



# UNIFIED DEVELOPMENT CODE COMMITTEE A G E N D A

UNIFIED DEVELOPMENT CODE COMMITTEE  
REGULAR MEETING  
WEDNESDAY, MARCH 24, 2010  
10:30 AM

DOWNSTAIRS CONFERENCE ROOM  
CITY HALL  
201 S. CORTEZ STREET  
PRESCOTT, ARIZONA  
(928) 777-1207

The following Agenda will be considered by the UNIFIED DEVELOPMENT CODE COMMITTEE at its REGULAR MEETING to be held on WEDNESDAY, March 24, 2010, at 10:30 AM, in the Downstairs Conference Room in CITY HALL, located at 201 S. CORTEZ STREET. Notice of this meeting is given pursuant to *Arizona Revised Statute*, Section 38-431.02.

## I. CALL TO ORDER

## II. ATTENDANCE

### MEMBERS

*Len Scamardo, Chairman*  
*Tom Kayn*  
*Tom Menser*  
*Richard Rosa*

*John Hanna, Councilman*  
*Jim Lamerson, Councilman*  
*Mary Ann Suttles, Councilwoman*

## III. REGULAR ACTION ITEMS

1. **Gray Water Policy Discussion** – *Craig McConnell*
2. **Banner Regulations** – *LDC Table 6.12.5.C -- George Worley*
3. **Citation - Hearing Officer Process, LDC, Building & Fire Codes** – *City Code Chapter 1-3 and 7-5 – George Worley*
4. **Citizen Participation Program/Requirements** – *LDC Article 9, Various – Tom Guice*
5. **Downtown Parking** – *LDC Section 4.9.4.C – Tom Guice*
6. **Other Items - Future Agendas, as Identified by UDC Committee**

## IV. ADJOURNMENT

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on March 17, 2010, at 4:00 PM in accordance with the statement filed with the City Clerk's Office.

  
\_\_\_\_\_  
Kathy Dudek, Administrative Assistant  
Community Development Department



Office of the City Manager

201 S. Cortez Street  
Prescott, AZ 86303  
(928) 777-1380

## Memorandum

To: Tom Guice, Community Development Director  
From: Craig McConnell, Regional Programs Director *CM*  
Date: March 15, 2010  
Subj: Policy regarding use(s) of gray water in the City of Prescott

While certain plumbing codes now enable gray water to be diverted from the wastewater (sewer) stream, the topic is more complex for the City of Prescott, necessitating formulation of policy to address whether any such diversion shall be permitted, in particular to exterior use.

The following points illustrate this complexity:

1. The City of Prescott has already pledged effluent credits for Assured Water Supply. Simply stated, effluent credits are treated wastewater which has been recharged and can be recovered for supplying municipal water demand. In the Prescott Active Management Area, all new, not previously grandfathered development must be served from renewable (effluent and surface water recharge credits) or other imported sources (Big Chino Water Ranch Project). Any significant diversion of wastewater (gray water) for on-site use will reduce the quantity of recharge/recovery, in turn requiring that the City's water supply available for development be reduced, potentially dramatically.
2. Proposition 400 (November 2005) already requires that effluent attributable to major annexations (250 acres or more) be recharged and left in the ground (not available for Assured Water Supply). Since much of the future growth of the City will be through major annexations, given Proposition 400 any significant diversion of gray water will markedly constrain water availability for development.
3. The City is working diligently to reduce per capita water consumption through conservation initiatives. A major thrust of the Water Smart program is reduction of outside water use through more appropriate landscaping and a tiered, conservation-oriented water rate design. If gray water is allowed to be diverted to exterior irrigation use, at no additional cost to the water customer, predictable consequences would be severe reduction in wastewater going to the treatment plants for production of effluent, and more lush, but not necessarily regionally appropriate, landscaping.
4. Adequate flows within the City's aged wastewater collection and treatment system are necessary for dilution and hydraulics. High solids concentrations are problematic for both collection and treatment.

Formulation of a new or updated Water Management Policy to replace the current (2006-2010) one is anticipated during 2010. This would be an appropriate time as well to address gray water use as it relates to water resource availability and wastewater system operations.

---

# UDC COMMITTEE

## MEMORANDUM

March 24, 2010

Agenda # 2

---

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION

**TO:** Unified Development Code Committee Members

**FROM:** Tom Guice, Community Development Director  
George Worley, Assistant Director *GW*

**TOPIC:** Temporary Signs – Banners

---

### INTRODUCTION:

Table 6.12.5C describes and places limitations on Temporary Signs. Banners are a subset of "Special Event" signs in the table and have separate limitations and requirement from other Temporary Signs. Among those limitations is that businesses cannot display any combination of banners (including multiple banners at any one time) for more than a combined total of 45 days per (calendar) year. Permits are required for each 45-day period.

### ISSUES:

The 45 day limitation causes two concerns that staff would like UDC direction in resolving. The first concern is a question of whether the 45 day limitation actually accomplishes a necessary purpose under the sign regulations. The second concern is that the 45 day limitation is extremely difficult to track and enforce due to the sporadic use of banners.

As noted in the introduction above, the Sign regulations limit banners to 45 days per business per year. One reason for this limitation is that the materials commonly used in the manufacture of temporary signs deteriorate faster than the materials used for permanent signs, creating safety hazards and visual blight. Another reason is that due to their lower cost it is likely that a business owner will have multiple banner signs hanging at once, creating an aesthetic concern.

Banners are temporary signs and are intended to be used for periodic notices or limited duration special events such as sales or grand openings. The current process is to issue a permit for the business to have banners up for up-to 45 days. Because the business controls when and how long the banners are up, and because we do not require that they report to the City when they hang their banners, there is no way to track how long banners are actually up.

**SUGGESTED ACTION:**

Staff has considered the current regulations and the purposes of those regulations and offers the following possible solution that reduces the regulations on the business and protects the city from safety and blight impacts.

Allow each business that is eligible for exterior wall signs to have one banner sign (*an option may be to allow businesses with greater than 50 feet of building frontage to have a second sign provided they obtain a second permit and that the two signs must be at least 50 feet apart*). The business may have the banner with no time limitation and may change-out banners to have different messages, at the business owner's discretion, as long as no more than one banner is up at any one time. Banner signs may not exceed 20 square feet in area unless the business qualifies for highway commercial signage (See Table 6.12.5B) in which case a maximum of 40 square feet is permitted. All banners must be securely attached to prevent safety hazards (permanent attachment points for banners may require a contractor per state laws), must be maintained in good condition (6.12.10.B) to avoid aesthetic/appearance problems and must not create a visibility obstruction as described in the sign regulations (6.12.11).

This would reduce regulation of businesses while maintaining enough city control to prevent unsafe installations and deteriorated banners causing blight. Periodic inspections by staff and/or inspections in response to complaints would determine compliance and violations would be grounds for enforcement actions by the city. Businesses having more than one banner up without appropriate permits or having banners in poor or unsafe condition would be notified and required to bring their banners into compliance.

Because periodic inspections are required, an annual permit would be issued and the cost would be the same as the cost for a permanent sign permit (this changes annually but is currently \$41).

Staff would like to emphasize that there may be many other approaches to regulating or de-regulating banner signs. Some municipalities have strict limitations on number, duration, size and location of banners, while others have moved in the direction of less regulation. It is staff's intention with this proposal to open discussions and gather input from the UDC members to address this matter.

---

# UDC COMMITTEE

## MEMORANDUM

March 24, 2010

Agenda # 3

---

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION

**TO:** Unified Development Code Committee Members

**FROM:** Tom Guice, Community Development Director  
George Worley, Assistant Director *GW*

**TOPIC:** Proposed amendment to the City Code to allow violations of the Land Development Code (LDC) and the adopted Building and Fire Codes to be taken to a Hearing Officer for enforcement proceedings.

---

**INTRODUCTION:**

The current format of our codes requires that violations of the LDC, Building and Fire Codes be enforced by the Legal Department as civil violations or, depending upon the severity, as criminal violations. The City has a Hearing Officer who is empowered to hear and determine violations of the property maintenance sections of the City Code, but not other sections.

**SUGGESTED ACTION:**

Staff proposes to amend the City Code to allow for a Hearing Officer to hear cases of violations of other codes of the city, including the LDC, Building and Fire Codes. This will allow an alternative to the court proceedings now necessary for such violations (*the city will retain the right to decide which procedure to follow, depending upon the severity of the violation*). Staff anticipates the need to seek one or more additional Hearing Officers knowledgeable in the Building and Fire codes. At this time, the current Hearing Officer receives a small stipend for her service to the City and staff anticipates a stipend being paid to any additional Hearing Officers.

This code change creates a shorter, less formal process for alleged code violators to resolve their issues rather than following the more complicated, lengthy and costly route through the courts. While this is a benefit to the alleged violator, it is also a benefit to the City in that less time (and, therefore, money) is spent by inspection/enforcement staff and the process is less costly to the City than preparing and prosecuting court cases.

Attached are the proposed code changes necessary to establish this as an alternative procedure.

Staff seeks comments and recommendations from the Unified Development Committee in this matter.

**7-5-20 1-3-8: CIVIL CITATIONS: CIVIL ENFORCEMENT:**

(A) Hearing Officer: The City Council may from time-to-time appoint one or more Hearing Officers who shall preside over civil violation cases. Rules of procedure shall be established, said rules shall substantially conform to the Arizona rules of civil traffic violation proceedings.

(A ~~B~~) Citation:

1. Issuance Of Citation: An action to hear and determine a civil offense may be commenced by the issuance and filing of a citation. The citation shall be in a form similar to the uniform Arizona traffic ticket and complaint form and shall cite the particular subsection of this code applicable to the alleged violation. Each subsection of this code cited in the complaint shall be deemed a separate offense. The citation shall contain the date and time of the alleged violation and shall direct the defendant to appear before the hearing officer at a specified time to enter a plea either admitting or denying the complaint. The citation will state that if the defendant fails to appear before the hearing officer on the date and time specified therein, a default judgment will be entered against the defendant and a civil sanction will be imposed.
2. Authority To Issue Citation: Any peace officer, code enforcement officer or other duly authorized agent of the city as designated by the city manager who observes a violation of any provision of ~~this chapter~~ the City Code or other adopted codes and ordinances of the City is empowered to issue a citation. ~~Alternatively,~~ Prior to issuing a citation, the officer, official or agent shall may issue a written notice of violation allowing the violator thirty (30) days to remedy the violation. If In the case of a written notice of violation if the violation is not remedied in within thirty (30) days, a citation may then be issued. A copy of the notice of violation shall also be served with the citation.
3. Service Of Citation: The citation shall be served by delivering a copy to the defendant as follows:
  - (a) The citation may be signed by the defendant with his/her promise to appear on the date and time specified on the citation.
  - (b) If the defendant is unavailable at the time the citation is issued or refuses to sign the citation, service may be accomplished and will be deemed proper and complete by any of the following:
    - (1) Upon the resident/occupant of the premises where the violation occurred by posting a copy of the citation on or about an entrance to the dwelling unit; or
    - (2) By hand delivering a copy of the citation to the owner of record or resident/occupant.
    - (3) By certified or registered mail, return receipt requested. Service by mail is deemed complete upon deposit in the U.S. mail.
    - (4) In the same manner prescribed for alternative methods of service by the Arizona rules of civil procedure.

(~~B~~ C) Appearance; Payment By Mail:

1. The defendant shall appear in person before the hearing officer on the date and time specified in the citation and shall either admit or deny the allegations contained in the citation. Or, the defendant may proceed as provided in subsection (~~B~~ C)2 of this section. If the defendant admits the allegations, the hearing officer shall immediately enter judgment against the defendant and shall impose the appropriate sanction. If the

defendant denies the allegations contained in the citation, the hearing officer shall set a date for a hearing of the matter.

2. The defendant may admit the allegations in the citation and pay the default amount indicated by mailing the citation together with a check or money order made payable to the city of Prescott. If payment is not received by the appearance date indicated on the citation, a default judgment will be entered.

3. Any defendant appearing before the hearing officer and denying the allegations as provided in subsection (~~B~~ C)1 of this section shall be deemed to have waived any objection to service of the citation, unless such objection is affirmatively raised by the defendant at the time of the first appearance in relation to the citation.

4. At the conclusion of the hearing, if the hearing officer finds the defendant to be in violation of any provision in this chapter, the hearing officer shall proceed in accordance with subsection 1-3-8(~~C~~ D) of this chapter.

#### (~~C~~ D) Default Judgment; Collection Of Judgments:

1. In the event of a default, the hearing officer shall assess a default sanction in the amount of two hundred fifty dollars (\$250.00) unless such default judgment is reduced or set aside under rule 23 of the rules of procedure in civil traffic violation cases.

2. The hearing officer may waive all or part of the default ~~fee~~ sanction if the hearing officer expressly finds that payment thereof would cause a financial hardship for the defendant.

3. No judgment may be entered against a fictitiously identified defendant unless the citation is amended to reveal the true identity of the defendant who receives the citation.

4. The city may enforce collection of delinquent sanctions, fees and penalties as may be provided by law. Any judgment or civil sanction pursuant to this section may be collected as any other civil judgment, and if rendered against the owner of the real property in violation, shall constitute a lien against that property.

#### (~~D~~ E) Rules Of Procedure:

1. The Arizona rules of procedure in civil traffic violation cases shall govern hearings, appeals, default by defendant and rules of evidence in all actions to hear and determine civil offenses except as modified by or inconsistent with the provisions of this code.

2. All hearings pursuant to this section shall be electronically recorded.

#### (~~E~~ F) Nonexclusive Remedies:

1. The remedies herein are cumulative and nonexclusive. In the event a defendant fails to comply with any civil enforcement action commenced under this section, the city may file a criminal charge against the defendant. Notwithstanding the foregoing, a civil enforcement action shall not be a prerequisite to the filing of a criminal charge, and the city attorney may elect to file criminal charges at any time, request injunctive relief, or pursue such other relief as may be available.

2. Nothing contained in this section shall be construed to preclude the hearing officer from, in addition to imposing civil sanctions, ordering the abatement of any violation pursuant to Arizona Revised Statutes section 9-499 and related city code provisions.

(~~F~~ G) Judicial Review: Judicial review of the final decisions of the hearing officer shall be a review of the record in the Prescott City Court, provided that special action or appeal is filed with the City Attorney's office within twenty (20) days of the date of the hearing officer's decision. (Ord. 4371, 1-27-2004)

---

# UDC COMMITTEE

## MEMORANDUM

March 24, 2010

Agenda # 4

---

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT - UNITED DEVELOPMENT CODE

**TO:** Unified Development Code Committee Members

**FROM:** Tom Guice, Community Development Director  
George Worley, Assistant Director *GW*

**TOPIC:** LDC Section 9.1 / COMMON PROCEDURE - Citizen Participation

---

### INTRODUCTION:

The citizen participation procedures and area meeting requirements in the LDC contain conflicting language. The proposed modification to the LDC language is to clarify Citizen Participation procedures and practices. Area meeting requirements were specifically addressed to help increase public awareness of Community Development applications that may affect surrounding properties.

### SUMMARY OF PROPOSED CHANGES:

Changes include language to clarify area meeting requirements, advertising and timing. This will specify which applications will require an area meeting, who is to be notified and when. Public notification requirements are specified for Area Meetings verses Public Hearings. Proposed changes are highlighted in gray, additions are shown in **bold** and omissions are shown in ~~strikeout~~. Proposed changes include:

- Area meetings must be posted by one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting.
- Property owners of record within 300 feet of the proposed project, must be notified 10 days before the area meeting.
- Area meetings must take place 1 week before required Public Hearings.
- Area meetings may be waived or modified by the Community Development Director.
- City residents may request to be notified for all Public Hearings per ARS.
- ARS does not require that, if requested, City residents must be notified of all Area Meetings.

### SUGGESTED ACTION:

Staff is seeking to alert the UDC that changes are being contemplated. If appropriate, City staff may seek direction from the UDC. No action is needed at this time.

## Article 9/ Administration and Procedures

### Sec. 9.1 / Common Procedure

#### 9.1.1 / Conformity with Land Development Code

Every official and employee of the City of Prescott vested with the duty or authority to issue a permit or license shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, license or certificate issued in conflict with the provisions of this Code may be voided at the option of the City.

#### 9.1.2 / Pre-application Meeting

Prior to the submission of an application required by this Code, a pre-application meeting may be required as follows:

##### A. Mandatory Conference

Unless waived by the Community Development Director, a pre-application meeting to discuss procedures, standards, or regulations shall be required for all proposed:

1. Conditional Use Permits;
2. Nonresidential and multi-family developments;
3. Planned Area Developments;
4. Site Plan Review;
5. Special Use Permits;
6. Subdivisions;
7. Variances; and
8. Zoning Map Amendments (Rezoning).

##### B. Optional Conference

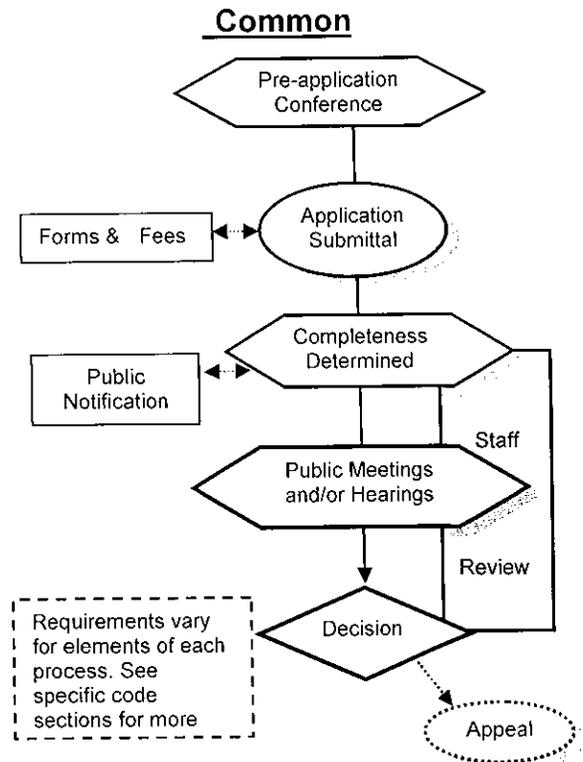
A pre-application meeting is optional for all other applications. Applicants are encouraged to attend an optional pre-application meeting prior to submitting any application.

#### 9.1.3 / Application Forms and Fees

The following regulations shall apply to all applications:

##### A. Property Owner Identification and Endorsement

All applications shall include the name and signature of the current property owner and agent, as applicable.



## **B. Forms and Content**

1. Applications required under this Code shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City, including any checklists for submittals.
2. City staff shall provide a specific list of minimum submittal requirements for each application type. All applications shall meet the minimum submittal requirements and include sufficient information to demonstrate compliance with all applicable standards of this Code.
3. Should additional information be necessary to clarify or facilitate the review of an application, the Community Development Director may request any other pertinent information required to ensure compliance with this Code.

## **C. Fees**

1. Filing fees shall be established from time to time by the City; and
2. All required fees shall be made payable to "The City of Prescott"; and
3. Applicants who pay the appropriate application fee for the submission of an application and subsequently choose to withdraw such application prior to the City expending time in review shall be entitled to a refund of 50 percent of the total amount paid upon written request; and
4. City initiated actions shall not cause a fee to be levied.

### **9.1.4 / Application Deadline**

All applications shall be completed and submitted to the Community Development Director in accordance with a schedule established annually by the City. An application shall not be considered as officially submitted until it has been determined to be complete in accordance with Section 9.15.

### **9.1.5 / Application Completeness**

An application shall be considered submitted only after the Community Development Director determines that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. The official responsible for accepting the application shall make a determination of application completeness within 15 working days of the submittal deadline. If an application is determined to be incomplete, the official responsible for accepting the application shall contact the applicant to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days, the application shall be considered withdrawn.

### **9.1.6 / Area / Neighborhood Meetings**

At the discretion of the Community Development Director, an "area neighborhood" meeting may be scheduled and held on any/all development related applications. **The neighborhood meetings required herein shall be conducted for the purpose informing nearby property owners of the proposed application and to receive comments.**

**A. Area/Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the City of Prescott General Plan, zoning regulations, zoning map or Master Development Plans shall first coordinate with the City to conduct at least one (1) neighborhood meeting in accordance with this Section.**

**B. Neighborhood Meeting Schedule. The neighborhood meeting shall be conducted prior to any public hearing on the application unless waived by the Community Development Director.**

**C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:**

1. Notification by first-class mail to all property owners of record within three hundred (300) feet of the property to be included in the application;
2. Notification by first-class mail to all homeowners associations with common area within 300 feet of the property to be included in the application;
3. The Community Development Director may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;
4. Notification by first-class mail is not required to any persons who have specifically or generally requested notice regarding *area meetings* for proposed Community Development applications. Some required *hearings* allow for notifications per LDC section 9.1.11 and ARS 9-462.04.6;
5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting;
6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

**D. Area/Neighborhood Meeting Procedure.** Neighborhood meetings shall be conducted at a location and time, and shall follow a meeting format, approved by the Community Development Director. City staff will attend such meetings and may augment the meeting record described hereinafter as staff deems necessary.

**E. Record of Proceedings.** A general record of topics discussed at any neighborhood meeting shall be made available in subsequent public hearings held on the application.

**F. Additional Neighborhood Meetings.** The Community Development Director may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Community Development Director at his/her sole discretion. The same notification procedures prescribed herein shall be followed.

**G. Other Required Meetings.** Where an application has already been filed and neighborhood meetings were not otherwise required, the Community Development Director may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.

**H. Neighborhood Meeting Waivers.** The Community Development Director may waive the requirement for a neighborhood meeting. In such cases, the Community Development Director shall set forth the reasons for approving the waiver.

#### **9.1.7 / Public Notices**

All public meetings and hearings shall be posted in City Hall in accordance with State Law and the requirements of the Prescott City Code.

#### **9.1.8 / Posting of Public Meetings and Hearings**

##### **A. Summary of Notice Practices**

Notice shall be provided as required by Title IX, Arizona Revised Statutes. Additional supplemental notices by the City of Prescott may occur as per the Community Development Director. Required and supplemental notice practices are shown in the table that directly follows.

Table 9.1.8A

SUMMARY OF NOTICE PRACTICES			
Application Type	Published	Mailed	(Property) Posted
Administrative Adjustments		X	
Appeal of Code Interpretations	X		
Conditional Use Permit	X	X	X
General Plan Amendments	X		
Historic Designation	X	X	X
Special Use Permit	X	X	X
Text Amendment	X		
Variance	X	X	X
Zoning Map Amendment	X	X	X

**B. Specific Notice Requirements**

The following specific notice requirements shall apply to all required public hearings, except as may be otherwise specified in the Prescott City Code or in Arizona Revised Statutes.

**1. Published Notice**

An advertisement (Public Hearing Notice) shall be placed by the Community Development Director at least once in a local newspaper of general circulation within the City. The advertisement shall be published at least 15 calendar days prior to the meeting.

**2. Mailed Notice**

A notice of public hearing shall generally be sent by U.S. first class mail to owners of record of real property within 300 feet of the parcel under consideration or farther at the Community Development Director's discretion. Alternatives to this standard may occur for administrative waivers, historic preservation actions, or as otherwise permitted by state statutes.

**3. Posted Notice**

A notice of public hearing shall be posted where legible from **in** at least 2 **locations**. **Postings shall be visible from** rights-of-way adjoining the subject property **wherever possible**. Such notice shall be composed of weatherproof materials.

**C. Content of Notice**

All published, posted, or mailed notices shall provide some, or all, of the following specific information as determined by the Community Development Director:

1. General location of land that is the subject of the application;
2. County Tax Assessor's Parcel Number, and the street address, if available;
3. Vicinity map;
4. Substance of the application, including the magnitude of proposed development and the current zoning district;
5. Time, date and location of the public hearing;
6. Phone number to contact the City; and
7. Statement that interested parties may appear at the public hearing.

**9.1.9 / Public Notices**

All public hearings before decision-making bodies in the City of Prescott are normally, but not always, preceded by a public meeting(s) before the same body at which the issues relative to each land use application are explored.

**9.1.10 / Required Public Hearings Meetings**

The following table illustrates the types of review and the body responsible for holding a public meeting to consider such applications.

Table 9.1.10

ITEMS FOR PUBLIC MEETINGS			
Application Type	Board of Adjustment	Planning and Zoning Commission	City Council
Administrative Appeals	X		
Comprehensive Sign Plan		X	X
Conditional Use Permit	X		
General Plan Amendments		X	X
PAD Master Plan/Site Plan		X	X
Site Plans, Council-approved		X	X
Special Use Permit		X	X
Subdivisions/ PAD		X	X
Text Amendment		X	X
Variance	X		
Water Service Agreement (4 or more dwellings)			X
Zoning Map Amendment		X	X

**9.1.11 / Required Public Meetings-Hearings**

- A. The Community Development Director shall provide notice of public *hearings*. **ARS 9-462.04.6 cites changes in use, number of stories and greater than 10% changes in the following: area, height, setback and open space as requiring a public hearing.** The Community Development Director shall **also** provide notice of public hearings or public meetings to persons who annually register, by providing their names and addresses and paying the fee established by the City to cover annual expenses, as being interested in receiving such notice, and when deemed warranted.
- B. The Community Development Director may require, at his discretion, applicants not otherwise required by state statutes or Code requirements to post or mail notices, and/or to attend area neighborhood meetings with surrounding residents when deemed warranted. Public meetings shall be scheduled whenever practicable prior to the public hearing.

**9.1.12 / Simultaneous Processing of Applications**

Whenever two or more forms of review and approval are required under this Code, the applications for those development approvals may be processed simultaneously at the option of the Community Development Director and with the approval of the applicant; provided, however, rezoning applications may not be processed simultaneous with General Plan Amendments. The simultaneous processing of applications shall be in all cases at the applicant's risk.

---

# UDC COMMITTEE

## MEMORANDUM

March 24, 2010

Agenda # 5

---

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION

**TO:** Unified Development Code Committee Members

**FROM:** Tom Guice, Community Development Director  
George Worley, Assistant Director *GW*

**TOPIC:** DTB Parking Proposal Discussion

---

**INTRODUCTION:**

Much discussion has occurred over the past several years about the need for a definitive policy and Land Development Code (LDC) amendment to address parking requirements in the downtown. The last formal discussions focused on the potential of expanding the option to allow a fee in-lieu of actual parking spaces. This topic became bogged down in the debate about who should be exempt, who should pay the fee and how to calculate the fee if one was appropriate. This proposal attempts to approach the question in a comprehensive manner, addressing all of the above topics.

Because the term "downtown" means different things to different people and the boundaries are often debated, the area of focus of this proposal needs to be clearly defined. The LDC established a Downtown Business District (DTB) with mapped boundaries. Using this area as a starting point is logical. It was suggested by a number of participants in the discussion of the previous proposal that those boundaries did not accurately reflect the entire area sharing the most common "downtown" characteristics. Re-opening the debate about the boundaries of the DTB does not appear to be a productive starting point for this effort. Boundary changes can be made by the City Council through rezoning applications as the need arises in the future. *This proposal will focus entirely within the already established DTB district boundary.*

**PARKING EXEMPTED:**

There is a current provision in the LDC (4.9.4.C.2) relating to a parking exemption for certain types of business uses in the DTB. This provision was intended to encourage these certain uses in the downtown to help promote tourism and the exemption was tied to the completion of the Granite Street garage. It excluded residential uses and

office uses from the parking exemption. A key element, in fact a vital element, of a successful downtown environment is a mix of interdependent uses, including a residential component. With Prescott's downtown there is another important factor to consider; protecting the historic character that drives much of our tourism industry. Any effort to address an on-site parking requirement for lots in the downtown must also consider the original development pattern with zero setbacks and public street parking. Requiring on-site parking for existing buildings built in the traditional downtown manner could require a partial or even complete removal of an existing historic building. To protect these buildings, it is necessary to relieve the uses within them of some or all on-site parking requirements. In a prior code a parking exemption existed for buildings built prior to 1968. The origin of that date is not clear; however it was established and applied until a subsequent code amendment removed it, possibly inadvertently. While the city could establish a different date based upon other criteria, such as the building must have a historic designation or that the building is at least 50 years old, this appears to be unnecessary and this proposal uses 1968 as the exemption date. Any building built prior to 1968 and existing within the DTB zoning district does not require on-site parking to be provided for any uses contained therein.

Parking is a general requirement for uses enumerated in the LDC. Parking spaces are required on-site for new buildings at a rate based upon the current or proposed use for the building. This means that the parking rate changes when the use changes. To account for the new parking demand created by new and enlarged buildings, this proposal requires new buildings and existing buildings proposing to construct additions enlarging the usable floor area in the DTB, that are not exempted by the provisions in the preceding paragraph, must either provide required parking or pay a fee in-lieu of providing parking. The demand for new parking spaces created by non-exempt buildings needs to be met either by the property owner/developer on their building site or by the city, with additional public parking spaces. Additional public spaces can be provided by the city, but at a cost for the land and the paving of the spaces. Therefore, non-exempt buildings in the DTB must either provide parking as specified in Table 6.2.3 or shall pay an In-lieu fee for each parking space required per Table 6.2.3.

Where in-lieu fees are offered by a property owner/developer in exchange for actual parking spaces, the fee paid should represent a close approximation of the cost of actually creating a parking space. In this context, the fee is not an incentive, but rather an alternative method of eventually creating additional parking spaces in the vicinity of the newly created parking demand. The word "eventually" is important here. The fees paid in-lieu of parking spaces will accumulate over time and, when the opportunity arises, will be used by the city to acquire, or pay a portion of the acquisition of, land for additional public parking. This will allow a fee payer to create parking demand without the actual spaces being created, potentially for many years. Based upon this concept the in-lieu fee shall be **(\$12,500 to \$15,000)** at the effective date of the enacting ordinance and the fee shall be raised incrementally on the first day of July each year. The incremental increase shall be the higher of either the annual regional cost of living index or the average All Cities Consumer Pricing Index.