

Ordinance No. 2024-947

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, REPEALING CHAPTER 13 “ZONING” IN ITS ENTIRETY AND ADOPTING BY REFERENCE A DOCUMENT ENTITLED “REPEALING AND REENACTING CHAPTER 13 ‘ZONING’”; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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 adoption of zoning ordinances and land use planning is a fundamental function and police power of local government; and

WHEREAS, zoning regulations are adopted and enforced in the Town of Prescott Valley for the protection of the health, safety and welfare of the public; and

WHEREAS, Goal GPIA1 of the Prescott Valley General Plan 2035 tasks Town staff to “[r]eview the Town’s development standards and modify as needed to reflect the goals and policies described in the General Plan”; and

WHEREAS, the Council retained a Land Use attorney to assist staff to revise Chapter 13 to (among other things) simplify procedures for Planned Area Development (PAD) and conditional and special use permits, convert density district designations to residential density designations, pursue attainable housing goals by allowing additional housing types, and transition to chart-based tables showing various residential, commercial and industrial uses; and

WHEREAS, joint study sessions of the Town Council and Planning & Zoning Commission were held on May 3, 2022, August 25, 2022, April 18, 2024, and September 5, 2024, to provide updates to and receive input from the Council and Commission as the project progressed; and

WHEREAS this Ordinance was considered by the Planning & Zoning Commission at a public hearing held at its regular meeting on November 4, 2024, and the commissioners voted to recommend to the Council that the same be adopted; and

WHEREAS, the Council has considered a housing impact statement dated October 16, 2024, regarding the impact of this Ordinance as required by A.R.S. § 9-462.01 (J); and

WHEREAS, the Council finds this Ordinance conforms to the Town’s General Plan and provides for the health, safety, and welfare of the community.

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

SECTION ONE. That Chapter 13 “ZONING” of the Town Code of the Town of Prescott Valley be hereby repealed in its entirety.

SECTION TWO. That that certain document entitled “REPEALING AND REENACTING CHAPTER 13 ‘ZONING’”, attached hereto as Exhibit “A”¹, be declared to be a public record and be hereby adopted as if fully set forth herein in accordance with ARS §9-802.

SECTION THREE. That the following penalty clauses are enacted in Section 13-08-090 “Vacation rentals and short-term rentals” in Article 13-08 “REGULATIONS GOVERNING PARTICULAR USES” in Chapter 13 “ZONING”, adopted herein by reference:

13-08-090 Vacation rentals and short-term rentals

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- E. The owner of a vacation rental or short-term rental shall provide the Town with emergency contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone, or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty imposed pursuant to this section, a civil penalty of \$1,000 is imposed against the owner for every 30 days the owner fails to provide contact information as prescribed by this paragraph. The Town shall provide 30 days' notice to the owner before imposing the initial civil penalty.

...

- M. The Town imposes a civil penalty of the following amounts against an owner of a vacation rental or short-term rental if the owner receives one or more verified violations related to the same vacation rental or short-term rental property within the same 12-month period:
1. Up to \$500 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised, whichever is greater, for the first verified violation.
 2. Up to \$1,000 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for the second verified violation.
 3. Up to \$3,500 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for a third and any subsequent verified violation.

...

- N. An existing vacation rental or short-term rental that fails to apply for a Town vacation rental license within thirty days of the effective date of this section must cease operations. In addition to any civil penalties imposed pursuant to paragraph M of this section, a civil penalty of \$1,000 per month shall be imposed against the owner if the owner or owner's designee fails to apply for a Town vacation rental license within thirty days after receiving written notice of the failure to comply with paragraph F this section.

...

SECTION FOUR. That the following penalty clause is enacted in Section 13-09-130 “Enforcement and penalties” in Article 13-09 “SIGN REGULATIONS” in Chapter 13 “ZONING”, adopted herein by reference:

13-09-130 Enforcement and penalties

...

¹ Exhibits on file in the office of the Town Clerk for public review.

- E. Any person, entity or corporation which fails to maintain a sign, or builds, erects, paints, replaces, repairs, alters, or otherwise places a sign in violation of the requirements of this Article is guilty of a class 3 misdemeanor.

...

SECTION FIVE. That the following penalty clauses are enacted in Section 13-12-100 "Penalties" in Article 13-12 "OUTDOOR LIGHTING REQUIREMENTS" in Chapter 13 "ZONING", adopted herein by reference:

13-12-100 Penalties.

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

SECTION SIX. That the following penalty clauses are enacted in Article 13-15 "VIOLATIONS AND PENALTIES" in Chapter 13 "ZONING", adopted herein by reference:

ARTICLE 13-15. VIOLATIONS AND PENALTIES

13-15-010 Building permit required

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

13-15-020 Violations

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

13-15-030 Misdemeanor

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

13-15-040 Remedies

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

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

13-15-050 Responsibility

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

13-15-060 Conviction

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

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

SECTION EIGHT. 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 NINE. 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 11th day of December 2024.



Kell Palguta, Mayor

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney