelling units) shall adhere to the following provisions:

A. Each parking space shall consist of an area of not less than nine (9) feet by twenty (20) feet (exclusive of drive-ways required to make such space accessible from public streets or alleys).

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. All driveways shall be of sufficient width to permit access into spaces, but in no case less than twelve (12) feet for one-way and twenty-four (24) feet for two-way travel.

D. All off-street automobile parking facilities shall be designed with appropriate means of
vehicular access to a street, alley or public thoroughfare, as well as necessary maneuvering areas such as driveways. Whenever possible, the parking facility shall be designed so that vehicles exiting therefrom will not be required to back into any street. Maneuvering areas adjacent to parking spaces shall be designed so as not to disrupt traffic on public roadways, and arranged in accordance with the design standards set forth in the diagrams contained in this Section.

E. Protective screening shall be provided to adjacent residentially-zoned lots within two hundred (200) feet:

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.

2. Where such parking areas side or rear directly on a residential district, a solid wall or screen six (6) feet in height shall be installed on the district boundary line [said wall to be reduced to four (4) feet in height within the front yard area of the abutting residential district].

F. A minimum of ten percent (10%) of all parking lot areas shall be landscaped in accordance with the provisions of Article 13-26 "Landscaping Requirements”.

G. In addition to complying with the requirements of Subsections 13-26a-040(A), (C) and (D) of this Code, any lights used to illuminate said parking area shall be so arranged and screened as to reflect the light away from adjoining lots in residential districts and from streets. Commercial lots or customer parking facilities (other than that area lying between a street and the principal building) shall require illumination.
13-24-050 Off-Street Parking Requirements (Minimum).

A. Definition of Floor Area:

1. Floor area shall mean the gross floor area and/or the open land area needed for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, or restrooms or other accessory space.

2. Where parking spaces are referenced to 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 decision shall stand unless modified by the Board of

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 276, Amended, 06/11/92; Ord. No. 279, Amended, 06/25/92; Ord. No. 375, Amended, 12/28/95; Ord. No. 394, Amended, 07/25/96; Ord. No. 521, Amended, 05/09/02, Ord. No. 748, Amended, 09/12/10)
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:
   a. One (1) or two (2) family residences 2 per dwelling unit
   b. Multiple family dwellings
      Efficiency and one (1) bedroom units 1 1/2 per dwelling unit
      Two (2) or more bedrooms 2 per dwelling unit
   c. Rooming houses, fraternities, sororities, vacation rental/short-term rental 1 per sleeping/guest room
   d. Mobile/manufactured home parks and subdivisions 2 per dwelling unit
   e. Model homes 5 per dwelling unit

2. Hotels, Motels:
   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:
   a. Hospitals 1 per 3 beds plus 1 per staff physician plus 1 per 3 employees
   b. Sanitariums, convalescent and nursing homes, children's homes, homes 1 per 3 beds plus 1 per employee
Prescott Valley, Arizona

for the aged

4. **Offices and Clinic Uses:**
   
a. **Offices, banks, savings and loan agencies**
   - 1 per 200 sq. ft. of 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:**
   
a. **Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms**
   - 1 per every 3 persons for which seating is provided

b. **Churches**
   - 1 per every 3 persons for which seating is provided

6. **Commercial Recreation:**
   
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, health studios**
   - 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:**
   
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**
   - 1 per 50 sq. ft. of
on-site consumption 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:**

   a. Elementary and intermediate schools  
   Spaces Required:  
   1 per employee plus  
   1 per 10 students

   b. High schools  
   Spaces Required:  
   1 per 5 students plus  
   1 per employee

   c. Junior colleges, colleges, universities  
   Spaces Required:  
   1 per 3 students plus  
   1 per employee

   d. Trade schools  
   Spaces Required:  
   1 per 5 students plus  
   1 per employee

   e. Golf courses - public  
   Spaces Required:  
   5 per hole plus 1 per employee

   f. Post Offices  
   Spaces Required:  
   1 per 200 sq. ft. gross of area plus 1 per employee

   g. Parks, public or private park area  
   Spaces Required:  
   3 per each acre of

9. **Wholesaling and Warehousing Uses:**

   Spaces Required:  
   1 per employee

10. **Manufacturing and Industrial Uses:**

    Spaces Required:  
    1 per 2 employees

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 151, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 381, Amended, 03/28/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 809, Amended, 09/24/15; Ord. No. 820, Amended, 09/22/16)

**13-24-060 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 off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space.

B. **Schedule of Loading Space Requirements:**
Prescott Valley, Arizona

<table>
<thead>
<tr>
<th>Total Floor Area of Building</th>
<th>Number of Loading Space(s) Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft. to 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>30,000 sq. ft. to 50,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>for each 100,000 additional sq. ft.</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

C. Location: Required off-street loading space shall not be permitted in any front yard, nor in any required side yard except in a non-residential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard except as otherwise provided herein, and may be partially or entirely enclosed within a building.

D. Alleys: Where a building or use in a non-residential district abuts an alley, such alley 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. Size: Every required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of forty-five (45) feet, and a minimum height of fourteen (14) feet exclusive of access aisles and maneuvering space.

(Ord. No. 152, Enacted, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 399, Amended, 10/10/96)

13-24-070 Mixed Use Shared Parking Reductions.

A. Notwithstanding any other parking requirements set forth in this Code, a mixed-use shared parking program ("shared parking program") may be applied where mixed-uses are proposed and the mix of uses creates staggered peak periods of parking demand. A shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be "shared" by various land uses, thus reducing the total amount of required parking. A shared parking program may include parking on the same site or different sites subject to the provisions herein. In no case shall a shared parking program include the parking spaces required for residential uses.

B. The Community Development Director ("Director") may approve a shared parking program upon application of a developer provided that: 1) pedestrian access is provided to and from the parking area and the building; and 2) all other requirements set forth herein are met.

C. Parking spaces that are reserved for a specific business purpose (e.g., reserved for doctors only) or designated and marked for use by handicapped persons shall not be counted toward meeting the shared parking requirements.

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 the parking area 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 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.

F. Shared Parking Study: Determination of the shared parking requirements may be determined by use of the Mixed Use Shared Parking Calculation method set forth in subparagraph (G) below, or the Director may require a more detailed study which clearly establishes which uses will utilize the shared spaces at different times of the day, week, month or year. The study shall:

1. Be based on the Urban Land Institute's shared parking study methodology or other generally accepted methodology;

2. Address 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;

3. Provide for a reduction by not more than 20% of the combined parking required for each use;

4. Provide for no reduction in the number of spaces reserved for persons with disabilities or for a specific 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.

G. Parking Credit Schedule Chart for Mixed Use Shared Parking Calculation: The minimum number of parking spaces required for a shared parking plan may be determined by multiplying the minimum parking requirements for each individual use by appropriate percentage (as set forth below in the parking credit schedule chart-shared parking) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

<table>
<thead>
<tr>
<th>Weekday</th>
<th>Weekend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midnight</td>
<td>7 a.m.</td>
</tr>
</tbody>
</table>
### Prescott Valley, Arizona

<table>
<thead>
<tr>
<th>USES</th>
<th>7 a.m.</th>
<th>5 p.m.</th>
<th>Midnight</th>
<th>6 p.m.</th>
<th>Midnight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/ Industrial</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Comm. Retail</td>
<td>5%</td>
<td>90%</td>
<td>50%</td>
<td>100%</td>
<td>70%</td>
</tr>
<tr>
<td>Hotel</td>
<td>70%</td>
<td>70%</td>
<td>0%</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>10%</td>
<td>50%</td>
<td>100%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant associated with</td>
<td>10%</td>
<td>50%</td>
<td>60%</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Ent./Recr. (theaters, bowling cocktail and)</td>
<td>10%</td>
<td>40%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>Day Care Facilities</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
<td>20%</td>
<td>5%</td>
</tr>
<tr>
<td>All Other</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

### Agreement For Shared Parking Plan:

The developer(s) applying for a shared parking program in accordance with this Section shall submit a written agreement approved by the Town Attorney requiring that the parking spaces shall be maintained as long as the uses requiring the parking exist or unless the require 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:

1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
2. Provide a legal description of the land;
3. Include a site plan showing the area of the parking parcel and open space reserved area which would provide for future parking;
4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
Prescott Valley, Arizona

6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;

7. Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;

8. Incorporate the shared parking study, if applicable, by reference; and

9. Describe the method by which the covenant shall, if necessary, be revised.

I. In the event a use in mixed-use projects is changed, the application for the new business license (pursuant to Section 8-02-100) related to the changed use must be accompanied by evidence that the parking necessary for the new mix of uses does not exceed the amount that was required by the previous mix of uses.

(Ord. No. 564, Enacted, 07/10/03)
Article 13-25  MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

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.

E. Maximum coverage, including buildings, mobile homes, manufactured homes, recreational vehicles, and paved areas shall not exceed sixty percent (60%) of the area within a 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)
13-25-030 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.
13-26-030  How the Site Development Standards are Reviewed, Installed and Maintained.
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.

A.  Intent and Purpose:

1.  This Article is intended to help achieve the overall land use and image objectives of the Prescott Valley General Plan.

2.  The purpose of this Article is:

   a.  To enhance the community's general welfare through the promotion of attractive site appearances;

   b.  To reduce erosion, dust and glare; and

   c.  To screen unattractive or incompatible uses.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 630, Amended, 06/30/05)

13-26-020  Applicability.

A.  Generally:

The provisions of this Article apply to all new buildings and uses, and to all additions to existing buildings and uses which are larger than twenty-five percent (25%) of the existing building or use in all zoning districts and overlay districts.

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 that requires the addition of parking spaces, pursuant to 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. Single-Family Residential 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 district and not a part of a Planned Area Development or other overlay district, is subject only to the following provisions:

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.

C. Agricultural Districts: Uses in the agricultural districts are subject only to the provisions in Article 13-26a and in Section 13-26-070.

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.

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 (as required), shall be installed in accordance with the approved Site Plan. In lieu of such installation, where weather conditions warrant a delay [but for no more than six (6) months], a cash deposit or bond or letter of credit from an approved bank, naming the Town as beneficiary, in an amount which guarantees the complete installation of such site development standards, shall be filed with the Town.

B. Maintenance of Site Development Standards:
1. "Maintenance" is on-going repair, replacement, painting, trimming, mowing, pruning, weeding, watering, and other activities for the consistent upkeep of an attractive appearance.

2. All screening, lighting, on-site landscaping, and off-site landscaping shall be maintained 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. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-25-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03)


A. The Purpose of Landscaping Provisions: The purpose of requiring landscaping is to provide for minimum standards which will 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:

1. Installation of automatic irrigation systems of sufficient size and type to support and maintain all living landscaping materials, except that automatic irrigation systems are not required for undisturbed areas of native grasses and vegetation;

2. Installation of living landscaping selected from those specified in Subsection 13-26-060, Prescott Valley Recommended Species List, similar species recommended in Sunset Western Garden Book applicable to the Prescott Valley region, or other drought tolerant plants acclimated to the Prescott Valley region; and

3. Continued maintenance of all landscaping materials as required in Subsection 13-26-030(B) of this Article;

D. On-site Landscaping Standards Along Street Frontages:

1. Landscape Area: In all cases there shall be at least a ten-foot (10') wide landscaped border running continuously and contiguously with each street, except that lots in the multiple-dwelling district (R2) may reduce the minimum width of required landscaping borders to seven (7) feet.

2. On-site Landscaping Border Requirements:
   a. At least one (1) tree of minimum 15-gallon size for every thirty (30) lineal feet, or fraction thereof, of all adjacent street frontages;
      (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 to be visible. To achieve this objective, trees may be moved within the required landscape area; however the distance between trees should not exceed fifty (50) feet.
   b. At least one (1) 5-gallon shrub and four (4) one-gallon shrubs for every 100 square feet of total required landscape border area;
      (1) Five (5) one-gallon shrubs may be substituted for a single 5-gallon shrub for up to one-third of the number of 5-gallon shrubs required herein. The maximum distance between shrubs shall not exceed ten (10) feet.
   c. Sufficient inorganic or organic ground cover materials (in addition to shrub requirements) to completely control erosion and dust in the landscaped area;
Undisturbed native grasses or re-seeded native grasses shall qualify as ground cover material.

d. The required on-site landscaping borders along street frontages shall not be obscured by walls exceeding one (1) foot in height [i.e. walls exceeding one (1) foot shall be located at least seven (7) feet from the property line within the landscaping border];

e. Landscaping borders for vehicle parking areas shall be subject to the provisions set forth in Section 13-26-040(I); and

f. Water detention basins 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:

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 ground cover materials to completely control erosion and dust. Undisturbed native grasses or re-seeded grasses may be applied.

2. Commercial Districts: The area between a required landscape border and a commercial or industrial building frontage shall contain the following landscaping.

   a. One (1) tree per 500 square feet of area.

   b. At least one (1) 5-gallon shrub per 100 square feet of total undeveloped area.

   c. Three (3) one-gallon shrubs may be substituted for a 5-gallon shrub for up to one-half of the 5-gallon shrub requirement.

3. Multi-Family Uses, Mobile/Manufactured Home Parks and Recreational Vehicle Parks:

   Properties zoned for multiple-family residential uses, mobile/manufactured home park or recreational vehicle parks shall contain at least one (1) 15-gallon tree and two (2) 5-gallon shrubs in addition to ground cover materials for each residential dwelling unit on the ground floor, and such landscaping is to be located in open courtyards and rear yards for use and enjoyment by the residents.

F. Types:

1. Trees planted within the first ten (10) feet of the property shall be selected from those specified in Subsection 13-26-060(A), and living plants, shrubs,
vines, and ground covers shall be selected from those specified in Subsection 13-26-060(C) of this Article.

2. Trees to be placed adjacent to pedestrian areas with sidewalks existing or planned shall be selected from those specified in Subsection 13-26-060(A).

3. Trees to be placed in other non-pedestrian street frontages may be a 50/50 mix of deciduous and evergreen trees and shall be selected from those specified in the "Deciduous Trees" and "Evergreen Tree" lists of 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.

4. Trees placed on Public Lands (PL) shall be approved by the director.

5. Trees in PADs (pursuant to Article 13-19) will follow these guidelines unless approved as part of the Final Development Plan approval process.

G. Landscaping Standards for Vehicle Parking and Separation:

1. In addition to the landscaping border requirements set forth in Subsection 13-26-040(D), a minimum of ten percent (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 landscape area described below.

2. Landscaping Islands in Parking Areas:

   a. In parking areas, islands are to be installed with a minimum width of seven (7) feet running the full length of a contiguous 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
area of street installation;

b. A ratio of one (1) island is to 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 island, except as noted below.

c. Each island shall contain a minimum for each parking space length of one (1) 15-gallon tree and two (2) 5-gallon shrubs (which shall be kept trimmed so as to not exceed thirty-six (36) inches in height), and ground cover materials sufficient to control dust and erosion. However,

(1) An on-site landscaping border may substitute for a parking island where parking spaces abut it;

(2) Parking lots with over one hundred (100) spaces may install one landscaped island for every fifteen (15) parking spaces; and

(3) Parking lots in manufacturing and industrial zoning districts may install one (1) landscaped island for every twenty-five (25) parking spaces.

3. Vehicles Overhanging Landscaping:

a. Where the front end of parking spaces abut a landscaped area, wheel stops or concrete curbs shall be installed to limit vehicle overhang of the landscaped area to no more than thirty (30) inches;

b. Ground cover shall be installed within the allowable overhang area; and

c. Trees and shrubs shall be located beyond the allowable overhang area.
4. Traffic Visibility:

a. Trees planted in parking areas and near driveways shall be of a species commonly and customarily pruned so as to allow visibility to drivers while providing a shade canopy above; and

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.

H. Buffering of Parking Areas:

1. In addition to the landscape requirements of Subsection 13-26-040(G), all parking areas with more than eight (8) spaces shall be buffered from street view by one, or a combination, of the following:

a. Decorative solid, one hundred percent (100%) obscuring screening walls of materials, finishes and construction design compatible with the primary building on the site; or

b. Dense landscaping of hedge shrubbery of such size and quantity as to completely obscure views within two (2) years after planting. 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).

c. Earthen berms with a maximum slope of 2:1 and entirely covered with landscaping materials, including ground covers, vines and shrubs.

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.

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.

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.

4. Where any parking lot area is situated across a street from a residential district:
   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
   b. Such 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 13-26-040(H)(1) above.
I. Off-Site Landscaping Standards:

1. Area Locations: The area between the property line and the shoulder of the roadway shall be landscaped continuously, except that such landscaped area may be interrupted by paved driveways and drainage ditches. Note, however, that drainage ditches are to be kept free of weeds, litter and other debris. Furthermore, all plans for structures within the right-of-way are subject to approval by the Public Works Director.

2. Types of Landscaped Material:
   
   a. Ground cover, of organic or inorganic materials, or in combination as previously specified in Subparagraph 13-26-040(D), in sufficient quantity to completely control erosion and dust within the area.

   (1) Undisturbed native grass areas may fulfill these off-site landscaping requirements; but

   (2) Trees, large shrubs, and hedges are not permitted, except in areas where maximum street construction widths are established by the Town Engineer.

3. Rights-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) and shall be reviewed by the Public Works Department to ensure plantings will not require extensive maintenance or water consumption. Such landscaping shall be approved as part of a Final Development Plan.

J. Exemptions:

1. Town Center Development and development in other Planned Area Development (PAD) districts utilizing street frontage building design (e.g. "Main Street"), or other innovative designs, may modify the landscaping border
requirements set forth herein when such landscaping is incorporated into a
design package and approved in conjunction with a Final Development Plan
pursuant to Section 13-19-060(D).

2. Approved screened-in storage areas for industrial districts and areas inside
approved fenced yards for multi-family districts are exempt from all ground
cover planting requirements; however, such districts shall at all times comply
with any applicable dust control requirements.

3. On-site areas approved for future development are exempt from the
landscaping requirements of this section but shall at all times comply with the
ground cover requirements to control erosion and dust.

4. Legal substandard lots created with an approved subdivision plat prior to 1979
will be subject to the following exceptions:

a. The total square footage of the required street frontage landscaping
may be distributed within the front of the building line along the front
and side lot lines in a width no less than five (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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Reinterpreted, 09/04/80, 13-25-040; Ord. No. 178, Rep&ReEn,
05/26/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 375, Amended,
12/28/95; Ord. No. 392, Rep&ReEn, 06/27/96; Ord. No. 563, Amended, 07/10/03; Ord. No. 630, Amended,
06/30/05)

13-26-050 Screening Provisions.
A. The Purpose of Screening Provisions: In conjunction with Subsection 13-26-010(A), the purpose of screening provisions is to separate incompatible uses, conceal objectionable areas, and buffer intense activities.

B. Definitions:

1. “Screening Walls and Devices”, generally, are any structures intended to fully or partially 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.

2. “Solid Screen Wall” is a screening wall that obscures one-hundred percent (100%) of the enclosed activities or uses and shall be six (6) feet in height unless approved by the Board of Adjustment to be up to eight (8) feet in height.

3. “85% Screen Walls”, defined for this Chapter to allow partial surveillance, are screening walls of masonry, wood or slatted chain-link fencing, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately at the same elevation as the activity or use. Such screening is only allowed for commercial districts that are adjacent to other commercial districts.

C. Basic Requirements for All Types of Screening:

1. The height of screening walls and devices are measured from the highest finished adjacent grade of the element to be screened.

2. Openings in screening walls and buffer landscaping, no greater than six (6) feet in width for the facilitation of pedestrian and bicyclist traffic, are required where appropriate.

3. All required walls shall be located on-site and shall be reduced in height to no more than three (3) feet if there is potential of obstructing vision for vehicular traffic.

4. All screening walls and fences shall comply with the other articles of this Chapter, whichever provisions are more restrictive.

D. Screening of Refuse, Storage, Loading Docks, and Mechanical Equipment:

1. Refuse Collection Areas:

   a. Refuse collection areas and equipment shall be screened on three (3) sides by solid, one hundred percent (100%) obscuring screening walls, six (6) feet in height; and
b. Where the front of a refuse collection area faces a street or entry way into a site, such refuse collection area front shall be enclosed by opaque gates attached to the screening walls required above.

2. Outdoor Storage Areas:

a. Outdoor storage of materials, equipment, vehicles or trailers shall be screened from view by screen walls of at least six (6) feet and not more than eight (8) feet in height; and

b. Stacking of materials or equipment above the height of the screening walls is prohibited, except that vehicles greater in height than eight (8) feet may protrude above the screening wall.

3. Loading Dock Areas and Overhead Bay Doors:

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. Loading, delivery or service areas shall be screened from contiguous residential districts by six-foot (6') high screen walls and screening trees and landscaping as required in Subsection 13-26-040(F) of this Article; and

c. In addition to loading, delivery or service areas, all overhead bay doors shall be oriented away from major streets, highways, and contiguous residential districts, or shall be screened by six-foot (6') high screen walls with adjacent screening trees and landscaping as required in Subsection 13-26-040(F) of this Article.

d. Legal substandard lots created with an approved subdivision plat prior to 1979 will be subject to the following exceptions:

(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 an overhead bay door must be oriented toward a major street, highway or contiguous residential district, said overhead bay door shall be no greater than twelve (12) feet in height. Additionally, the overhead bay door shall be screened by installing one of the following:

(2) Building frontage landscaping installed adjacent to the overhead bay doors pursuant to Section 13-26-040(D), or

(3) An awning above the overhead bay doors to create a visual break to the building facade.
4. Outdoor Mechanical Equipment:
   a. Ground-mounted mechanical equipment shall be screened from view by screen walls, on all sides, of a height equal to or greater than the mechanical equipment;
   b. Roof-mounted mechanical equipment shall be concealed on all sides by screening devices, equal to or greater in height than the mechanical equipment. Such screening devices shall be, or appear to be, an integral part of the building upon which they are mounted; and
   c. Meters, pedestals, and junction boxes for public utilities are excluded from the above screening requirements.

5. Earth Satellite Receiving Dishes, Heating Fuel Tanks, and Trash Dumpsters:
   a. Earth satellite receiving dishes [twenty-five (25) inches in diameter or larger] shall be 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;
   b. Liquid heating fuel storage tanks shall either be located within the rear half of a lot or shall be screened from view by a non-combustible wall, equal to or greater in height than the tank, and enhanced with landscaping; and
   c. Trash dumpsters are prohibited from all single-family residences except as required during construction.

E. Screening of Outdoor Display and Vending Equipment:

1. Outdoor display of merchandise for other than outdoor businesses (e.g. plant nurseries and car sales) shall be limited to one (1) item per product of those product types that are typically and customarily used in the outdoors (e.g. lawn furniture, bar-b-que grills, etc.). All other outdoor display is prohibited.

2. Outdoor display of merchandise, as described above, shall be limited to the following locations and hours:
   a. Under the roof overhang of a building; or
   b. Under a freestanding, roofed structure; or
   c. In an open area further from the street and beyond the required on-site landscaping frontage described in Subsection 13-26-040(D) of this Article, and not within any required parking, water detention or
landscaping areas; and

d. Any outdoor display of merchandise located within twenty (20) feet of a street right-of-way shall be buffered by a screening wall or earth berm with landscaping to a height of three (3) feet [See Subsection 13-26-050(F) below]; and

e. In no case shall any outdoor merchandise be located so as to interfere with vehicular or pedestrian movement, or with ramps for the handicapped; and

f. All outdoor displays shall be removed from the outdoors within one (1) hour after the close of business operations.

3. Outdoor vending machines and newsracks shall be located as follows:

a. Immediately adjacent to the walls of a building; or

b. Within a walled alcove, designed for containment of vending machines and newsracks; and

c. In no case so as to interfere with vehicular or pedestrian traffic or access to ramps for the handicapped.
F. Screening for Protection of Adjacent Properties:

The screening provisions listed below shall apply to developers of non-residential or multiple-family uses, or mobile/manufactured home parks or recreational vehicle parks, as follows:

1. A Solid Screen Wall shall be installed at a height of six (6) feet above the grade of the contiguous property for the following uses:
   
a. Commercial and non-residential uses, 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 districts which are designated for high intensity uses in the adopted Prescott Valley General Plan and which are not located within the Civic/Business Center (Section 14) as described in the General Plan and any amendments thereto]; and

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 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, "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 adopted Prescott Valley General 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.

The following lists comprise selections of living trees, shrubs, vines, and ground covers suggested for installation of landscaping materials as required by this Article and 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.

A. Trees for Pedestrian Streets: In order to create an appearance of consistency and provide shading along pedestrian streets with sidewalks and sand trails, the following species are required for planting within the first ten (10) feet of on-site street frontage yards:

   London Plane Sycamore, Honey Locust, Seedless Cottonwood, Chinese Elm, Purple Locust, Arizona (Modesto) Ash

B. Buffering of Parking Lots: The following shrubs should be used to buffer parking lots as stated in Section 13-26-040(H):

   Juniper variety, Photinia, Spanish Broom, Mountain Mohagany, Rabbit Bush, Parney Cononeaster

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:

<table>
<thead>
<tr>
<th>DECIDUOUS TREES</th>
<th>DECIDUOUS SHRUBS</th>
<th>EVERGREEN TREES</th>
<th>EVERGREEN SHRUBS</th>
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<tbody>
<tr>
<td>Ash, Arizona(^{12})</td>
<td>Barberry, Crimson</td>
<td>Arbor Vitae</td>
<td>Agave</td>
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<table>
<thead>
<tr>
<th>DECIDUOUS TREES (cont.)</th>
<th>DECIDUOUS VINES &amp;GROUND COVERS</th>
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<tbody>
<tr>
<td>Poplar, Lombardi</td>
<td>Bar Harbour</td>
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<td>Redbud, Eastern</td>
<td>Juniper(12”)</td>
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<td>Sweetgum</td>
<td>Bearberry</td>
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<td>Sycamore, Arizona</td>
<td>Cotoneaster</td>
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<td>Walnut, Black</td>
<td>Blue Rug Juniper(6”)</td>
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<td>Willow, Desert</td>
<td>Creeping Myrtle</td>
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<td>Willow, Globe</td>
<td>Dragon’s Blood Sedum</td>
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<td>Dwarf Coyote Bush</td>
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<td>Halls Honeysuckle</td>
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<td>Texas</td>
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<td>Ornamental Strawberry</td>
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<td>Purple Leaf Winter Creeper</td>
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<td>Sargent Juniper - 18”</td>
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<td></td>
<td>TRAILING ROSEMARY</td>
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<tr>
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<td>Shrubby Cinquefoil</td>
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<td>Sugarbush</td>
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<td>Yucca</td>
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**Perennials**
- Bronze Beauty
- Creeping Phlox
- Creeping Thyme
- Harbour
- Lamb’s Ear
- Mexican Primrose
- Peruvian "Pink/Red"
- Verbena
- Snow in Summer

**Trees**
- Beauty Bush
- Buddlea
- Common
- Chokecherry
- Cotonester, Rock
- Crape Myrtle
- Curlleaf Mountain
- Mahogany
- False Mock Orange
- Fernbush
- Flowering Almond
- Forsythia
- Golden Current
- Golden Rabbitbrush
- Honeysuckle
- Tartarian
- Lilac
- Mock Orange
- Mountain Mahogany
- New Mexican Forestiera(Olive)
- Pampas Grass
- Potentilla
- Plum, Cistina
- Quince
- Rose
- Rose of Sharon, Althea

**Vines & Ground Covers**
- Bar Harbour
- Juniper(12”)
- Bearberry
- Cotoneaster
- Blue Rug Juniper(6”)
- Creeping Myrtle
- Dragon’s Blood Sedum
- Dwarf Coyote Bush
- Dwarf Periwinkle
- Emerald Carpet
- 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

**Deciduous Shrubs**
- Apache Plume
- Barberry, Evergreen
- Bear Grass
- Big Sagebrush
- Cliffrose
- Cotoneaster, Lowfast
- Cotoneaster, Parneyi
- Dwarf Coyote Brush
- Euonymus, Gold
- Euonymus, Silver Queen
- Four Wing Salt Bush
- Hesperaloe
- Holly, Blue BoyGirl
- Holly, Yaupon
- Juniper, Blue Carpet
- Juniper, Buffalo
- Juniper, Old Gold
- Juniper, Seaspray
- Juniper, Tam
- Kinnikinnick
- Nandina, Compact
- Nandina, Standard
- Oregon Grape, Compact
- Photinia Fraseri

**Ground Covers**
- Bar Harbour
- Juniper(12”)
- Bearberry
- Cotoneaster
- Blue Rug Juniper(6”)
- Creeping Myrtle
- Dragon’s Blood Sedum
- Dwarf Coyote Bush
- Dwarf Periwinkle
- Emerald Carpet
- Manzanita
- English Ivy
- Euonymus,
- Wintercreeper
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- Dwarf Nandina
- Honeysuckle, Texas
- Mondo Grass
- Ornamental Strawberry
- Purple Leaf Winter Creeper
- Sargent Juniper - 18”
- TRAILING ROSEMARY
- Warty Barberry

**Lawn Grasses**
- Pine, Mugho
- Point Leaf
- Manzanita
- Prostrate Rosemary
- Pycanthia
- Shrubby Cinquefoil
- Sugarbush
- Yucca
13-26-070  Nuisance and Hazards Provisions.

A.  Purpose of Nuisance and Hazards Provisions:  In conjunction with Subsection 13-26-010(A), the purpose of these provisions is to prohibit or abate conditions which pose potential hazards and nuisances to the general welfare of the Prescott Valley residents and businesses.

B.  No use shall be established, maintained or conducted in any district which may cause any of the following nuisances or hazards:

1.  Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted, or with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.

2.  Objectionable noise beyond the boundary of the district.

3.  Discharge of any wastewater or materials not treated to the minimum treatment standards established by the Town and the Arizona Department of Environmental Quality, and validated by current, approved discharge permits issued by those agencies.

4.  Dissemination of glare or vibration beyond the immediate site of the use.

5.  Physical hazards by reason of fire, explosion, radioactivity or any similar cause to property in the same or an adjacent district.

(Ord. No. 392, Enacted, 06/27/96)

13-26-080  Topography.

In order to minimize visual impacts from cuts and fills and excessively high retaining walls, the following standards apply:
A. Single Family Residential Retaining Walls:

Retaining Walls shall not exceed six (6) feet in height in rear and side yards and four (4) feet in height in front yards. 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.

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.

1. Landscaping standards shall be those set forth in Section 13-26-040(D)(2) for non-pedestrian street frontage with the exception that the required street trees may be replaced with other shrubs of similar size from the Prescott Valley Species List.

C. Other Grade Changes:

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 List in a minimum ratio of 50 percent living vegetation to 50 percent inorganic groundcover.

2. Any cuts not utilizing a retaining wall that are too steep for vegetation shall have terraced cuts following the same terrace and landscaping guidelines set forth in Subparagraph 13-26-080(B).

(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.

13-26a-040 Lighting Standards.

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.

It is the intent of this Article to apply lighting standards consistent with prior Town policy and Council actions in order to ensure minimal light pollution, reduce glare, promote public safety, and retain the enjoyment of Prescott Valley's night-time quality. These provisions are also consistent with prior policy to allow for necessary commercial services and encourage quality development within the Town, particularly the area generally known as the Town Center (Section 14).

(Ord. No. 521, Enacted 05/09/02)

13-26a-020 Exemptions.

A. Existing Fixtures:

1. All existing outdoor light fixtures legally installed in conformance with adopted Town Code provisions 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:

   a. When existing light fixtures are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this Article.

   b. Mercury vapor fixtures shall be reconstructed or replaced in conformance with Subsection 13-26a-040(A)(2)(a).

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 be designed to utilize internal louvers 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-conforming lighting for recreational facilities is subject to a Use Permit granted by the Board of Adjustment.
C. Seasonal Decorations. Seasonal Decorations using typical unshielded low-wattage incandescent lamps shall be permitted in all zoning districts from 15 November thru 15 January. Such lighting shall be extinguished after 11:00pm or at the closing of business (whichever comes first).

D. Frosted Lamps. Light fixtures emitting not more than 1000 lumens and consisting of a frosted lamp shall be permitted, subject to the light trespass standards of Section 13-26a-060.

E. Temporary Exemptions:

1. 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 Community Development 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.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-030 Definitions.

A. The following terms apply:

1. "Catalog Cut" means a technical illustration provided by a manufacturer showing the cross-section of the complete fixture.

2. “CCT or Color Correlated Temperature” means the equivalent color of a heated metal object to the accompanying temperature in Kelvin Scale (K).

3. "Fixture Height" 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.

4. “Flood Light” means a specific form of lamp 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.

5. "Foot-Candle (fc)" means one (1) lumen per square foot unit of Illuminance. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 lux.

6. "Fully-Shielded" means outdoor light fixtures shielded or constructed so that all of the light rays emitted by the fixture are projected below a horizontal plane.
passing through the lowest point on the fixture from which light is emitted. “Fully-Shielded” shall also conform to cutoff guidelines defined by 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.” Drop or sag lens type fixtures shall not be allowed.

Shielded Fixture Prohibited, Drop or Sag Lenses

7. “Horizontal Foot-Candle (hfc)” means the Illuminance measured by a light meter at the adjacent grade of the fixture or building on which it is attached, unless otherwise specified.


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.

11. “Lamp or Bulb” means a source of light.


13. "Light Fixture” means the complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Light Fixture shall also mean Luminaire as referenced by IESNA.

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.”


(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)
13-26a-040 Lighting Standards.

A. General lighting standards (unless specified elsewhere):

1. All light fixtures (unless specifically exempted) will be designed and installed as "fully-shielded" as defined in Subsection 13-26a-030(A) (1).

2. 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.
   
b. Metal halide (MH) fixtures shall be allowed for the following applications:
      
      (1) Approved outdoor merchandise sales display including, but not limited to, automobile sales.
      
      (2) Building-mounted lighting for accent and entrances installed per Subsection 13-26a-040(B).
      
      (3) Gas pump island areas under a canopy.
      
      (4) Main Street as defined in Subsection 13-26a-050 (B).
   
c. Incandescent, fluorescent, high pressure sodium (HPS), low pressure sodium (LPS), quartz, and LED fixtures are allowed in all zoning districts, subject to all other provisions of this Article.
   
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.
   
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 emergency searchlights or beacons operated pursuant to public authority.

3. Any light fixtures placed in public rights-of-way shall meet the intent of this Article, and the requirements of any other adopted Town policy or standard, and shall first be approved by the Public Works Director.

4. For purposes of this Article, the following rated lamp wattages shall be accepted for lumen levels unless the Zoning Administrator determines, based on information from the lamp manufacturer, that the lamp emits more or less than stated herein.
Less than 1000 lumens - 60 watt incandescent, 75 watt flood, 25 watt fluorescent.
1000 - 2000 lumens - 100 watt incandescent, 120 watt flood light.
2000 - 4000 lumens - 160 watt flood light, 50 watt HPS, 50 watt MH, 40 watt fluorescent.
4000+ lumens - 100 watt MV, 100 watt MH, 110 watt fluorescent (48” tube).

B. The installation of building-mounted light fixtures shall be governed by the following:

1. Building-mounted light fixtures shall be HPS, MH or other allowed source, and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:
   a. Maximum of fourteen (14) feet in height 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. Maximum of twenty-five (25) feet in height in all other locations, and lamps shall not be more than 250 watts.

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:

1. Freestanding light fixtures shall be LED, HPS or LPS only (unless specified elsewhere), and all such fixtures are subject to the light trespass standards of Section 13-26a-060 and the lighting level standards of Section 13-26a-070.

2. Such light fixtures shall be installed per the following guidelines:
   a. Maximum of fourteen (14) feet in height 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. Maximum of twenty-five (25) feet in height in all other locations and lamps should not be more than 400 watts.
   c. Maximum of thirty-five (35) feet in height in Industrial zoning districts (M1 or M2) when not visible from a highway, and 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)

13-26a-050 Town Center (Section 14) Lighting Standards.

A. Arterial Streets:

1. The illustration in Subsection 13-26a-050(E) below depicts those arterial streets that will utilize the light fixture manufactured by LSI (Model XCN4 3000K) as the “Town Standard” (or a substantially similar 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.

3. Pole heights for light fixtures for other arterial streets should be 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. Main Street:
Prescott Valley, Arizona

1. The illustration in Subsection 13-26a-050(E) depicts those "Main Street" areas that will utilize the light fixture manufactured by Lumec (or a substantially similar fixture as to type and color).

2. The height of these 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 and On-Site Lighting:

1. 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:
   
a. Unshielded light fixtures of only 1,000 total lamp lumens or less are allowed.

b. Non fully-shielded light fixtures of 4,000 total lamp lumens or less are allowed only in conjunction with Final Development Plans per Subsection 13-19-060(G) and only if the same are not oriented towards any residential use or major roadway.

c. If 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. Parking Lots and Parking Structures:

1. Parking lots and the upper level of any parking structures should be lit with neutral, non-decorative light fixtures similar to the Gardco Hardtop series, and poles should be simple and non-articulated.

2. Spacing and illumination levels should be based on an approved Site Plan per Subsection 13-26a-090(E).

E. Illustrations:
Prescott Valley, Arizona

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

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 shall be installed in such a manner that the light source and direct glare is not visible from adjoining residential uses.

B. Light levels shall not exceed one (1) hfc at any property line, and the total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade.

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. Exemptions:

1. Light fixtures emitting no more than 2000 lumens as stated in Subsection 13-26-070(E), subject to all other provisions of this Article.
2. Incandescent spot lights in commercial uses of no more than 4,000 lumens in a shielded fixture, used for landscape or building accent, if such fixtures are mounted at ground level, are directed away from roadways and residential property, and project not more than a 45-degree angle above horizontal. Such light fixtures shall be spaced 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 Lighting Level Guidelines.

A. General:

1. Light levels set forth in this Section are defined as foot-candle levels of illuminance and may be indicated as either maintained average levels according to IESNA guidelines or as a maximum value, and may be indicated as either horizontal or vertical foot-candles.

2. Unless otherwise specified, maximum illuminance levels shall conform to lowest levels recommended by IESNA.

3. For uses not specified herein, the Community Development Director may approve levels of illuminance based on minimum guidelines established by the IESNA.

B. Building-Mounted Light Fixtures:

1. Exterior, building-mounted light fixtures shall be 25,000 lumens or less and shall not exceed twenty (20) hfc of illuminance.

2. Building entrances, loading areas, drive-through and ATM locations, and fixtures otherwise fully-recessed and mounted under a canopy or other solid overhang portion of a building or structure shall not exceed twenty (20) hfc of illuminance.

C. Parking Lots and Freestanding Light Fixtures:

1. Only LED, HPS or LPS light fixtures shall be used for parking lots and freestanding light fixtures. The lighting systems for parking lots shall be so designed as to produce an average maintained light level on the horizontal pavement surface that does not exceed an average of two and one-half (2.5) fc and the maximum-to-minimum uniformity ratio shall not exceed twenty to one (20:1) with a maximum level of ten (10) fc. Additionally, a CCT of ≤ 3500K shall be maintained for all LED lighting.

D. Outdoor sale displays and canopies may be illuminated with MH light fixtures as stated in Section 13-26a-040 (A) (2) (b), at the following lighting levels:
1. Illumination for pump islands under canopies shall not exceed an average illuminance of ten (10) hfc or a maximum of twenty (20) hfc.

2. Automobile sales lighting shall be installed according to one of the following standards, and total site lighting shall be reduced to at least 25% of the regular levels, after 11:00 p.m. or one-half (1/2) hour after the close of business (whichever is later).

   a. *(All numbers in hfc. Maximum Average is the maintained average level.)*

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<th>Min</th>
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   Fully recessed fixtures in covered display areas, within the building structure. 30 Max.

   ¹ Recommended minimum levels but not required.
   ² Recommended maximum ratio but not to exceed 10:1
   ³ Front row adjacent to street.

   b. Light levels for the overall site shall not exceed an average of twelve (12) maintained hfc, with a maximum of twenty (20) hfc, 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.

3. Other seasonal retail outdoor lighting areas shall not exceed ten (10) fc.

E. Residential Fixtures:

1. The following light fixtures up to 2000 lumens are allowed in residential districts and are exempt from the full-shielding requirements of Subsection 13-26a-030(A)(1) when all such fixtures are a minimum of thirty (30) feet apart (on average):

   a. Lighting fixtures emitting not more than 1000 lumens and consisting of a frosted lamp.

   b. Floodlights or shielded spot light fixtures emitting not more than 2,000 total lumens that project at a down-angle of at least 45-degrees (whether or not on a motion sensor) or not.

2. The following light fixtures are allowed in residential districts and are exempted from the 30-foot average spacing requirements:

   a. Low-voltage systems at ground level.
b. Fixtures up to 2000 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. Maximum installation height of any light fixture shall be twelve (12) feet from adjacent grade.

4. The total level of lighting at an adjoining residential property line shall not exceed one-quarter (.25) fc at a vertical point six (6) feet above grade, except that; light fixtures emitting less than 1000 lumens and consisting of a frosted lamp are exempt when installed on a permitted residence or accessory structure at a minimum of thirty (30) feet apart (on average).

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 832, Amended, 08/10/17)

13-26a-080 Applicable Codes.

All outdoor electrically-powered illuminating devices shall be installed in conformance with the provisions of this Article, the Town of Prescott Valley Administrative Code and the National Electrical Code (as adopted by the Town from time to time), as well as other applicable Town zoning and nuisance regulations.

(Ord. No. 521, Enacted, 05/09/02; Ord. No. 590, Amended, 03/25/04)

13-26a-090 Permit Process and Plans.

A. Any individual intending to install or replace an outdoor light fixture shall submit an application to the Building Official providing evidence that the proposed work will comply with this Article. Should any outdoor light fixture or the type of light source therein be changed after the original installation, a change request shall be submitted to the Building Official for his approval prior to the change (together with adequate information to assure compliance with this Article).

B. Applications for permits shall include manufacturer's catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

C. Utility companies that enter into an approved contract with the Town by which they agree to comply with these provisions shall be exempt from obtaining a permit for the installation of individual outdoor light fixtures.

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. All appeal procedures generally applicable to issuance of building permits shall apply hereto.

E. Lighting Plans:
1. 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:
   
a. A Site Plan indicating the proposed location of each of the lighting fixtures.

b. A description of each illuminating device, fixture, lamp, support and shield. This description shall include (but shall not necessarily be limited to) manufacturer’s catalog cuts and drawings (including sections where required), and specifications identifying lamp types and lumen outputs.

c. Point-to-point photometric calculations (in foot candles) at intervals of not more than ten (10) feet at ground level [and at five (5) feet above ground where required by the Building Official].

F. If any subdivision proposes to have street or other common or public area outdoor lighting, the final plat or Final Development Plan shall contain a statement certifying that the applicable provisions of this Article will be adhered to.

(Ord. No. 521, Enacted, 05/09/02)

13-26a-100 Penalties.

Any individual violating any of the provisions 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 day or portion thereof during which a violation of any of the provisions of this Article is committed, continued or permitted. Upon conviction of any such violation, the individual may be punished as set forth in ARS §§13-707, 13-802 and 13-803, as amended from time to time.

(Ord. No. 521, Enacted, 05/09/02)
Article 13-27 ENFORCEMENT


For the purpose of enforcement of the provisions of this Chapter, a Zoning Inspector, and such Deputy Zoning Inspectors as may be required, 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)


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 Community Development 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, Renumbered, 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)

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 Community
Development 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)

13-27-060 Fees and Charges.

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in
accordance with the following 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.

A. Zoning Permits:

1. Signs, which do not require a building permit: Fee shall be in accordance with
Subsection 13-23-100(A)(4) of this Code

2. Accessory Buildings (144 sq. ft. or less): $16.05

3. Fences/walls (four (4) feet in height or greater): Fees shall be in accordance
with Section 7-01-200 of this Code

4. Temporary Housing Permits:

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</tr>
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<td>Use Permit, New</td>
<td>$267.50</td>
<td>$267.50</td>
</tr>
<tr>
<td>Use Permit, Renewal (Before Expiration)</td>
<td>$133.75</td>
<td>$133.75</td>
</tr>
</tbody>
</table>
### Use Permit, Renewal (After Expiration) $267.50 $267.50

### Use Permit, Telecommunications $428.00 $428.00

#### C. Planning Applications:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Agreements</strong></td>
<td>$0 (When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
<td>$0 (When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change)</td>
</tr>
<tr>
<td></td>
<td>Amendments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$535 Minor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$1,070 Major</td>
<td></td>
</tr>
<tr>
<td><strong>General Plan Amendments, Major</strong></td>
<td>$535</td>
<td>$535</td>
</tr>
<tr>
<td><strong>General Plan Amendments, Minor</strong></td>
<td>$321</td>
<td>$321</td>
</tr>
<tr>
<td><strong>Minor Land Division Review</strong> (dividing of one meets &amp; bounds parcel into three parcels or less)</td>
<td>$0 if recorded with the Town prior to being split. $214 if split prior to being recorded with the Town.</td>
<td>$0 if recorded with the Town prior to being split. $214 if split prior to being recorded with the Town.</td>
</tr>
</tbody>
</table>

#### D. Subdivision Applications:

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preliminary Plat</strong></td>
<td>$802.50 plus $10.70 per lot</td>
<td>$802.50 plus $10.70 per lot</td>
</tr>
<tr>
<td><strong>Final Plat</strong></td>
<td>$401.25 plus $5.35 per lot</td>
<td>$401.25 plus $5.35 per lot</td>
</tr>
<tr>
<td><strong>Preliminary Development Plan</strong></td>
<td>$802.50 plus $10.70 per lot without zoning map change</td>
<td>$802.50 plus $37.45 per acre or portion of an acre without a zoning map change</td>
</tr>
<tr>
<td><strong>Final Development Plan</strong></td>
<td>$401.25 plus $5.35 per lot</td>
<td>$401.25 plus $21.40 per acre or portion of an acre</td>
</tr>
<tr>
<td><strong>Master Plan</strong></td>
<td>$802.50 plus $10.70 per lot without zoning map change (Maximum $15,000)</td>
<td>$802.50 plus $37.45 acre or portion of an acre without zoning map change (Maximum $15,000)</td>
</tr>
<tr>
<td><strong>Minor Plat or Development Plan Modifications</strong></td>
<td>$267.50</td>
<td>$267.50</td>
</tr>
</tbody>
</table>
(Preliminary or Final)
2-4 lots (Residential)
Less than 2 acres
(Commercial)

<table>
<thead>
<tr>
<th>Major Plat or Development Plan Modifications</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Preliminary or Final)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 or more lots (Residential)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 acres or more (Commercial)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$321.00, plus $10.70 per lot
$321.00, plus $37.45 per acre

E. **Zoning Map Changes:**

<table>
<thead>
<tr>
<th>Tier I Rezoning</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Planned Area Development (PAD)</td>
<td>$428.00</td>
<td>$1,337.50</td>
</tr>
<tr>
<td></td>
<td>plus $16.50 per acre or portion of an acre</td>
<td>plus $16.05 per acre or portion of an acre</td>
</tr>
<tr>
<td></td>
<td>(Maximum $15,000)</td>
<td>(Maximum $15,000)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tier II Rezoning</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned Area Development (PAD) including underlying rezoning</td>
<td>$535.00</td>
<td>$1,337.50</td>
</tr>
<tr>
<td></td>
<td>plus $16.05 per acre or portion of an acre</td>
<td>plus $16.05 per acre or portion of an acre</td>
</tr>
<tr>
<td></td>
<td>(Maximum $15,000)</td>
<td>(Maximum $15,000)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tier III Rezoning</th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes Planned Area Development (PAD), underlying rezoning and Preliminary Development Plan or Master Plan</td>
<td>$1,605.00</td>
<td>$1,605.00</td>
</tr>
<tr>
<td></td>
<td>plus $37.45 per acre or portion of an acre</td>
<td>plus $37.45 per acre or portion of an acre</td>
</tr>
<tr>
<td></td>
<td>(Maximum $15,000)</td>
<td>(Maximum $15,000)</td>
</tr>
</tbody>
</table>

F. **Zoning Clearance Fees (site plan review):**

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Non-Residential/Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached &amp; Detached Accessory Structures</td>
<td>$26.75</td>
<td>$26.75</td>
</tr>
<tr>
<td>Churches, Clubs or other non-profits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$107 (3,000 sq. ft or less)</td>
<td></td>
<td>$107 (3,000 sq. ft or less)</td>
</tr>
<tr>
<td>$160.50 (3,000 sq. ft or more)</td>
<td></td>
<td>$160.50 (3,000 sq. ft or more)</td>
</tr>
<tr>
<td>Mobile and Manufactured Homes</td>
<td>$16.05</td>
<td>N/A</td>
</tr>
<tr>
<td>Multiple Family Residences</td>
<td>$26.75</td>
<td>$26.75 per unit with a maximum of $500 (5 or more Units)</td>
</tr>
<tr>
<td></td>
<td>per unit (2-4 Units)</td>
<td>per unit (2-4 Units)</td>
</tr>
<tr>
<td>Remodels/Additions</td>
<td>$16.05</td>
<td>$107</td>
</tr>
<tr>
<td>Revised Plot Plans</td>
<td>$16.05</td>
<td>$26.75</td>
</tr>
<tr>
<td>Site Built or Modular Units</td>
<td>$16.05</td>
<td>$160.50 (3,000 sq. ft or more)</td>
</tr>
</tbody>
</table>
Prescott Valley, Arizona

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<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>less)</td>
<td></td>
</tr>
<tr>
<td>$267.50 (3,000 - 5,000 sq ft)</td>
<td>$535 (5,000 sq. ft or more)</td>
</tr>
</tbody>
</table>

G. Professional Services:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Technical Design Services</td>
<td>$80.25/hr</td>
</tr>
<tr>
<td>Clerical</td>
<td>$26.75/hr</td>
</tr>
<tr>
<td>Computer System Usage</td>
<td>$37.45/hr</td>
</tr>
</tbody>
</table>

H. Sale of Reports/Maps/Data:

<table>
<thead>
<tr>
<th>Report Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan 2025 Book - COLOR PLAN</td>
<td>$37.45</td>
</tr>
</tbody>
</table>

(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)
Article 13-28 PLANNING AND ZONING COMMISSION

13-28-010 Town Council.

The Prescott Valley Town Council shall establish and appoint the Planning and Zoning Commission which shall, in turn, 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.

A. The Planning and Zoning Commission shall be composed of seven (7) residents of the Town who shall serve without pay. The Town Council may hire clerical and technical aid for the Commission. The Zoning Inspector shall serve as ex-officio member (without vote) 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.

B. The Commission 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.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

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

(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)
13-28-030 Duties.

It shall be the duty of the Commission to formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the Town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "Planning and Zoning"; to 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 to the governing body 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)

13-28-040 Meetings.

The Commission shall provide in its rules for its meetings; provided that special meetings may be called by the Chairman. In addition, any three (3) members of the Commission may make written request to the Chairman for a special meeting, and in the event such meeting is not called such members may call such special meeting in such 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)

13-28-050 Voting.

Four (4) members shall constitute a quorum. The affirmative vote of four (4) members shall be required for passage of any matter before the Commission. The minutes of the meetings shall reflect the "Ayes" and "Nays" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such 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 Fees.

The Commission shall be authorized to establish a uniform schedule of fees for service with all receipts to be paid into the general fund of the Town. Such fee schedules shall become effective upon approval by the Town Council.

(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)
13-28-070 Public Hearings.

The Commission shall hold a public hearing on any proposed Zoning Code amendment. After the hearing, the Commission shall prepare a written recommendation to the Town Council. The recommendation will include the reasons for the recommendation and will be transmitted to the Town Council within ten (10) days of the public hearing. The Town Council shall then hold a second hearing on the proposed Zoning Code amendment. After the hearing, the Town Council shall make a final determination on the proposed Zoning Code amendment and may adopt or reject, in whole or part, the Commission’s recommendation. Notice of both public hearings shall be provided in a single Notice disseminated in the form, time and manner specified in A.R.S. §9-462.04.

(Ord. No. 645, Enacted, 01/26/06)
Article 13-29  BOARD OF ADJUSTMENT

13-29-010  Town Council.
13-29-020  Structure.
13-29-030  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.

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.

B. 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.

C. If any member shall miss three (3) consecutive meetings or be guilty of misconduct, a quorum of the membership may, by majority vote, recommend to the Council that such member be asked to resign and a new member be appointed as replacement.

D. 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 of this Chapter), and shall conduct all meetings according to Robert’s Rules of Order.
13-29-030 Procedure.

Board meetings and hearings shall be open to the public. Three (3) Board members shall constitute a quorum and the affirmative vote of three (3) members shall be required for passage of any matter before the Board. The Board shall adopt and maintain other procedural rules not inconsistent with this Chapter and the laws of Arizona. The Board shall also select, from its members, a Chairman and Secretary. The Chairman shall be the executive officer of the Board with the power of administering oaths and taking evidence and shall preside over its meetings and hearings. The Secretary shall cause minutes of the meetings 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).

13-29-040 Powers.

The Board shall have the power to:

A. Decide if there is error in any order, requirement or decision of the Inspector in the enforcement of this Chapter; 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).

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, either as a Permitted Use or a Use Permitted by Use Permit (as the case may be).

C. Authorize in specific cases such Variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions herein will, in the Board's opinion, 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 such 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).
E. Determine the location of a district boundary where doubt exists as to the location of same on the Zoning Map.

F. Modify the Zoning Inspector's protective requirements in instances where a district use is conditional upon certain stipulations to be specified by the Inspector.

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).

H. Hear and determine appeals from notices to abate public nuisances (junked motor vehicles) per Article 9-04a of this Code, and from notices of intent to abate nuisances and remove vehicles (abandoned vehicles) per Article 11-04.

I. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Chapter, provided the restriction in this subparagraph shall not affect the authority to grant Variances pursuant to this Article.

2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-28-040; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 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, 10/13/05)

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 must be accompanied by: layout and landscape plan; typical building elevation and other pertinent development characteristics; total cost of the project; and evidence of ability and intention of the applicant to proceed with actual construction and diligently pursue to completion.

C. A Variance appeal applicant should be prepared to show:
1. That there are special circumstances or conditions applicable to the property of application, or to adjacent property, or to the neighborhood, that justify a Variance from the requirements so that strict application thereof would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

2. That such granting will not materially affect the health or safety of the neighborhood residents nor the public welfare, or be injurious to property or improvements.

(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.

A. In approving an application (in all or in part), the Board 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 shall act accordingly.

B. In granting permission to proceed on a specific development scheme or on a permit for a construction variance, the same shall be contingent upon permits being obtained and work commenced within six (6) months and being diligently pursued. Failure to do so shall void the ruling unless a longer time is granted or an extension of time is secured.

C. The concurring vote of a majority of the Board members shall be necessary to render a ruling.

D. Any decision of the Board of Adjustment may be appealed to the Superior Court.

E. Each case considered by the Board of Adjustment has special and unique factors and conditions differentiating it from all other cases, related or otherwise. Therefore, no decision of the Board of Adjustment shall be construed as establishing a precedent or precedents which shall in any way restrict the exercise of the powers of the Board of Adjustment in any subsequent case.

(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;
Prescott Valley, Arizona

Ord. No. 541, Amended, 02/27/03)
Article 13-30 AMENDMENTS

13-30-010 Authority.

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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-29-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95)

13-30-012 Neighborhood Meeting.

A. Neighborhood Meeting Requirements. Persons who wish to submit applications 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 schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.

B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.

C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification 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 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;

5. The notice shall set forth the substance of the proposed application and shall include 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

6. Posting of 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, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

D. Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.

E. Record of Proceedings. Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:

1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;

2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and

3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.

F. Additional Neighborhood Meetings. The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.

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.

H. Neighborhood Meeting Waivers. The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a
previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving 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 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. Requests for Pre-Application Review. Requests for pre-application review shall be filed with the Community Development Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude 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. Pre-Application Review Process. Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last 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 of staff comments. A copy of said summary shall be included with any subsequent application filed with the Community Development Department.

(Ord. No. 637, Enacted, 08/25/05)

13-30-020 Applications.

A zoning ordinance that changes 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 §13-30-015.

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:

1. Upon receipt of a complete application, the Zoning Administrator shall provide written notice of the application to 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 to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

2. The written notice shall include a general explanation of the substance of the proposed zoning ordinance and shall indicate 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 issues or concerns that the landowner or citizen may have with the proposed rezoning.

3. A staff report summarizing any issues or concerns so expressed shall be presented 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.

13-30-030  Public Hearing.

Every application submitted pursuant to Section 13-30-020 of this Article shall be considered by the Planning and Zoning Commission at a public hearing in the manner set forth in A.R.S. §9-462.04, as amended.
Article 13-31 VIOLATIONS AND PENALTIES

13-31-010 Building Permit Required.

It is unlawful to erect, construct, reconstruct, alter or use any building or other structure or any land within any area subject to the provisions of this Chapter without first obtaining a building permit from the Zoning Inspector, where such permit is required thereby.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-010; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-020 Violations.

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. Each and every day during which such violation continues is a separate offense, except as otherwise provided herein.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03)

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.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-030; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 539, Amended, 02/27/03; Ord. No. 600, Amended, 07/22/04)

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, the Town Council, the Town Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-040; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-050    Responsibility.

All remedies provided herein shall be cumulative and not exclusive. The conviction of any person, firm or corporation hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-050; Ord. No. 178, Rep&ReEn, 05/26/88)

13-31-060    Conviction.

Conviction for a class 3 misdemeanor shall be punishable as provided by law.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-30-060; Ord. No. 150, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88)
Article 13-32    SEVERABILITY

13-32-010  Severability.

13-32-010  Severability.

This Chapter and the various parts thereof are hereby declared to be severable. If any Section, Subsection, Subparagraph, clause, word or phrase herein is for any reason held to be unconstitutional, such holding shall not effect the validity of the remaining portions of this Chapter.

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-31, 13-31-010; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Ren&Amd, 12/28/95, 13-32)
Article 13-33  PROTECTED DEVELOPMENT RIGHTS

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.

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 as set forth in Subsection F, above, as well as all of the following:
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.

G. "Phased Protected Development Right Plan" means a Development Plan for a master planned development in accordance with the requirements of a Planned Area Development in Article 13-19 and a Development Master Plan in Article 14-02 and containing the elements articulated in Subsection E above.

(Ord. No. 554, Enacted, 05/22/03)
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.

E. Later 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-compliance.

The Town may revoke, upon notice to the Landowner and public hearing, its approval of the Protected Development Right Plan for failure to comply with applicable terms and conditions imposed on the approval as well as Landowner's failure to submit a more detailed plan for each phase of a 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.

B. The Town may extend for a maximum of two additional years 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.

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)

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)