

**ORDINANCE NO. 749**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 13-13-020 "USE REGULATIONS" IN ARTICLE 13-13 "C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES)," SECTION 13-15-020 "USE REGULATIONS" IN ARTICLE 13-15 "C3 (COMMERCIAL; MINOR INDUSTRIAL)," AND SECTION 13-16-020 "USE REGULATIONS" IN ARTICLE 13-16 "PM (PERFORMANCE MANUFACTURING)" IN CHAPTER 13 "ZONING" OF THE TOWN CODE (ZOA10-002) TO ALLOW FOR THE DISPENSING OF PROPANE OR OTHER FUELS FROM EXPOSED STORAGE TANKS IN COMMERCIAL AND PERFORMANCE MANUFACTURING ZONING DISTRICTS; 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 currently permits the dispensing of gasoline and other petroleum products from low profile exposed storage tanks for the sole use of the property occupant and not for resale or wholesale; and

WHEREAS, the use of motor homes and travel trailers in the Town has risen sharply over the past few years creating a need for retail outlets for the sale of propane or similar petroleum products to fuel such vehicles; and

WHEREAS, Town staff recommends that the Town Code be amended to permit the use of exposed storage tanks in commercial and performance manufacturing zoning districts to dispense propane and other similar petroleum products for resale to the public; and

WHEREAS, the Prescott Valley Planning and Zoning Commission reviewed these proposed amendments to the Town Code at its regular meeting held June 14, 2010, and recommended adoption to the Town Council; and

WHEREAS, the Town Council has considered this recommendation at its regular meeting held on \_\_\_\_\_; and

WHEREAS, the Town Council finds that the proposed amendments to the Town Code to permit the use of exposed storage tanks in commercial and performance manufacturing zoning districts to dispense propane and other similar petroleum products for resale to the public are in the best interests of the community and meet the health, safety and welfare needs of the community;

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

SECTION ONE. That Section 13-13-020 "Use Regulations" in Article 13-13 "C1 (COMMERCIAL; GENERAL SALES AND SERVICES)" in Chapter 13 "ZONING" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

**13-13-020 Use Regulations.**

A.. Permitted Uses: The following uses are permitted in C1 district, as conditioned in Subparagraph (A)(5) below.

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2. Retail Sales

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r. ~~Other similar convenience retail or service businesses to accommodate neighborhood needs.~~Dispensing of propane and similar petroleum products from exposed storage tanks for retail or for use by the property occupant as an accessory use, provided:

(1) The installation complies with NFPA Standard 58 "Liquefied Petroleum Gas Code, 2008 Edition," and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

(a) location and distances from property lines, streets, existing buildings and buildings on adjoining properties; and

(b) individual tank sizes (in gallon capacity, height, length and diameter); and

(c) separation between tanks.

(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

s. Other similar convenience retail or service businesses to accommodate neighborhood needs.

...

5. Conditions:

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e. All uses shall be contained within a completely enclosed building, except for the following:

(1) Exposed storage tanks for dispensing of propane or similar petroleum products

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SECTION TWO. That Section 13-15-020 “Use Regulations” in Article 13-15 "C3 (COMMERCIAL; MINOR INDUSTRIAL)" in Chapter 13 "ZONING" of the Town Code 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)(5) below.

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4. Service, Wholesale and Minor Industrial

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w. Dispensing of propane and similar petroleum products from exposed storage tanks as a primary wholesale use, provided:

(1) The installation complies with NFPA Standard 58 “Liquefied Petroleum Gas Code, 2008 Edition,” and any other fire code standard as administered by Central Yavapai Fire District; and

(2) Applicant shall obtain all permits, if any, required by Central Yavapai Fire District; and

(3) A site plan shall be submitted indicating:

(a) location and distances from property lines, street, existing buildings and buildings on adjoining properties; and

(b) individual tank sizes (in gallon capacity, height, length and diameter); and

(c) separation between tanks.

(4) Installation complies with Article 13-26 “Site Development Standards” and all other applicable provisions of the Prescott Valley Town Code.

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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).

...

~~10. Dispensing of gasoline and similar petroleum products from low profile exposed storage tanks, provided:~~

~~a. The installation complies with NFPA Standard “Flammable and Combustible Liquids Code, 2000 Edition”, and any other Fire Code standard as administered by the State Fire Marshal, and the installation otherwise poses no imminent life or fire safety hazard~~

~~b. The tank(s) is/are for the sole use of the property occupant and fuel dispensed is not intended for resale~~

~~c. Installation is within the rear sixty percent (60%) of the lot and in no case is less than twenty five (25) feet from any lot boundary.~~

~~d. Installation is screened from any adjacent property or streets.~~

~~e. A site plan submittal accompanies the request indicating:~~

~~(1) location and distances from property lines, streets, existing buildings and buildings on adjoining properties~~

~~(2) — individual tank sizes (in gallon capacity, height, length and diameter)~~

~~(3) — separation between tanks~~

~~11.10.~~ Towers, Antennae and Wireless Telecommunications Facilities that comply with the requirements of this Chapter 13.

~~12.11.~~ Electronic Information Centers.

SECTION THREE That Section 13-16-020 “Use Regulations” in Article 13-16 "PM (PERFORMANCE MANUFACTURING)" in Chapter 13 "ZONING" of the Town Code be hereby amended to read as follows:

**13-16-020 Use Regulations.**

...

C. Uses Permitted by Use Permit: The following uses are permitted by use permit in PM district (subject to hearing procedures set forth under Section 13-21-110).

~~1. — Dispensing of gasoline and similar petroleum products from low profile exposed storage tanks, provided:~~

~~a. — The installation complies with NFPA Standard 30A “Flammable and Combustible Liquids Code, 2000 Edition”, and any other Fire Code standard as administered by the State Fire Marshal, and the installation otherwise poses no imminent life or fire safety hazard~~

~~b. — The tank(s) is/are for the sole use of the property occupant and fuel dispensed is not intended for resale;~~

~~c. — Installation is within the rear sixty percent (60%) of the lot and in no case is less than twenty five (25) feet from any lot boundary;~~

~~d. — Installation is screened from any adjacent property or streets~~

~~e. — A site plan submittal accompanies the request indicating:~~

~~(1) — location and distances from property lines, streets, existing buildings and buildings on adjoining properties~~

~~(2) — individual tank sizes (in gallon capacity, height, length, and diameter)~~

~~(3) — separation between tanks.~~

f. ~~Any permit required by Central Yavapai Fire District is obtained~~

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

3.2. Electronic Information Centers.

SECTION FOUR. That all other Chapters, Articles, and Sections of the Town Code, of the Town of Prescott Valley, Arizona, 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 \_\_\_\_\_ 2010.

\_\_\_\_\_  
Harvey C. Skoog, Mayor

ATTEST:

\_\_\_\_\_  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney