



UNIFIED DEVELOPMENT CODE COMMITTEE A G E N D A

UNIFIED DEVELOPMENT CODE COMMITTEE
REGULAR MEETING
WEDNESDAY, MARCH 27, 2013
10:00 AM

COUNCIL CHAMBERS / 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 27, 2013**, in **COUNCIL CHAMBERS** in **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 Al Carlow Richard Rosa	Greg Lazzell Jim Lamerson Charles Arnold

- III. **REGULAR ACTION ITEMS**

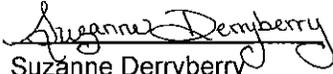
1. Discussion and proposal to amend outdoor lighting regulations. LDC Section 6.11
2. Discussion and direction on permitting and regulating Vacation Rentals in Single-family neighborhoods

- 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 21, 2013 at 4:30 PM in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry
Administrative Specialist
Community Development

UDC COMMITTEE

MEMORANDUM

March 27, 2013

AGENDA ITEM _____

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: LDC Lighting Code Update

INTRODUCTION:

The current Lighting Code addresses commercial lighting and generally exempts residential lighting from "dark sky" requirements. Also, newer technologies, such as LED's, are not addressed in the lighting code.

The Land Development Code primarily regulates outdoor lighting by addressing light fixture types and light output. In some cases light output is measured in watts, such as in recreational lighting, residential lighting and commercial sites with internally lit signage. Newer energy efficient technologies, such as LED, hi intensity discharge (HID) and fluorescent make it difficult to regulate light output by energy consumption.

Signage and building banding (lighted strips) with exposed LED's resemble neon lighting. While commercial neon lighting is encouraged in the LDC, exposed LED's would not be permitted since an exposed light source other than neon is prohibited.

Off-street Parking - Lighting Standards

Parking lot lighting is required to be high pressure sodium due to it's narrow-spectrum amber hue, which decreases glare and sky-glow. However, we have had several requests in recent years to allow for energy efficient lighting, such as light emitting diode (LED), in parking lots. The requirement for specific types of lighting in some applications can be limiting as emerging technologies become available.

Light color has an effect on glare and sky-glow. For example, high pressure sodium and narrow-spectrum amber LED lighting is more desirable for outdoor lighting since it contributes 75% less sky-glow when compared to HID and white-blue LED lighting. One way to address sky-glow without requiring a specific technology is to use Color Temperature expressed in degrees Kelvin. This has become a popular standard for describing color or the "warmth" of a light source. A color temperature of 3000 degrees Kelvin or below emits less glare with a warm

yellow or reddish light, while a color temperatures between 4000 and 6000 degrees Kelvin emits more glare with a bluer light.

Residential Lighting

Residential lighting may be addressed in the lighting code, where an appropriate balance may be met between lighting which is both adequate for residents, yet preserves the nighttime sky. Exterior lighting provides safety, security, visual enjoyment of outdoor living spaces. However, consideration should be made to not infringe upon a neighbors enjoyment of the dark starlit sky.

New exterior residential lighting fixtures should match commercial lighting requirements to be "dark-sky" compliant with a concealed or shielded light source. Light may be directed to the ground or toward the residence and be of low luminosity to minimize glare. No light source may be visible across any property line. Flood lighting or overhead lighting may not be permitted unless controlled by a motion sensor. Safety lighting must be allowed to illuminate vehicular and pedestrian circulation and should be used only when receiving guests or circulating outdoors. If a light source must be visible, then home entrance lighting may be non-glaring frosted bulbs, 450 lumens (40 watts incandescent) or less, and garage/mailbox lights should not exceed 210 lumens (25 watts incandescent) or less.

Residential Landscape Lighting

Landscape lighting or low level path lighting should serve as the primary form of exterior lighting. Street, walkway, driveway and landscape lighting should be of low luminosity, low profile and be of a concealed light source meeting "dark-sky" requirements.

Minimal lighting within residential yards is encouraged. Except in the case of up-lighting key trees and plants, down-lighting is encouraged because it has less impact on the night sky. All yard lighting should utilize low luminosity sources with a maximum 300 lumens fixtures. Landscape light fixtures should be non-reflective, solidly mounted into the ground and provide indirect ambient light for visibility. Landscape and security lighting fixtures should be installed at a height not to exceed ten (10) feet above ground level. If wired systems are used, they may be installed on a timer to save energy and turn off when not needed for pedestrian or vehicular circulation.

Suggested Changes to the Land Development Code:

Sec. 6.11 / Outdoor Lighting

6.11.3 / Exemptions

The following exemptions shall apply as specified.

A. Permanent Exemptions

1. Single Family and Duplexes

- a. ~~Single-family and duplex dwelling lighting are exempt from the requirements of this Section; provided that such exemption shall not apply to recreational lighting uses associated with single-family and duplex dwellings, such~~

Commentary:

Single-family and duplex dwellings are regulated by the ARS §49-1101 et seq., which establishes the following illumination limits per lamp:

- (1) Incandescent uplighting: 150 watts
- (2) High intensity discharge: 35 watts
- (3) All other sources: 70 watts

~~as, court lighting, swimming pool lighting, decorative lighting, landscape lighting, and walkway lighting.~~

- b. ~~Security lighting associated with single family and duplex dwellings activated by motion detectors are exempt from the requirements of this Section, provided that such lighting is properly adjusted to turnoff when the detected motion ceases and the motion detector and lighting fixtures are not directed beyond a property line. Safety lighting may be allowed to illuminate vehicular and pedestrian circulation and should be used only when receiving guests or circulating outdoors.~~

6.11.4 / Outdoor Lighting Types

All illumination designed or placed so as to illuminate any portion of a site shall be achieved in accordance with the following standards:

B. Outdoor Retail, Recreational and Other Lighting

1. Single-family and duplex residential recreational lighting uses, such as court lighting and swimming pool lighting shall comply with the requirements of this section.
2. Notwithstanding the provisions of Sec. 6.11.4A.1 to the contrary, lights used for internally illuminated signs do not have to utilize cutoff fixtures. To limit undesirable light pollution, however, such signs (including but not limited to awning/canopy signs, cabinet signs, changeable copy panels or service station island signs) shall use the preferred dark or opaque sign face with translucent letters and symbols, which may be night bright colors. White or other night-bright colors are not permitted as background colors, unless where a site shall be limited to ~~80 watts~~ 1200 lumens cumulative exterior lighting.
3. Except for exposed neon lighting and other lighting used in a similar fashion including, but not limited to, LED lighting, the source of illumination for sign structures shall be so oriented or shielded so that the source of illumination shall not be visible from any residential zoned property or any public thoroughfare. Sign placement shall be in accordance with the sign illumination requirements of Sec. 6.12.12B.
4. The source of illumination for any sign shall be oriented or shielded so that the source of illumination shall not be visible from any residential use or public thoroughfare, provided, however, this limitation shall not apply to neon and other lighting used in a similar fashion including, but not limited to, LED lighting and traditional holiday lighting.
5. Top-mounted fixtures are required for outdoor advertising displays and exterior lighted signage when total sign ~~wattage exceeds 150 watts~~ lumens exceeds 2600.

C. Decorative, Landscaping and Walkway Lighting

All decorative, landscaping and walkway lighting shall be selected, installed, and aimed so as to minimize the amount of light beyond the area intended to be lighted. Landscape lighting or low level path lighting should serve as the primary form of exterior lighting. Street, walkway, driveway and landscape lighting should be of low luminosity, low profile and be of a concealed light source meeting "dark-sky" requirements.

Minimal lighting within residential yards is encouraged. Except in the case of up-lighting key trees and plants, down-lighting is encouraged because it has less impact on the night sky. Landscape light fixtures should be non-reflective, solidly mounted into the ground and provide indirect ambient light for visibility. Landscape and security lighting fixtures should be installed at a height not to exceed ten (10) feet above ground level. If wired systems are used, they may be installed on a timer to save energy and turn off when not needed for pedestrian or vehicular circulation.

1. Maximum Illumination Levels

Illumination levels shall be limited as follows:

- a. ~~Incandescent up-lights shall not exceed 150 watts per lamp. Residential entrance lighting shall not exceed 800 lumens. If a light source is visible, then entrance lighting may be non-glaring frosted bulbs, 450 lumens or less.~~
- b. ~~High intensity discharge shall not exceed 35 watts per lamp. Residential garage and mailbox lighting shall not exceed 210 lumens.~~
- c. ~~Yard lighting should utilize low luminosity sources with a maximum 300 lumens fixtures.~~
- d. ~~Other light sources shall not exceed 70-watts 800 lumens per lamp.~~

2. Pole Mounted Luminaries

Pole mounted luminaries shall not be mounted higher than 12 feet in commercial zoning districts and 10 feet in residential zoning districts.

D. Security Lighting, Nonresidential

~~Nonresidential security~~ Security lighting shall comply with the General requirements of Sec. 6.11.4A.

E. Off-Street Parking Lighting

Off-street parking area lighting shall be subject to the following standards.

1. ~~High Pressure Sodium (HPS) Light sources shall have a color temperature of 3000 degrees Kelvin or less shall be used to illuminate parking areas with narrow spectrum amber colored lighting strongly encouraged;~~ provided; however, other light sources may be used for outdoor retail and recreational uses occurring in a parking lot; e.g., auto dealerships.
6. Pole mounted fixtures in commercial zoning districts shall be mounted at a maximum height of 18 feet within 50 feet of a property line adjoining residential zoning districts, and a maximum height of 30 feet above grade otherwise.

6.11.6 / Time of Operation

Commercial outdoor lighting shall be off between 10PM and sunrise, except as follows: Advertising signs may be illuminated all night, unless otherwise required by this LDC.

- D. Commercial security lighting may remain on all night.

6.11.7 / Prohibitions

Prohibited lighting includes the following:

- A. New Mercury Vapor luminaries for use as outdoor lighting, and existing Mercury Vapor luminaries shall be prohibited after January 1, 2005;
- B. Operation of search lights for advertising purposes;
- C. Area lights with other than horizontal lenses;
- D. Strings of lights over 4-watt 18 lumens each; and
- E. Luminaries with dropped, sag or convex lenses lighting, as illustrated at right, are prohibited.

Sec. 6.12 / Signs

6.12.1 / Purpose

The sign standards are intended to encourage development that is in harmony with the desired character of the City while providing due regard for the public and private interests involved; promote effective use of

signage by preventing over concentration, improper placement, and incompatible size; provide an improved visual environment; control light pollution; and prevent the depreciation of property values within the City of

6.12.8 / Prohibited Signs

Signs not specifically authorized are prohibited, including, but not limited to the following:

- I. Signs constructed of open light bulbs; but not including exposed neon and similar applications including but not limited to LED;

6.12.9 / Sign Measurement

A. Sign Area

4. Illuminated Signs

- c. Neon banding and similar banding, including but not limited to LED banding, on a building shall count toward the aggregate maximum signage area.

LAND DEVELOPMENT CODE AMENDMENT

Vacation and Short-Term Rentals

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

UNIFIED DEVELOPMENT CODE COMMITTEE MEETING for March 27, 2013

STAFF REPORT

TO: City of Prescott Unified Development Code Committee (UDC)

FROM: Tom Guice, Community Development Director
George Worley, Planning Manager *GW*
Ruth Hennings, Community Planner *RH*

DATE: March 27, 2013

SUBJECT: Consideration of permitting options for vacation and short-term rentals

ITEM SUMMARY: The proposal is to allow vacation and short-term rentals in single and multi-family zoning districts through an administrative permitting process. These uses are currently prohibited in residential zoning districts.

BACKGROUND: The Land Development Code requires that for a use to be considered residential, occupancy must be arranged on a month-to-month basis or longer (Section 11.1.3). Stays of less than 30 days are considered to be in the accommodations category. Examples of uses in the accommodations category are bed and breakfasts, motels, and hotels.

Following these definitions, short-term rentals are considered to be an accommodations use and are not permitted in residential zoning districts. Accommodation and transient uses are typically prohibited in residential districts because of potential negative impacts such as excessive noise, increased traffic, trespassing, and property maintenance issues.

Short-term rentals are a unique type of accommodation, with impacts that differ from bed and breakfasts and hotels. While a vacation or short-term rental serves a limited number of occupants, those occupants use a shared space and there is no on-site management. In contrast, a typical bed and breakfast may serve between 5 and 10 occupants, but the occupants are in separate suites (limiting large gatherings) and there is an owner present.

The popularity of vacation rentals is growing for tourism dependent communities like Prescott. They offer a type of accommodation that is well-liked by families and other groups. If tourists

are not able to find this type of accommodation in Prescott, they may seek it in surrounding areas.

In addition, there is significant tax revenue to be collected from these accommodations. Rentals that lease month to month are taxed at the 2% rate (residential uses). Accommodations that rent for less than 30 days are taxed at the 5% rate (commercial uses). There are approximately 200 vacation rentals advertised publicly in Prescott, the majority of which are operating in violation of the residential zoning requirements. Providing a method to legitimize these uses would allow them to be appropriately taxed.

STAFF RECOMMENDATION: Destination communities similar to Prescott have had success with programs that allow vacation rentals through an administrative permitting process. The permitting process can vary significantly in requirements, but common elements include neighborhood noticing and involvement, maximum occupancy limits, parking requirements, noise limits, screened trash and recycling, designated representative or management with 24-hour availability, and emergency access. These are similar requirements as for other commercial accommodation uses.

With an appropriate permitting process, the potential adverse impacts of vacation rentals on the surrounding neighborhoods can be mitigated. There are five primary objectives to this proposal:

- 1) **Make existing vacation rentals lawful.** An amendment to the Land Development Code allowing short-term rental of single-family residences gives vacation rental owners an opportunity to legalize their existing use. They would be subject to specific requirements.
- 2) **Mitigate adverse impacts through neighborhood involvement.** Involving neighbors in the permitting process will decrease potential conflicts. If there were significant public concern over a particular property, a public approval process would be required. If permitted, neighbors would be provided with contact information should issues arise.
- 3) **Allow for enforcement of vacation rentals.** There is currently no avenue for enforcement of impacts other than legal action that requires the owners to cease use of the property as a short-term rental. The registry created by the permits would give enforcement officers and emergency personnel an available contact for the property.
- 4) **Collect tax revenue.** Of the approximately 200 vacation rentals currently in use, approximately 25% are paying the required tax rate. There is support for enforcement of the tax rates from the hotel and bed and breakfast owners, as they are subject to commercial tax rates and feel that vacation rentals have an unfair advantage in the tourist accommodations industry.
- 5) **Support the local tourism industry.** Tourists seek a variety of accommodations and allowing vacation rentals supports those alternatives.