

Ordinance No. 607

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 ARTICLE 13-27, 'ENFORCEMENT', IN CHAPTER 13, 'ZONING', OF THE TOWN CODE" (ZOA04-008) (DECLARED BY RESOLUTION NO.607 TO BE A PUBLIC RECORD) WHICH AMENDS CHAPTER 13, "ZONING", TO CLARIFY THAT PERMITS REQUIRED IN ARTICLE 13-27 RELATE ONLY TO ZONING AND TO REVISE CERTAIN ZONING FEES TO MORE CLOSELY CORRESPOND TO COSTS OF PROVIDING SERVICE; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS IN CHAPTER 13, 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, by Ordinance No. 241 (dated September 27, 1990) the Town Council added a new Section 13-27-060 to the Town Code to establish various fees and charges for planning and zoning processes; and

WHEREAS, due to the significant increase in costs associated with providing planning and zoning services to the community, the Council desires to amend the Code to implement a three (3) tiered fee structure for zoning map changes to offset administrative costs associated therewith; and

WHEREAS, the Council further desires to increase certain other zoning fees consistent with other jurisdictions in the tri-city area; and

WHEREAS, when Article 13-27 was first enacted, its provisions were administered in direct relation to building permit activity; and

WHEREAS, since building permit activity is currently administered through Chapter 7, "Building", of the Town Code, the Council desires to amend Article 13-27 to delete provisions pertaining to building permits; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on the proposed zoning code amendments at its regular meeting on September 4, 2004, and voted to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Council considered the proposed amendments at its regular work/study session held on September 16, 2004; and

WHEREAS, the Council finds that the proposed amendments conform to the Town's *General Plan 2020* and provide for the health, safety and welfare 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 the adoption by reference of particularly lengthy or complex ordinances when they are declared to be "public records"; and

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

WHEREAS, the document amending Article 13-27 of the Town Code has been declared by Resolution No. 1314 to be a "public record";

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 known as "Amendments to Article 13-27, 'Enforcement' in Chapter 13, 'Zoning', of the Town Code" declared to be a "public record" by Resolution No. 1314 (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 13-27-060 "Fees and Charges" is hereby set forth as follows:

13-27-060 Fees and Charges.

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the following schedule (except where such are waived by the Town Council). Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.

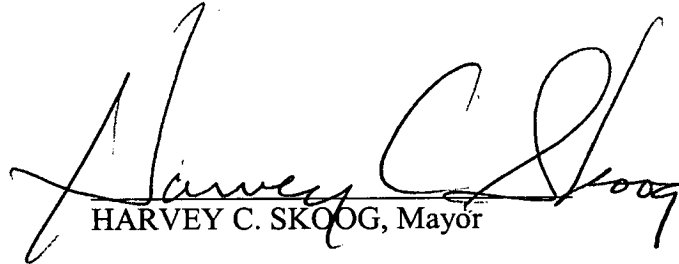
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SECTION THREE. That all other Articles, Sections and Subsections of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

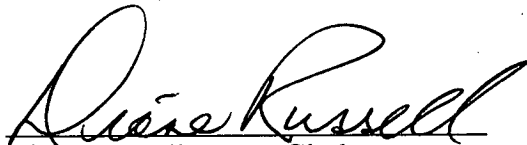
SECTION FOUR. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

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 2nd day of December, 2004.


HARVEY C. SKOOG, Mayor

ATTEST:


Diane Russell, Town Clerk

APPROVED AS TO FORM:

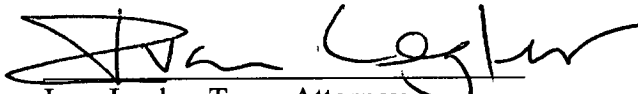

Ivan Legler, Town Attorney

Exhibit "A"

AMENDMENTS TO ARTICLE 13-27, "ENFORCEMENT", IN CHAPTER 13, "ZONING", OF THE TOWN CODE

SECTION ONE. That Section 13-27-010, "Zoning Inspector", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

13-27-010 Zoning Inspector.

For the purpose of enforcement of the provisions of this Chapter, a Zoning Inspector, and such Deputy Zoning Inspectors as may be required, shall be appointed by the Town Council. The Zoning Inspector and Deputy Inspectors shall administer and enforce this Chapter, including the receiving of applications, the inspection of premises, and the issuing of zoning permits. No ~~building zoning permit or certificate of occupancy~~ shall be issued except where the provisions of this Chapter have been complied with.

SECTION TWO. That Section 13-27-020, "Permits", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code be hereby renamed "Zoning Permits"

SECTION THREE. That Section 13-27-020, "Zoning Permits", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code be hereby amended to read as follows:

13-27-020 Zoning Permits.

A zoning permit shall be required for any building or structure which is less than one hundred forty-four (144) square feet in size; all fences that are four (4) feet in height or greater; and all signs that are exempt from building permit requirements under town Code Article 7-01-040(D). All applications for a zoning permit shall be submitted to the Community Development Department on forms supplied therein, together with a plot plan and any other information required by the Zoning Inspector for the enforcement of this Chapter. All such permits shall be obtained prior to the start of construction. No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the Zoning Inspector. All applications for such permits shall be made in the Office of the Zoning Inspector on forms supplied therein, together with a sketch of the proposed construction containing sufficient information for the enforcement of this Chapter. All such permits shall be obtained prior to the start of construction, and the place card prominently displayed upon the site thereafter. No such permit shall be required for repairs or improvements of a value not exceeding five hundred dollars (\$500), nor for new construction of a value not exceeding one hundred dollars (\$100), nor

~~for the installation of public utility lines.~~ Value of construction shall be deemed to include cost of materials and normal labor charges. Nothing herein contained shall require any change in plans, construction, size or designated use of any structure, or part thereof, the construction of which had been started prior to coming under the influence of these regulations and diligently pursued, provided a zoning or building permit was secured prior to commencing where the value of such exceeds one thousand dollars (\$1,000.00).

A. Permit Issuance

For each permit issued the Inspector shall provide:

1. To the applicant a fee receipt and copy of an approved plot plan (if applicable) ~~and a placard of a distinctive and easily identifiable color which shall state the permit number, the date issued and the work authorized thereby.~~
2. ~~To the County Assessor one (1) copy of the permit, containing the necessary information as outlined herein.~~
32. To the Town Clerk one (1) copy of the permit fee receipt.
4. ~~To the Inspector's files one (1) copy of the fee receipt and one (1) copy of the permit data and drawing.~~

B. Information Required

1. Street address (if any) and legal description of the property and dimensions thereof.
2. Nature of the proposed use of the structure and premises and cost of structures.
3. Dimensions, area and height of each improvement.
4. Location of existing and proposed structures on the lot and spacing between same.
5. ~~Location of utilities and sanitary facilities serving said improvements, including the Sewer Connection Plan required by Sections 7-01-030 and 7-03-110 of this Code.~~
65. Such other information as the inspector may require for the purpose of determining whether the application complies with the requirements of this Code.

C. Permit Validity:

No ~~building~~ zoning permit presuming to give authority to violate any of the provisions of this Chapter or any existing law shall be issued, and if issued shall not be valid except insofar as the work or use which it authorizes is lawful and permitted. In all other instances, the permit is valid provided:

- ~~1. A placard is openly displayed at the improvement during construction, repair or alteration.~~
21. Construction is commenced within six (6) months of date of issuance and diligently pursued thereafter.
32. Any requirements or stipulations conditional upon which the permit was issued are complied with.

SECTION FOUR. That Section 13-27-030, "Certificate of Occupancy", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code be hereby repealed and reenacted in its entirety as follows:

13-27-030 Reserved.

SECTION FIVE. That Section 13-27-050, "Other Permits", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code be hereby amended to read as follows:

13-27-050 Other Permits.

All other permit applications provided for in this Chapter shall be filed in the Community Development Department ~~Office of the Zoning Inspector~~ and transferred thereafter through proper channels.

SECTION SIX. That Section 13-27-060, "Fees and Charges", in Article 13-27, "ENFORCEMENT", in Chapter 13, "ZONING", of the Town Code be hereby amended to read as follows:

13-27-060 Fees and Charges.

Fees and charges for zoning permits, zoning clearances, hearing applications, etc. shall be in accordance with the following schedule (except where such are waived by the Town Council). Any such fee shall be doubled for failure to apply prior to commencing construction or sale of lots.

A. ~~Application Fees~~ Zoning Permits

1. Signs, which do not require a building permit: Fee shall be in accordance with Subsection 13-23-110(A)(4) of this Code

2. Accessory Buildings (144 sq. ft. or less): \$15.00

3. Fences/walls (four (4) feet in height or greater): Fees shall be in accordance with Section 7-01-030 of this Code

4. Temporary Housing Permits:

<u>Residential</u>	<u>\$150.00</u>
<u>Residential Extension</u>	<u>\$ 75.00</u>
<u>Non-Residential</u>	<u>\$300.00</u>
<u>Non-Residential Extension</u>	<u>\$0</u>

1. ~~Zoning Permits (buildings and other structures): A fee shall be charged for each permit issued; cost of construction shall include cost of materials and normal labor charges.~~

a. ~~Signs: Fee shall be in accordance with Subparagraph 13-23-110(A)(4).~~

b. ~~Accessory Buildings (144 sq. ft. or less): \$ 15.00~~

c. ~~Fences (wood, chain link, or wire): Fees shall be in accordance with Section 7-01-030 of the Prescott Valley Town Code.~~

d. ~~Walls [concrete or masonry, six (6) feet in height or less]: Fees shall be in accordance with Section 7-01-030 of the Prescott Valley Town Code.~~

2. ~~Temporary Housing Permits~~

a. ~~Residential \$150.00 + \$
75.00-extension~~

b. ~~Non-residential (temporary real estate offices, etc.) \$300.00~~

3. ~~Board of Adjustment/Town Council Hearing Applications and Appeals~~

a. ~~Base Variance \$100.00~~

b. ~~Additional Variance (same application) \$ 10.00~~

c. ~~Appeals of Administrative Decisions \$ 50.00~~

d. ~~Use Permits (general) \$125.00~~

e. ~~Use Permits (telecommunications) \$240.00~~

f. ~~Use Permit Renewal (before expiration) \$ 50.00~~

- g. Use Permit Reinstatement: (after application expiration) Same as new application
- h. Use Permit Transfer (only) (before expiration) \$100.00
- i. Use Permit Revision (if plan is still in effect) \$100.00

4. Planning and Zoning Commission Hearing Applications

a. Subdivisions

- (1) Preliminary Plat (Planning and Zoning Commission) \$200.00 [up to ten (10) lots inclusive] plus \$5.00 each additional lot.
- (2) Final Plat (Town Council) \$100.00 [up to ten (10) lots inclusive], plus \$1.00 each additional lot.
- (3) Minor Plat Modifications (Preliminary and Final) (more than 4 lots modified) \$200.00
- (4) Minor Plat Modifications (Preliminary and Final) (2 to 4 lots modified) \$ 50.00

b. Zoning Map Changes (Amendments)

- (1) Residential (Non PAD) Classifications \$300.00 [up to one (1) acre] plus \$10.00 per additional acre (with a \$12,000.00 cap)
- (2) Commercial and Industrial (Non PAD) Classifications \$350.00 [up to five (5) acres] plus \$10.00 per additional acre (with a \$12,000.00 cap)

- (3) Residential PAD Classification \$300.00 [up to one (1) acre (with or without underlying rezoning, and with Preliminary Development Plan or Master Plan) plus \$5.00 per additional acre (with a \$12,000.00 cap)]
- (4) Commercial/Industrial PAD Classification (with or without underlying rezoning and with Preliminary Development Plan or Master Plan) \$350.00 [up to five (5) acres] plus \$5.00 per additional acre (with a \$12,000.00 cap)
- (5) Final Site Plans (Commercial/Industrial PADs) plus \$5.00 per additional acre (with a \$12,000.00 cap) \$200.00
- (6) Minor Modifications or Amendments to Approved PADs (Preliminary Plans [Res. & Comm./Ind.] and Final Site Plans [Comm./Ind.]) \$200.00
- e. Conditional Use Permits (RCU districts) plus \$10.00 per additional acre (with a \$12,000.00 cap) \$300.00 [up to one (1) acre]

B. Zoning Clearance Fees (site plan review)

- 1. Residential (new)
 - a. Site built and Modular Homes \$ 10.00
 - b. Mobile and Manufactured Homes \$ 10.00
 - c. Multiple Family Residences \$ 20.00 (per dwelling unit, including original attachments)
- 2. Attached and Detached Accessory Structures (additions, garages, barns, stables, ramadas, \$ 15.00

gazebos, storage buildings, greenhouses, etc.)

3. Non-Residential/Commercial

- a. Commercial/Industrial (3,000 sq. ft. or less) \$100.00
- b. Commercial/Industrial (greater than 3,000 sq. ft.) \$ 00.05 (per sq.ft. under roof, not to exceed \$500.00)
- c. Churches, Clubs, Camps (non profit) \$ 00.025 (per sq.ft. under roof, not to exceed \$250.00)

4. Remodels

- a. Non-Residential Remodels \$ 10.00
- b. Residential Remodels \$ 5.00

5. Revised Plot Plans \$ 5.00

6. Professional Services

A. Planning Technical Design Services	\$75.00/hr
B. Clerical	\$25.00/hr
C. Computer System Usage	\$35.00/hr

B. Board of Adjustment /Town Council Hearing Applications and Appeals:

	Residential	Non-Residential/Commercial
Appeals/Interpretations	\$50	\$50
Base Variance	\$200	\$250
Use Permit, New	\$250	\$250
Use Permit, Renewal (Before Expiration)	\$125	\$125
Use Permit, Renewal (After Expiration)	\$250	\$250
Use Permit, Telecommunications	\$400	\$400

C. Planning Applications:

	Residential	Non
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		Residential/Commercial
Development Agreements	\$0 (When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change) Amendments \$ 500 Minor \$1,000 Major	\$0 (When done in conjunction with a General Plan Amendment, Annexation or Zoning Map Change) Amendments \$ 500 Minor \$1,000 Major
General Plan Amendments, Major	\$500	\$500
General Plan Amendments, Minor	\$300	\$300
Minor Land Division Review (dividing of one meets & bounds parcel into three parcels or less)	\$0 if recorded with the Town prior to being split. \$200 if split prior to being recorded with the Town.	\$0 if recorded with the Town prior to being split. \$200 if split prior to being recorded with the Town.

D. Subdivision Applications:

	Residential	Non-Residential/Commercial
Preliminary Plat	\$750 plus \$10 per lot	\$750 plus \$10 per lot
Final Plat	\$375 plus \$5 per lot	\$375 plus \$5 per lot
Preliminary Development Plan	\$750 plus \$10 per lot without zoning map change	\$750 plus \$35 per acre or portion of an acre without a zoning map change
Final Development Plan	\$375 plus \$5 per lot	\$375 plus \$20 per acre or portion of an acre
Master Plan	\$750 plus \$10 per lot without zoning map change (Maximum \$15,000)	\$750 plus \$35 acre or portion of an acre without zoning map change (Maximum \$15,000)
Minor Plat or Development Plan Modifications (Preliminary or Final) 2-4 lots (Residential) Less than 2 acres (Commercial)	\$250	\$250
Major Plat or Development Plan Modifications (Preliminary or Final) 5 or more lots (Residential) 2 acres or more (Commercial)	\$300, plus \$10 per lot	\$300, plus \$35 per acre

E. Zoning Map Changes:

	Residential	Non-Residential/Commercial

Tier I Rezoning Non -Planned Area Development (PAD)	\$400 plus \$15 per acre or portion of an acre (Maximum \$15,000)	\$1,250 plus \$15 per acre or portion of an acre (Maximum \$15,000)
Tier II Rezoning Planned Area Development (PAD) including underlying rezoning	\$500 plus \$15 per acre or portion of an acre (Maximum \$15,000)	\$1,250 plus \$15 per acre or portion of an acre (Maximum \$15,000)
Tier III Rezoning Includes Planned Area Development (PAD), underlying rezoning and Preliminary Development Plan or Master Plan	\$1,500 plus \$35 per acre or portion of an acre (Maximum \$15,000)	\$1,500 plus \$35 per acre or portion of an acre (Maximum \$15,000)

F. Zoning Clearance Fees (site plan review):

	Residential	Non- Residential/Commercial
Attached & Detached Accessory Structures	\$25	\$25
Churches, Clubs or other non-profits	\$100 (3,000 sq. ft or less) \$150 (3,000 sq. ft or more)	\$100 (3,000 sq. ft or less) \$150 (3,000 sq. ft or more)
Mobile and Manufactured Homes	\$15	N/A
Multiple Family Residences	\$25 per unit (2-4 Units)	\$25 per unit with a maximum of \$500 (5 or more Units)
Remodels/Additions	\$15	\$100
Revised Plot Plans	\$15	\$25
Site Built or Modular Units	\$15	\$150 (3,000 sq. ft or less) \$250 (3,000 – 5,000 sq ft) \$500 (5,000 sq. ft or more)

G. Professional Services:

Planning Technical Design Services	\$75.00/hr
Clerical	\$25.00/hr
Computer System Usage	\$35.00/hr

H. Sale of Reports/Maps/Data:

A. Reports/Manuals	
General Plan 2020 – COLOR PLAN	\$32.00
* General Plan 2020 – B&W Copy	\$16.00
General Plan 2020 – CD	\$3.50
General Plan Appendix – COLOR PLAN	\$12.00
*General Plan Appendix – B&W Copy	\$6.00
General Plan Appendix – CD	\$3.50
Prescott Valley Parkway Plan – COLOR	\$25.00
*Prescott Valley Parkway Plan – B&W	\$12.50

Prescott Valley Parkway Plan – CD	\$3.50
Glassford Hill Coordination Plan - COLOR	\$10.00
*Glassford Hill Coordination Plan – B&W	\$5.00
Zoning Ordinance Manual	\$25.00
B. Data Compilation and Development	\$35.00/hr
*Minimum (1) hour charge	
C. Maps	
Zoning Atlas – (11X17 - COLOR)	\$75.00
Zoning Atlas – (11X17 – B&W)	\$35.00
Zoning Atlas – (11X17 – XEROX COPY)	\$10.00
Zoning Atlas – (8.5X11– COLOR)	\$200.00