

Ordinance No. 820

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 "VACATION RENTALS / SHORT-TERM RENTALS" (AND DECLARED BY RESOLUTION NO. 1974 TO BE A PUBLIC RECORD) AMENDING ARTICLES 13-02 "DEFINITIONS," 13-06 "USE REGULATIONS," AND 13-24 "OFF-STREET PARKING REQUIREMENTS (MINIMUM)" IN CHAPTER 13 "ZONING" TO CONFORM WITH CHANGES IN STATE LAW; 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 Prescott Valley Town Council adopted Ordinance No. 809 on September 24, 2015, amending Chapter 13 "ZONING" of the Town Code to clarify use and regulations associated with short-term residential uses, including vacation rentals and short-term rentals; and

WHEREAS, on May 12, 2016, the Governor of Arizona signed into law S.B. 1350 (enacting A.R.S. §9-500.38), which prohibits cities and towns from restricting the use of or regulating vacation rentals or short-term rentals based on their classification, use or occupancy; and

WHEREAS, the Council desires now to amend Chapter 13 of the Town Code to correlate with A.R.S. §9-500.38; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on the proposed revisions at its regular meeting held August 8, 2016, 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 8, 2016, and September 22, 2016; 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 “Vacation Rentals / Short-Term Rentals” has been declared by Resolution No. 1974 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 “VACATION RENTALS / SHORT TERM RENTALS,” declared to be a “public record” by Resolution No. 1974 (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, 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 22th day of September, 2016.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney