

SHORT-TERM LODGING AMENDMENTS

SECTION 1. That Section 13-02-010 “Definitions” in Article 13-02 “DEFINITIONS” in Chapter 13 “ZONING” of the Town Code of the Town of Prescott Valley, is hereby amended to read as follows:

13-02-010 Definitions.

...

B. The following definitions apply:

...

27. Bed and Breakfast: A dwelling with a host or host family residing therein where members of the public are lodged for compensation. A morning meal is generally provided as part of the normal charge for said lodging.—See, “Travelers’ Accommodations.”

...

29. Boarding House or Rooming House: A building with no more than one (1) common kitchen and no more than five (5) guest rooms ~~where, for definite periods of time, lodging, that are rented or leased to a maximum of ten (10) persons who are not members of the resident family (on a transient basis), with or without meals.~~ is provided for at least three (3) but no more than ten (10) persons who are not members of the resident family.

...

59. Convalescent Home or Nursing Home: See, “Nursing Home.” Any place or institution which makes provisions for bed care, or for chronic or convalescent care for one (1) or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona, as a convalescent and nursing home.

...

72. Dwelling: A building or portion thereof designed exclusively for residential purposes, including single- and multiple-family dwellings:—not, however, including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care centers.

73. Dwelling, Multiple-Family: A building or portion thereof having ~~three (3)~~ two (2) or more dwelling units on a single lot used, designed or intended for use or occupancy as living quarters by ~~32~~ or more families living independently of

each other (including any domestic employees of each family), and having both kitchen or cooking facilities and a private, indoor toilet within each such housekeeping unit. This includes any number of dwelling units in a non-residential structure, but shall not include recreational vehicle parks, motels, hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care centers.

...

75. Dwelling Unit: A room (or group of rooms) designed for one (1) or more persons living and cooking as homogeneous body (See, "Family") and containing 1 accommodation for preparation of meals. ~~A dwelling unit does not include lodging as defined in this Section.~~

...

94. Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which shall never be rented or offered for rent. Any guest house providing cooking facilities shall be considered a dwelling unit. Includes a dwelling unit within an accessory building for the sole use of the occupants of the premises and their guests. ~~The size of the accessory dwelling unit shall not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total square footage of the livable area under the roof of the primary residential structure (whichever is greater). All accessory dwelling units shall meet the setback requirements applicable to the primary residence in the respective zoning district.~~

...

99. Hotel or Apartment Hotel: A building other than a boarding house as defined herein, in which there are five (5) or more guest rooms or apartments that, for a fee, provides temporary sleeping accommodations where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include trailer court, sanitarium, hospital, or other institutional building, or jail or other building where persons are housed under restraint. For density formula purposes, two (2) such guest rooms or apartments may be counted as one (1) dwelling unit.

...

138. ~~Nursing Home: A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.~~ Any place or institution which makes provisions for bed care or for chronic or convalescent care for one (1) or more persons (exclusive of relatives) who, by reason of illness or physical infirmity, are unable to properly care for themselves. Nursing, dietary and other personal services are provided (but not surgery or other primary care customarily provided in hospitals or

sanitariums). Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home.

. . .

~~185. Travelers' Accommodations: A dwelling with a host or host family residing therein where members of the public are lodged for compensation. A morning meal is generally provided as part of the normal charge for said lodging. This definition includes "bed and breakfast" and "guest lodging".~~

1865. Under Roof: The total area, exclusive of overhangs, measured in square feet, of the building area: includes porches, covered decks and breezeways.

1876. Use: The purpose for which a building, or lot or structure is arranged, designed, occupied or maintained.

1887. Use (Accessory): An "accessory use" is either a subordinate use of a building, other structure, or a tract of land, or a subordinate building or other structure:

- a. Whose use is clearly incidental to the use of the principal building or other structure, or use of land; and
- b. Which is customary in connection with the principal building, other structure, or use of land; and
- c. Which is located on the same zoned lot with the principal building, other structure, or use of land, and which is not a use specifically permitted in a less restricted district.

Accessory uses do not include towers, antennae and wireless telecommunications facilities and their accessory structures [except those towers, antennae and wireless facilities used solely for transmissions and receipt by a single use and not otherwise restricted within that district (including, but not limited to, amateur radio and devices necessary for a subscription to a commercial wireless provider service)].

1898. Use (Permitted): A use in a district which is allowed therein by reason of being listed among the "Permitted Uses" in the district, subject to the specific requirements of this Chapter.

19089. Use Permitted by Use Permit: A listed use in a zoning district which requires a use permit as a prerequisite and is subject to all conditions and requirements imposed by the Board of Adjustment in connection with issuing the use permit.

1940. Use, Primary: A use on a given lot which is the main or principal use. Single- or multiple-family dwelling units are the primary uses on residential parcels.

1921. Use (Private): A use restricted to the occupants of a lot or building together

with their guests, where compensation is not received and where no commercial activity is associated with the same.

1932. Use (Public): A use (or building) located on public land to service public benefits (but not necessarily available to public admission).
1943. Use (Residential): Includes single- and multiple-family dwelling units, guest rooms, hotels, motels, mobile home courts, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged, and similar.
1954. Variance: A device that allows certain modifications in zoning requirements such as fence heights, building setback, etc., if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounding, the applicant can prove to the Board of Adjustment that the strict application of existing zoning requirements would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. The zoning district remains unchanged on lots where variances are granted.
1965. Vehicle: The result of arranging materials and parts together for conveyance over roads (whether or not self-propelled). Such is not deemed a structure in qualifying for a building permit, but as being accessory to the principal use on a lot [except that it is not accessory in connection with vehicular rental or sales agencies, storage of junked motor vehicles as defined in Subsection 10-03-020(A) (except as otherwise provided), and mobile/manufactured home courts].
1976. Visibility: On any corner lot, no building, fence, structure, shrubbery or planting that will obstruct street traffic visibility within a radius of ten (10) feet of the intersection of any two (2) street lines shall be permitted higher than three (3) feet.
1987. Wall: A barrier constructed of materials such as block, native stone, rock or wood stucco: not including barriers constructed with other materials not designed for walls.
1998. Warehouse: A building or buildings used for the commercial storage of goods where no retail or wholesale operations are conducted on the site.
- ~~2001~~199. Weeds: See, Section 9-04-010
2040. Wireless Telecommunications: Any technology for transmitting telecommunications through the air.
2021. Wireless Telecommunications Facility: Any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless telecommunications.
2032. Wholesale: The selling of goods of any type to retailers or jobbers for resale to the ultimate customer.

2043. Wrecking Yard: An open-land area used for the business of crushing and demolishing motor vehicles, trailers, machinery, equipment, and their parts, and the storage thereof.
2054. Yard: An open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
2065. Yard, Exterior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and a lot line adjacent to a street of a corner lot. That street boundary determined not to be the required front yard shall be the exterior side yard and shall extend from the front yard to the rear yard. Any lot line adjacent to a street that is not a front yard shall be deemed an exterior side yard.
2076. Yard, Front (Required): An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.
2087. Yard, Interior Side (Required): An open, unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line, front line, or an exterior side yard line shall be deemed an interior side yard line. An interior side yard is adjacent to a common lot line.
2098. Yard, Rear (Required): An open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot.
2409. Yard, Required: A line that marks the minimum distance a structure must be located from the property line to the closest point of the foundation or any supporting post or pillar of any building or structure related thereto which establishes the minimum required front, side or rear yards space of a building plot.
2140. Zoning Administrator: The officer of the Town of Prescott Valley charged with the administration of this Chapter.
2121. Zoning District: A zoned area in which the same zoning regulations apply throughout. See, Section 13-05-060

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 9, Enacted, 06/28/79; Ord. No. 27, Amended, 04/24/80; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 47A, Amended, 11/25/80; Ord. No. 58, Amended, 09/24/81; Ord. No. 82, Amended, 05/26/83; Ord. No. 115, Amended, 08/08/85; Ord. No. 161, Amended, 11/12/87; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Ren&Amd, 05/26/88, 14-01-040,,13-02-010; Ord. No. 185, Amended, 10/27/88;

Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 361, Amended, 04/13/95; Ord. No. 362, Amended, 04/13/95; Ord. No. 375, Amended, 12/28/95, 13-02; Ord. No. 392, Amended, 06/27/96; Ord. No. 403, Amended, 10/24/96; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 552, Amended, 03/13/03; Ord. No. 559, Amended, 07/10/03; Ord. No. 588, Amended, 03/25/04; Ord. No. 603, Amended, 08/26/04; Ord. No. 619, Amended, 03/24/05; Ord. No. 647, Amended, 01/26/06; Ord. No. 676, Amended, 01/11/07; Ord. No. 809, Amended, 09/24/15)

SECTION 2. That Section 13-06-020 “Use Regulations” in Article 13-06 “R1L (RESIDENTIAL; SINGLE FAMILY LIMITED)” in Chapter 13 “ZONING” of the Town Code is hereby amended to read as follows:

13-06-020 Use Regulations.

...

B. Uses Permitted by Use Permit: The following uses may be permitted within the district subject to Use Permit application and hearing procedures set forth under Section 13-21-110.

1. Essential public utility buildings and facilities.
2. Golf courses, including club houses, pro shops, etc. located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.
3. ~~Travelers' accommodations~~Bed and Breakfast, Lodging

a. Bed and Breakfast:

- (1) Occupancy is limited to two (2) adults per guest bedroom, plus 2 additional guests with a maximum limit as stated in the Use Permit.
- (2) Non-transferable Use Permits will initially be issued for a 2-year term renewable for additional 2-year terms on approval by the Community Development Director.
- (3) Permittees shall obtain a Town of Prescott Valley business license in accordance with Chapter 8 of this Code.
- (4) No advertisement or signage will be permitted on site.
- (5) Permittees shall provide all parking for guests on site in accordance with Article 13-24 “Off-Street Parking Requirements” of this Code.

b. Lodging:

- (1) Occupancy is limited to 2 adults per guest bedroom, plus 2

additional guests with a maximum limit as stated in the Use Permit.

- (2) Non-transferable Use Permits will initially be issued for a 2-year term renewable for additional 2-year terms on approval by the Community Development Director.
- (3) Permittees shall obtain a Town of Prescott Valley business license in accordance with Chapter 8 of this Code.
- (4) No advertisement or signage will be permitted on site.
- (5) Maximum occupancy and approved use regulations set forth in this Section and in the Use Permit shall be posted on site in a conspicuous location within each dwelling unit.
- (6) All rental agreements shall contain the approved use regulations.
- (7) The permittee or agent shall meet guests upon their arrival and supply 24-hour contact information.
- (8) Advertisements (including web site advertisements) shall contain the approved use regulations.
- (9) Lodging shall comply with all applicable requirements of this Code, in particular requirements related to noise, fireworks, prostitution, offensive premises, nuisance lighting, refuse collection and property maintenance.
- (10) Permittees shall provide all parking for guests on site in accordance with Article 13-24 "Off-Street Parking Requirements" of this Code.
 - ~~a. Accommodations permitted for guests for a maximum stay of six (6) days, five (5) nights.~~
 - ~~b. Up to two (2) sleeping rooms may be provided to accommodate guests.~~
 - ~~c. Breakfast is the only meal served and can be provided only to guests.~~
 - ~~d. Off-street parking will be provided on-site in accordance with Article 13-24 (Off-Street Parking Requirements).~~
 - ~~e. No signs will be permitted other than nameplate signs.~~

(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)

SECTION 3. That Section 13-17-020 “Use Regulations” in Article 13-17 “M1 (INDUSTRIAL; GENERAL LIMITED)” in Chapter 13 “ZONING” of the Town Code is hereby amended to read as follows:

13-17-020 Use Regulations.

A. Permitted Uses: The following uses are permitted in the M1 district.

...

12. Sexually-Oriented Businesses, subject to the regulations in Subsection 13-17-050(B) herein-and subject to the following definitions:

...

e. Adult Motel: A motel or hotel or similar commercial establishment

- (1) which offers accommodations to the public for any form of consideration; which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, audio visual materials, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and which has a sign visible from the public right-of-way which advertises the availability of any of the above types of material;
- (2) which offers a ~~sleeping~~guest room for rent for a period of time that is less than ten (10) hours; or
- (3) which allows a tenant or occupant of a ~~sleeping~~guest room to sub-rent the room for a period of time that is less than ten (10) hours

(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. 782, Amended, 12/19/13; Ord. No. 809, Amended, 09/24/15)

SECTION 4. That Section 13-21-080 “Accessory Buildings, Structures and Uses” in Article 13-21 “GENERAL DISTRICT PROVISIONS” in Chapter 13 “ZONING” of the Town Code is hereby amended to read as follows:

13-21-080 Accessory Buildings, Structures and Uses.

...

D. No detached accessory buildings, structures or uses designed or used for sleeping or living purposes shall be closer to any lot line than is required for a dwelling unit on the

same lot.

1. Guest houses shall not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total square footage of the livable area under the roof of the primary residential structure (whichever is greater). All accessory dwelling units shall meet the setback requirements applicable to the primary residence in the respective zoning district.

...

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-20-070; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 259, Amended, 06/27/91; Ord. No. 293, Amended, 03/25/93; Ord. No. 439, Amended, 06/25/98; Ord. No. 458, Amended, 04/08/99; Ord. No. 809, Amended, 09/24/15)

SECTION 5. That Section 13-24-050 “Off-Street Parking Requirements (Minimum)” in Article 13-24 “OFF-STREET PARKING REQUIREMENTS” in Chapter 13 “ZONING” of the Town Code is hereby amended to read as follows:

13-24-050 Off-Street Parking Requirements (Minimum).

...

- B. Requirements: Except in the Agricultural districts, for every structure or part thereof hereafter erected, or for any building converted to such uses or occupancy, or any addition thereto, there shall be provided on the premises, accessible off-street parking as set forth in the following:

<u>1. Residential Use:</u>	<u>Spaces Required:</u>
...	
c. Rooming houses, fraternities, sororities, resident clubs, <u>lodging facilities</u> lodging, <u>bed and breakfasts</u>	1 per sleeping/ <u>guest</u> room or 1 per bed, whichever is greater
...	

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Ren&Amd, 09/04/80, 13-23-010; Ord. No. 151, Amended, 07/02/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 279, Amended, 06/25/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 381, Amended, 03/28/96; Ord. No. 399, Amended, 10/10/96; Ord. No. 809, Amended, 09/24/15)