

Ordinance No. 849

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 13-06-020 "USE REGULATIONS" IN ARTICLE 13-06 "R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)" IN CHAPTER 13 "ZONING" TO CLARIFY REGULATIONS ASSOCIATED WITH SHORT-TERM RESIDENTIAL USES; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Prescott Valley Town Council adopted Ordinance No. 820 on September 22, 2016, amending Chapter 13 "ZONING" of the Town Code to correlate with amendments to ARS §9-500.38 (renumbered to ARS §9-500.39), which prohibit cities and towns from restricting the use of or regulating short-term rental properties based on their classification, use or occupancy; and

WHEREAS, neither ARS §9-500.39 nor the amendments thereto prohibit Arizona municipalities from applying business licensing requirements to the short-term rental industry; and

WHEREAS, a request for legal review of an ordinance of the City of Sedona requiring short-term rentals to obtain business licenses was recently filed with the Arizona Attorney General pursuant to ARS §41-194.01; and

WHEREAS, on May 4, 2018, the Attorney General issued an opinion that Sedona's ordinance does not independently violate ARS §9-500.39 but violates ARS §9-1304, which prohibits municipalities from adopting a "residential rental licensing requirement for residential rental properties or property owners"; and

WHEREAS, notwithstanding that the Arizona legislature previously recognized that short-term rentals are both residential and commercial in nature (ARS §9-1304 is not applicable to commercial properties or hotels and motels), the Attorney General determined that a reading of ARS §9-1304 together with ARS 9-500.39 requires a finding that the prohibition of ARS §9-1304 applies to short-term rentals; and

WHEREAS, the City of Sedona was given thirty days to resolve the violation or face the withholding of state shared monies pursuant to ARS 9-141.01; and

WHEREAS, the Council desires now to amend Section 13-06-020 of the Town Code consistent with the Attorney General's opinion; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on the proposed revisions at its regular meeting held June 11, 2018, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Council finds that the proposed revisions are in the best interests of the community; and

WHEREAS, the Council further finds that the procedures required by ARS §§9-462.03 and 9-462.04 (and by Article 13-30 of the Prescott Valley Town Code) have been complied with in connection with this zoning action;

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

SECTION ONE. That Section 13-06-020 “Use Regulations” in Article 13-06 “R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)” in Chapter 13 “ZONING” of the Town Code of the Town of Prescott Valley is hereby amended to read as follows:

13-06-020 Use Regulations.

A. Uses Permitted:

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

~~a. Owners of vacation rental/short-term rental properties shall be subject to the business licensing requirements set forth in Article 8-02.~~

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

eb. 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.

ec. 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.

ed. Owners shall provide guests with a 24-hour emergency point of contact.

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

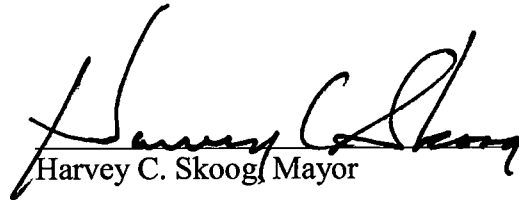
SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed or amended, shall remain in full force and effect.

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

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

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 12th day of July, 2018.




Harvey C. Skoog, Mayor

ATTEST:


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney