

Ordinance No. 809

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 "SHORT TERM LODGING AMENDMENTS" (AND DECLARED BY RESOLUTION NO. 1932 TO BE A PUBLIC RECORD) AMENDING ARTICLES 13-02 "DEFINITIONS," 13-06 "USE REGULATIONS," 13-17 "USE REGULATIONS," 13-21 "ACCESSORY BUILDINGS, STRUCTURES AND USES," AND 13-24 "OFF-STREET PARKING REQUIREMENTS (MINIMUM)" IN CHAPTER 13 "ZONING" TO CLARIFY AND UPDATE THE USE REGULATIONS RELATED TO SHORT-TERM LODGING; 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 Town Code defines, distinguishes and regulates various types of residential uses including short-term lodging; and

WHEREAS, over the years, the Town's residential use regulations have been modified through individual amendments to reflect the needs of the community; and

WHEREAS, individual amendments over the years have also inadvertently created ambiguity in certain short-term lodging use regulations; and

WHEREAS, the short-term vacation rental industry has significantly grown throughout the country as well as the local quad-city area; and

WHEREAS, staff proposes amending Chapter 13 of the Town Code to clarify use regulations associated with short-term residential uses; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on the proposed revisions at its regular meeting held June 8, 2015, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council has considered the proposed revisions at its regular meetings held September 10, 2015, and September 24, 2015; and

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

WHEREAS, ARS §9-802 provides for adoption by reference of certain lengthy documents designated as "public records" (in order to save on publication costs); and

WHEREAS, the document entitled "Short-Term Lodging Amendments" has been declared by Resolution No. 1932 to be such a "public record"; and

WHEREAS, ARS §9-803 requires in such cases that the penalty clauses in those public records to be set forth in full in the adopting ordinance so that they may be published; 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 that certain document entitled "SHORT-TERM LODGING AMENDMENTS," declared to be a "public record" by Resolution No. 1932 (and available for public inspection in the Office of the Town Clerk, 7501 E. Civic Circle, Prescott Valley, Arizona, 86314), be hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. Except as otherwise provided herein, the penalty for a violation of any provision of Articles 13-02, 13-06, 13-17, 13-21, and 13-24 by any person shall be that set forth in Article 13-31.

SECTION THREE. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed or 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 24th day of September, 2015.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney