



PLANNING & ZONING COMMISSION A G E N D A

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, JANUARY 13, 2011
9:00 AM

COUNCIL CHAMBERS
CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207

The following agenda will be considered by the **PLANNING & ZONING COMMISSION** at its **REGULAR MEETING / PUBLIC HEARING** to be held on **THURSDAY, JANUARY 13, 2011, at 9:00 AM** in **COUNCIL CHAMBERS, CITY HALL**, located at **201 S. CORTEZ STREET**. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

Tom Menser, Chairman
Len Scamardo, Vice Chairman
Joe Gardner
Tim Greseth

Ken Mabarak
Terry Marshall
Don Michelman

III. REGULAR ACTION ITEMS

(May be voted on contingent upon any related public hearing items below being acted on unless otherwise noted).

1. **Consider approval of the minutes** of the December 9, 2010 regular meeting / public hearing.
2. **Transitional Housing**, Ruth Hennings, Planning Intern/George Worley, Planning Manager.

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.

IV. PUBLIC HEARING ITEMS
(May be voted on today unless otherwise noted).

None.

V. CITY UPDATES

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

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 January 7, 2011 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.

Kathy Dudek, Administrative Assistant
Community Development Department

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
DECEMBER 9, 2010
PRESCOTT, ARIZONA**

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION held on DECEMBER 9, 2010 at 9:00 AM in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER

Chairman Menser, called the meeting to order at 9:00 AM.

II. ATTENDANCE

MEMBERS PRESENT Tom Menser, Chairman Len Scamardo, Vice Chairman Joe Gardner Tim Greseth Ken Mabarak Terry Marshall	STAFF PRESENT Tom Guice, Community Development Director George Worley, Planning Manager Mike Bacon, Community Planner Kathy Dudek, Administrative Assistant and Recording/Transcribing Secretary Ruth Hennings, Community Development Intern
MEMBERS ABSENT Don Michelman	COUNCIL PRESENT Jim Lamerson, Council Liaison

III. REGULAR ACTION ITEMS

(May be voted on contingent upon any related public hearing items below being acted on unless otherwise noted).

- 1. Consider approval of the minutes** of the October 28, 2010 regular meeting / public hearing.

Mr. Greseth, **MOTION TO APPROVE THE MINUTES** of the October 28, 2010 regular meeting / public hearing. Mr. Mabarak, 2nd. Vote: 6-0.

- 2. Prop. 203, Medical Marijuana**, Mike Bacon, Community Planner.

Mr. Bacon reviewed the staff report and noted:

- the initial report is being presented informally today and is pending the Arizona Department of Health Services (DHS) requirements that will be determined on December 17, 2010;
- the Unified Development Committee (UDC) began study of the proposition on December 8, 2010 and decisions will be made pending the outcome of the DHS report;
- the UDC studied the following areas:
 - a. zoning districts
 - b. permitting process
 - c. separation distances
 - d. building size;

- the next UDC meeting to study the DHS report will be held on January 5, 2011 at 10:00 am in the Downstairs Conference Room at City Hall;
- legislation for Prop. 203 requires a 500' separation from schools, both elementary and secondary.

Mr. Scamardo, as Chairman of the UDC indicated:

- several members of the public attended the UDC meeting on December 8;
- as chair of the committee, discussion was limited to the four areas presented above;
- the UDC is not debating the legal issues, community concerns, etc., but is only going to look at Prop. 203 in terms of zoning districts, permitting process, separation distances and building size.

Mr. Adam Trenk, Rose Law Group, 6613 N. Scottsdale Rd, Scottsdale (no signature appears on attendance roster), stated that under Prop. 203, one dispensary for every ten pharmacies statewide will be issued a license for a dispensary. A person who is prescribed medical marijuana must register with the DHS and receive a certificate. If a person who receives a medical marijuana certificate does not live within 25 miles of a dispensary, that person will be permitted to grow up to 12 marijuana plants. If a caregiver receives a certificate, that caregiver will be able to dispense medical marijuana to a maximum of five persons. Basically, the UDC at yesterday's meeting concurs that the dispensary as well as the cultivation and infusion operations should be placed in separate locations.

Chairman Menser proffered that the Rose Law Group furnished the City of Prescott with suggestions for the medical marijuana ordinance. He agrees with the furnished report.

As a member of the UDC, Chairman Menser indicated:

- the UDC appears to agree that the dispensary should be more centrally located with the cultivation facility and infusion operations being placed in an industrially-zoned area;
- the cultivation facility and infusion operations must be contained within an enclosed building;
- the residential and Neighborhood Oriented Business districts will be entirely excluded from housing either the dispensary and cultivation facility or infusion operations;
- UDC is considering a Conditional Use Permit for the dispensary, which would require Board of Adjustment approval, in the Business General and Business Regional districts and a Special Use Permit, which would require City Council approval, in the Downtown Business District;
- for security reasons, the cultivation facility and infusion operations need to be placed in an industrial zoning district, i.e., Industrial Light (IL) or Industrial General (IG) with a Conditional Use Permit;
- the Industrial Transition (IT) zoning districts of Prescott include basically two areas: one by Yavapai College and the other along Grove Avenue; and,
- IL and IG appear to be the two preferred industrial districts for the cultivation facility and infusion operations.

Questions from Commissioners included:

- will the size of the operation be based on the number of plants that can be grown [Mr. Bacon: we will need to wait until the DHS comes out with their report]; and,
- how is cultivation done [Mr. Trenk: Prop. 203 states that the cultivation must take place within a fully enclosed, secure building. Most likely cultivation will be done under synthetic lights].

Mr. Travis Pollock, 222 W. Westcott Drive, Phoenix, noted that infusion is a large part of the process because some people who are ill cannot “smoke”—the medical marijuana, therefore, needs to be mixed for infusion. Mr. Pollock asked that the building size not be limited. He stated that the existing facilities in Colorado do not raise the crime rates. Approximately 124 centers will provide a huge demand throughout the state. Very strict security standards are needed, including both visual and voice systems. The restrictions can be accomplished by City Council in the ordinance that is adopted.

Mr. Trenk stated that the DHS will require an accounting of how much and where the product goes. There will be a detailed system that connects law enforcement to the database as well as reporting back to the DHS. Inventory controls will be monitored at the state level.

Chairman Menser, as a member of the UDC, noted that the dispensary was discussed separately from the cultivation and infusion center.

The following questions could not be answered until the December 17 guidelines from the DHS are obtained:

- whether or not medical marijuana is a taxable item; and
- how a medical marijuana license would be different than a liquor license.

Further queries and discussion included:

- why pharmacies/drugstores couldn't be the “dispensary” [Mr. Trenk: pharmacies/drugstores are licensed by the FDA. As medical marijuana is not recognized by the FDA, the drugstore/pharmacy would not be able to sell medical marijuana]; and,
- the permitting process lagging behind DHS approval and whether persons will start growing the product [Mr. Worley: City of Prescott regulations are anticipated to be in place prior to those of the starting date in the state. Facilities are not permitted under the current *Land Development Code (LDC)*. Growers do not have “carte blanche” to start growing if the regulations are not in place].

Mr. Mike Galloway, 2026 N. Sequoia Drive, Prescott, added that a pharmacy couldn't provide the product, as no one under the age of 18 could be in the dispensary.

Mr. Joseph Butler, 145 E. College Drive, Durango, CO, noted there are no age restrictions for persons to obtain medical marijuana. A person under the age of 18 can qualify if permission is given from the legal guardian.

Chairman Menser noted that the issue will be looked at on January 5, 2011 by the UDC. Then the item will be agendaized for a public hearing at the Planning & Zoning Commission. If the Planning and Zoning Commission reaches a decision to approve the item, it will then go before City Council for adoption by ordinance.

IV. PUBLIC HEARING ITEMS

(May be voted on today unless otherwise noted).

None.

V. CITY UPDATES

2. Arizona Planning Association Conference—Boards and Commissions Sessions Report. Commissioners Ken Mabarak and Terry Marshall.

Mr. Marshall thanked the City for allowing him to attend the conference. He noted that attendance was slight, most likely due to budgetary constraints across the state. Because of the minimal attendance, he had the opportunity to interact and ask questions.

Mr. Marshall noted that new commissioners should: get to know the staff as well as fellow commissioners' backgrounds and expertise, spend time making on-site inspections prior to commission meetings, thoroughly understand codes and ordinances, and learn from experienced fellow commissioners.

Mr. Mabarak noted that the conference was held the day after the November election. Discussions centered around how the elections would impact growth in Arizona. One main point was that commissions shouldn't design or build projects from the podium. Instead, commissions should work with applicants to ensure that the project falls within code.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

Chairman Menser inquired about the status of Prescott College's request for dormitory buildings. Mr. Worley noted that the Board of Adjustment deferred action on the item to the December 16, 2010 meeting at 9:00 am.

VII. ADJOURNMENT

Chairman Menser adjourned the meeting at 10:03 am.

Tom Menser, Chairman

Land Development Code Amendment for Transitional Housing LDC11-002

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Date: January 13, 2011 (Study Session)

TO: Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director
George Worley, Assistant Director
Ruth Hennings, Community Planner Intern

DATE: January 5, 2011

PROJECT GOAL

Sections of the Land Development Code addressing group homes and transitional housing are out of compliance with the federal Fair Housing Act and are not currently enforceable. The goal of the proposed text amendments is to create legally defensible zoning regulations for these types of residences.

BACKGROUND INFORMATION

The Land Development Code was adopted in 2003. In March of 2004, new language was adopted (Resolution 3594) pertaining to transitional Housing and Assisted Living, which defined those categories and incorporated them into the Permitted Use Table. Later in 2004, the Arizona Center for Disability Law sent a letter to the City with notification that the new language in the LDC relating to transitional housing was out of compliance with the Fair Housing Act, and associated federal and state statutes.

The City of Sedona had just lost a lawsuit against a group home represented by the Arizona Center for Disability Law. In that case, Sedona had refused to permit operation of a group home for disabled people in a residential zoning district without a Conditional Use Permit. This violated the rights of the group home, where the residents live like a family unit, to locate in a neighborhood with other single family homes. The City of Sedona settled the case in 2003, paying over \$500,000 in damages to the defendant and allowing the group home to locate in the neighborhood it had originally preferred.

Beyond the Sedona case, it has been shown that the courts will overwhelmingly support group homes, often in opposition to the desires of municipalities. The basis for these decisions is the Fair Housing Act's amendment of 1988. This amendment was enacted to protect people with disabilities living in *community residences for the disabled*, also known as group homes, recovery centers, and halfway houses. The purpose of the amendment was to ensure that local

zoning and land use laws treat groups of unrelated persons with disabilities the same as groups of unrelated persons without disabilities.

Persons with disabilities, within the meaning of the Fair Housing Act, are individuals with mental or physical impairments which limit major life activities. This includes, but is not necessarily limited to, conditions such as blindness, mental illness or retardation, alcohol and drug addiction, or any mobility impairments. This does not include current users of controlled substances or sex offenders.

The City of Prescott and Yavapai County have higher than national and state percentages of disabled citizens, veterans, and elderly people (see the table below). It is important to note that these are the groups of people that are more likely to live in community residences for the disabled (i.e. group homes, halfway houses, etc.) and senior family homes.

	Yavapai County	Arizona State	United States
Percent of people reporting a disability	17.1%	11.6%	12.0%
Percent civilian veterans	16.8%	11.0%	9.5%
Percent age 65 and older	22.0%	13.0%	12.4%

Source: 2000 United States Census and 2009 American Community Survey

According to the United States Census and the American Community Survey, close to 99% of people with disabilities throughout the country live on their own or in the care of their families. Less than 0.5% of people live in group quarters, more commonly known now as community residences. However, it is also important to note that data on the density of community residences, especially in Prescott, may not be accurate as not all are required to be licensed.

ZONING STRATEGY

Essential to any strategy that seeks to manage the zoning of community residences is to understand that land use laws are not allowed to treat people with disabilities any differently than those without disabilities. Community residences are residential uses, not commercial, and the owners and residents of these homes have the same rights as any other property owner or resident in the city.

With this information in mind, the City of Prescott defines a family as a group of up to 8 unrelated persons living together as a single housekeeping unit. Thus, in accordance with the stipulation mentioned above, *any community residence for the disabled of up to 8 disabled persons must be permitted in any zoning district where single-family residences are allowed.* Therefore, community residence zoning regulations are really only applicable to the following groups: 1) family community residences of over 8 people and 2) transitional community residences of over 8 people.

The two types of larger community residences, family and transitional, have different zoning implications. Family community residences function most closely to single-family homes because they are permanent in nature and often have smaller numbers of residents. Transitional community residences function more similarly to multi-family housing because of the temporary tenancy.

Another consideration when creating zoning regulations for community residences is that reasonable accommodations must be made for these groups to be allowed in otherwise restricted single-family and multi-family residential zoning districts. Reasonable accommodation, according to the Department of Justice and the Department of Housing, makes it illegal to refuse modifications and exceptions to policies that may be necessary to afford persons with disabilities an equal opportunity to use a dwelling. An accommodation is reasonable if it does not impose an undue burden or expense on the local government, and if it does not create a fundamental alteration in the zoning district.

There is extensive legal debate regarding the ability of municipalities to implement spacing distances for community residences for the disabled. There are several opinions regarding spacing distances worth mentioning. The *Department of Justice and Department of Housing* states clearly that “Density restrictions are generally inconsistent with the FHA.” Dr. Daniel Lauber, a legal expert on zoning for community residences, also writes that, “The spacing and licensing requirements will not stand up in court unless the city first has an expert prepare a report that justifies them and presents expert testimony at the public hearing on the amendments. Without this sort of report and expert testimony to provide a rational and factual basis for zoning limitation on community residences for people with disabilities, the limitations will not hold up in court and will expose the city to substantial damages.”

Additionally, licensing requirements may be applied to community residences of greater than 8 residents. According to Dr. Daniel Lauber, “Licensing and certification are the regulatory vehicles used to assure adequate care and supervision. If there is no governmental or quasi-governmental body that requires licensing or certification for a particular type of community residence, then the heightened scrutiny of a conditional use permit is warranted.” Additionally, if a license is required but denied to the applicant, then they cannot operate in the City.

Given the arguments and research presented in this report, the following strategy (see table below) applies the functional differences between family and transitional community residences and the regulations concerning licensing to zoning regulations. As there have been significant changes over the past several years in what types of restrictions are allowed, and how reasonable accommodation should be interpreted, there has been careful consideration of legal matters.

ZONING FOR COMMUNITY RESIDENCES FOR THE DISABLED and SENIOR FAMILY HOMES				
	License / Certification Required		License / Certification Not Required	
	Single- Family	Multi- Family	Single- Family	Multi- Family
Family Community Residences (9 + people)	P	P	C	C
Transitional Community Residences (9 + people)	C	P	C	C
Senior Family Home (9 – 10 people)	C	P	C	C

Overall, the zoning strategy takes a moderate approach to the regulation of community residences. The only way to make the requirements more restrictive is to impose a spacing distance, and this cannot be done without expert testimonial and professional consultation. If this is desired, the spacing distance language may be added to the ordinance language at a later date.

DRAFT LAND DEVELOPMENT CODE AMENDMENTS

As it stands right now, sections in the LDC pertaining to transitional housing and group homes are unenforceable. The purpose of the proposed amendments is to provide guidance and support for locating community residences for the disabled within the City and to create defensible zoning restrictions in the LDC. The proposed code amendments aim to do three things: 1) remove existing language addressing transitional housing and group homes that is out of compliance with Fair Housing law, 2) amend language to include the new community residence model, and 3) incorporate provisions for senior family homes.

The proposed changes will affect Articles 2 and 11. In Article 2, Table 2.3 will be amended to include Community Residence for the Disabled and Senior Family Homes as residential uses. These uses will also be added to the use standards listed in Section 2.4. In Article 11, amendments will be made to 11.1.3, Residential Use Categories, and definitions added to Table 11.2.5.

Attachments:

1. Definitions
2. Draft LDC Amendments

STAFF RECOMMENDATION

None at this time.

DEFINITIONS

Community Residence for the Disabled: A residential living arrangement for 9 or more unrelated individuals with disabilities, who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. The purpose of a Community Residence is to integrate residents into the community and is considered a residential use of property for purposes of all zoning and building codes.

Family Community Residence: One of two Community Residence (see Definition) categories. A living arrangement for a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in years and is often permanent in nature.

Transitional Community Residence: One of two Community Residence (see Definition) categories. A living arrangement for a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in weeks or months.

Disability: Mental or physical impairment which substantially limits one or more major life activities. The term mental or physical impairment may include, but are not necessarily limited to, conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act or federal law, by virtue of that status.

Family: a) An individual, or 2 or more persons related by blood, marriage, or adoption, including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit; or 2) A group of not more than 8 persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Reasonable Accommodation: Modifications or exceptions to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Senior Family Home: A residence for 9 – 10 people age 60 and over, who operate as a family, with supportive staff as necessary to meet the needs of the residents.

Article 2 / Uses Regulations

Table 2.3

PERMITTED USE TABLE																							
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS									NONRESIDENTIAL BASE ZONING DISTRICTS							Use Standards						
	RE-2 AC	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC ¹	NOS	RS	MU	RO	NOB	BG		BR	DTB	IT	IL	IG	
Residential Use Categories (Sec. 11.1.3)																							
Single-family Dwellings / Modular Homes ²	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P					2.4.49
Duplex Dwellings							P	P	P				P	P	P	P	P	P					2.4.21
Multi-family Dwellings (Apartments & MF Condos)							P	P	P				P	P	P	P	P	P	P				2.4.33
Patio Homes ³							P	P	P				P										2.4.36
Townhouses ⁴							P	P	P				P										2.4.52
Manufactured Housing ⁵																							2.4.30
Manufactured Home Parks							C	C	P							C	C						2.4.31
Assisted Living / Nursing Home	C						P	P	P				P	P	P	P	P	P					2.4.7
Bed and Breakfasts	P						C	P	P				P	P	P	P	P	P	P				2.4.12
Boarding Houses							C	P	P				P	P	P	P		P	P				--
Casitas, Cabins, or Cottages	C												C	P	P	P	P	P	P				2.4.14
Congregate Living	C						C	P	P				P	P	P	P	P	P					2.4.18
Dormitories							C	C	C				C	C	P	P	P	P	P	P			2.4.18
Foster Group Home (6 - 10 children)	C	C					C	P	P				C	P	P	P	P	S	P				2.4.18
Foster Homes (≤5 children)	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P				2.4.18
Fraternities or Sororities							C	P	P				P	P	P	P	P	P	P				2.4.18
Group Homes (≤8 persons)	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P				2.4.25
Motels or Hotels													C	P	P	P	P	P	P	P	P	P	--
Nursing Homes	G						P	P	P				P	P	P	P	P	P					2.4.7
Transitional Housing									G				G	P	P	P	P	P					2.4.45
Community Residence, Family ⁷ (licensed)	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P				2.4.17
Community Residence, Transitional ⁷ (licensed)	C	C	C	C	C	C	C	P	P	P				P	P	P	P	P	P				2.4.17
Community Residence ⁷ (unlicensed)	C	C	C	C	C	C	C	C	C				P	P	P	P	P	P	P				2.4.17
Senior Family Home (9 - 10 residents)	C	C	C	C	C	C	P	P	P				P	P	P	P	P	P					2.4.46

¹ See Section 3.11.5 / Allowed Uses.
² Modular Homes must meet the Uniform Building Code (UBC) or International Building Code (IBC) Standards.
³ Patio homes may also be allowed on individual lots in the RO, NOB, BG and BR Districts and in the RE and SF districts in accordance with the Planned Area Development (PAD) procedures of Sec.9.5.9.i.
⁴ Townhouses may also be allowed on individual lots in the RO, NOB, BG and BR Districts and in the RE and SF districts in accordance with the Planned Area Development (PAD) procedures of Sec. 9.5.9.i.
⁵ Manufactured housing may be permitted only in approved manufactured home parks and in zoning districts with the “-MH” floating zone designation (See Sec. 3.12, Manufactured Home Floating Zone).
⁶ “Stand Alone Professional Practice” (practices not having a residential component) are possible subject to the processing of a Conditional Use Permit.
⁷ Refers to residences for the disabled of greater than 8 persons. Any residence of 8 or fewer people is permitted as a single-family dwelling.

Article 2 / Use Regulations

- D. Food service shall be allowed provided it is only offered to registered guests.

2.4.13 / Bulk Containers, Storage and Sales from (Industrial Use Categories, Industrial Sales and Service Use)

Where large containers are needed to temporarily store items for sale on site, the Community Development Director may approve the use as a temporary use. Otherwise, Bulk Containers for any purpose may only be permitted in the industrial zone(s). See also Bulk Container, Storage and Sales From, Temporary, in the Use Table 2.3 and Sec. 9.11, Temporary Use Permits.

2.4.14 / Casitas, Cabins and Cottages (Retail, Service and Business Use Categories, Accommodations)

Individual casitas, cabins or cottages shall not exceed 1,000 square feet (gross floor area).

Commentary:

The recommended Minimum Lot Area for casitas, cabins and cottages is as follows:

- One Unit: 5,000 square feet
- Each Additional Unit: 2,500 square feet

2.4.15 / Cemetery, Mausoleums (Public, Civic and Institutional Use Categories, Parks and Open Space)

Cemetery facilities shall be subject to Conditional Use Permit requirement, except as otherwise specified, and to the following standards:

- A. **Minimum Setbacks, Buildings:** 30 feet
- B. The site proposed for a cemetery shall not interfere with the development of a public infrastructure system, including streets, sewers and other utilities.
- C. Buildings shall be used for cemetery purposes only including, but not by way of limitation to, offices, memorial chapels, mausoleums, vaults, columbaria, crematoria, and such other structures as may be necessary for the preparation, presentation, interment, and cremation of human or pet remains and the maintenance of the cemetery.
- D. There shall be adequate provisions for perpetual care.

Commentary:

The recommended Minimum Lot Area for cemeteries is 5 acres.

2.4.16 / Commercial Storage (Industrial Use Categories, Industrial Sales and Service Use)

All commercial storage of goods and materials shall be fully enclosed within a building, and there shall be no outside storage of materials or products, except as expressly authorized elsewhere in this Code. This shall not be interpreted as a prohibition on parking of business-related vehicles on such sites. (See also Outdoor Storage or Production, Sec. 2.4.35, and Use Table 2.3 for applicable districts.)

2.4.17 / Community Residence for the Disabled, Family and Transitional (Residential Use Categories, Community Residence)

Family Community Residences and Transitional Community Residences greater than 8 residents shall be subject to the following standards:

- A. Community Residences for persons with disabilities for which a license or certification is required by any state, federal, or responsible accrediting agency is permitted as designated in Table 2.3. If a license or certification is required and denied to the applicant then the use is not permitted.
- B. Community Residences for persons with disabilities for which a license or certification is not required by any state, federal, or responsible accrediting agency will be subject to a Conditional Use Permit requirement.
- C. Live-in or shift staff are not counted towards the permitted number of residents.

2.4.18 / Congregate Living Facilities (Residential Use Categories; Congregate Living)

Congregate living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living (See 11.1.3C). Examples include dormitories, fraternities,

- G. The site shall be designed to prevent unnecessary light, noise, or activity from having negative impacts on adjacent uses.

2.4.25 / Greenhouse/Nursery Center, Retail (Retail, Service and Business Use Category, Retail Sales and Service)

Retail greenhouses and nursery centers shall be subject to the following standards:

- A. Permitted activities may include the off-site delivery of plant materials and the use and storage of all vehicles, equipment, and crew necessary for those activities.
- B. Off-site maintenance of plant materials and planting shall constitute landscape contracting and shall be subject to the Use Standards for a Landscape Contractor's Storage Yard.

Commentary:

The recommended Minimum Lot Area for greenhouse/nursery centers is 5 acres.

2.4.25 / Group Homes (Residential Use Categories, Household Living)

~~Group homes for the developmentally disabled may be occupied by a maximum of 8 unrelated persons. (See Definition of "Family," Sec. 11.2.5).~~

2.4.26 / Hazardous Waste Facilities (Industrial Use Category, Waste-related)

Hazardous waste or materials facilities may be permitted subject to all state and federal requirements. Council-approved Special Use Permits may be subject to additional requirements.

2.4.27 / Junkyards (Industrial Use Category, Waste-related)

Junkyard facilities, which may include storage, shall be subject to the following standards:

- A. The landscaping surrounding all outdoor storage areas shall include a solid wall at least 6 feet but no more than 10 feet in height. Storage between the street and such fence or screen, or above the height of such fence or screen, is expressly prohibited.
- B. All gasoline, motor oils, brake and transmission fluids, antifreeze, hydraulic fluids, battery acids and other fluids shall be removed immediately from all salvaged vehicles. Such fluids shall be stored and disposed of in such a manner to avoid soil and environmental contamination of the subject site and prevent contamination of surrounding properties and waterways.
- C. The site shall have frontage on, and access, to a collector or arterial street.
- D. The use shall not create excessive traffic, noise, light, or other activity that would have negative impacts on adjacent uses.

Commentary:

The recommended Minimum Lot Area for junkyards is 5 acres.

2.4.28 / Kennels, Veterinary Clinics with or without Kennels, Animal Shelters and Animal Training Facilities (Retail, Service, and Commercial Use Categories; Retail Sales and Service, Personal Service-Oriented)

Kennels (indoor or outdoor), veterinary clinics with or without kennels, animal shelters, and animal training facilities shall be subject to the following standards:

- A. The site plan shall show all fencing, berming, and building material soundproofing designed to mitigate the noise impact of the proposed use on the surrounding properties.
- B. Waste handling and ventilation shall be designed to control odors discernable off site.
- C. All kennels with outdoor runs shall be further subject to the following standards:
 - 1. **Minimum Setbacks:**
 - a. Residential Zoning: 150 feet
 - b. Residential Structures: 300 feet

Commentary:

The recommended Minimum Lot Area for kennels, animal shelters and animal training facilities is 2 acres.

Article 2 / Use Regulations

Recreational vehicle (RV) parks and incidental facilities shall be subject to the following standards:

- A. Minimum Space Area:
 - 1. Recreational Vehicle, Motor Home, Camp Trailer and Similar: 1200 square feet
 - 2. Cabin or Tent: 800 square feet
- B. Minimum Space Width: 30 feet
- C. Recreational vehicle parks shall be occupied only by persons using travel trailers, truck campers, small cabins without plumbing (traditional KOA-style), and tents for overnight, short duration, or seasonal camping;
- D. Each park shall be served by central water and sewer facilities;
- E. Each park shall provide common restroom and shower facilities in accordance with the requirements of the IPC (International Plumbing Code);
- F. No space shall be located more than 600 feet from common restroom and shower facilities;
- G. The City may require landscaping and screening pursuant to the provisions of Sec. 6.5, Landscaping and Screening; and
- H. One tree of a species suitable for the area shall be provided for each 2 spaces and shall be located in close proximity to those spaces. (Existing trees on the site may be used to satisfy this requirement.)

2.4.43 / Recycling Collection Centers (Industrial Use Categories, Waste-Related Use)

Recycling Collection Facilities shall be subject to the following standards:

- A. There shall be at least 2 parking spaces per 100 square feet of gross floor area.
- B. All processing operations shall be conducted within an enclosed structure.
- C. All vehicles, or parts thereof, on the premises shall be operable and shall meet all state and federal licensing requirements.
- D. Outdoor storage shall be limited to drop-off recycling bins and shall be fenced with a solid fence of at least 6 feet, but not more than 8 feet, in height. Storage may not exceed the height of the fence.

Commentary:

The recommended minimum lot area for Recycling Collection Facilities is 2 acres.

2.4.44 / Recreational Vehicle (RV) Storage Yards (Retail, Service and Business Categories, Self-Service Storage)

Recreational Vehicle (RV) Storage Yards may be permitted subject to the following standards:

- A. Screening shall be provided in accordance with the requirements of Sec. 6.5.8, Screening Standards; and
- B. All RV Storage Yards permitted in any residential zoning district shall be located on land owned and/or otherwise controlled by a subdivision homeowners association or similar entity and shall be reserved for the exclusive use of the subdivision residents. Notwithstanding other provisions to the contrary, such yards may be permitted by right when so approved on a Final Plat, otherwise a Conditional Use Permit shall be required.

2.4.45 / Transitional Housing (Residential Use Categories)

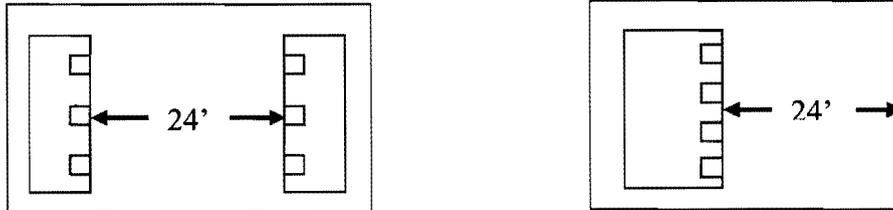
~~Includes variations of transitional housing types such as Crisis Center, Halfway House, Residential Treatment Center, Supervisory Care Shelter, and Temporary Shelter. Such use may be permitted subject to the following standards:~~

- ~~A. Whether allowed by right or by Conditional Use Permit, the request shall be evaluated based on occupancy load and parking adequacy. All such transitional housing providers shall register with the Community Development Department to assess whether the use is allowed at a location, or by right or by Conditional Use Permit.~~

- ~~B. There shall be a minimum 1,320 foot separation between such uses, as measured in a straight line from the nearest property line of an approved facility to the nearest property line of another Transitional Housing facility.~~
- ~~C. All such uses will be required to have a City of Prescott business license prior to operation.~~
- ~~D. Transitional Housing facilities requiring a Conditional Use Permit shall minimize any changes to the exterior of the property that alter the residential character of the site.~~

2.4.45 / Self-Storage or Mini-storage (Industrial Use Categories; Self-service Storage)

Self storage or mini-storage shall maintain a clear maneuvering/parking area at least 24 feet in depth directly in front of each storage bay.



2.4.46 / Senior Family Homes (Residential Use Categories, Household Living)

All Senior Family Homes of 9 – 10 residents shall be subject to the following standards:

- A. Senior Family Homes are subject to the same use standards as Single-Family Dwellings.
- B. Live-in or shift staff are not counted towards the permitted number of residents.

2.4.47 / Service Stations, Self Service and Full Service, Convenience Stores (Retail, Service and Business Categories; Vehicle Service, Limited)

Gasoline service stations may be permitted subject to the following standards:

- A. Minimum Standards**
 1. Where such use is adjacent to any residential district screening shall be required in accordance with Sec. 6.13, Residential Protection Standards.
 2. Signs located on a canopy shall not extend above or below the fascia.
 3. All outdoor lighting shall be subject to the requirements of Sec. 6.11, Outdoor Lighting.
- B. Full Service**
 1. All bay doors shall face away from adjacent thoroughfares and rights-of-way, unless doing so would orient toward an adjacent residence.
 2. Full Service stations shall not be permitted adjacent to residentially zoned uses.
 3. A use providing automobile-related repairs shall be considered "Vehicle Repair" (Refer to Sec. 2.4.9).

2.4.48 / Shooting/Archery Range, Outdoor (Retail, Service and Business Use Categories, Recreation and Entertainment, Outdoor)

Outdoor shooting or archery facilities shall be subject to the following standards:

- A.** The applicant shall submit a detailed site plan showing the layout and design of the proposed outdoor shooting range including all required setbacks and landscaping and the existing and proposed structures, their gross floor areas and impervious surfaces. The scale of the

Commentary:
The recommended minimum lot area for outdoor shooting/archery ranges is as 20 acres.

Article 11 / Definitions

4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use; and
10. How the use advertises itself.

B. Use Interpretation Standards

1. No Similar Use Interpretation shall allow a use in a zoning district when that use is a permitted, special or conditional use in any other zoning district.
2. No Similar Use Interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable Use Standards and all other applicable requirements and standards of this Code.
3. No Similar Use Interpretation shall permit any use in a zoning district unless the use is more similar to the uses listed for the respective zone than to permitted, special and conditional uses allowed in other zoning districts.
4. If the proposed use is more similar to a use allowed only as a conditional or special use in the zoning district in which it is proposed to be located, then any Similar Use Interpretation permitting that use shall require a Conditional Use Permit or Special Use Permit.

C. Effect of Similar Use Interpretation

No Similar Use Interpretation finding a particular use to be permitted or conditionally permitted in a specific District shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City of Prescott or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to Conditional Use Permits, Special Use Permits, Building Permits, and Certificates of Occupancy.

11.1.3 / Residential Use Categories

A. Assisted Living

1. Characteristics

Assisted Living is characterized by occupancy of a building by a group of aged people, those with ~~developmental~~-disabilities, or those in immediate crisis not related to criminal or substance abuse conduct. The residents do not function as a single housekeeping unit, and may live in individual or shared apartments. The residents may receive care, training, or treatment. Care givers are present at all times, and may (or may not) reside at the site. These structures may or may not have a common eating area.

2. Accessory Uses

Accessory uses include offices, cafeterias, parking, and maintenance facilities.

3. Examples

Examples of Assisted Living include nursing and convalescent homes and hospice facilities. ~~homes for more than 8 resident clients who are physically disabled, mentally retarded, or emotionally disturbed – and may include temporary housing for battered persons (also referred to as a safe house).~~

B. Accommodations

1. Characteristics

Dwelling units arranged for short term stays of less than 30 days for rent, lease or interval occupancy.

2. Accessory Uses

Accessory uses may include pools and other recreational facilities, limited storage, and offices.

3. Examples

Examples include bed and breakfast establishments, hotels, motels, inns, and interval occupancy facilities. Also includes central reception and check-in facilities for resorts and interval occupancy facilities.

C. Community Residences for the Disabled

A Community Residence provides a living arrangement for persons with disabilities. The intent of a Community Residence is to provide a residence that assists in normalization and community integration. The residence may provide socialization training, life skills instruction, incidental medical care, and help with personal living activities.

1. Family Community Residences for the Disabled

a. Characteristics

Family Community Residences are characterized by the residential occupancy of a dwelling unit by a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in years and is often permanent in nature.

b. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, home occupations, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles.

c. Examples

Examples of Family Community Residences include group homes for the disabled and residential living facilities for groups of disabled persons.

d. Exceptions

Assisted living, nursing homes, institutions, congregate living, and any facility for sex offenders or juveniles.

2. Transitional Community Residences for the Disabled

a. Characteristics

Transitional Community Residences are characterized by the residential occupancy of a dwelling unit by a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in weeks or months and is often transitional in nature.

b. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, home occupations, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles.

c. Examples

Examples of Transitional Community Residences are halfway houses, transitional homes, and recovery homes.

d. Exceptions

Boarding houses, treatment centers for alcohol and drug abuse, detoxification facilities, and any facility for sex offenders or juveniles.

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D. Congregate Living

1. Characteristics

Congregate Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see Resort Accommodations and Community Service categories). Generally, Congregate Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the caregivers also reside at the site.

2. Accessory Uses

Accessory uses commonly associated with Congregate Living are recreational facilities, dining facilities and parking of vehicles for occupants and staff.

3. Examples

Examples of Congregate Living include dormitories; fraternities and sororities; monasteries and convents.

4. Exceptions

- a. Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Resort Accommodations category.
- b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.
- c. Congregate care facilities where individual units meet the definition of a dwelling unit in Sec. 11.2 are classified as Household Living.
- d. Foster homes where more than 4 children reside are classified as a Foster Group Home.

E. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is to be arranged on a month-to-month or longer basis. Uses where tenancy is arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories).

2. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, home occupations, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles. Home occupations, Caretaker's Quarters and Guest Houses are accessory uses that are subject to additional regulations.

3. Examples

Examples of household living use (structure) types include: Single-family Dwellings, Attached Single Family Dwellings, Duplexes, Patio Homes, Multi-family Dwellings, Townhouses, Workforce Housing, Mobile Home Parks, Group Homes, Senior Family Homes, Retirement Center Apartments, manufactured housing and other structures with self-contained dwelling units.

4. Exceptions

Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified in the Accommodations category.

~~E. Transitional Housing~~

1. Characteristics

~~Transitional Housing includes lodging or dwelling unit, or a portion thereof, which is provided to a person or persons for a period usually less than 180 days and which lodging or dwelling unit is not the legal permanent address of the lodger.~~

2. Accessory Uses

~~Accessory uses may include counseling; transportation to social, job training, court, or other service providers; mail and message services, assistance with self medication and the like.~~

3. Examples

~~Examples include, but are not limited to, Crisis Center, Halfway House, Residential Treatment Center, Supervisory Care Center, and Temporary Shelter (see 11.2 Terms Defined).~~

4. Exceptions

~~Exceptions include foster homes, group homes, safe houses, single-family and multifamily dwellings and other forms of Household Living.~~

11.1.4 / Public, Civic and Institutional Use Categories

A. Educational Facilities

1. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.

2. Accessory Uses

Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care. Accessory uses at colleges include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.

3. Examples

Examples include public and private daytime schools, boarding schools, military academies, universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital and seminaries.

4. Exceptions

- a. Preschools are classified as Day Care uses.
- b. Business and trade schools are classified as Retail Sales and Service.
- c. Governmental uses are technically exempt from these regulations; however; such uses are encouraged to comply.

B. Community Service

1. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community Services or facilities that have membership provisions are open to the public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas, and athletic facilities.

3. Examples

TABLE 11.2.5 (CONT'D.)		GENERAL TERMS	
Term	Definition		
Building Site	The total horizontal area included within the setbacks.		
Bulk Containers	Large containers designed to hold bulk materials, including but not limited to, cargo cars, sea containers, hot tubs, sheds larger than 48 square feet in size.		
Business or Commercial	The purchase, sale or other transaction involving the handling or disposition of any article, substance, service or commodity for profit, gain, livelihood (whole or partial), or consideration conducted at any location.		
Cabin	A building used, or designed, or intended for use or occupancy by not more than one family as living quarters, including all necessary domestic employees of such family, having only one (1) kitchen or kitchen facility, and not having a private indoor toilet. No space hereafter constructed or altered for such purpose shall be used for such purpose unless it comprises not less than 320 square feet of gross floor area.		
Campground	Public and quasi-public open space areas, with or without sanitation facilities or water, for overnight camping. Campground may also include the overnight parking of recreational vehicles. (See also Recreational Vehicle Parks Sec. 2.4.42,		
Car Wash	A facility for the cleaning and washing of motor vehicles which may include interior cleaning, vacuuming, and waxing by means of self-service, mechanical apparatuses, manual labor, or a combination thereof. A car wash may be in conjunction with an automobile Service Station.		
Casita or Cottage	A small, detached house or dwelling unit that may be used for short-term rental purposes in the manner of a motel room.		
Certification	A written statement of the fact to be certified and made under oath by the applicant and notarized.		
Child	Any person through the age of fourteen years.		
City	Shall mean the City of Prescott, Arizona, and shall include the Planning and Zoning Commission and the City Council.		
City Council	Shall mean the City Council of Prescott, Arizona.		
Collector Street	A street or road that serves local traffic movement within an area and traffic between major arterials and local streets and provides a means of ingress and egress to local streets and sometimes to abutting property. A collector street also serves to connect adjacent neighborhoods and includes the principal entrance streets into residential neighborhoods. There may also be provisions for parking and loading or unloading on collector streets.		
Commercial	See "Business".		
Communications Tower	A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on another structure.		
Community Residence for the Disabled	<p><u>A residential living arrangement for 9 or more unrelated individuals with disabilities, who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. The purpose of a Community Residence is to integrate residents into the community and is considered a residential use of property for purposes of all zoning and building codes. There are two categories of Community Residences for the Disabled:</u></p> <p><u>1) Family Community Residence - Tenancy is typically measured in years and is often permanent in nature.</u></p> <p><u>2) Transitional Community Residence - Tenancy is typically measured in weeks or months, and is transitional in nature.</u></p>		
Condominium	An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in air space in a residential or commercial complex located on such real property. Condominium may include cluster housing or semi-detached housing. In addition, a condominium may include a separate interest in other portions of such real property, such as common area.		
Conceptual Plan	A written and graphic plan submitted for consideration of a Planned Area Development that indicates in a conceptual form, the proposed land uses and their overall impact on the subject land and surrounding lands		
Corner Lot	See Lot, Corner.		
Cornice	The molded and projecting horizontal member that crowns an architectural composition.		
Cottage	See Casita.		

Article 11 / Definitions

TABLE 11.2.5 (CONT'D.)		GENERAL TERMS
Term	Definition	
Court	Any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from and above the floor level of any room having a window or door opening on such space. The width of a court shall be its least horizontal dimension.	
Crisis-Center	A facility, or portion thereof, used for purposes of emergency shelter, crisis intervention, including counseling, referral or other human services functions. Such a facility may provide shelter, meals and/or merchandise distribution. Such a facility may include a Crisis Nursery.	
Cutoff Fixture	Outdoor light fixtures shielded or constructed so that the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. Drop or sag lens type fixtures shall not be allowed.	
Day Care	Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care uses providing care for up to 4 persons are considered "Babysitting".	
Day Care Business	Any facility in which day care is regularly provided for compensation for 9 or more children or adults not related to the proprietor or operator.	
Day Care, Home-based	A facility in which 5 to 8 children or adults who are not members of the family residing therein are cared for in return for compensation.	
Dead-end Street	A street or road having a traffic outlet on one end only. A dead-end street shall have temporary provisions at or near the end for the turning around of vehicular traffic. (See Sec. 7.4.3C, Dead-end Streets.)	
Deck	A flat floored, roofless area adjoining a house.	
Density	Means the number of dwelling units for each acre of land.	
Development	The making of any material change in the use or appearance of any structure or land, the creation of a subdivision or the creation of 2 or 3 parcels pursuant to a land split division over which the City has regulatory authority. Development includes, but is not limited to, such activities as the construction, reconstruction or alteration of the size or material change in the external appearance of a structure or land; trenching or grading; demolition of a structure or removal of vegetation; deposit of fill; or the alteration of a floodplain, bank or watercourse.	
Direct Glare	Glare resulting from the arc tube being visible in the field of view.	
Developmental Disability	<u>Mental or physical impairment which substantially limits one or more major life activities. The term mental or physical impairment may include, but are not necessarily limited to, conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act or federal law, by virtue of that status.</u>	
District	Any area or areas similarly classified, whether contiguous or not, and shown by specific and similar designations on the maps which are a part of this Code.	
Disturbable Area Envelope	That designated portion of a lot or tract that is approved for grading and grubbing (including driveway grading) but excluding any public or private street.	
Dormitory	Any structure with 6 or more rooms specifically designed for the exclusive purpose of housing students of a university, college or school, excepting resident staff.	
Double Frontage Lot	A lot having street frontage on both the front and rear property lines. Double frontage lots have two "front" lot lines.	
Drainage Regulations	The regulations contained in Title VIII, Chapter 7 of the Prescott City Code, and Sec. 7.4.10, Drainage, this Code.	
Drainageway	A natural or man-made path of flow for stormwater.	
Drive-through Window	An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.	

Article 11 / Definitions

TABLE 11.2.5 (CONT'D.)		GENERAL TERMS	
Term	Definition		
Final Plat	The final drawing of a property being subdivided as prepared by a land surveyor or engineer for recording and approval by the City Council and prepared in accordance with Sec. 9.10.9B.1 of this LDC.		
Flag	Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.		
Flag Lot	See Lot, Flag		
Floor Area, Net (Net Floor Area)	For the purpose of applying the requirements for off-street parking, the term "floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or the service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall also include restrooms, fitting or dressing rooms, and kitchen areas in the case of restaurants. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, or for offices incidental to the management or maintenance of stores or buildings.		
Floor Area, Gross (Gross Floor Area)	The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, but excluding areas used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.		
Foot Candle (FC)	The unit of luminance when the foot is taken as the unit of length. It is the luminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the luminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.		
Foster Home	A home licensed by the Arizona Department of Economic Security maintained by persons having care or control of one to 5 minor children, other than those related by blood, marriage, or adoption.		
Foster Home, Group	A foster home licensed by the Arizona Department of Economic Security suitable for the placement of 6, but not more than 10, minor children.		
Fraternity or Sorority House	A residence hall or building used as living quarters for members of an approved college or university group while enrolled at an institution of higher learning		
Garage, Private	An accessory to, or a portion of, a main building, utilized or intended for use by motor vehicles of the individuals residing on the lot, including the use of a reasonable portion of such garage for the storage of tools equipment and other items belonging to the individuals residing on the lot. A private garage shall not be available for rent or rented to members of the public.		
Garbage	"Garbage" is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.		
Gazebo	A free-standing structure of no more than 150 square feet which may be roofed or unroofed, enclosed by an open railing or parapet sides where solid/opaque walls are used, said walls may not be more than 4 feet in height as measured from the floor of said structure. Where a cross lattice or similar transparent/open type of wall material is used, said wall(s) may extend from the floor to the ceiling. Any combination of cross lattice or similar transparent/open type wall materials and solid/opaque type wall materials may not cover more than 75 percent of the total wall area.		
General Plan	A council-adopted municipal statement of land development policies, which may include maps, charts, graphs and text, which set forth objectives, principles and standards for local growth and redevelopment enacted pursuant to the provisions of ARS 9-416.06 or any prior statute.		
Grading	Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.		
Grading, Mass	See Mass Grading		
Group Home	A home serving 8 or fewer mentally or physically handicapped persons provided the home provides care on a 24-hour basis and is approved or licensed by the State for that purpose. A group home shall be considered a single family dwelling.		
Guard House	An accessory structure designed or used to provide shelter for security personnel.		

TABLE 11.2.5 (CONT'D.)		GENERAL TERMS	
Term	Definition		
Guest Quarters	A room or rooms, including a kitchen, accessory to the primary single-family use and located in a portion of the main residential building or in a separate building located on the same lot as the primary residential building.		
Halfway House	A residential facility which offers temporary (usually up to 180 days) housing, for compensation or not for compensation, to adults who are personally committed or required by a court system or otherwise legally obligated to participate in a rehabilitation/treatment/recovery program for alcohol, drug/substance abuse or other behaviors.		
Hazardous Materials	Those chemicals or substances, which are physical hazards or health hazards, whether the materials are in usable or waste condition, as defined and classified in the Uniform Fire Code, 1988 Edition, as adopted by the City Council.		
Hazardous Waste	"Hazardous waste" is defined under ARS 49-921 et. seq. and rules promulgated thereunder.		
Health Care Practitioner	Health care practitioner shall include massage therapists and similar health services providers.		
Height, Building	Per zoning district, See Table 2.7.1 and 2.7.2.		
Hillside Subdivision	A subdivision with slopes of 20 percent or greater.		
Home Occupation	Means an occupation for monetary gain conducted in a dwelling unit, garage, or accessory building in a residential district that is incidental to the principal residential use of a lot or site. (See also Sec. 2.5.7, Home Occupations)		
Hotel	Same as motel.		
IBC	International Building Code, including any amendments, as adopted by the City Council of the City of Prescott.		
Impermeable Cover or Coverage	Those portions of a lot that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of storm water such as paving and driveways.		
Industrial Street	A street or road that serves local traffic movement within and provides access to industrial areas.		
Influence Area	The geographic area surrounding the site from which the development is likely to draw a high percentage (80 percent or more) of the total site traffic.		
Ingress	The movement of traffic from the street to abutting property.		
Junkyard, including Scrap and Salvage	The use of a lot, or portion thereof, whether inside or outside a building, for the storage and/or sale of scrap metal, waste paper, rags, non-operated vehicles or other junk materials and including non-commercial storage of non-operating or non-drivable motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, and regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from manufacturing processes, or resulting from the construction or elimination of facilities for such processes.		
Kennel	The boarding and/or breeding of domestic animals for sale, as a business activity.		
Key Lot	The first lot to the rear of a corner lot, the front line of such key lot fronting upon the side street for such corner lot.		
Kitchen	Any room or portion of room used, intended, or designed to be used for cooking and/or the preparation of food, except cooking facilities of a recreational or incidental nature such as barbecues, food bars, hot plates, and the like shall not be considered kitchen facilities.		
Landing	A level part of a staircase at the end of a flight of stairs		
Landside	All areas not considered to be "airside" (Refer to "airside" definition).		
Landside Signage	All signage within the City of Prescott that is not intended solely for air traffic.		
Livestock	Animals such as, horses, ponies, mules, sheep, goats, cattle and other meat animals.		

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TABLE 11.2.5 (CONT'D.)		GENERAL TERMS
Term	Definition	
Recycling Facility	A totally enclosed building within which recyclable materials are converted into new products by reprocessing or remanufacturing. A recycling facility may also include collection and processing of recyclables for more efficient shipment. Outdoor storage of materials is acceptable on an area surfaced with a permanent, dust-free pavement behind an opaque fence or wall and landscaping in accordance with Municipal Code Sec. 4-62-A-4.	
Refuse	"Refuse" is all putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.	
Residential Street	A street or road within a residential area containing single-family homes, (e.g. townhouses, condominiums, mobile home subdivisions, or apartments). It also includes regional parks and cemeteries.	
Residential Treatment Center	A residential-facility offering temporary housing which typically includes, but is not limited to, alcohol, drug/substance abuse or other treatment/recovery programs and which provides at a minimum- 1) on-site staff who may provide supervision, personal care, meals, education, participation in community activities, counseling, treatment, or therapy for the residents thereof; 2) Administration of an in-house program of guidelines and goals for the expected conduct, achievement, performance and participation of the residents in an established treatment/recovery program; 3) Dispensing, storage and/or oversight of prescription medications by responsible individuals who are properly trained to do so; 4) Is recognized by potential referral agencies, public or private; and 5) A facility may be required to be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency or the State or the Federal government.	
Ridge	An elongated crest or series of crests of a hill.	
Ridgeline	A ground line located at the highest elevation of and running parallel to the long axis of the ridge.	
Right-of-way	The entire dedicated tract, usually in a strip, of land for public use for street, highway, or other public improvement.	
Rubbish	"Rubbish" is nonputrescible solid waste consisting of both combustible and noncombustible waste such as: paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, weeds, brush, wood, glass, bedding, crockery, or other accumulation of filth or debris.	
School	School shall mean, unless otherwise specified, private or public places of general instruction for the education of children through grade 12 which is licensed by the Arizona Department of Education but shall not include pre-schools, dancing schools, riding academies, or trade or specialized vocational schools.	
Senior Family Home	A residence for 9 - 10 people age 60 and over, who function as a family and a single housekeeping unit, with supportive staff as necessary to meet the needs of the residents.	
Separation Facility	The actual separation of recyclable materials prior to disposal at the landfill.	
Service Station	An establishment engaged in the sale of motor vehicle fuel.	
Sidewalk	That paved portion of a right-of-way between the curb lines or lateral lines of the roadbed and the boundary line of said right-of-way designed and intended for the movement of and use of pedestrian traffic.	
Setback Line	A line that marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side or rear yard space of a building plot.	
Sight Distance	A sight distance triangle as defined in Sec.6.3.10, Corner Setbacks and Intersection Visibility, or where determined by the Public Works Director as a location that would hinder intersection visibility.	
Significant Traffic Impact	See Area of Significant Traffic Impact.	
Single-family Dwelling	See Dwelling, Single Family.	
Site Development Plan, Preliminary	A tentative site plan including, but not limited to, uses, building footprints, access and parking, drainage, landscape areas, and other information sufficient to allow the possible issuance of a grading permit.	

Article 11 / Definitions

TABLE 11.2.5 (CONT'D.)		GENERAL TERMS
Term	Definition	
Subdivision	Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts, or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than 2 parts. A subdivision also includes any condominium, cooperative, community apartment, townhouse, or similar project containing 4 or more parcels in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.	
Supervisory Care Center	A 24-hour supervised residence used as temporary living quarters for adults, and providing transitional housing and rehabilitation opportunities for persons experiencing an unstable or crucial time. Such use may or may not be licensed, certified or registered, in whole or in part, by an agency of the State or the Federal government.	
Swimming Pool	A contained body of water, including spas and hot tubs, used for bathing or swimming purposes, either above or below ground level, with the container being 18 or more inches in depth and/or wider than 8 feet at any point measured on the long axis.	
Technical Review Committee	The Technical Review Committee (TRC) of the City of Prescott.	
Telecommunications	A communications tower or antenna and any associated accessory structures and equipment. (See Also "Communications Tower" and Sec. 2.4.51, Telecommunications Facilities)	
Temporary Shelter	<p>Also known as Homeless Shelter. A residential facility which offers short term, temporary (up to 7 days), housing to indigent, needy, homeless or transient persons and which typically includes, but is not limited to, the following programs: 1) Beds, showers, personal grooming facilities; 2) Mail and telephone message services; 3) Guidance to obtain assistance from social service agencies or other agencies which can provide more permanent housing, transportation, etc. for residents of the Temporary Shelter.</p> <p>A facility or portion thereof, used for purposes of emergency shelter, crisis intervention, including counseling, referral or other human services functions. Such a facility may provide shelter, meals and/or merchandise distribution.</p>	
Townhouse	See Dwelling, Single-family Dwelling.	
Traffic Generation	The estimation of the number of origins from and destinations to a site resulting from the land use activity on that site.	
Traffic Generator	A designated land use (residential, commercial, office, industrial, etc.) that generates vehicular and/or pedestrian traffic to and from the site.	
Traffic Impact Analysis (TIA)	Traffic impacts study (TIA) that determines the potential traffic impacts of a proposed traffic generator. A complete analysis will include an estimation of future traffic with and without the proposed generator, analysis of the traffic impacts, and recommended roadway improvements that may be necessary to accommodate the expected traffic.	
Traffic Mitigation	The reduction of traffic impacts on roadways and/or intersections to an acceptable level of service.	
Transportation Plan	That portion of the General Plan adopted by the Planning and Zoning Commission and City Council designating and defining the physical street system for Prescott, Arizona.	
Treadway	That portion of a trail, sidewalk or multi-use path improved for walking or riding upon; excludes slope easements and the like.	
Use	The purpose for which premises or a building thereon is designed, arranged, or intended, or for which it is or in the future may be actually occupied or maintained.	
User	A single dwelling or a structure used by a single business.	