

Ordinance No. 841

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 13 – MICROBREWERIES AND CRAFT DISTILLERS" (DECLARED BY RESOLUTION NO. 2039 TO BE A PUBLIC RECORD) WHICH AMENDS CHAPTER 13 OF THE TOWN CODE TO PERMIT THE USE OF MICROBREWERIES AND CRAFT DISTILLERS IN THE C2 (COMMERCIAL; GENERAL SALES AND SERVICES) USE DISTRICT SUBJECT TO A USE PERMIT, AND IN THE C3 (COMMERCIAL; MINOR INDUSTRIAL) USE DISTRICT AS A MATTER OF RIGHT; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, brewing and distilling is currently a permitted use in the PM (Performance Manufacturing) use district; and

WHEREAS, in response to their trending popularity across the country, Arizona has in recent years developed licenses for microbreweries and craft distillers; and

WHEREAS, microbreweries and craft distillers brew beer and distill spirits (respectively) on a smaller scale than traditional breweries and distillers, leading other jurisdictions in Arizona to routinely allow such uses in general commercial use districts (analogous to Prescott Valley's C2 (Commercial; General Sales and Services) and C3 (Commercial: Minor Industrial) use districts; and

WHEREAS, with regard to the Prescott Valley C2 use district, that district prohibits wholesaling as a primary use and to allow microbreweries and craft distillers therein would require a use permit that limits production for wholesale purposes to less than 50% of the annual gallonage produced in a calendar year; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on a proposal to allow microbreweries and craft distillers in the C2 use district by use permit and in the C3 use district as a matter of right at its regular meeting on February 12, 2018, and voted to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, at regular meetings held March 8, 2018 and March 22, 2018, the Mayor and Council considered the proposed Town Code amendments related to the proposal and determined that the same would benefit and provide for the health, safety and welfare of the community (and is in conformance with the Town's *General Plan 2025*); and

WHEREAS, the Mayor and Council find that the procedures required by ARS §§9-462.03 and 9-462.04 (and by Article 13-30 of the Prescott Valley Town Code) have been complied with in connection with this zoning action; and

WHEREAS, ARS §9-802 provides for adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records”; and

WHEREAS, the document “Amendments to Chapter 13 – Microbreweries and Craft Distillers” adopted herein by reference was first declared by Resolution No. 2039 to be a “public record”; and

WHEREAS, the Council finds that these amendments to the Town Code are in the best interests of the community and meet the health, safety and welfare needs of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

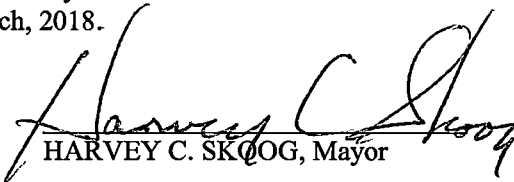
SECTION ONE. That that certain document known as “Amendments to Chapter 13 – Microbreweries and Craft Distillers” declared to be a “public record” by Resolution No. 2039 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

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

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

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

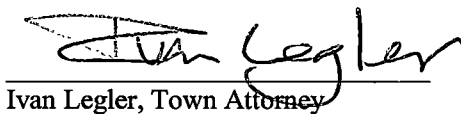
PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of March, 2018.


HARVEY C. SKOOG, Mayor

ATTEST:


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney

