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Zoning Issues Identification

City of Prescott, Arizona



“...in all the world there is no place like this.”

Leroy Anderson
Prescott, 1923

duncan | associates

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Chapter 1 Introduction

During the past decade, Prescott has experienced increasing pressures from a high rate of growth and development. The existing land development regulations, initially adopted in 1951 and amended in 1980, were not adequately addressing the challenges of such rapid growth and large-scale development. Updated development standards clearly are needed to meet the needs of the community.

In response to these issues, the City adopted the Prescott General Plan in 1997. The Citizens Advisory Committee identified critical growth and development issues and created appropriate goals to address each issue. The goals are intended to provide a sound basis for future decision making processes and the development of future codes and ordinances. While the zoning code analysis and rewrite was listed as a separate goal in the Plan, it is also an important element the implementation of many other Plan goals. In December 2000, Duncan Associates was retained by the City to complete this critical step. The intent of this Issue Identification Paper is to point out deficiencies in the City's existing land development regulations and propose general directions and solutions. To begin the evaluation process we conducted a multi-part analysis, beginning with input from several sectors of the Prescott community and continuing with an on-going technical analysis of the codes and ordinances. To quickly identify the general issues, problems and concerns relating to current codes, the consultant team met with representatives of City staff, elected and appointed officials, business leaders, residents, developers, environmentalists and other community leaders. Participants in those meeting were well informed and very helpful. With their assistance, we identified several common concerns that are discussed in detail later in this document.

Our technical analysis of the City's regulations is based on our independent analysis of the zoning code, as well as related materials. A key element of the technical review is a comparison of the zoning code to the 1997 General Plan goals. This comparison measures the existing codes ability to implement the Plan and illustrates areas of the codes that require the greatest level of revision. Our evaluation emphasizes the identification and development of regulations that are easy to interpret, administer and enforce. We believe that this is the most effective way to implement the City's clearly stated goals. We also emphasize the development of codes that are legally sufficient with regard to state statutes, as well as state and federal case law.

Chapter 1: Introduction

For the sake of clarity and brevity, the themes and solutions presented in this document intentionally focus on sections of the current document that require improvement. As the code revisions progress, sections of the City's regulatory documents which have proven to be effective and beneficial will be incorporated into the new code. Revision of the regulations will be a deliberate and methodical process with several phases, lasting slightly more than a year. There will be ongoing opportunities for public review and comment. Revisions to the City's existing development regulations will be drafted through a six-step process over a period of 18 months. The steps include:

Task 1: Background and Reconnaissance

Task 2: Issue Identification and Policy Direction

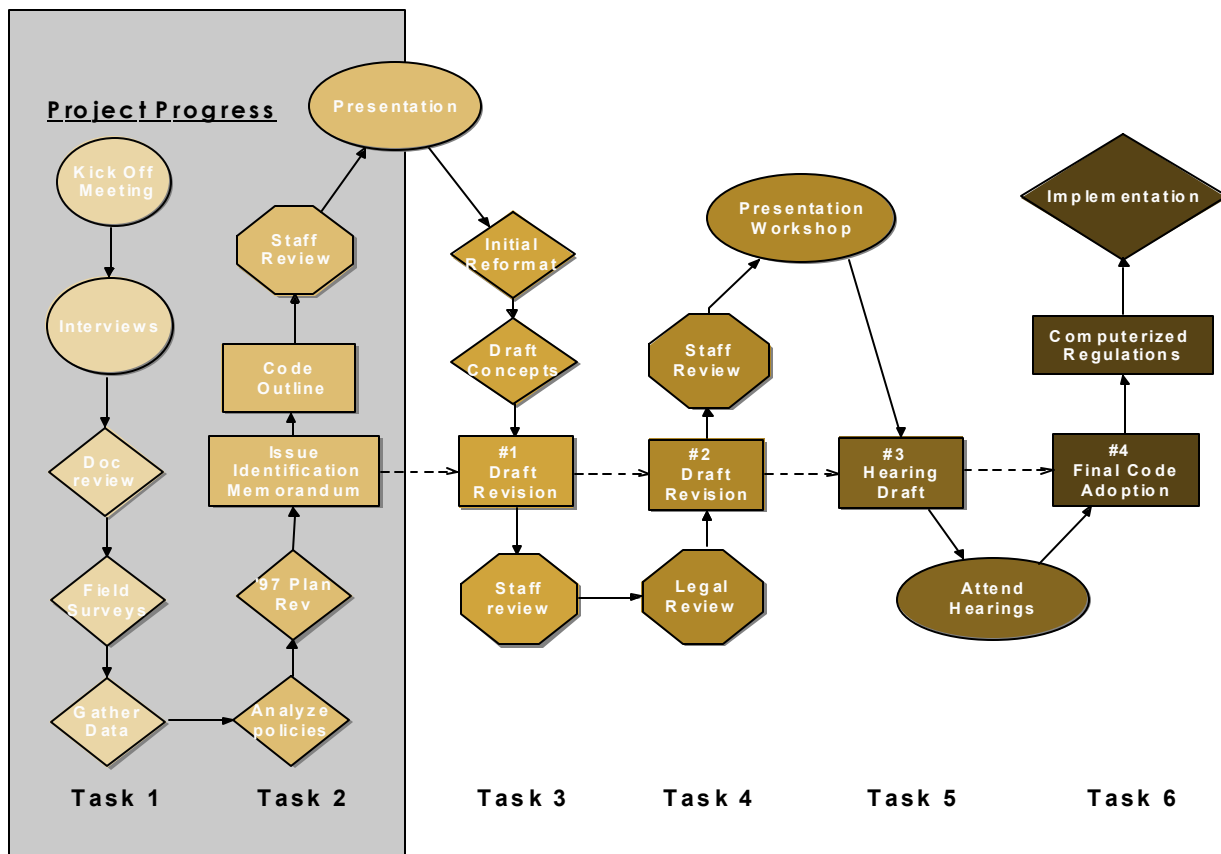
Task 3: Initial Draft Zoning Code

Task 4: Public Review Draft Regulations

Task 5: Hearing Draft Regulations

Task 6: Final Regulations and Computerize Zoning Code

The first task has been completed; this document addresses the second task.



Chapter 2 Project Goals

The City Council of the City of Prescott has established the following goals for the code revision process:

2.1 Zoning Code

- ✓ Preservation and enhancement of natural resources and small town feel of Prescott by requiring development standards that work in practice to mitigate impacts of development.
- ✓ Allow for variation in standards to address differences in topography.
- ✓ Protection of views and mitigation of slope disturbance.
- ✓ Use of incentives wherever possible to create sensitive site design and attractive development.
- ✓ Allow for variation in standards that addresses scale of development and its context.
- ✓ Include new uses and standards adequate to deal with impacts of those uses.
- ✓ User friendliness with clear and concise language.
- ✓ Common problem areas in the zoning code include, but are not limited to:
 - parking standards
 - landscaping and screening requirements
 - new uses not included in the original zoning code
 - definitions (inadequate, antiquated and confusing)
 - number and type of zoning districts, access management
 - adequacy of decision-making criteria for discretionary uses
 - signage
 - enforcement
- ✓ Better organization and internal consistency of zoning district uses and requirements.

2.2 Subdivision Regulations

- ✓ Protection of hillsides and steep slopes as current regulations do not adequately address protection.
- ✓ PAD standards that bring about sensitive subdivision design and more open space.
- ✓ Neo-traditional standards that allow for creation of 'village center' type development.
- ✓ Incentives and design standards that prevent 'urban sprawl'.

Chapter 2: Project Goals

- ✓ Design alternatives that encourage retention of natural vegetation and less cut and fill.
- ✓ Plat requirements that allow for expedited approvals for small projects.
- ✓ Aesthetic considerations that provide for better mitigation of earth disturbance impacts in subdivisions that are mass graded.
- ✓ Incentives for transfer of development rights.
- ✓ Create lot and street standards that result in cohesive, connected neighborhoods that respond to the terrain.

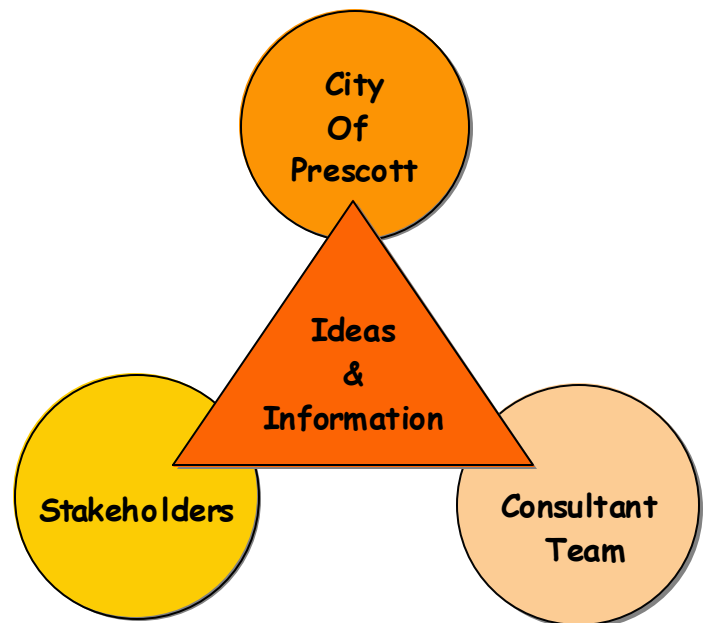
Chapter 3 Reconnaissance

3.1 Background

The process of gathering information is not an isolated event. It is an on-going process that continues throughout the entire code revision project. As new information is presented, as new ideas are discussed and refined, the quantity of information increases and the quality is improved.

An essential element in this process is strong communication between the City, the stakeholders and the consultant team. The City plays an essential role in this process by serving as a facilitator for the process and as a conduit for information.

As we move through the code revision process, we find that other regulatory issues, all progressing on separate tracks, will ultimately affect the code revision project. For example, the creation of the Vegetation Management Plan, the Statewide Mobile Home Study and the 2002 Arizona Local Plan Revisions will all have a direct effect on both the direction and content of the zoning code. It is important to note that City staff is doing an exceptionally good job of providing information on the aforementioned issues and providing up-to-date information to the consultant team.



3.2 Process

The initial reconnaissance phase began in January 2001. The consultant team met with staff and stakeholder groups to discuss several topics, including:

- Known code and regulatory deficiencies,
- Current status of development issues,
- Concerns about growth and development,
- Goals for code Revision,
- Goals for City's future.

City staff has continued the series of stakeholder meetings and forwarded the results of those meetings to the consultant. These results provided additional information and perspective that played an important role in refining the contents of this report. The following section provides a brief, bulleted list of the most frequently mentioned issues and concerns from these meetings. The intent of this list is simply to provide a quick and simple overview of the topics that stakeholders are most concerned about. For the sake of clarity, we have grouped the issues into broad categories.

3.3 Community Design

- Residential/Industrial interface does not work. Industrial uses have negative impact on existing residential uses.
- Maintain character of older neighborhoods.
- Parking on City rights-of-way is problem in older residential areas.
- Do not allow residential conversions to destroy character of older homes.
- Do not allow hillside construction to destroy views. Many, many viewpoints on this issue!
- Highway 69 Corridor requirements should be used in all business areas.
- New residential uses should be on lots of 12,000 square feet or greater.
- New residential uses should be clustered to increase open space.
- Preserve older structures, they create community character.
- Signs should be more closely regulated.
- Encourage sidewalks and pedestrian trails.
- Encourage or require neo-traditional (village) design.
- Mix residential and commercial,
- Allow residential downtown.
- Old and new setbacks should be consistent, address transitional areas.
- Noise is not adequately addressed in the code.
- Develop stronger architectural regulations.
- Adopt Light Reflectance Values (LRVs) citywide.
- Don't be too strict with design regulations.
- Develop code that allows creativity and flexibility.
- Provide incentives for good design, open space and compact development.
- Provide affordable housing.
- Permit more home occupations.
- Allow neighborhood commercial.

3.4 Natural Systems

- Protect natural features such as streams and outcroppings
- Develop better regulations for cut and fill and grading problems.

- Develop regulations that allow streets to follow topography of an area.
- Eliminate the ability to mass grade.
- Allow hillside construction that does not destroy views. Many, many viewpoints on this issue!
- We need more trees and vegetation.
- Preserve native vegetation.
- Increase open space and preserve areas.
- Protect view-sheds.
- Link developments to pedestrian trail system.
- Eliminate vegetation linked fire hazards.

3.5 Procedures and Review Processes

- Develop better code enforcement procedures.
- Make code enforceable.
- Increase fines and penalties.
- Create a more effective review process for development approvals.
- Increase citizen involvement in the review processes!
- Create clear standards so that developers know what is required.
- Develop base standards and allow for some administrative flexibility.
- Expand use of Planned Area developments.
- Consider economic costs of development improvements.
- Revise platting system.
- Review subdivision regulations, they are outdated.
- Create more predictable review process and clearer standards.

Although a review of this list reveals a few different directions and conflicting concerns, this is not unusual. Such diverse positions are a routine part of any community and every code revision process. We believe that every comment adds value to the process. Some comments help create consensus positions, while others provide a valuable starting point for continued discussion and decision making processes.

Chapter 4 General Plan Consistency

The Prescott General Plan was adopted on August 26, 1997. Developed with the oversight of a Citizens Advisory Committee (CAC), the Plan was created to guide growth and development in the City through the provision of specific goals and policy directives for land use and development issues. It provides a detailed statement of the challenges facing the City, as well as a list of the community's goals for its future. To effectively guide the Plan development and sharpen the focus of the Plan, the CAC, provided a list "Guiding Principles," for the document. The Principles express a functional vision of the community that includes balance, sustainability, human scale, connectivity of streets and neighborhoods, harmonious and compatible new development and citizen involvement. Critical issues identified in the Plan are a synthesis of the City's goals and the challenges currently faced by the growing community. The issues include:

- Achieving a balanced community,
- Preserving and protecting the environment,
- Historic preservation,
- Balancing community values,
- Achieving and maintaining cooperation on regional issues,
- Managing current and projected traffic congestion,
- Updating Zoning and regulatory codes, procedures and processes,
- Maintaining adequate services, keeping pace with increasing service demands,
- Ensuring, enhancing the tax base.

The Plan goals are grouped into four primary sections. They are Land Use, Economic Development, Circulation and Community Quality. While goals from each section are relevant to the code revision, the Land use section provides the greatest amount of direction and detail. The goals relating to the code revision are enumerated below:

4.1 Community Land Use Goals

- *Promote balance of land uses within City between types of residential development and between developed and undeveloped areas.*
- *Preserve open space within and near City, including trails, significant natural landmarks and park areas,*
- *Preserve and protect historic resources.*

4.2 Downtown Land Use Goals

- *Recreate strong identity and image for downtown.,*
- *Re-establish a mix of uses in downtown,*
- *Expand cultural and leisure facilities and activities in downtown.*
- *Maximize pedestrian movement in downtown.*
- *Create and maintain enjoyable open space within downtown*

4.3 Neighborhood Land Use Goals

- *Create and maintain balanced community with diversity of neighborhood and residential types.*
- *Maintain integrity and character of existing neighborhoods.*
- *Promote preservation of historic resources within neighborhoods.*
- *Assure adequate access and circulation within neighborhoods and between neighborhoods.*
- *Integrate alternative transportation options in neighborhood plans as appropriate.*
- *Overhaul existing zoning districts to create one or more less intense districts better suited to sites within or near residential areas.*
- *Protect hillsides, ridges and vistas, from building encroachment.*
- *Establish and/or preserve open space within neighborhoods.*

4.4 Industrial and Business Goals

- *Ensure availability of retail business sites within City.*
- *Create business zones more consistent in intensity and impact for better integration into community.*
- *Develop Neighborhood Business District to allow location of such uses near existing neighborhoods.*

4.5 Economic Development Goals

- *Promote strategies that produce strong, diverse and balanced economic base.*
- *Encourage businesses development which augments current business mix and introduces new retail and services while continuing efforts to retain and expand local businesses*
- *Encourage industrial, light manufacturing, research and development, business and financial services that clean industry such as information technology, health care and education which improve the variety of employment opportunities and bring higher paying jobs into community.*
- *Identify geographic locations specifically targeted for commercial development, employment centers and neighborhood oriented businesses.*

- *Promote balanced strategies, which help mitigate negative impacts to adjacent neighborhoods and the environment by commercial development and encourage protection of natural features such as riparian areas, vistas, rock outcroppings, mature vegetation, hillsides and ridgelines.*

4.6 Circulation and Transportation Goals

- *Provide for safe circulation and movement of people, goods and services within Prescott and throughout the region,*
- *Promote comprehensive, integrated multimode transportation planning within Prescott and throughout the region,*
- *Integrate land use planning with transportation planning,*
- *Effectively manage traffic flow and mitigate negative impacts of traffic congestion,*
- *Promote good connectivity between Prescott and the region, between residential areas, service centers, employment centers and between neighborhoods,*
- *Ensure adequate emergency access to all areas of the community.*

4.7 Environmental Goals

- *Protect and preserve open space and natural areas*
- *Balance environmental concerns with community wide interests such as circulation and economic development,*
- *Retain the existing high quality natural environment,*
- *Use environmentally sound standards and regulations,*
- *Protect riparian areas, woodlands, unusual terrain such as ridgelines and rock outcroppings and access to natural areas and open space,*
- *Preserve natural and built resources through careful stewardship and incentives,*
- *Use flexible guidelines and incentives to allow development to respond to site considerations,*
- *Develop incentives to encourage protection of native vegetation and mature trees during development and construction,*

4.8 Cultural Goals

- *Emphasize historical assets in both the natural and the built environment*
- *Support community performance spaces, art galleries, museums and libraries,*
- *Enhance the variety of natural areas for outdoor experiences,*

4.9 General Plan Consistency

The 1997 General Plan is especially important to the development of a new zoning code. As the City and the consultant team move forward with the revisions to code, the principles, goals and issues will provide both guidance and direction for our decision and code development process. At this time, existing zoning and subdivision regulations are not effectively implementing goals of the General Plan. During past years, City staff has respond to individual issues with the creation and adoption of individual zoning code amendments. Some of these amendments, such as the Highway 69 Corridor Plan, have provided significant improvements to the existing regulations. The code, however, is based primarily on development strategies that were prevalent prior to the 1980's. These strategies emphasized land use patterns and development practices that, in many instances, are in direct opposition to the goals for development contained in the General Plan. Specific areas of the code that require major revision include: natural area protection, historic preservation, development standards, review processes and land use compatibility. These areas are broken into more detail in the Technical Review Section of this report.

Chapter 5 General Improvements

In working with communities across the nation, we find that each community has its own unique approach to guiding growth and development. This approach is typically a synthesis of several factors including; the current growth and development issues faced by the community, the community's track record of successes or failures in the regulatory arena and the community's tolerance of, or desire for, regulatory oversight. Some communities prefer a strict regulatory stance, while others find that a more moderate approach best meets their needs. We also know that every community, no matter what their goals or regulatory perspective, needs effective development regulations to implement those goals. Based on our experience, we find that the most effective zoning codes have several characteristics. A good code:

- Is proactive rather than reactive,
- Is developed with significant citizen input,
- Is based on a sound comprehensive or general plan,
- Is well organized,
- Is written in clear, user friendly language,
- Uses illustrations, tables and thorough cross references,
- Provides efficient, logical review processes,
- Specifies clear lines of authority and responsibility, both administrative and legislative,
- Provides substantive standards that are clear, quantifiable and enforceable.

The City of Prescott has already taken some of the necessary steps to develop a code that fulfills the above requirements. Adoption of the 1997 General Plan and initiation of the code revision process is a clear indication of the City's intention to meet growth management challenges in a proactive manner. The City has strongly emphasized the importance of active public participation throughout both General Plan development and this code revision project. City Council and staff have worked hard to establish effective communication pathways and obtain input from all sectors of the community. That participation is an integral element of this process.

5.1 Code Structure

The structure of Prescott's current zoning code is based on what is commonly called "pyramid" zoning. This means that all of the uses allowed in a lower intensity district are also allowed in the next higher intensity district. The mix of uses is cumulative throughout the code; commercial districts allow all uses

Chapter 5: General Improvements

permitted in residence and business districts. This type of code is based on the presumption that lower intensity uses will generally be harmless in districts allowing higher intensity uses. The inherent fallacy is that lower intensity uses can exist successfully among more intense uses without being negatively impacted. This has several negative consequences. It makes it very difficult to create or preserve a specific character for a district. It allows uses that are basically incompatible to be developed side by side without, in most cases, sufficient mitigation of the actual impacts of the more intense uses. It also makes the document very difficult to use. The new code should eliminate this cumulative structure and incorporate standards that reflect both actual and desired land uses patterns, make clear distinctions between districts and place the regulatory emphasis on the functional characteristics of the uses.

5.2 Code Interpretation

As is common with older codes, the City has made a variety of code interpretations over the years. Often, these interpretations remain undocumented and, therefore, vulnerable to legal challenge. This also exposes the City to concerns relating to inconsistent code interpretations and even favoritism. We recommend that future interpretations of the code follow a procedure set forth in the code itself. All interpretations and the basis for such interpretations should be documented in writing. A copy of each interpretation should be attached to copies of the zoning code as they are distributed to the general public. A copy should also be available in the Planning Department and City Attorney's office. Periodically, every year or so, the interpretations should be incorporated into the code as text amendments.

5.3 Mixed Use Districts

As modern cities have grown and the planning models of earlier decades have been tried and tested, it has become apparent that strict separation of uses is not necessarily the best zoning model for all areas. One option that many modern codes utilize is the creation of multi-use districts. There are several types of these districts, ranging from the "Traditional Neighborhood District" to a simpler "Neighborhood Business District". These mixed-use districts allow a healthy mix of complimentary uses and address potential incompatibilities through a solid set of development or performance standards. We recommend that the City consider the inclusion of some of these mixed uses districts in the new code. We also recommend that these districts be carefully constructed so that they do not threaten the vitality of the City's downtown area.

5.4 Variances

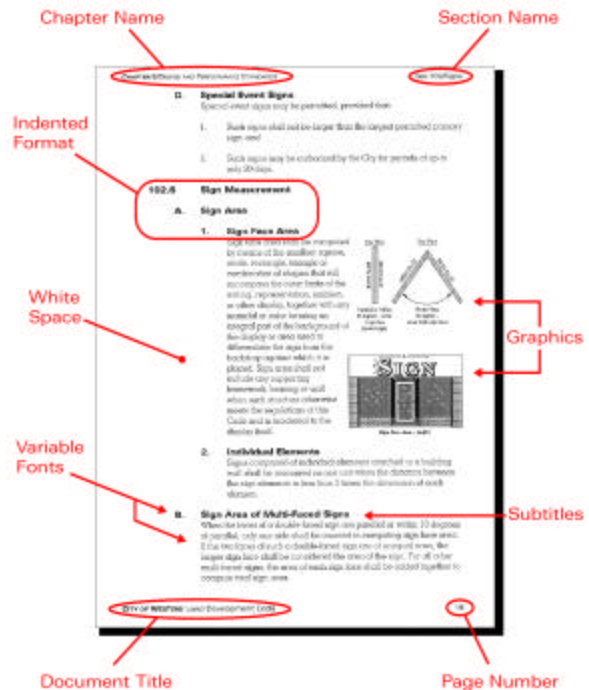
The new code should seek to reduce the number of applications for variances. This can be accomplished through increased flexibility in development standards, providing for alternative compliance mechanisms and expressly setting some standards that would not be eligible for a variance (often landscaping and signs are treated in this way). The Board of Adjustment should focus on true “hardship” cases that are unique to specific sites. Review criteria for the Board of Adjustment should ensure it makes the findings required by the Arizona courts in developing its decisions.

Chapter 6 Code Organization

Most people use development regulations on an infrequent or occasional basis, while a few individuals use the code regularly. A well-organized code takes both types of users into consideration by providing a clearly labeled, logical structure. We recommend that the Prescott code consolidate all related information into separate, clearly labeled chapters thus making information and processes easy to locate and compare. For example, all base zoning districts should be located in a single chapter. The information in each chapter will be placed in related groups and chapter contents will progress from the general to the more specific. For example, commonly used provisions such as the base zoning districts, will be located near the front of the document, while the less frequently used information, such as nonconformities, will be located closer to the end of the document.

One of the most frequent comments heard during meetings with stakeholders and City staff related to the poor organization and lack of clarity in the current zoning code. To make the document user-friendly, City staff added several elements, such as an index and graphics. In order to achieve the desired level of clarity and organization we recommend several additional changes to the basic structure of the document.

The new code should make use of graphic elements to enhance the visual organization of the information and facilitate document navigation. For example, the use of larger, graphically distinct, fonts for titles and subtitles, the use of indented text, careful application of headers and footers that include chapter and section numbers will allow the user to navigate through the new code with greater ease.



Chapter 6: Code Organization

Whenever possible, the new code will use tables or matrices to present information. Use of a tabular format allows the presentation of large amounts of information in a clear, compact style. Tables are particularly valuable for zoning district comparisons and the presentation of development regulations.

Sample chart	RA-35	RA-18	RA-12	RA-9
Lot Size				
Area (sq ft)	35,000	18,000	12,000	9,000
Width (feet)	50	50	50	50
Height (ft)	35	35	35	35
Setbacks (feet)				
Front	30	25	25	25
Side	10	7	7	5
Lot Coverage (%)	30	35	35	40
Density (du/ac)	1.1	2.2	3.3	4.4

6.1 Users' Guide

Staff typically spends a significant amount of time with new code users explaining basic procedures and answering simple questions. We suggest that a few of the most frequently asked questions and appropriate answers be compiled and placed in a users guide and located immediately inside the front cover of the new code. This brief section will answer such questions as:

- Which rules apply to my property?
- How do I file an application?
- What is the process for a variance?
- How can I change my zoning?

A well-designed users guide will save both time and frustration for new code users by providing detailed answers and instructions to their questions in an easy to use format.

6.2 Table of Contents and Index

A clear table of contents and a detailed index are obvious, yet frequently overlooked elements in many codes. The new table of contents will clearly label each chapter and all chapter subheadings. A detailed index can be extremely useful both to the general public and to staff who use the code on a regular basis. The index must be thoroughly reviewed in order to ensure that the user is directed to the most important instances of use of a particular word or phrase.

6.3 Definitions

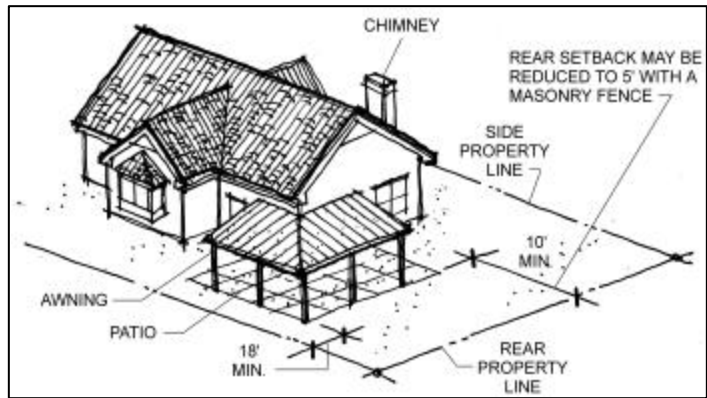
We recommend that this section be located at the end of the new code. It will be expanded and updated to include new uses and definitions, eliminate outdated definitions and ensure that the definitions are clear and comprehensive. Typically, the final list of definitions is developed near the end of the code revision process after the general code language is drafted. Limited illustrations may be used in this chapter, however, most detailed illustrations will

be moved to the topical areas of the code. For example, it is useful to have illustrations of various types of signs, however, they are best located in the sign section, not the back of the document.

6.4 Illustrations

The new code will place a strong emphasis on the use of graphics and illustrations to clarify and illustrate the text. The old adage “A picture is worth a thousand words.” is especially true in regulatory documents.

For example, in residential districts, a single graphic illustrates more than specific dimensional regulations such as setbacks and height limits. A graphic also allows the code user to visualize physical and spatial relationships fostered by the code, thereby creating a clearer understanding of the City’s design and development goals.



Sample Dimensional Graphic

6.5 Code Structure

The following table provides an outline of the proposed structure for the new code. While not radically different from the existing structure, this format groups the information in a logical and organized sequence and addresses the structural issues discussed above. The detailed content of the chapters and sections will be expanded during the code drafting process.

A. Existing Code Structure

2.00	General Purpose And Adoption Of Districting Plan
3.00	Definitions
4.00	Establishment Of Districts
4.01	District Designations
4.02	District Boundaries
4.03	District Boundary Lines
4.04	Questions On Boundary Lines
4.05	Interpretation Of Zoning Map
4.06	Public Streets And Alleys
4.07	Annexed Territory
4.08	Lot Divided By District Boundary Lines
4.09	District Changes
4.10	District General Provisions
4.11	District Not Clearly Classified
4.12	Immediate Effectiveness

Chapter 6: Code Organization

4.20	Residence A-35, A-18, A-12, A-9, A-6
4.21	Residence A-35MH, A-18MH, A-12MH, A-9MH, A-6MH
4.30	Residence B
4.31	Residence B-M
4.32	Residence B-MH
4.40	Residence C
4.41	Neighborhood Service
4.42	Residential Office
4.43	Neighborhood-Oriented Business
4.51	Business A
4.52	Business B
4.60	Commercial A
4.61	Industrial Buffer
4.62	Industrial A
4.63	Industrial B
4.70	Special
4.71	Public Land
4.72	Flood Plain Conservation
4.73	Prescott Preservation
4.74	Agricultural "A"
4.75	Airport Noise Overlay
4.77	Whipple/Montezuma Connector Overlay
4.78	Recreation Community
4.79	Willow Creek Road Corridor Overlay
4.80	NOS- Natural Open Space
4.81	RS- Recreational Space
4.82	Highway 69 Corridor Overlay
5.00	Nonconforming Buildings And Uses
5.01	Existing Nonconforming Use
5.02	Unoccupied Nonconforming Property
5.03	Damaged Nonconforming Property
5.04	Nonconformance/ Yard Violation
5.05	Use Supplementary to Nonconforming Uses
5.06	Nonconformities Due To Parking Requirements
5.07	Nonconforming Lots
5.08	Nonconforming Lots with Minimum Lot Frontage
6.00	Yards
6.01	Duplicate Use
6.02	Reduction Of Lot Size
6.03	Minimum Yard Depth
6.04	Yard Encroachments
6.05	Fences, Etc., In Yards
6.06	Front Yards On Corner Lot
6.07	Front Yard Of A Key Lot
6.08	Bungalow Courts
6.09	Auto And Tourist Courts
6.10	Manufactured and Mobile Home Parks
6.11	Recreational Vehicle Parks
6.12	Sign Regulations
7.00	General Provisions

7.01	Unsafe Property
7.03	Residence - Rear Building
7.04	Accessory Buildings
7.05	Accessory Buildings, principal building
7.06	Private Garages w/o Main Building
7.07	Corner Lot Visibility
7.08	Merchandise, Outdoor Display
7.09	Maids' Or Servants' Quarters
7.10	Off Street Parking And Loading
7.11	Courts
7.13	Agricultural Uses
7.14	Planned Area Development
7.15	Agricultural Regulations
7.16	Swimming Pools
7.17	Major Street Setbacks
7.18	Manufacture Hazardous Materials
7.19	Landscape Provisions
7.20	Hillside Development And Grading
7.21	Alternative Business And Industrial Development
7.22	Wireless Communication Facilities
8.00	Exceptions
8.01	General Height Exemptions
8.02	Accessory Uses Permitted
8.03	Additional Stories, Downhill Side
8.04	Topography, Exceptions For Unusual
9.00	Building Permits, Certificates Of Use And Occupancy
9.01	Occupancy And Use
9.02	Use In Different Classification
9.03	Use After Abandonment
9.04	Certificates For Nonconforming Uses
9.05	Provisions Of Certificate Of Use
9.06	Certificates Of Use And Occupancy
9.07	Building Permits Required
9.08	Building Permit Not All-Permissive
9.09	Building Permits Prior To Enactment
9.10	Business Licenses
9.11	Grading Permits Required
10.00	Variances, Conditional Exceptions
10.01	Board Of Adjustment
10.02	Variances
10.03	Conditional Use Permits
10.04	Appeals To Administrative Decisions
10.05	Temporary Use Permits
10.06	Special Use Permits
11.00	Plans
11.01	Application For Building Permits
11.02	Surveys
11.03	Site Plans
12.00	Amendments
12.01	General

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Chapter 7 Development Review

The existing code does not contain adequate provisions for the review of zoning and development applications. It often fails to address issues, or else provides language that is so vague it places an additional burden on both City staff and code users, forcing them to create ad-hoc solutions and processes. This has created a high level of frustration and uncertainty for both staff and the public. This can be effectively resolved through the provision of specific, well-defined, processes for each zoning action accompanied by clear review and approval criteria for use by staff and the review bodies. This information will be contained in a separate "Review Procedures" chapter.

7.1 Citizen Involvement

The 1997 Prescott General Plan emphasizes the involvement of citizens in the City's development review processes. To ensure that citizens are appropriately informed and involved in the review processes, public notice provisions in the code require expansion and clarification. Specific methods for notification, as well as criteria for minimum notification distances, are essential elements of an effective citizen participation process. This information will be included in the "Procedures" chapter and tied to each specific review process.

Suggested Notification Procedures	Published	Posted	Mailed	Neighborhood Meeting
Amendment, Map (Rezoning)	✓	✓	✓	✓
Amendment, Text	✓	✓		
Conditional Use Review	✓	✓	✓	✓
Special Use Permit	✓	✓	✓	✓
PAD Review	✓	✓	✓	✓
Site Plan Review	✓	✓	✓	
Subdivision Review	✓		✓	
Variance	✓	✓	✓	

7.2 Application Requirements

The existing code does not clearly differentiate between different levels of regulatory actions or applications. Different types of applications have a slightly different legal emphasis and require different review processes depending upon the potential magnitude of the requested action. The new code will create clear distinctions between different application types. It will also specify the appropriate process and review bodies for each application.

In order to complete an effective review, it is essential that staff be provided with adequate information at the beginning of the review process. The current code fails to adequately provide specific and thorough application requirements. This hinders the evaluation process and makes the process more difficult and time consuming. We do not, however, recommend that the complete list of application submittal requirements be codified. Instead, the new code should contain a minimum set of submittal requirements for each type of application and a provision that staff or the review boards should be allowed to request additional information as needed. The code will also address the mechanism by which requirements are disseminated and provide authority for staff to require additional information as needed. The purpose of these requirements will be to ensure that staff and review bodies have enough information to thoroughly review the application.

Application requirements should be scaled to the magnitude of the petition. For example, an application for a shed in a residential area will not require the same amount of information that is required for a building on a steep slope, or commercial rezoning. For major applications, in addition to the basic requirements listed in the code we recommend that the City consider requiring:

- topographic and geological features maps;
- grading plans;
- native vegetation surveys;
- site plans, illustrating vehicular and pedestrian circulation patterns, utility lines, and landscaping;
- architectural drawings illustrating characteristics of proposed buildings;
- soils report and certified survey with recommendations from a registered engineer or surveyor.

In areas where existing evidence indicates that significant artifacts or historic sites are likely to be encountered the City may also wish to require an archeological survey with the original application.

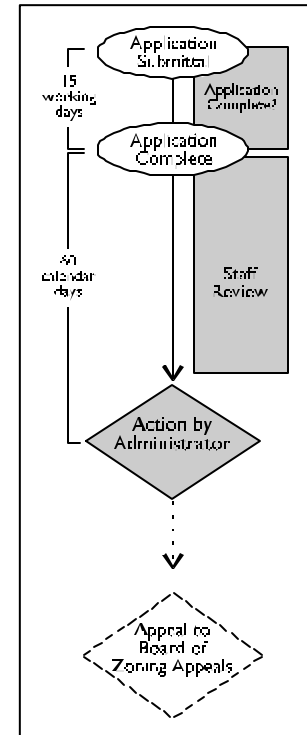
7.3 Process Focus and Intensity

One significant weakness of the current code is its failure to provide clear distinctions between review processes. For example, several uses are subject to special use permits, while others are subject to conditional use review. The conditional use review receives final approval from the Board of Adjustment, while the Special Use Permit is subject to final approval by the City Council. Yet there is no clear distinction between the two. In fact, their approval criteria are virtually identical. Different standards for review should be established and clearly specified in the new code. The intensity of the review, reflected by the

amount of information submitted and by the level of the final review body, should be a direct reflection of the intensity of the project and its potential impacts.

The development review process is a defining element in the community's growth process. If the review process fails, code requirements are unmet and community goals and visions remain unimplemented. It is essential that the development review process be both effective and efficient. Effective development review is best achieved when the framework and responsibility for permitting are clearly defined, the procedures and review criteria yield a reasonable degree of certainty and the review process for each permit type is streamlined to the greatest degree possible.

During stakeholder meetings and staff discussions, the lack of predictability and certainty in the City's review processes was frequently mentioned. As discussed previously, we found that the current code fails to provide clearly defined review processes for certain application types. Nor does it contain adequate review standards and approval criteria for use by staff and the review bodies. This will be remedied through the creation of a separate chapter in the new code.



Sample Flow Chart

The "Procedures" chapter will contain all information related to the review and approval processes. The chapter will provide specific review processes for different application types, outline the specific steps included in the process and identify the applicable review standards and criteria for approval or denial. Each process will be illustrated by a flowchart to ensure clarity. This will provide a higher level of certainty and predictability for both staff and applicants during the review processes.

7.4 Roles and Responsibilities

The new code should provide clearly delineated roles for the different decision-making bodies. The new "Procedures" chapter will provide criteria for procedural and review for each body. It will address issues such as review and approval, appeals, violations and permits. It will also address appropriate roles for staff in the various processes. The following chart clarifies existing City review responsibilities. For example, at the present time, the Board of Adjustment is responsible for final approval of all conditional use permits. However, in many local governments, that review is assigned to the Planning Commission with final approval by the City Council while the Board of Adjustment focuses on the

Chapter 7: Development Review

review of variances and determination of hardship. During the code drafting process, we will work with City Council and staff to ensure that each review body is responsible for appropriate tasks based on their legal charge and specific expertise.

A. Administrative Review

Modern zoning codes often allow a modest level of autonomy at the administrative or staff level. Often the process allows for a specified group of numerical standards to be varied, within a set percentage, without requiring a formal variance through the Board of Adjustment. This would commonly include parking standards, yard setbacks, signs and other minor site elements.

We recommend that the City consider using this type of “administrative adjustment.” If additional assurance is required to guarantee that an administrative review process is acceptable to the community, the Council may require affidavits of agreement from neighbors whose property is adjacent to the subject parcel. The best way to provide a high level of comfort for administrative approvals is to ensure that the goals and standards of the community, as reflected by the new code, will be implemented through the application of a well-defined, consistent review process.

Application Type	Planning & Zoning Staff	Community Development Director	Board Of Adjustment	Planning & Zoning Comm.	City Council	Legal System
Text Amendment	R				FA	A
Map Amendment (Rezoning)	R			R	FA	A
Planned Development	R				FA	A
Special Use Permit	R			FA		
Conditional Use Permit	R		FA			A
Site Plan	R			FA		
Occupancy Certificate		FA	A			
Sign Permit		FA	A			
Temporary Use Permit		FA	A			
Written interpretation		FA	A			
Variance			FA			A
Administrative Appeal			FA			
A = Appeal; R = Recommendation; FA = Final Approval						

B. Development Review Committee

A common concern identified in our group interviews relates to the processing of applications for development approval. The code, as discussed earlier, fails to provide adequate direction for the processing of applications. We recommend that the City consider expanding the current Development Review

Committee (DRC) process to include a Certificate of Code Compliance for major review processes. This review should be a cooperative effort that actively involves the applicant and facilitates early resolution of code compliance issues. Because it occurs during the Planning and Zoning staff review process it does not extend the overall length of the process and we believe it is an efficient, yet timely, way to review applications. The addition of a certificate of code compliance to the DRC process will ensure that applications are not promoted for review by the Planning Commission, Board of Adjustment or City Council until all applicable code requirements have been satisfied and shown on the appropriate documents or plans.

7.5 Code Enforcement

During our interviews with City staff and stakeholder groups, many individuals expressed concern about the enforcement of City codes. Further investigation revealed that most code enforcement problems are caused by unclear or missing code provisions, a lack of quantifiable standards and inadequate penalties for violations. Most of these deficiencies are simply the result of an outdated code. These issues will be addressed in detail during the development of the new code. For example, upgraded standards for the control and measurement of glare make it easier for a code enforcement officer to determine whether a violation exists and also provides the ability to measure the magnitude of that violation. Arizona law allows a City to make code violations a Class 1 misdemeanor with a \$2,500 fine and/or six months in jail. Most cities decriminalize zoning and make it a fine and usually suspend if it is cured within 30 to 60 days.

Chapter 8 Zoning Districts

This chapter includes specific recommendations for improving the overall structure and content of existing zoning regulations and progresses through subdivision regulations.

8.1 Consolidation of Districts

Zoning districts should provide a clearly differentiated hierarchy of uses and intensities. They should reflect each district’s functional characteristics. Differences between districts should be well defined so that the character and intensities of one district do not mirror those of another. Clear differentiation between districts, however, does not necessarily mean strict separation of uses.

Current zoning districts in Prescott’s code contains significant areas of overlap and are difficult to differentiate. For example: the City currently has 14 residential districts and they contain only minor substantive variations. For example; the sole difference between R A -35 and RA -35MH districts is that manufactured homes are permitted in the latter. We recommend that the number of residential districts be reduced and that business districts be expanded. Consideration should also be given to changing the names or nomenclature of the districts. District titles should more clearly reflect district intent and purpose. Titles such as “Residential Multi-Family” are much better than titles such as “Residence A.” While this approach would require the renaming of most existing districts, we believe that it would better serve the City over the long term.

While the overall organization of

	Current Code Residential Zoning Districts
4.21	Residence A-35
	Residence A-18
	Residence A-12
	Residence A-9
	Residence A-6
	Residence A-35 MH
	Residence A-18 MH
	Residence A-12 MH
	Residence A-9 MH
	Residence A-6 MH
4.30	Residence B
4.31	Residence B-M
4.32	Residence B-MH
4.40	Residence C
Neighborhood Business Districts	
4.41	Neighborhood Service
4.42	Residential Office
4.43	Neighborhood-Oriented Business
Business/Commercial Districts	
4.51	Business A
4.52	Business B
4.60	Commercial A

	Industrial Districts
4.61	Industrial Buffer
4.62	Industrial A
4.63	Industrial B
Special Districts	
4.71	Public Land
4.72	Flood Plain Conservation
4.73	Prescott Preservation
4.74	Agricultural "A"
4.75	Airport Noise Overlay
4.77	Whipple/Montezuma Connector Overlay
4.78	Recreation Community
4.79	Willow Creek Road Corridor Overlay
4.80	Natural Open Space
4.81	Recreational Space

Chapter 8: Zoning Districts

information in some zoning districts is good, other districts, particularly those adopted prior to 1997, are missing significant information. Some districts lack purpose statements while others lack site development standards. In many districts the information is arranged in a different order. Without this basic set of information for each district, it is difficult to accurately compare the intent or character of the districts. A significant increase in efficiency can be achieved by using the same organizational structure for each district. Permitted uses should also be refined and dimensional information, such as setbacks, should be placed in tables. We recommend that a standard format be created for all zoning districts.

8.2 Residential Districts

A. Residence A District

There are ten Residence A districts. The numeric suffix attached to each district is an indicator of minimum lot size (suffix X 1,000). These districts are divided into two categories, A and A-MH. The districts contain the same set of regulations, with the only difference being that districts with a MH suffix allow manufactured homes. This is a district structure that the City may wish to reconsider. State and Federal law clearly indicate that manufactured housing, with either a HUD or UBC code sticker, must be treated the same as a stick-built house.

We recommend that the five MH districts be merged with the five base Residence A districts. In addition, standards governing design and placement of residential units should be added to address concerns often associated with manufactured housing (e.g., structure width, roof pitch, siding materials, etc.). The City may also wish to create a mobile home park district as another alternative for placement of manufactured units. During the drafting stage, we will work with the City to integrate any new standards provided by the Statewide Manufactured Housing Study, which is currently under review by the City Council. The RA -35 MH, RA-18 MH and the RA-6 MH remain unused after several years in the code. This provides additional support for deletion of the MH districts. A statement of purpose should also be added to clarify the intent and character of Residence A districts.

Permitted Uses

Permitted and conditional uses in Residence A districts needs to be revised to ensure that they accurately reflect a proper range of uses for the

Existing Residence A Zoning Districts	
4.21	Residence A-35 Residence A-18 Residence A-12 Residence A-9 Residence A-6 Residence A-35 MH Residence A-18 MH Residence A-12 MH Residence A-9 MH Residence A-6 MH

district. While most of the listed uses are typically found in most residential districts, other uses such as public utility buildings, churches, municipal uses and agricultural uses, need a more exact definition, additional standards, or removal from the list. For example, the current definition of municipal use includes sewage treatment plant and landfills, which, according to the permitted use list, could be allowed in Residence A districts.

Items such as fences and recreational vehicles, which are technically not classified as uses, should be removed from permitted use lists and placed in the General Development Standards chapter of the code. At the present time the code also does not allow development of town home or attached single-family development, except as a Planned Area Development, in RA-9 districts or in multifamily districts. In order to create more opportunities for small lot housing we encourage the City to consider allowing both of these options as permitted uses in RA-9 and RA-6 districts.

Dimensional Standards

Minimum lot sizes, ranging from 35,000 to 6,000 square feet offer a typical range of options for single-family development. During citizen interviews, it was suggested that the RA-6 district be eliminated because it is rarely used. Most of the platted lots in historic areas of the City are at least 7,500 square feet and there is currently pressure for new developments to create larger lots.

The 1997 General Plan, however, contains specific goals regarding the provision of a range of residential use types and preservation of open space. On a national level, the sustainable growth movement has promoted the development of small lot housing. Many communities find that small lot development, such as town homes and cluster housing, provides several benefits including; affordable housing, open space preservation, and lower infrastructure costs. The RA-6 district should be retained because it can provide more opportunities for small lot development.

Density: The current code provides a minimum lot size for each residential district. The minimum lot size is used to derive a gross density figure for each residential district, as shown on page 27 of the code. This is, however, an inexact figure because it fails to provide an accurate measure of the actual buildable density. Typically, 15 percent of the total lot area is used for required roads, parking and drainage. Additional environmental set-asides or other open space requirements, increase the percentage of land that is unavailable for development, etc. So an accurate density calculation will take this into consideration by subtracting from the total lot area approximately 15 percent for roads and parking, plus an additional percentage for required open space. This

Chapter 8: Zoning Districts

provides a net buildable area. For single-family districts, minimum lot size is then divided into net buildable area to derive the maximum net density. The following table illustrates the difference between gross density (total lot area) and net density (total area – 20 percent) calculations. Please note that the 20 percent is an example. Actual percentages vary based on district and code requirements. Because net densities provide a more accurate measure of a districts character, the new code should provide net density figures for all residential districts.

	RA 35	RA 18	RA 12	RA 9	RA 6	RB	RB M	RB MH	RC
Gross Density	1.1	2.2	3.3	4.4	6.6	22.0	34.0	34.0	34.0
Net Density	.99	1.9	2.9	3.8	5.8	17.6	26.7	26.7	26.7

Lot Width: The 50 foot minimum lot width in the RA-35 and RA-18 districts is too narrow. In the RA-35 district, the minimum width of 50 feet could theoretically result in a lot that is 50' x 700'. In the RA-18 district, a 50' x 360' lot could be legally created. Lot widths should be increased proportionately as lot size increases. Most large lot residential districts use minimum widths that range from half to one third of potential lot depth.

Building Height: Proposed revisions to the City's building height regulations were developed in March and submitted to the City for review. Following adoption of these regulations, they will be incorporated into the new code.

Setbacks: With the exception of the RA-35 and RA-18 districts, setbacks contained in the remaining Residence A districts resemble similar regulations found throughout the nation. While the 30-foot setback for RA-35 and RA-18 lots might traditionally be considered too shallow for large lots, it should be retained because it allows more flexibility for building on steep slope areas.

Additional Residence A District Improvements

- Parking requirements for residences, especially in historic areas, need to be revised to eliminate the creation of temporary parking areas, and also to eliminate the creation of angled parking on City streets.

- The definition of home occupation needs to be updated and an expanded set of regulations should be included in the Development Standards section of the new code.

B. Residence B and C Districts

Residence B and C Districts are multi-family districts. Residence B, the lowest density multi-family district, allows buildings containing a maximum of four units, in addition to permitted and conditional uses listed in the Residence A districts. The Residence B-M district mirrors the B district with the exception of a smaller minimum lot size and a relaxation of the four unit per structure rule. The B-MH district is identical to B-M, although it does allow one manufactured home per lot. Residence C district is the most liberal residential district in terms of permitted uses. However, district development standards are essentially the same as those found in B districts. A statement of purpose should also be added to clarify the intent and character of each of these districts.

Existing Residence B & C Zoning Districts	
4.30	Residence B
4.31	Residence B-M
4.32	Residence B-MH
4.40	Residence C

Permitted Uses

The distribution of both permitted and conditional uses throughout the B and the B-M districts is confusing. In the higher intensity B-M district the use list is more restrictive than that of the B district, a lower intensity district. The B-MH district simply avoids the issue by referring the reader back to the lists in the B-M district. The use lists for each of the B districts should be examined and uses redistributed to align more closely with the character of the district. In the Residence C district the conditional use list contains provisions for landscaping and screening that would be more appropriately placed in the Development Standards section of the code.

Dimensional Standards

As illustrated in the following table, the RB-M, RB-MH and R-C district all have basically the same development standards with minor differences in building height and front setbacks. These differences are not enough to justify separation into three districts. While there may be differences in the way these districts are implemented by the City, these differences are not discernable in the code, and, therefore, do not technically exist. The overall range of densities and development standards should be fine tuned to ensure that a variety of development opportunities are available, and these standards should be codified.

Zoning District	Min. Lot Area (sq. ft.)		Max. Net Density	Max. Lot Coverage	Max. Building Height	Front Setback
	First Four Units	Each Additional Unit				
RB	7,500	2,000	17.6	50%	35	
RB-M	7,500	1,200	26.7	50%	35	
RB-MH	7,500	1,200	26.7	50%	35	
R-C	7,500	1,200	26.7	50%	40	

Density: There is a significant density gap between single-family and multi-family districts. The density jumps from about 5.8 units per acre in the RA-6 district to 17.6 units per acre in the RB district. This leaves a density gap of 11.8 units per acre between the two districts, meaning that there is no low to medium density multi family zoning district. A new low density multi-family district should be added to address this need, or the RB district density should be lowered.

Existing District	RA 35	RA 18	RA 12	RA 9	RA 6	RB	RB M	RB MH	RC
Net Density	.99	1.9	2.9	3.8	5.8	17.6	26.7	26.7	26.7

Lot Widths: There are no clearly specified minimum lot widths in any of the RB or C Districts. These standards should be added to each district.

Yard Setbacks: Determination of setbacks is complicated by lack of a minimum lot width. For example, the yards section in each district contains the following:

“A lot shall be considered to have a minimum width of 30 feet regardless of its actual dimensions, even when it has a width of less than 30 feet.”

It would be better to require a minimum side setback of three feet, or if the district had a minimum lot width, then ten percent of total lot width.

Building Height: The 35 foot building height limit is a conservative, but reasonable limit for the RB, RB-M and RB-MH districts. It is worth noting that these are the same height limits applied to single-family structures. The 40-foot limit is somewhat restrictive for the RC district. A maximum of 45 feet is more appropriate and will allow some differentiation in district character.

8.3 Nonresidential Districts

Nonresidential districts should be revised to more accurately reflect different land uses and land use patterns within the City and to facilitate the creation of well-designed nonresidential areas. Like residential districts, some of the business and industrial districts provide an opportunity for combining and refocusing their content. There are currently three separate neighborhood business districts: Neighborhood Service (NS), Residential Office (RO) and Neighborhood-Oriented (NO). These districts are intended to serve as buffers between residential and higher intensity commercial uses. Each of the districts has a different purpose, based primarily on location and functional characteristics. In mid sized cities, typically, one or two districts will accommodate the transition from commercial to residential. Given, however, the unique purpose of the NS district, and the variation in intensity between all three districts, it is appropriate to leave each district in place. There are several areas which require revision in order to allow each district to attain it's full potential.

The two business districts, Business A (BA) and Business B (BB), are intended to regulate local and regional commercial uses. While both districts were adopted in 1997 and contain a more sophisticated set of development standards than earlier districts, there are still some revisions that would benefit these districts. Most issues relate to development standards that are too vague, redundant or missing. For example, listing for yards and accessory buildings in the BB district simply refers the reader back to the BA district. The requirements for front and side yards in the BA district are "none." A standard format for each district, as discussed earlier, will remedy these inconsistencies. District titles do not clearly reflect the character of the districts. The City may wish to consider that accurately reflect their purpose such as "General Business" or "Regional Business".

We have several concerns about the structure and focus of industrial districts. The uses and intensities of industrial districts should be examined relative to each other and also to districts such as the Commercial A (CA) district. There are several significant discrepancies in the structure of the districts. Based on its statement of purpose and its characterization as an industrial district, the Industrial Buffer (IB) district should be more intense than the CA district. It is actually more intense based on the list of permitted uses and also the development standards. The Industrial A (IA) district, which should be more intense than the IB district, allows residential uses as permitted uses. The IB district does not. These types of inconsistencies cause a tremendous amount of difficulty for staff and code users as they blur the distinction between various districts and obscure the character and intent of individual districts.

A. Neighborhood Service District

The NS district receives high marks for utility and thoughtful design. Careful application of these standards will allow the City to retain its unique historic housing while providing desirable and positive locations for small neighborhood focused businesses. With the addition of a few minor refinements, this district should be retained in its present form. The statement of purpose provides a clear description of the district's character and intent.

Permitted Uses

District uses include all uses listed in the RO, NO and BA districts. While this is a very broad range of uses, intensity is effectively regulated by building size limits for the district. Additional clarity would be provided by screening uses for district compatibility and listing them as permitted uses in the NS district, rather than cross-referencing to other districts.

Dimensional Standards

While generally appropriate for the district's intended purpose, there are revisions that will improve the district.

Lot Size: Both of these dimensions are based on the patterns of existing platted lots in the historic sections of town, and therefore, should remain as listed.

Floor Area: Because the district emphasizes reuse of older buildings, the current 800 square foot floor area limit seems restrictive. This dimension should be increased to more accurately reflect the size of older buildings.

Building Height: A similar concern exists with regard to maximum building height. It is not unusual for older structures to exceed 35 feet in height. A survey of structures in older neighborhoods should be conducted to determine if this height limit should be increased.

Additional Neighborhood Service District Improvements:

- Landscaping and buffering regulations should be enhanced to improve the commercial/residential interface. Additionally, these regulations should be moved to the General Development Standards chapter.
- Pedestrian amenities, such as bike racks and benches, should receive strong consideration in the review process.
- Parking standards should be moved to the General Development Standards chapter.

B. Residential Office District

The RO district is a transitional district designed to allow low intensity office uses to buffer residential uses from more intense commercial uses.

Permitted Uses

Uses permitted in this district are generally consistent with the district's intended purpose. However, they tend to be somewhat limited and may not merit creation of a separate district. One purpose of a zoning district is to facilitate the grouping of similar uses within a delimited area, thus creating a distinct district character. Given this district's limitation to low intensity office uses, it is questionable that this would occur. We believe that the economic and functional vitality of the district would benefit from inclusion of a few low intensity business uses such as those described in the NO district, such as small stand-alone bakeries, produce shops and delicatessens. The RO permitted use list also includes multi-family uses. The City should reconsider this option. In many instances the characteristics of high intensity multi-family uses are incompatible with the type of low intensity office uses envisioned for this district.

Dimensional Standards

We have a few concerns relating to the dimensional standards of this district. It appears that although the district is utilized, that most uses rezoned to this district do not meet minimum dimensional standards.

Lot Size: Many permitted uses in this district fail to meet the minimum lot size requirement of 9,000 square feet. This may be due to the established pattern of 7,500 square foot lots in residential and adjacent areas. In order to reduce reliance on variances, and to acknowledge the existing character of these areas, the minimum lot size should be reviewed and adjusted.

Building Height: The 25 foot maximum building height limit for the RO district is well below the 35-40 foot permitted height of adjacent residential districts that it serves to buffer. Typically, a buffer district allows a slight increase in dimensional and functional intensity over adjacent residential districts. The maximum height for this district should either reflect that of the adjacent residential district or allow a slight increase.

Additional Residential Office District Improvements

- Requirements for parking, lighting, signage and landscaping should be moved to the development standards section.

Chapter 8: Zoning Districts

- Requirements for screening of dumpsters and mechanical equipment, applicable to all businesses should provide more specific requirements and moved to the General Development Standards chapter.

C. Neighborhood-Oriented Business District

The NO district is the most intense buffer district, allowing small to moderate scale business development near residential areas.

Dimensional Standards

Lot Size: Based on conversations with staff, it appears that many parcels rezoned to the NO district fail to meet minimum lot size. As with the preceding RO district, this issue should be reviewed and the lot size revised based on the typical size of parcels in the district.

Floor Area: A significant issue for this district is the ability to increase the maximum floor area to more than 10,000 square feet with a conditional use petition. Although additional buffering requirements are imposed on the approval, there remains the issue of compatibility with the districts intent. If the City wishes to retain this option, then criteria for approval of these uses should be developed and codified.

Building Height: The current 35 foot maximum building height is somewhat restrictive for this district. Because this is the most intense buffer district and taking into consideration the ability to construct 10,000 square feet or more on these lots, minimum height should be adjusted accordingly.

Additional Neighborhood-Oriented Business District Improvements:

- Requirements for landscaping, lighting and parking should be moved to the development standards section.

D. New Downtown Business District

An important element in the new zoning code will be the creation of a new Downtown Business District. In many of our citizen interviews preservation of the unique character of the downtown area and its economic vitality was at the top of almost everyone's list of priorities. Existing business districts are tailored for regulation of new development and as a result are unsuited for use in the downtown area. There are several downtown development issues that need special attention. A new downtown district would address issues such as preservation of historic facades, adaptive reuse of buildings, compatible signage and reduced parking requirements. Special development standards designed to preserve the established pattern of building in the downtown would be an important part of the new district. The new district will also identify a

better mix of permitted uses for the downtown area. There are many vacant upper floors fronting Town Square that could be occupied by residential lofts and offices. Inclusion of these uses as permitted uses in the downtown area would bring additional social and economic vitality to the area.

E. Business A and Business B Districts

The overall organization of both the BA and BB districts is logical and generally clear. Our primary concern relates to vague or missing development standards.

Permitted Uses

While the general list uses is consistent with the districts purpose, both permitted and conditional uses should be revised to remove uses that are duplicative (Palm Reading/Psychic Interpreters), and to clarify other uses. As mentioned earlier, residential uses with their original development standards should be removed from business districts. Residential uses permitted in these districts should have a special set of development standards tailored to that district. For example, residential uses located above the first floor of a business use would be appropriate for the BA district. However, it is not permitted by the original residential standards. As part of the code revision process, appropriate residential use standards in commercial districts should be developed.

Dimensional Standards

A solid set of basic, non-negotiable, standards should be established for both of these districts. Especially in the BB district, development standards such as setbacks should not be left completely open to a negotiated process. Redundant, confusing or absent development standards should be reviewed and appropriately amended to express the difference in the intensity of development allowed in each districts.

Lot Size. Neither district provides a minimum building site area or minimum dimensions for commercial uses. It is advisable to have basic criteria in at least one of these areas.

Yard Setbacks. Current provisions for required yards are especially confusing. As described above, the BB district simply refers the reader back to the BA district. The requirements for front and side yards in the BA district are “none.” This is especially misleading because the landscaping requirements listed in section 7.19.E.1 effectively impose a ten foot required yard setback. These standards should be made internally consistent with other code requirements and then specifically provided in each district.

Building Height. The 50-foot height limit in the BA district is appropriate for the district. The language describing building height limits in the BB district should be clarified. For example; sections 4.52.D.1 seems to impose a 50-foot height limit, while section 4.52.D.2 provides a means for exceeding the limit. The method, provided in the BB district, of reviewing requests for exception to the maximum building height through the Special Uses Process is of this limit is a good approach, however, the City may wish to utilize a process that has a public notice process.

Additional Business District Improvements

- The list of permitted and conditional uses in each district should be rewritten to provide examples of use types, rather than a lengthy list.
- Performance based standards should be used to address potential impacts of this high intensity development.
- If the City chooses to allow residential uses in these districts, they should be subject to a different set of developmental standards that addresses compatibility and ensures that the uses are well integrated into the district.

F. Commercial A District

Prescott's most intense business district is the CA district, which allows manufacturing uses. In fact, it is very similar to a light industrial district.

Permitted Uses

The emphasis on manufacturing uses in the CA district is clearly demonstrated by the permitted use list that includes uses, such as beverage bottling, and manufacture of machinery, paper products, plastic and sheet metal. These uses are most commonly found in light or general industrial districts. In fact, the emphasis on these uses is so pronounced, that the district might better be reclassified as a light industrial district. During interviews with both staff and citizens, many concerns were expressed regarding conflicts between industrial and residential uses. Allowing residential uses in industrial areas only serves to create more problems in this area. Even the best code can't completely protect or buffer a use that is located in an inappropriate area, such as a residential use in an industrial area. Given the intensity of uses permitted in this district, many of which can be classified as industrial, residential uses should be removed from the use list. The current code allows the Planning and Zoning Commission to designate uses "similar in character to those listed" as conditional uses. Either the conditional uses should be identified and listed, or specific criteria should be provided to the designation the conditional uses.

Dimensional Standards

There are several concerns regarding these standards as they relate to the intense uses permitted in this district.

Lot Size: There is no requirement for minimum lot or site area, except for residential uses. A minimum area, reflecting the intensity of these uses and the need for additional buffering should be developed for this district.

Yard Setbacks: The section for required yards refers to the IA district. For side and rear yard requirements, the IA district refers the reader to the BB district. The BB district refers the reader to the BA district. The BA district requirements for side yards are “none.” In order to avoid undue confusion, specific side and rear yard setbacks should be developed and listed in this district. Setbacks from similar uses in other communities range from 25 to 50 feet from adjacent residential uses.

Accessory Buildings: No provisions are listed for accessory buildings. Maximum size limits should be considered or a specific reference to accessory building standards should be included.

G. Industrial Buffer District

The IB district is intended to serve as a transitional district between residential and industrial uses.

Permitted Uses

Uses permitted in the IB district fall into three main categories: 1) Uses in areas without property owners association's that require design review, 2) uses in areas with property owners association's that require design review, and 3) conditional uses. Conditional Uses are defined as any use that does not fall into one of the first two categories. The categories listed above are, however, an inappropriate basis for classification of uses. Permitted and conditional uses for each district should be sorted on the basis of their potential impact. As previously mentioned, permitted and conditional uses should be specifically listed or standards for their identification should be developed. Uses listed should also be revised to ensure that they are appropriate for inclusion in the district.

Dimensional Standards

Lot Size: Standards for this district, while more detailed than other districts, tend to be confusing. For example, although residential uses are not listed as permitted or conditional uses, a minimum lot size for a residential use is included in the development criteria. Non-residential uses, however, have no minimum lot size. For industrial uses, minimum lot sizes are an important

Chapter 8: Zoning Districts

part of impact mitigation. Minimum lot sizes should be developed and codified for all industrial districts.

Additional Industrial Buffer District Improvements:

- Criteria for parking, screening and loading bays should be moved to the development standards section.

H. Industrial A and B Districts

Permitted Uses

The general range of uses listed in these districts is consistent with the districts character and intent. Conditional uses should be listed or criteria for their identification should be developed. One particularly confusing aspect of the permitted uses involves residential uses. The Uses Permitted section in both the IA and IB districts begin by stating that all permitted uses in the Residential districts are permitted. It continues, however, by providing a list of uses from the same districts that are not permitted. It would be clearer and less confusing to completely remove references to other districts and simply list uses that are permitted. Special attention should be paid to cross references to ensure that all appropriate citations are included for uses, such as kennels, with additional requirements listed in the General Development Standards chapter.

Dimensional Standards

Both industrial districts refer to other code sections to find requirements for minimum site area and yard requirements. Specific requirements for these standards should be developed and listed in each industrial district.

Additional Industrial District Improvements:

Landscaping and screening requirements should be reevaluated to ensure that they provide adequate buffering of the use.

8.4 Special and Overlay Districts

The list of special and overlay districts serves a variety of purposes from protection of flood prone areas to development regulation. While we reviewed each district, only those that need revision will be addressed here.

A. Flood Plain Conservation District

The intent of this district is clearly expressed in the list of objectives. The district requires additional clarification, however, in the type of structures allowed within flood prone areas. The apparent conflict between Sections 4.70C and 4.70 D can be resolved by specifying that the only type of structures allowed are those that are ancillary to recreational, agricultural or municipal uses.

Special and Overlay Districts
Public Land
Flood Plain Conservation
Prescott Preservation
Agricultural "A"
Airport Noise Overlay
Whipple/Montezuma Connector Overlay
Recreation Community
Willow Creek Road Corridor Overlay
Natural Open Space
Recreational Space
Highway 69 Corridor Overlay

B. Agricultural "A" District

Our only comment regarding this district pertains to its position in the zoning code "line up". Rather than being listed as a special district, it should be moved to the regular list of base zoning districts.

C. Recreation Community District

This district contains a tremendous amount of detail and complexity for a single type of residential development. Generally, the district's organization and language should be simplified. Specific district's requirements, such as those dealing with landscaping, lighting and sensitive terrain, could be removed and placed in the General Development Standards chapter of the code where they would be applicable to other large-scale residential developments. Regulations for recreational and mixed-use elements of the district could then be reorganized into a simpler more targeted version of the existing district.

D. Willow Creek Road Corridor Overlay District

This is a generally well-designed district that is commendable for it's attention to physical design elements. Wider application of this district should be considered. The enforceability and implementation of district requirements should be strengthened by replacing words such as "should" or "may", with mandatory words, such as "will" and "shall". If the overlay is maintained, then additional attention should be given to the creation of a distinct character for the Willow Creek Corridor.

E. Highway 69 Corridor Overlay District

The Highway 69 Corridor Overlay district contains elements designed to attain a higher quality of development, ensure compatibility between uses, and, essentially, to compensate for weaknesses in the current code. The district is notable for its attention to physical design, public notification, landscape and native plant preservation. The detail contained in the overlay, which was adopted in 2000, is an encouraging indication that the City is moving in a positive and proactive direction with regard to development regulation. During many of our interviews with staff and citizens, the success of the Highway 69 district was frequently mentioned. Both citizens and City representatives were pleased with the results of the district as applied to the unique design challenges in the corridor. The topography and challenges found in the corridor are not, however, unique just to that area. Several overlay provisions, if applied to general commercial development, could provide significant improvements. The City should consider using several of the provisions contained in the Highway 69 district as models for commercial development standards. While several of these sections could benefit from clarification or added detail, each contains provisions or requirements that are uniquely designed to successfully address site and design issues specific to Prescott. They have proven their effectiveness based on the completion of actual projects. These sections include:

- Stepped Building Set Backs; (Table 2.1)
- Pedestrian amenities (2.6.2 and 2.6.5)
- Landscaping and Vegetation Preservation (3.0)
- Roof Top Machinery Screening
- Parking Lot Landscaping ((3.5)
- Architectural Guidelines (5.0)
- Light Reflectance Values (LRV)
- Grading and Hillside Developments (6.0)
- Signs (7.0)

In order to avoid confusion and to sharpen the focus of the overlay, review and public notification sections should be consistent with standard sections of the zoning code. It makes more sense to strengthen the existing review and public notification processes than to create a separate overlay review and notification process. In the new code, after detailed applicability criteria are developed and the review process is refined, the overlay should be subject to one of the standard review process such as the conditional use process. The same is true for the public notification process. y removing duplicative elements and processes, the overlay language will more clearly focus on addressing unique issues, such as the hilly terrain, in the corridor, and to emphasize regulations that will effectively create a unique character for the subject properties.

Chapter 9 Nonconforming Situations

There are several deficiencies in the Nonconforming Uses and Structures section of the existing code. Existing regulations governing nonconforming situations are confusing and internally inconsistent. This lack of specificity and clarity may create unnecessary obstacles for property owners who wish to improve or maintain nonconforming uses, lots or structures. Two primary concerns are; the code's lack of clarity regarding types of basic nonconformities, and inappropriate expansion of nonconforming uses or structures. For example, while the section addresses nonconformities such as those related to parking and setbacks, it fails to clearly distinguish between the basic nonconformities of use, structure and lot. Sections 5.01.B allows the expansion of buildings containing nonconforming uses up to 50 percent of the original size at the time the use became nonconforming. This provision, while making a regulatory distinction between the nonconforming use and the structure, is still unclear with regard to the expansion of the nonconforming use. It is inadvisable to allow the expansion of a nonconforming use in a structure beyond the limits of the original structure; however, this language would seem to permit it. Recommended revisions to the nonconforming use section include:

9.1 Definitions

Nonconforming Uses: Uses that were legally established but that do not comply with the zoning district use regulations (or residential density/ nonresidential intensity standards) applicable to the district in which the use is located.

Nonconforming Structures: Buildings and structures (not including signs) that were legally established but that do not comply with the dimensional standards applicable in the zoning district in which the use is located.

Nonconforming Lots: Lots that were legally established but that do not comply with the size standards (lot area, lot width or lot depth) applicable in the zoning district in which the use is located.

Other physical nonconformities: Physical elements such as landscaping, fences, sheds and parking areas.

Cessation of use or Abandonment: Actions such as failure to renew a business license, failure to file applicable tax returns for the subject business, failure to renew a lease or failure to pay utility bills are examples of some of the criteria used in other communities.

9.2 General Provisions

A. Determination of nonconforming status.

B. Authority for nonconforming uses to continue.

Repairs and Maintenance

Normal repair and maintenance are allowed, even encouraged.

C. Change of Tenancy or Ownership

Does not, in and of itself, affect nonconformity status.

D. Regulations Governing Nonconforming Uses;

This section should include regulations governing nonconforming uses. The regulations should address expansion, abandonment and relocation. The code should not allow expansion of nonconforming uses in buildings or structures beyond the limits of the original structure.

E. Regulations Governing Nonconforming Structures;

This section should include regulations governing buildings and structures that, although legally established, no longer comply with applicable zoning district dimensional standards such as height limits, or required setbacks. The remodeling and expansion of such buildings should be allowed, provided that there is no increase in the degree of nonconformity.

F. Regulations Governing Nonconforming Lots;

This section should include provisions dealing with lots that are nonconforming because of lot size. The provisions governing nonconforming lots containing structures should be similar to those for nonconforming structures. For lots that do not contain structures, the code should generally allow reasonable use to be made of the lot, with a preference for a conforming use.

G. Regulations Governing Other Nonconformities

This section should contain regulations governing "other nonconformities," as defined above.

Chapter 10 Development Standards

10.1 Off-Street Parking and Loading Regulations

The following table provides a general comparison of Prescott's current off-street parking requirements against some other sample standards. While community parking needs vary based on such factors as availability of mass transit and pedestrian systems, this type of comparison provides a valuable tool for assessing the current status of the City's regulations. The current tabular structure for parking requirements in the code is commendable and should be retained.

USE TYPE	PRESCOTT	SAMPLE STANDARDS
RESIDENTIAL USES		
Single-Family	2 per unit	2 per unit
Multi-Family	2 per duplex or triplex unit 1.5 per unit in buildings with 4+ units 1 per guest house	1.25 per efficiency unit 1.5 per 1 bedroom unit 1.75 per 2 bedroom unit 2 per 3+ bedroom unit + 0.25 guest spaces per unit
Fraternity or Sorority	1 per occupant	1 per 300 square feet
NONRESIDENTIAL USES		
Auto repair, service stations	3 per service bay + 1 per employee	1 per 250–700 SF
Auditorium, theater	1 per 3 seats	0.2 to 0.25 per seat
Auto, boat, trailer open sales area	<10,000 SF = 1 per 1,000 SF >10,000 SF = 1 per 5,000 SF	1 per 500 SF
Churches	1 per 4 seats or pew spaces	1 per 3 seats
Clubs or lodges	1 per 200 SF	1 per 40–100 SF
Financial Institutions	1 per 200 SF	1 per 200–400 SF
Hotel, motel or inn	1 per guest room + accessory spaces	1 per room
Manufacturing (Light)	1 per employee + 1 loading	1 per 500–1,500 SF
Manufacturing (Heavy)	2 per 3 employees for maximum shift, + 1 loading per 10,000 SF	1 per 500–1,500 SF
Medical, Dental Office	1 per 150 SF	1 per 200-300 SF

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USE TYPE	PRESCOTT	SAMPLE STANDARDS
Offices, general	1 per 300 SF	1 per 300–400 SF
Restaurant, cafe, bar	1 per 4 fixed seats or 1 per 100 SF	1 per 50–100 SF
Retail, general	1 per 200 SF	1 per 200–400 SF
Schools (K-8)	1.5 per employee	1–1.5 per faculty/employee 1–2 per classroom
Schools (9–12)	1 per 4 students	1 per 4 students, + 1 per employee
Warehouse, storage	<10,000 SF = 1 loading space + > 10,000 SF = 1 loading per 10,000 SF	1 per 1,000–5,000 SF

Issues identified by this comparison include the need to provide more accurate and updated classifications for different uses. The code should provide a parking standard for each type of use identified in the code. Parking requirements for several uses, such as manufacturing uses, should be revised to reflect actual use patterns.

Different areas of Prescott have different parking needs that are not reflected on this table. For example, the provision of on-street parking in the downtown areas has a direct relationship to the parking needs for commercial uses in that area. There are also areas such as historic neighborhoods and downtown areas where alternative-parking standards should be used to retain their historical or pedestrian character. There are a variety of different techniques available to address these issues. For example, the use of shared parking agreements or alternate locations for parking have been particularly effective in older neighborhoods and historic commercial areas.

As the code revision process progresses, parking requirements for each use and also for different areas of the City will be evaluated and revised. Specific attention will be paid to the use of innovative tools to provide compatible and effective parking arrangements. It should also be noted that some communities today are even starting to enact maximum parking ratios to prevent the “over-asphalting” of their communities.

Design Standards: The design standards provide clear direction regarding the physical layout and design of parking areas, parking spaces and lighting. However, omission of surfacing requirements will be remedied in the new code.

10.2 Sign Regulations

Sign regulations are notable for their length. Over the years, several amendments have been added to address specific issues as they arose. The

result, however, is a collection of specific requirements that are difficult to sort through. A complete reorganization of this section, and a thorough screening and condensing of the regulations will increase user friendliness and utility of information. Arizona communities (Scottsdale, Mesa and Tucson) have not been very successful in their efforts to remove billboards. Signs have followed national trends. The City can regulate off-premise commercial signs and prohibit signs in the public right-of-way.

A. Definitions

The section begins with four pages of definitions. Several of the definitions need to be updated to reflect current terminology. A positive aspect of this section is the abundance of illustrations used to illustrate and clarify the material. Definitions, however, should be incorporated into the definitions section of the new code.

B. Content

One serious concern is the focus on sign content that is evident in sections 6.12.D, E and F. Sign regulations that attempt to regulate content of a sign are subject to challenge and reversal by the Courts. Emphasis instead should be placed on regulating sign types based on actual use or location.

C. Sign Size

The approach of calculating sign size based on the sign's relationship to the building or setback from the street are good and should be retained.

D. Additional improvements

Suggested revisions to increase utility and effectiveness of sign provisions include:

- Clarification of size versus height and a means to calculate total sign area in section 6.12.E.5
- Specific time limit for "temporary" signs in section 6.12.F,
- Reduction of various types of "events" for temporary signs. A simple time limit and a description of appropriate use of a temporary sign would be equally effective and much clearer.
- Revised prohibited sign list. Some sign types included in the list may be desirable for use in the downtown historic district.

- Clearer separation of the different provisions, For example, comprehensive sign plan requirements should be in a separate, clearly marked section. Nonconforming sign provisions should also be separate and clearly marked.

10.3 Landscaping Regulations

Current regulations for landscaping provide, at best, a minimal set of regulations for installation of new vegetation. While the general organization of the code is clear and the information well organized, there are several significant shortcomings that hinder the effectiveness of the code.

- A clearer separation of the different regulations in the sections, For example, the comprehensive sign plan requirements should be in a separate, clearly marked section. Provisions for nonconforming signs should also be separate and clearly marked.
- The list of definitions should be moved to the definitions section of the new code.
- The code lacks effective native vegetation protection provisions. A good model is contained in the new Highway 69 Corridor Overlay regulations.
- Many of the provisions rely on very general or vague language. Specific criteria should be provided for plantings, locations and quantities.
- Street front landscaping provisions are too lax. The provision allowing a reduction in a required landscape strip based on landscaping in the adjacent right-of-way should be deleted.
- Specifications for plant installation and planting areas should be included.
- Specific maintenance or survivability (one year) requirements should be codified. Appropriate bond requirements should also be applied or specific provision for replacement included in the code.

It is important to not that the Conceptual Community Vegetation Management Plan is currently undergoing review by the City. There are proposals in the Management Plan that will directly affect the design of the landscape section of the new code. Following the City's decision regarding adoption or modification of the Management Plan, we will incorporate those provisions into the landscape section of the new code.

10.4 Hillside Development Regulations

A primary concern for the citizens of Prescott is the preservation of the City's natural beauty. A unique and irreplaceable character is imparted to the City by virtue of its location among the steep hills and valleys of the area.

The current regulatory provisions for development and grading on hillsides have failed to provide a satisfactory level of protection for these unique resources.

The purpose of hillside development regulations is to allow reasonable utilization of hillside or steep slope areas, while also protecting the visual quality and ecological integrity of such areas. The existing set of hillside regulations, contained in section 7.20 of the current zoning code, would benefit from the addition of the following items:

A. Platting Criteria

Some communities have adopted codes that simply prohibit any development on property with slopes above a certain percentage. This approach also requires adoption of rules that allow the affected property owner to sell/transfer density or development rights to an approved area. Due to the proliferation of sloped areas in the community, this approach is not recommended. Instead, we propose that the City adopt a code prohibiting creation of new lots on steep slopes unless they meet the slope and density criteria specified in the expanded hillside development regulations. If lots are already platted, then an appropriate level of development, within the scope of the expanded hillside development regulations, may be allowed. If, however, the lot is so steep that it can't be developed under any of the new code criteria, then the City may consider allowing a density transfer or appropriate variance for those parcels.

B. Minimum Slopes

The minimum slope identified by the City will be used to determine the applicability of the expanded Hillside Development regulations. The range for these percentages runs from 15 percent to as much as 30 percent. The most commonly used percentage is 20 percent. A simple survey of undeveloped lots within the City will give some guidance as to an appropriate slope percentage for Prescott.

C. Lot Disturbance

Most hillside regulations specify a maximum lot area that may be disturbed by grading or construction. In most instances, maximum percentage is inversely proportional to the slope. For example, the steeper (greater) the slope, the smaller the percentage of lot area that may be disturbed. We believe this is particularly effective because it ensures that the most sensitive areas, the areas least suited for development, receive the smallest development impact. For

example, a lot with a slope of from 20 to 25 percent may allow site disturbance of up to 50 percent. A lot with a steeper slope of from 30 to 35 percent may be allowed a maximum disturbed area of 25 percent.

D. Grading Provisions

Additional grading standards include maximum height and length provisions for cuts and fill, re-vegetation standards, slope stabilization and retaining wall specifications.

E. Mitigation Requirements

These standards will be specially tailored to steep slope areas so the applicant is not forced to duplicate “flat land” landscape requirements in impossible circumstances.

F. Performance bonds

The City may require that a performance bond be posted to ensure that appropriate mitigation be completed in the event of unforeseen problems arise. Additional revisions included in the proposed Review Procedures chapter, including enhanced application requirements, will allow staff to perform a more accurate review of these projects and result in early identification of potential problems.

10.5 Subdivision Regulations

Primary concerns about the subdivision regulations focus on apparent inconsistencies with the goals outlined in the 1997 General Plan and on specific issues concerning platting and other technical aspects.

A. Recommended Subdivision Improvements

This evaluation will follow the structure of the existing code and address each issue as it appears in the text.

Ch. 1, sec. 12-1-9; description of public hearing should be corrected to reflect proper notice and advertising procedures.

Ch. 2, sec. 12-2-1 through 12-2-2; definitions should be combined with definitions section of new code.

Ch. 2, sec. 12.2.2; slope percentage should be consistent with Hillside Regulations.

Ch. 3, sec. 12-3-1.C; add provision for existing and/or proposed streets.

Ch. 3, sec 12-3-1.H.2; add requirement for bonding of uncompleted improvements.

Ch. 3, sec 12-3-1.L.2; add requirement for topographic maps to be stamped and certified by licensed engineer.

Ch. 4, sec. 12-4-1.B.4; Inadequate size for review, require standard 26X34 size.

Ch. 4, sec. 12-4-2, C, 23, 6; clarify City Council's ability to grant waiver or variance.

Ch. 4, sec. 12-4-3.C; process for reviewing request for extension should be clarified.

Ch. 4, sec. 12-4-3.D.23; timeframes are internally inconsistent.

Ch. 4, sec. 12-4-4; revise to ensure consistency with new Hillside regulations.

Ch. 4, sec. 12-4-4.B; require topographic drawings with specific contours at preliminary plat stage.

Ch. 4 sec. 12-4-5; change references from City Plan to General Plan.

Ch. 5, sec. 12-5-1; change references from City Plan to General Plan.

Ch. 5, sec. 12-5-1.A.1; include transportation plans and area plans.

Ch.5, sec. 12-5-4.A; change references from City Plan to General Plan include transportation plans and area plans.

Ch. 5, sec. 12-5-4.B; to foster connectivity, this language should also apply to minor streets.

Ch. 5 , sec. 12-5-4; include specifications for driveways.

Ch. 5, sec. 12-5-4.Q; add additional width for bike lanes.

Ch. 5, sec. 12-5-4.S; revise to require sidewalks in all residential areas.

Ch. 5, sec. 12-5-5.D; requires clarification;

Ch. 5, sec. 12-5-5.E; effectively variance from zoning requirements?
Clarify or delete.

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Ch. 5, sec. 12-5-10; include reference to Open Space plans, specific area plans, etc, replace reference to Comprehensive Plan with General Plan.

Ch. 5, sec 12-5-12. A; revise to comply with adopted Hillside Regulations.

Ch. 5, sec 12-5-12.B.1.b; 18,000 SF lot size may be too large.

Ch. 5, sec. 12-5-12.B.1.c: delete option for remediation or provide better criteria.

Ch. 5, sec. 12-5-13; review to ensure consistency with new code.

Ch. 5, sec. 12-5-13.D & E; review for design effectiveness,

Ch. 6, sec. 12-6-.2.G; require approval by engineer, not just review.

Ch. 6. sec. 12-6-4.A.2.d; clarify language.

B. Additional Subdivision Revisions

- A general review to ensure that relevant provisions allow infrastructure, such as roads, to respond to unique topographical and site conditions,
- A review to ensure that provisions allow for the creation of traditional neighborhoods or village concept developments,
- A general review and update of the platting process.
- Incorporation of the subdivision regulations into the zoning to create a Unified Development Code (UDC).

Chapter 11 Next Steps

Following submittal and review of this document, the consultant team will meet with City staff, the Code Revision Committee and other interested groups to discuss the contents of this report. The general direction of the code as well as specific policy and content issues will be discussed and direction provided. Based on this direction, the consultant team will begin the initial draft of proposed code language. The language will be developed, submitted and reviewed on a section-by-section basis. The initial draft of the code is scheduled to take approximately about eight months, with a minimum of three review meetings to occur during that period. Final adoption of the code is scheduled for July 2002, pending the results of the City's 2002 plan amendment process.

Attachment A, Existing Use Table

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
Specific Use	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Agriculture																					
Agricultural uses																		P			
Barns (where animals are allowed)	P	P	P	P	P	P			P	P	P	P		P	P			P	P		
Commercial agricultural uses																		P			
Commercial animal husbandry																		P			
Dairy or milk product processing and distribution																		P			
Domestic / noncommercial agricultural uses	P	P	P	P	P	P			P	P	P	P		P	P				P		
Grain milling or processing														P	P						
Hatchery														P	P						
Livestock grazing, animals																				P	
Livestock, auctions or sales														P	P						
Plant propagation facility																			P		
Public riding and boarding stable																		A			
Riding academy/stables																					C
Stables, commercial														C	P						
Residential																					
Ancillary dwelling																				P	
Apartment bldg.				P	P	P	P	P	P	P	P	P								P	
Apartment bldg. (up to 4 units)			P	P	P	P	P	P	P	P	P	P								P	
Bungalow court / dwelling group						P			P	P	P	P								P	
Convalescent / rest home			C	C	C	P		P	P	P	P	P									
Foster home	P	P	P	P	P	P			P	P	P	P								P	
Fraternity/sorority			C	C	C	C			P	P	P	P									

Attachment A, Existing Use Table

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Group foster home			C	C	C	C		P	P	P	P	P									
Hospice/residential treatment center			C	C	C	P			P	P	P	P									
Manufactured / Mobile Home Park						C															
Manufactured house		P	P	P	P(6)	C			P	P	P (25)	P						P			
Res. in accessory bldg (1)	C	C	C	C	C	C			P	P	P (25)	P							P		
Residence sharing allowed RO district use							P	P	P	P (24)	P (25)	P									
Single Family dwelling	P	P	P	P	P	P	P	P	P	P	P (25)	P						P	P		
Public, Civic and Institutional																					
Adult day care			C	C	C	C	P	P	P	P	P	P		P	P				P		
Aeronautical activities, within airport boundaries													P	P	P						
Airports, aircraft and landing strips														P	P						
Ambulance service			C	C	C	C			P	P	P	P		P	P						
Auditorium			C	C	C	C			P	P	P	P		P	P						
Auto and horse racing														S	S						
Ball fields and ball courts																					P
Bus terminal											P	P		P	P						
Camping																					P
Cart/equipment maintenance building																				P	
Cemetery			C	C	C	C			P	P	P	P	P (29)	P	P			C			
Child care	P	P	P	P	P	P	P	P	P	P	P	P		P	P				P		
Church day care			C	C	C	P			P	P	P	P		P	P				P		
City, county, state and federal lands and buildings																P					
Civic center																P					
Clubhouse																				P	
College (3)			C	C	C	C			P	P	P	P		P	P						
Comfort station																				P	
Commercial school												P		P	P						

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Communications towers and antennas	S		S			S	S	S	S	S	S		S	S							
Community center																			P		
Community hospital															P			C			
Concession stand and retail for recreational event																					C
Conservatory / greenhouse								P	P	P	P		P	P							
County buildings (4)			C	C	C	C			P	P	P	P	P	P				C			
Crematorium			C	C	C	P			P	P	P	P	P	P							
Crisis center						C		P	P	P	P	P	P	P							
Day care center			C	C	C	C		P	P	P	P	P	P	P						P	
Day care group home			C	C	C	C	P	P	P	P	P	P	P	P						P	
Educational/Philanthropic			C	C	C	C		P	P	P	P	P	P	P				C			
Elementary school	C	C	C	C	C	C	C	C	P	P	P	P	P	P					P		
Fairgrounds																P					C
Farmers market, open air									C	P	P	P		P	P						
Federal buildings (4)			C	C	C	C			P	P	P	P	P	P				C			
Fitness center													P (29)	P	P						
Gallery									P	P	P	P		P	P						
Golf course with ancillary facilities																					P
Gymnasium								P	P	P	P	P		P	P						
Hospital			S	C	C	C			P	P	P	P		P	P			C			
House of worship	C	C	C	C	C	C	C	P	P	P	P	P		P	P			C	P		
Indoor racquetball, tennis and swim club													P (29)	P	P						
Lake																					P
Library			S			S		P	P	P	P	P		P	P						
Medical / dental clinic								P	P	P	P	P		P	P						
Mortuary									P	P	P	P		P	P						
Municipal airport																P					
Municipal golf course																P					

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P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Municipal uses	P	P	P	P	P	P			P	P	P	P	P ⁽²⁹⁾	P	P		P	C	P		
Museum			S	C	C	C		P	P	P	P			P	P						
Noncommercial community association, recreation and assembly buildings																					P
Noncommercial Public Playgrounds	P	P	P	P	P	P			P	P	P	P		P	P	P				P	
Outdoor recreation uses																	P				
Parish house			C	C	C	C			P	P	P	P		P	P			C	P		
Parking lot						P		P	P	P	P			P	P					C	
Parking lot / garage commercial										P	P			P	P						
Parking lot with permitted use only																					P
Passive Recreation																				P	
Philanthropic lodge				C	C	C			P	P	P	P		P	P						
Picnic grounds																	P				
Picnic grounds, playgrounds and shelters																					P
Pre-school	C	C	C	C	C	C	C	C	P	P	P	P		P	P					P	
Pre-school, religious			C	C	C	P			P	P	P	P		P	P						
Private lodge			C	C	C	P			P	P	P	P		P	P						
Private and semi-public recreation club and attendant uses/facilities																				P ⁽⁴⁷⁾	
Private club, non-business			P	P	P	P			P	P	P	P		P	P						P
Private, semi-public and public park facilities																				P ⁽⁴⁹⁾	
Public park																P					
Public school																P					
Public utility bldg, no storage yard			C	C	C	C	C ⁽¹¹⁾	C	P	P	P	P		P	P			C (5)			
Recreational vehicle park											P	P		P	P						
Restrooms																				C	
Rodeo																					C

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
School			S	C	C	C			P	P	P	P		P	P			C	P		
School Daycare	C	C	C	C	C	C	C	C	P	P	P	P		P	P				P		
Shuttle service									C	P	P	P		P	P						
State building (4)			C	C	C	C			P	P	P	P		P	P			C			
Supervisory care home							P	P	P	P	P	P		P	P						
Supervisory shelter care			C	C	C	C			P	P	P	P		P	P						
Taxi service									C	P	P	P		P	P						
Trade school									P (21)	P	P	P		P	P						
Trailers, boats, non-motorized vehicles (2)	P	P	P	P	P	P			P	P	P	P		P	P				P		
Trails, including motorized uses																					P
Trails, non-motorized use																				P	
Trucking terminal														P	P						
Water wells and facilities																					P
Commercial, Office and Retail																					
Antique shop									P	P	P	P		P	P						
Appliance sales and service									P	P	P	P		P	P						
Artisan studio							P (10)	P (10)	P (10)	P (10)	P (10)	P		P	P						
Auction, indoors											P	P		P	P						
Automobile garage											P	P		P	P						
Automobile sales and leasing									S		P	P		P	P						
Bakery									P	P	P	P		P	P						
Bank							P	P	P	P	P	P		P	P						
Bar									P (20)	P	P	P		P	P						
Barber shop				C	C	C			P	P	P	P	P (29)	P	P						
Battery charging and repair									P	P	P	P		P	P						
Beauty Parlor				C	C	C			P	P	P	P	P (29)	P	P						
Bed and breakfast			C	C	C	C	P	P	P	P	P	P							P		
Billiard / Pool rooms											P	P		P	P						

Attachment A, Existing Use Table

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Book store, excluding adult								P	P	P	P		P	P							
Bowling alley										P	P		P	P							
Candy store								P	P	P	P		P	P							
Car wash							C (15)	C	P	P	P		P	P							
Casita																			P		
Copy shop								P	P	P	P		P	P							
Craft shop								P	P	P	P		P	P							
Delicatessen (14)							P	P	P	P	P		P	P							
Department store							P	P	P	P	P		P	P							
Dressmaker / tailor								P	P	P	P		P	P							
Drive-thru restaurant								C	P	P	P		P	P							
Drug store								P	P	P	P		P	P							
Dry cleaner												P (29)	P	P							
Electronic equipment sales and repair								P	P	P	P		P	P							
Fabric shop								P	P	P	P		P	P							
Family game center							C (16)	C	P	P	P		P	P							
Feed store										P	P		P	P							
Fender and body repair										P	P		P	P							
Flower shop								P	P	P	P		P	P							
Furniture store, new or used								P	P	P	P		P	P							
General retail (12)							P	P	P	P	P		P	P							
General retail								P	P	P	P		P	P							
Gift shop								P	P	P	P		P	P							
Grocery store / supermarket							P	P	P	P	P		P	P							
Guest room																			P		
Hardware store							P	P	P	P	P		P	P							
Home Occupation	P	P	P	P	P	P	P	P	P	P	P		P	P				P	P		
Hot tub rental, indoor								P	P	P	P		P	P							

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
Specific Use	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Hot tub rental/sales with outdoor storage												P		P	P						
Hotel/motel on major street						C			P	P	P	P									
Hotels and motels						S			P	P	P	P									
Ice cream Parlor									P	P	P	P		P	P						
Information center																				P	
Inn																				P	
Kennels, outdoor														P	P						
Laundry, self and full service								P	P	P	P	P	P (29)	P	P						
Lodge																				P	
Lounge																				P	
Magazine, Periodical and news store									P	P	P	P		P	P						
Mail order facility											P	P	P (29)	P	P						
Medical / dental office							P		P	P	P	P	P/P (29)	P	P						
Medical retail																					
Meeting rooms																				P	
Miniature golf									C	P	P	P		P	P						
Mobile catering								P (13)	P (13)	P (13)	P	P		P	P						
Model homes																				P (45)	
Music, dance and tutoring							P	P	P	P	P	P		P	P						
Neighborhood grocery																				P (46)	
Newspaper publishing									P	P	P	P		P	P						
On-site subdivision sales	P	P	P	P	P	P			P	P	P	P		P	P					P	
Other financial institutions													P (29)	P	P						
Other related support businesses																				P (46)	
Outdoor dining (with restaurant)									P	P	P	P		P	P					P	
Outdoor smoker/cooker														P	P						
Palm reading									P	P	P	P		P	P						
Pawn shop									C	P	C	P		P	P						

Attachment A, Existing Use Table

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Personal / Professional services (9)							P	P	P	P	P	P		P	P						
Personal service shop																				P (46)	
Pest control														P	P						
Pet grooming									P	P	P	P		P	P						
Photographic shops and studios									P	P	P	P		P	P						
Plant nursery									P	P	P	P		P	P						
Pro shop																				P (46)	
Produce stand																		P (43)			
Professional office						C (8)	P	P	P	P	P	P	P/P (29)	P	P						
Professional Practice subordinate to residence			C	C	C	C				P	P	P	P		P	P				P	
Psychic interpreter									P	P	P	P		P	P						
Real estate sales office																				P	
Rental and Time share cottage																				P	
Rental office																				P	
Resort-related business																				P	
Restaurant (14)								P	P	P	P	P		P	P					P	
Restaurant, with entertainment									P	P	P	P		P	P						
Retreat and resort hotel																				P	
Roofing including storage of vehicles, materials, equipment														P	P						
Room and board			P (7)	P (7)	P (7)	P	P			P	P	P	P								
Secondhand store										P	P	P	P		P	P					
Service station										C	P	P	P		P	P					
Shoeshine, repair or retail										P	P	P	P		P	P					
Shooting gallery														P	P						
Skating rink, ice and roller											P	P		P	P						
Specialty retail																				P (46)	
Stand alone bar									P (19)	P	P	P		P	P						

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	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Studio (including movie / media and fine arts)								P	P	P	P	P	P	P							
Tattoo Parlor									C	P	C	P		P	P						
Taxidermy									C	P	P	P		P	P						
Theater									P	P	P	P		P	P						
Theater, drive-in														P	P						
Tobacco store									P	P	P	P		P	P						
Upholstery shop									P (22)	P	P	P		P	P						
Veterinary clinic, boarding									P	P	P	P		P	P						
Veterinary clinic, no boarding							P	P	P	P	P	P		P	P						
Video sales / rental outlet									P	P	P	P		P	P						
Wooden storage shed sales												P		P	P						
Industrial and manufacturing																					
Air conditioning												P		P	P						
Aircraft, including parts														P	P						
Asphalt and asphalt products														S	S						
Assembly only, within building									P	P	P	P		P	P						
Automobiles, trucks or trailers, including parts, rebuilding and repair														P	P						
Batch plant														S	S						
Batteries														P	P						
Beverage												P		P	P						
Beverage bottling												P		P	P						
Boats, excluding polymers chemicals, compounding or packaging														P	P						
Brooms and brushes												P		P	P						
Business machines														P	P						
Cameras and photo equipment														P	P						
Canvas														P	P						
Carpets														P	P						

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P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Cement, lime or plaster of paris														C	P						
Chemicals with exception of hazardous														C	P						
Cleaning and dyeing shop										P	P			P	P						
Clothing											P			P	P						
Coal, coke or tar products														S	S						
Computer chip manufacturing and recycling														P	P						
Concrete products														P	P						
Construction equipment-sales, service, rental and repair														P	P						
Contractor's storage, supply or retail, no outdoor storage											P			P	P						
Contractor's yard														P	P						
Cosmetics											P			P	P						
Creosoting														C	P						
Dry cleaning plant											P			P	P						
Electrical appliances											P			P	P						
Electrical equipment											P			P	P						
Electrical supplies														P	P						
Extraction of clay, gravel and sand														S	S						
Fertilizers														C	P						
Firearms														P	P						
Flammable gas storage														P	P						
Flammable liquid storage														P	P						
Food products											P			P	P						
Foundries														P	P						
Fuel storage														P	P						
Fur goods, not including tanning and dyeing											P			P	P						
Gas or gas products															P						

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P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Gasoline manufacturing														P	P						
Gelatin, glue or size														C	P						
General storage yard														P	P						
Glass products											P			P	P						
Graphite														C	P						
Gypsum														C	P						
Hair, felt or leather products											P			P	P						
Heating equipment											P			P	P						
Heavy machine shop														P	P						
Hosiery											P			P	P						
Ice											P			P	P						
Ice manufacturer, light									C	P	P	P		P	P						
Incinerator														S	S						
Ink or inked ribbon											P			P	P						
Insecticides, fungicides, disinfectants														C	P						
Junkyard														S	S						
Jute, hemp, sisal or oakum products											P			P	P						
Landfill														S	S						
Leather products											P			P	P						
Leather, as fur tanning, curing, finishing, dyeing														C	P						
Light machine shop										C	P			P	P						
Light manufacturing, general													P/P (29)	P	P						
Linoleum or oilcloth														C	P						
Luggage											P			P	P						
Lumber and planing mill														P	P						
Lumber yard														P	P						
Machine tools														P	P						
Machinery											P			P	P						

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P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Machinery, heavy														C	P						
Matches														C	P						
Mattresses											P			P	P						
Meat products, including slaughtering or packing														C	P						
Metal alloys or foil														C	P						
Metal casting and molding											P			P	P						
Metal finishing														P	P						
Metal or metal products, treatment or processing														P	P						
Milk product distribution											P			P	P						
Mini-storage								C	P	P	P	P ⁽²⁹⁾		P	P						
Monument works														P	P						
Motorcycles, including parts														P	P						
Musical instruments											P			P	P						
Novelty products											P			P	P						
Ornamental and spot welding shops											P			P	P						
Orthopedic and medical appliances											P			P	P						
Paint, enamel, lacquer, turpentine, varnish														C	P						
Paper products											P			P	P						
Perfumes											P			P	P						
Petroleum products														P	P						
Petroleum storage and wholesale														P	P						
Pharmaceuticals											P			P	P						
Pipe storage											P			P	P						
Plastic products											P			P	P						
Plumbing shop										P	P			P	P						
Printing establishment										P	P			P	P						
Pumice stone or blocks														P	P						

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	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Recycling collection facility														P	P						
Recycling facility														P	P						
Research and Development													P/P (29)	P	P						
Retail/ wholesale operations													P (29)	P	P						
Roofing manufacturing														P	P						
Rubber products											P			C	P						
RV storage yard										P (26)	P			P	P						
Scenery construction											P			P	P						
Sheet metal shop											P			P	P						
Sign shop with light assembly / manufacturing								P	P	P	P			P	P						
Silverware plate or sterling														P	P						
Soap packaging											P			P	P						
Soaps and detergent														C	P						
Solvent extracting														C	P						
Sporting equipment											P			P	P						
Statues and figures											P			P	P						
Steel products														P	P						
Steel structural products														S	S						
Stone cutting														P	P						
Stone processing or stone products														C	P						
Supply, storage											P			P	P						
Tar or tar products														C	P						
Textiles											P			C	P						
Tools or hardware											P			P	P						
Toys											P			P	P						
Umbrellas											P			P	P						
Vehicles, baby carriages, bicycles, scooters, wagons											P			P	P						

Attachment A, Existing Use Table

USE TABLE	RESIDENTIAL						NONRESIDENTIAL														
	R-A	RA-MH	R-B	R-B-M	RB-MH	R-C	R-O	NOB (17)	B-A (18) (23)	NSD	B-B (23)	C-A (27) (23) (28)	IBD (32)	I-A (33) (34) (35)	I-B (35)	PLD (37) (38)	FPCD (39)	A	RCD (50)	NOS	RSD
P = Permitted-by-right; C = Conditional Use; S = Special Use																					
Venetian blinds																					
Warehouses																					
Wax products																					
Welding works																					
Well drilling, contractor's yard or shop																					
Wholesale upholstery																					
Wood products																					
Wood pulp or fiber reduction or processing																					
Wool manufacturing																					
Other Uses																					
Adult entertainment businesses (35)																					
Building heights exceeding 35 feet to 50 feet																					C
Caretaker / business operator's residence (30)																					
Contractor's office (30)																					
Cumulative grading / removal of vegetation / trees																					C (51)
Movers, household goods																					
Movers, office and terminal																					
Outdoor night lighting																					C (52)
Planned Area Development	P	P	P	P	P	P	P	P	P	P	P	P	CU (31)	P	P					P	

- (1) if located in the rear of the principal building, but only for the persons employed on the premises and their families, and members of the immediate resident family in the principal building and their guests, provided there are no cooking facilities nor other provisions for the preparation or serving of meals;
- (2) when detached from vehicles, owned by occupants of the principal building, shall be stored in locations that meet front and side yard setback requirements and may be no closer than four feet to rear property line. The setback may be further reduced in accordance with Section 8.04. Shall not be used for sleeping or habitation. No trailer of any type in excess of 40 feet in length shall be located on the property unless screened from surrounding properties;
- (3) including dormitory and athletic fields;

- (4) except garage or warehouse;
- (5) with service or storage yard;
- (6) not less than 320 square feet of floor area on a permissible lot or plot, plus temporary cabana, as a dwelling unit for not more than 1 family unit, provided: it is located on the site in accordance with requirements applicable to a permanent building; it is blocked up off the ground in a safe manner so that utility connections will not be rendered unsafe by settlement; it is connected to city sewer and water system; not more than one accessory building over 80 square feet in area is erected; no outside storage shall be permitted except lawn furniture; the keeping of or use of any household appliance for any period of time whatever outside of the mobile home or its accessory building shall constitute a violation of the ordinance; a mobile home when so located and equipped and used in complete conformity with these regulations shall constitute a permissible main building;
- (7) a maximum of two;
- (8) exterior design of any building shall be compatible with the design and character of residential buildings in an adjacent and/or surrounding residence district; prior to commencing office occupancy of a building, landscaping shall be installed and maintained in good condition and appearance as follows: one drought tolerant or native tree and one shrub for each 1000 square feet of hard surface paving, such to be selected and placed in compatible relationship with any existing street planting and the building on the lot. No parking spaces shall be located in the front yard and any part of a front yard area not used for walks or driveway to be landscaped. The Board of Adjustment may require an opaque wall or fence or other compatible screening to be erected along any lot line adjoining a residential use or district, if in the opinion of the Board, the screening is necessary to buffer or separate the office use from the adjacent use. A fence or wall shall be six feet in height except that portion within the front yard area shall be four feet in height. Refuse shall be stored in airtight containers in an enclosed area. The operation of any business establishment shall not be conducted earlier than 7 am or later than 10 pm local time;
- (9) with only a minor component of retail sales including, but not limited to, such uses as barber and beauty shops, shoe repair, florists, tailors, photographic studios, electronics and small appliance repair, mail-and-go, interior design studios, pet grooming;
- (10) including wood working, ceramics, jewelry making, sign making, ornamental metal working, and similar uses and which may include galleries and show rooms when ancillary to the principal use or when associated with on-site retail where allowed;
- (11) including high voltage lines and other similar structures otherwise prohibited where in the opinion of the Board of Adjustment, such are in the public interest. Visual buffering and an appropriate separation between such a facility and schools and residences may be required;
- (12) including electronic equipment and small appliances, fabric shops, antique and consignment shops, furniture stores, gift shops, craft stores, pet shops, video outlets, drug stores, book and magazine, excluding adult book stores;
- (13) subsidiary to an established restaurant;
- (14) excluding dancing or entertainment. Drive-through restaurants and stand alone bars are not permitted;
- (15) provided all buildings and power equipment maintain a minimum distance of 100 feet from any residence or more restrictive zoning district. Hours of operation are generally limited to 7 am to 6 pm;
- (16) provided no alcohol beverages are consumed or sold on the site. Operations must be contained to indoors;
- (17) Any building for any permitted use in the Neighborhood Oriented Business Zoning District that exceeds 10,000 square feet in total floor area shall be a Special Use or

Attachment A, Existing Use Table

Conditional Use. To minimize the impacts of the larger building, street frontage landscaping shall be increased to 20 feet in width, and required screening areas shall be also increased to 20 feet in width;

- (18) All residence uses shall be permitted provided that any such use shall be located on a lot having an area and maintaining such yards and open-space requirements as are specified for Residence C district or modified herein;
- (19) Any stand alone bar located closer than 300 feet to a residential district must demonstrate mitigation of noise, light and traffic acceptable to the Community Development Director;
- (20) Bars holding any of the following licenses shall be permitted: microbrewery, winery, on sale retailer, off sale retailer, government, hotel/motel, restaurant or club license;
- (21) except those of a primarily industrial character such as welding schools;
- (22) all work must be conducted within the building;
- (23) Other uses which are considered by the planning and Zoning Commission to be similar in character to those listed above and are not included in any other use district may be considered as Conditional Uses;
- (24) Multi-family uses will be permitted only in existing residential construction or new structures of not more than 1,800 square feet on one lot. This square foot restriction effectively precludes any large scale uses or activities. No outside storage or associated activity is permitted for any use (such as outside telephones, gas pumps, outdoor dining, drive-through restaurants) and all business must be conducted entirely within the building. No more than six parking spaces will be allowed for any one building;
- (25) All residential uses shall be permitted provided that any such use shall be located on a lot having an area and maintaining such yards and open space requirements as are specified for Business A districts or modified herein;
- (26) 10% maximum as an ancillary use;
- (27) if storage yards are utilized, they shall be located within the area permissible for other than residential buildings and enclosed on all sides with a fence or wall constructed not less than eight feet in height, and further that all residential uses shall be limited by and in accordance with the standards set forth elsewhere herein for Residence B districts;
- (28) Uses allowed in this zone with outdoor storage; no materials may be stacked higher than the screening wall;
- (29) allowed in IBD areas falling within a planned use development, having deed restrictions and /or Conditions, Covenants and Restrictions which provide for property owners associations providing a design review process;
- (30) storage of all equipment and materials within a building or screened enclosure;
- (31) Planned Area Developments shall be a Conditional Use subject to provisions of Section 7.14;
- (32) All other uses will require a Conditional Use Permit and will be reviewed on a case-by-case basis as to neighborhood compatibility;
- (33) Uses located within permanent buildings with allowance for outdoor storage and operations as provided in Section 4.62 (3) and (4) shall be permitted;
- (34) Hazardous occupancies of Group H, Uniform Building Code, shall be allowed to locate within Industrial H district;
- (35) The adult entertainment business shall be: located no closer than 500 feet from the exterior boundaries of a residential district, public or private school having a daycare, preschool or kindergarten curriculum or any one or more of grades one through twelve, public park or playground, church or bona fide place of worship, is located no closer than 1000 feet from any other 2 adult entertainment businesses. The adult entertainment business excludes from its premises persons less than 18 years of age, shall display no signs

visible from the exterior of the business except for signs identifying the business as an adult entertainment business. No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the adult entertainment business. All distances specified in this Section shall be measured in a straight line, without regard to intervening structures or objects, from the property line of any adult entertainment business to the nearest property line of any other adult entertainment business, school, church, public facility, residential district or other land use facility specified herein;

- (36) All other uses which are considered by the Planning and Zoning Commission to be similar in character to those listed above and are not included in any other use district;
- (37) Municipal uses and any other use considered by the Planning and Zoning Commission to be similar in character to these listed above in this section, unless in the opinion of the Commission it would be, by comparison with these mentioned above, detrimental to or incompatible with the neighborhood or district in which it is proposed to be located;
- (38) The City Council, upon recommendation by the Planning and Zoning Commission, may approve other special uses, which are appropriate and compatible with the purpose and intent of the Public Lands Designation;
- (39) The Board of Adjustment may approve other special uses, which are appropriate to the areas designed for Flood Plain Conservation Districts and the purposes and intent of these regulations. All such uses shall be subject to procedures required for conditional uses and site plan approval;
- (40) Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and greenhouses, orchard, aviaries and apiaries;
- (41) Grazing and raising livestock, , except that not more than three hogs shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any residential, commercial or business zone; poultry, rabbits and small animals for marketing but not slaughtering of other than such raised on the premises;
- (42) Providing the site contains not less than ten acres and the buildings housing animals are set back a minimum of 100 feet from all lot lines;
- (43) Not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided said stand is located no closer than 20 feet from any lot line. The stand may be located on the property in a temporary manner;
- (44) Attached or detached dwelling or room for guests with full living accommodations, which is ancillary to a residence. Such an ancillary dwelling when associated with a principal residence situated on a lot smaller than 18,000 sq. ft. may be an efficiency unit only (i.e. combined living and sleeping room) and no larger than 700 sq. ft. Any such ancillary dwelling, when associated with a principal residence situated on a lot 18,000 sq. ft. or larger that is limited to a maximum of 40% disturbable area may be larger than 700 sq. ft. and need not be an efficiency only. Such ancillary dwellings that are detached and equipped with full living accommodations shall be counted towards the allowed number of total dwelling units for the project. Additional parking shall be required per Section 7.10 (Off-street Parking and Loading);
- (45) Used for the sale, resale and management of RCD properties, which shall not be subject to period-of-time restrictions specified for Residence A districts;
- (46) May be an office or non-residential building not exceeding two stories and 35 feet in height or 10,000 square feet per building;
- (47) Including: golf, swimming and spa, athletic and health, tennis, croquet, skating, polo, horseback riding, country clubs and similar clubs as may be approved in conjunction with a Master Plan, and may be allowed as an outdoor use;
- (48) For project area landscaping purposes;

Attachment A, Existing Use Table

- (49) Including: pavilions, picnic, play and outdoor exercise areas, trails, swimming pools, fishing and water feature ponds, botanical gardens and stables;
- (50) To meet the intent of the Prescott General Plan and the Purpose statement above, a RCD shall be comprised of a variety of uses as permitted in this Section in accordance with the following minimum mixture: a) two or more types of residential housing types including, but not limited to, those permitted in Residence A districts and those permitted in Section B(3)(a) above. The types, numbers and densities of dwellings shall be as determined and approved by City Council action on the RCD Master Plan; b) one or more significant recreational facilities, clubs and amenities including, but not limited to, those permitted in subsections B(3)(g) and 4(b) above and other forms of greenbelts and open space; c) any one or more of the guest lodging, food and beverage establishments, or other businesses permitted in subsections B(3)(d), (e) and (f) above; d) the City Council may approve other mixtures of land uses, which meet the intent, and purpose of this Section;
- (51) Cumulative removal of on-site vegetation over 3,000 square feet in area; cumulative total grading of over 50 cubic yards; removal of trees over 6 inches in caliper. Diseased trees may be removed with a written statement from a certified arborist or equally qualified person;
- (52) For permitted uses under Section 4.81 A1, A3, A6, A7 and A8 except golf courses and golf driving ranges.