

ORDINANCE NO. 782

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING ARTICLES 13-15 “C3 (COMMERCIAL; MINOR INDUSTRIAL)”, 13-17 “M1 (INDUSTRIAL; GENERAL LIMITED)”, AND 13-18 “M2 (INDUSTRIAL; HEAVY)” IN CHAPTER 13 “ZONING” OF THE TOWN CODE TO CLARIFY AND REMOVE INCOMPATIBLE USES FROM CERTAIN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; ADDING “RECREATIONAL VEHICLE STORAGE” AS A PERMITTED USE UNDER SECTION 13-15-020 “USE REGULATIONS”; PROVIDING THAT ALL OTHER SECTIONS, ARTICLES AND CHAPTERS 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, by Ordinance No. 705 (December 20, 2007), the Town Council adopted by reference a document entitled “Pyramid Form of Non-Residential Zoning Regulation” amending the commercial and industrial zoning regulations to organize them in a hierarchical format; and

WHEREAS, the stated intent of the ordinance was to “maintain the pyramid character of zoning regulations (particularly those applicable to non-residential uses)”; and

WHEREAS, in drafting said Ordinance staff inadvertently carried forward certain temporary residential uses (permitted by use permit within the C1 and C2 zoning districts), namely Mobile/Manufactured Home Parks and Recreational Vehicle Parks, to less restrictive commercial and industrial zoning districts; and

WHEREAS, residential uses, including temporary ones, are incompatible within certain commercial and industrial zones; and

WHEREAS, staff proposes that the Code be amended to remove such incompatible residential uses from the C3, M1 and M2 zoning districts; and

WHEREAS, uses permitted under Article 13-15 “C3 (Commercial; Minor Industrial)” currently include equipment storage, rental and sales yards, storage buildings, warehouses and yards (including rental storage units); and

WHEREAS, storage of recreational vehicles is consistent with such uses and should be permitted in C3 zoning districts; and

WHEREAS, the Planning and Zoning Commission held a public hearing on these proposed amendments to Chapter 13 “ZONING” of the Town Code at its regular meeting held November 4, 2013 and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council held a public hearing and considered this recommendation at its regular meetings held on December 5, 2013 and December 19, 2013; and

WHEREAS, the Council finds that these proposed Zoning Code amendments will be beneficial to the community; and

WHEREAS, the Council further finds that the procedures required by A.R.S. §§9-462.03 and 9-462.04 (and by Article 13-30 of the Town Code) have been complied with in connection with these amendments to the Zoning Code.

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

SECTION ONE. That Section 13-15-020 “Use Regulations” in Article 13-15 “C3 (COMMERCIAL; MINOR INDUSTRIAL)” in Chapter 13 “ZONING” of the Town Code of the Town of Prescott Valley, Arizona be hereby amended to read as follows:

13-15-020 Use Regulations.

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

...

4. Service, Wholesale and Minor Industrial

...

x. Recreational Vehicle Storage

...

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).

...

~~6. Mobile/Manufactured Home Parks and Recreational Vehicle Parks~~

~~6.7.~~ 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

~~7.8.~~ Welding Shops

~~8.9.~~ Tire Recapping

~~9.10.~~ Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13

~~10.11.~~ 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. _____, Amended. _____)

SECTION TWO. That Section 13-17-020 “Use Regulations” in Article 13-17 “M1 (INDUSTRIAL; GENERAL LIMITED)” in Chapter 13 “ZONING” of the Town Code be hereby amended to read as follows:

13-17-020 Use Regulations.

...

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).

...

~~5. Mobile/Manufactured Home Parks and Recreational Vehicle Parks~~

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

6.7. Cemeteries (for human or animal interment)

7.8. Dairy Products Manufacturing

8.9. Drive-In Theaters

9.10. 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. _____, Amended. _____)

SECTION THREE. That Section 13-18-020 “Use Regulations” in Article 13-18 “M2 (INDUSTRIAL; HEAVY)” in Chapter 13 “ZONING” of the Town Code be hereby amended to read as follows:

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. Mobile/Manufactured Home Parks and Recreational Vehicle Parks~~

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

~~4.5.~~ Cemeteries (for human or animal interment)

~~5.6.~~ Dairy Products Manufacturing

~~6.7.~~ Drive-In Theaters

~~7.8.~~ 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, 01/26/07; Ord. No. 705, Ren&Amd, 12/20/07, 13-18-030; Ord. No. _____, Amended, _____)

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

SECTION FIVE. 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 SIX. 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 ____ day of _____, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney