

## **Ordinance No. 801**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 14 'SUBDIVISIONS', CHAPTER 7 'BUILDING', AND CHAPTER 13 'ZONING'" (DECLARED BY RESOLUTION NO. 1897 TO BE A PUBLIC RECORD) WHICH AMENDS CHAPTER 14 "SUBDIVISIONS," CHAPTER 13 "ZONING" AND CHAPTER 7 "BUILDING" OF THE TOWN CODE TO CONFORM TO THE TOWN'S "GENERAL PLAN 2025" AND PROVIDE GREATER FLEXIBILITY IN DESIGN, DENSITY AND DEVELOPMENT REQUIREMENTS FOR PROJECTS SUBJECT TO DEVELOPMENT PLANS; 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, Arizona municipalities are required by A.R.S. §9-463.01 to regulate the subdivision of lands within their corporate limits in accordance with the prescriptions of that Section; and

WHEREAS, on March 27, 1980, the Town Council approved and adopted Ordinance No. 25 enacting the Town's subdivision regulations; and

WHEREAS, as development standards have evolved over the years the need for greater flexibility in the design, density and development requirements for projects subject to development plans has become apparent; and

WHEREAS, on August 9, 2012, Town Council approved the *General Plan 2025* which updated all of the planning elements of the former General Plan, added a new Housing Element, and amended the Circulation Elements related to the design, location and arrangement of streets within subdivisions; and

WHEREAS, certain amendments to Town Code Chapter 14, Chapter 7 and Chapter 13 are now needed to conform to the recently updated *General Plan*; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on these proposed amendments at its regular meeting held December 8, 2014, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council has considered this recommendation at its regular meetings held on January 22, 2015, and February 12, 2015; and

WHEREAS, the Town Council finds that the proposed amendments conform to the Town's *General Plan 2025* and are in the best interests of the community; and

WHEREAS, the Town 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 Prescott Valley Town Code) have been complied with in connection with this zoning action; and

WHEREAS, ARS §9-802 provides for adoption by reference of "public records" and the document entitled "Amendments to Chapter 14 'Subdivisions', Chapter 7 'Building', and Chapter 13 'Zoning'" has been declared by Resolution No. 1897 to be a "public record"; and

WHEREAS, ARS §9-803 requires penalty clauses in such public records to be set forth in full in the adopting ordinance;

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

SECTION ONE. That certain document entitled "Amendments to Chapter 14 'Subdivisions', Chapter 7 'Building', and Chapter 13 'Zoning,'" declared to be a "public record" by Resolution No. 1897 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That the following penalty clause contained in Section 13-22-010 "Land Splits" is hereby amended and set forth as follows:

**13-22-010 Land Splits**

...

C. ...

**63. Civil Penalties**

- a. Failure to comply with the review and approval process as set forth in Subparagraph 13-22-010(C)(41) 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.

74. Criminal Penalties: Notwithstanding Subparagraph 13-22-010(C)(~~63~~) 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).

(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)

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

SECTION FOUR. 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 FIVE. 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 February, 2015.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney