1. Planning & Zoning Commission - Agenda

   Documents: 2016_05_03_PZ_RG_AG.PDF

2. Planning & Zoning Commission - Agenda Packet

   Documents: 2016_05_03_PZ_RG_PK.PDF

3. Planning & Zoning Commission - Action Taken

   Documents: 2016_05_03_PZ_RG_AT.PDF

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, May 3, 2016
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES

a. Consideration and possible action to approve the April 13, 2016 special meeting minutes.

5. STAFF REPORTS

6. PUBLIC HEARING

a. Consideration and possible action to hold a citizen review of proposed amendments to the Unified Development Ordinance (UDO) of the Town of Chino Valley, Section 4.21, *Sign Regulations*.

b. Consideration and possible action to hold a public hearing regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 28th day of April, 2016.

By: **James Gardner, Associate Planner**

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

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Planning and Zoning Commission Regular **4. a.**

Meeting Date: 05/03/2016

April 13, 2016 Special Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the April 13, 2016 special meeting minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

April 13, 2016 - Draft Minutes

D R A F T

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

April 13, 2016
6:00 P.M.

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Chair Merritt called the meeting to order at 6:01 pm.

2) PLEDGE OF ALLEGIANCE

Commissioner Sloan led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon; Commissioner Annie Lane; Commissioner Florence Sloan; Alternate Commissioner Julie Van Wuffen

Absent: Commissioner Claude Baker

Staff Present: Associate Planner James Gardner; Town Clerk Assistant (Recorder) Amy Lansa

Commissioner Lane appeared telephonically.

4) MINUTES

a) Consideration and possible action to accept the March 1, 2016 regular meeting minutes.

MOVED by Commissioner Florence Sloan, seconded by Alternate Commissioner Julie Van Wuffen to approved the March 1, 2016 regular meeting minutes as written.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

There were no staff reports.

6) PUBLIC HEARING

a) Consideration and possible action to hold a citizen review meeting regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.

Planner Gardner explained why the UDO should be amended.

- Originally, 1 dispensary per 10 register pharmacies in the state was allowed. (*Arizona Revised Statutes ("A.R.S.") Section 36-2804)*
- State had to figure out how to distribute the dispensaries.
- Created Community Health Assessment Areas (CHAAs)
- After first dispensary license issued, 3 year window to stay within designated CHAA *[Arizona Administrative Code § R9-17-306(B)(1)(b)]*
- *3 years is expired, dispensaries can move around the state as they wish now.*

Planner Gardner explained why the UDO should be amended.

- In anticipation of the move of dispensaries throughout the state
- Possibility of additional dispensaries to locate within Town
- Possibility of current dispensary moving, being replaced with a new dispensary in Town.

The intended effect would:

- Prevent proliferation of new dispensaries along highway frontage
- Limit visibility of these uses along highway. Doesn't zoning cover this? – This is a safeguard in case a property is zoned Industrial for another use within 500 feet of the highway.

Commissioners wanted to clarify that if a dispensary moved out of town another dispensary would have to occupy the same space within 6 months of being vacated.

MOVED by Commissioner Michael Bacon, seconded by Vice-Chair Gary Pasciak move to put this on the agenda for the May 3, 2016 at the Planning Commission meeting.

Vote: 6 - 0 PASSED - Unanimously

b) Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-817 to rezone approximately 2.0 acres of real property, located at 1650 Granite Creek Lane, Chino Valley, Arizona, consisting of a portion of the Northeast quarter of Section 11, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-17-110C) from I (Industrial) to SR-1 (Single Family Residential, 1 acre minimum). (Applicant: TDH Investments) (James Gardner, Associate Planner)

Planner Gardner provided the following information:

- Currently there is a manufactured home, garage and well house. The home was permitted in 1984, 9 years after it was rezoned to Industrial.
- The applicant mailed letters and posted the site in conformance with state statute and the UDO.
- Both the applicant and current tenant held a neighborhood meeting on February 22, 2015. A representative for the adjacent neighbor was in attendance and expressed opposition

Effect of Proposed Zone Change on Surrounding Parcels

- Industrial/Residential Buffer (Landscaping)
- UDO §4.8(A)(1) requires a 10 foot landscape buffer on the side of a fence facing a residential property in accordance with UDO §4.26.4(B)(2)
- UDO §4.26.4(B)(2) would require a 5 foot wide landscape strip along street frontage adjacent to residential zoning

Opposition is due to perception of a diminished right to develop the adjacent Industrially zoned parcels.

This rezone is in compliance with the General Plan. The property is not inside a community core.

Applicant Tim Hendrickson has owned the property for several years. Mario Ramirez has worked for him for 20 years and has lived in the home with his wife for several years and recently asked to buy the property. Due to the current zoning they cannot get a loan. The property was zoned industrial in the early 1980s.

The other parcels have been sitting there for several decades.

Jay Wilmore opposes the rezone and thinks it will impact his property which is located to the south and east. He offered an alternative to trade 2 acres near the tree farm for the log cabin. In addition he will finance the buyer and carry the note.

Real estate agent John Kuzicki stated that he opposed the rezone and that there is a need to be consistent on what is residential and what is industrial.

At the time the home was established residential was ok on industrial zoned property.

The impact to the adjacent property rights would include:

- Landscape buffer and fencing.
- If the property was more than 500ft deep a Medical Marijuana facility could be built.
- If the opposing party made a Prop 207 claim the Town could grant a Protected Development Rights Plan.

MOVED by Alternate Commissioner Julie Van Wuffen, seconded by Commissioner Michael Bacon to change the zoning on the parcel to be residential.

Vote: 6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no Non-Public Hearing Action Items.

8) DISCUSSION ITEMS

a) Presentation of upcoming UDO amendments to Section 4.21, Sign Regulations, and methods for community and business outreach on this process.

Planner Gardner provided an update regarding amendments to the sign code.

- Provided handout regarding Reed v. Gilbert case.
- Survey instrument sent thru Chamber of Commerce and Town website.
- Comparative analysis of sign codes in Prescott, Prescott Valley & Yavapai County.
- Conducted office outreach when business owners came in to renew sign permits and were invited to participate.
- Mass email was sent to business license holders.
- Survey results have been posted to the Town Website
- Formation of committee.

Planner Gardner will continue to:

- Update the Planning & Zoning Commission.
- Hold monthly committee meetings.
- Attend Chamber luncheon.
- Finalize survey results.
- The final steps will be to hold a public hearing at the Planning & Zoning Commission and Town Council.

9) PUBLIC COMMENTS

There were no comments from the public.

10) ADJOURN

MOVED by Commissioner Florence Sloan, seconded by Alternate Commissioner Julie Van Wuffen to adjourn the meeting.

Vote: 6 - 0 PASSED - Unanimously

_____
Chair Chuck Merritt

_____
Date

Planning and Zoning Commission Regular **6. a.**

Meeting Date: 05/03/2016

Unified Development Ordinance Amendments Regarding Section 4.21, Sign Regulations

---

CASE DESCRIPTION:

Consideration and possible action to hold a citizen review of proposed amendments to the Unified Development Ordinance (UDO) of the Town of Chino Valley, Section 4.21, *Sign Regulations*.

LOCATION:

N/A

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Hold a citizen review meeting of Ordinance 16-819 related to the proposed UDO Amendments.

Attachments

UDO Section 4.21 Amendments

Ordinance 16-819

4.21 Sign Regulations

4.21.1 Purpose

The purpose of this Ordinance is to establish comprehensive provisions that will promote public welfare and safety by safe placement and installation of appropriate signage; establish reasonable regulations to promote economic vitality for local businesses and services.~~; and enhance the visual environment of the Town~~.

4.21.2 Intent

The intent of these provisions is to maximize establishment identification; balance sign function with the community's aesthetic standards, avoid over-proliferation of signs and maintain a high quality of signs throughout the Town.

4.21.3 General Sign Regulations

The regulations, requirements, and provisions set forth in this Ordinance shall apply to all signs erected, placed, or constructed within the Town.

~~A.~~ Sign permits shall be required for all signs except those signs specified in Section 4.21.10. ~~below. The Zoning Administrator, or his/her designee, shall issue a sign permit only if the proposed sign, construction, alteration, re-erection, maintenance and location of the sign comply with these regulations.~~

B. All signs shall be structurally designed, constructed, erected, and maintained in ~~accordance~~ CONFORMANCE with all applicable ~~provisions and requirements of~~ TECHNICAL ~~the Town~~ Codes and ADOPTED Ordinances.

~~C.~~ Signs shall not be CONSTRUCTED OR located in a manner that interferes with pedestrian or vehicular travel, OBSTRUCTS FREE AND CLEAR VISION OF TRAFFIC, poses a hazard to either pedestrians or vehicles, ~~or within the specified "sight visibility triangle" as defined in the Section 4.7 of this Ordinance and further described in the Engineering Design Standards.~~ OR IN SUCH A MANNER TO CONFUSE, DISTRACT, OR INTERFERE WITH TRAFFIC AND/OR PEDESTRIANS.

D. Signs shall be located a minimum of ~~five~~ SIX feet ~~(5')~~ (6') from property lines.

~~D. Signs shall not be located within, on or projecting over any public street, right-of-way, or other public property, except for Town approved residential kiosk sign structures, bus bay signs, shingle signs and projecting signs as permitted by this Ordinance. The Town may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control.~~

E. All signs and sign structures, conforming and non-conforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator or his/her designee.

F. ~~The source of the sign's illumination, except neon illumination,~~ NO ILLUMINATION OF ANY SIGN shall ~~not be visible from any street, sidewalk, or adjacent property and the face of the sign (with the exception of lettering and logos) shall be opaque. This shall not preclude the use of neon sign elements within the commercial zoning districts, which are subject to staff review and approval through the Site Plan Review process~~. CAST LIGHT OR REFLECTION ONTO ANY ADJOINING RESIDENTIAL DISTRICT, per Chapter 4.24, *Outdoor Lighting*.

~~G. Signage within an approved PAD may deviate from the requirements of this Ordinance provided the PAD has an approved comprehensive sign package and all proposed signage within the PAD is in compliance with that comprehensive sign package.~~

~~H. Signs and/or banners should not be placed in such a manner that they obstruct Town required informational, traffic, or safety signs.~~

~~I. Where there is conflict between these regulations and other Town regulations, the more restrictive shall apply.~~

4.21.4 ~~Sign Area~~ MEASUREMENT OF SIGNS

A. Sign Area is defined and shall be measured as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface. ~~The base of a freestanding monument sign shall not be calculated as sign area unless the base contains signage (see definition of a sign).~~

2. Sign copy mounted as individual letters and/or graphics against a wall or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle~~s~~ that will enclose each word and each graphic in the total sign copy.

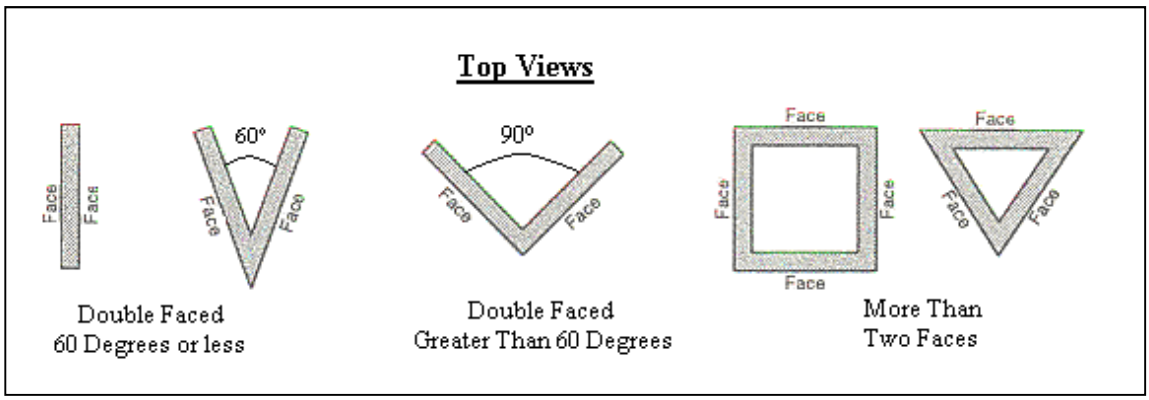
~~B.~~ 3. Multi-face signs shall be measured as follows:

~~1.~~a. A two (2) faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel ~~and the distance between faces does not~~

~~exceed four foot (4')~~ or the interior angle between the two (2) sign faces is sixty degrees (60º) or less. If the interior angle is greater than sixty degrees (60º), the sign area shall be the sum of the area of the two (2) faces.

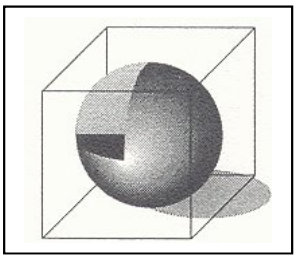
~~2.~~b. Where a sign has three (3) or more faces: the area of the sign shall be calculated as fifty percent (50%) of the sum of the area of all faces.

Multi-Face Signs



~~3.~~c. Where a sign is a spherical, free form, sculptural, figurative or other non-planar sign, the sign area shall be fifty (50%) percent of the sum of the area of the sides of the smallest polyhedron that will encompass the sign structure.

Non-Planar Signs



C~~. The aggregate sign area of all signs on a lot or parcel shall be the sum of the areas of all the signs except the area for the following:~~

-

~~Directional signs, assisting in the flow of traffic, which do not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3') and may include a maximum of twenty five percent (25%) of the sign area devoted to the display of a business logo or identification.~~

-

~~Street address wall signs, which do not exceed an area of six square feet (6 sq. ft.).~~

-

~~Signs necessary for safety, which do not exceed an area of six square feet (6 sq. ft.) or height of three feet (3').~~

~~One sign per lot, parcel or business which does not exceed an area of three square feet (3 sq. ft.) and is located near the entrance to such lot, parcel or business for the purpose of aiding pedestrian traffic.~~

-

~~4.21.5~~ B. Sign Height

Sign height is defined and shall be measured as follows.

A. Freestanding signs shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to ~~the top of the curb or crown of the nearest adjacent roadway where no curb exists~~. GROUND LEVEL. The ~~height of any~~ monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

B. Wall or parapet-mounted sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

4.21.5 ~~Permitted Permanent Signs~~ SIGN STANDARDS

A. AGRICULTURAL AND RESIDENTIAL DISTRICTS: FOR ALL SIGNS WITHIN "AGRICULTURAL AND RESIDENTIAL DISTRICTS" (OS, AR-36, AR-5, AR-4, SR-2.5, SR-2, SR-1.6, SR-1, SR-.16, MR-1, AND MHP-4) THE FOLLOWING SHALL APPLY:

1. WALL SIGNS

MAY OR MAY NOT BE ILLUMINATED WITH A MAXIMUM HEIGHT OF TEN FEET (10') EXCEPT WHERE SPECIFICALLY NOTED.

Purpose	Zoning District	Max Dimensions	Standards
Single Residence	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	3 sq. feet (8 sq. feet in OS, AR-36, & AR-4)	One or more identification signs may be permitted.
Multiple Residences (Apartments, condos, town-houses,	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS,	3 sq. feet Max Height: 6' from	One or more identification signs may be permitted.

manufactured home park, recreational vehicle park, or similar use)	MR-1, MHP-4	the story floor level	
Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, not intended for home occupations)	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	16 sq. feet	One or more identification signs per lot or parcel permitted.

2.

FREESTANDING MONUMENT SIGNS

MAY OR MAY NOT BE ILLUMINATED WITH A MAXIMUM HEIGHT OF SIX FEET (6').

Purpose	Zoning District	Max Dimensions	Standards
Multiple Residences (Apartments, condos, town-houses, manufactured home park, recreational vehicle park, or similar use)	MR-1, MHP-4	32 sq. feet Max Height: 6'	A maximum of two (2) freestanding monument signs may be permitted. Signs should be located near the main entrance(s) and may include the name and/or logo of the development and shall include the street address. Street address numerals must be in a contrasting color and/ or material from the color or material used for the background for the numerals on the sign.
Non-Residential Uses (Such as but not limited to churches, schools, group homes, farms, not intended for home occupations)	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	32 sq. feet Max Height: 6'	One (1) freestanding monument signs per lot permitted. The sign may include the name and/or logo of the facility, organization or development and shall include the street address.

3. DIRECTIONAL SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Multiple Residences (Apartments, condos, town-houses, manufactured home park, recreational vehicle park, or similar use) Non-Residential Uses (Such as but not limited to churches, schools, group homes, farms, not intended for home occupations)	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	6 sq. feet Max Height: 3'	Directional signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of 25% of the sign area devoted to the display of a business logo or identification. Shall not be located within the sight visibility triangle as described in Section 4.6, of any driveway.

4. DIRECTORY SIGNS

SUCH SIGNS MAY BE USED FOR MULTIPLE RESIDENCE USES AND NON- RESIDENTIAL USES WHEN REQUIRED TO IDENTIFY THE LOCATION OF VARIOUS BUILDINGS, OFFICES, OR BUSINESSES WITHIN A COMPLEX. THE USE, NUMBER, AND LOCATION OF SUCH SIGNS MUST BE APPROVED AND COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE. EACH SIGN MAY BE ILLUMINATED AND HAVE A MAXIMUM AREA OF EIGHTEEN SQUARE FEET (18 SQ. FEET) AND A MAXIMUM HEIGHT OF SIX (6) FEET. THESE SIGNS SHALL NOT BE INCLUDED IN CALCULATING THE TOTAL AGGREGATE AREA FOR SIGNAGE ALLOWED ON A PARCEL OR LOT OR FOR A PARTICULAR BUSINESS.

Purpose	Zoning District	Max Dimensions	Standards
Single Residence Uses	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	3 sq. feet	One (1) or more identification signs may be permitted.
Multiple Residence Uses (Apartments, condos, town-houses, manufactured home park, recreational vehicle park, or similar use)	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	3 sq. feet 32 sq. feet total aggregate area	One (1) wall sign per individual unit or dwelling, may be permitted. Max of two (2) freestanding monument signs per development

Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, not intended for home occupations)	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	48 sq. feet total aggregate area	A maximum of two (2) signs per lot or parcel may be permitted.

5. READER PANEL SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Elementary and secondary schools	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	32 sq. feet Max Height: 14'	One (1) freestanding reader panel sign with a max area of thirty-two square feet (32 sq. feet) is permitted in addition to what is allowed in Section 4 (a) Total Signage.
Churches	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	16 sq. ft. Max Height: 8'	May use up to one-half (1/2) of the allowed freestanding sign area for a reader panel.

B. NON-AGRICULTURAL AND RESIDENTIAL

SIGNS WITHIN "NON-AGRICULTURAL AND RESIDENTIAL DISTRICTS" (CL, CH, I, PL AND OS) SHALL COMPLY WITH THE FOLLOWING APPLICABLE RESTRICTIONS. ADDITIONALLY, ANY COMPLEX OF THREE (3) OR MORE BUSINESSES SHALL BE REQUIRED TO SUBMIT A COMPREHENSIVE SIGN PACKAGE TO BE REVIEWED AND RECOMMENDED BY THE COMMISSION AND APPROVED BY COUNCIL.

1. WALL SIGNS

MAY OR MAY NOT BE ILLUMINATED.

<table>
<tr><th>Purpose</th><th>Zoning District</th><th>Max Dimensions</th><th>Standards</th></tr>
<tr><td>Wall Signs</td><td>CL, CH, I, PL and OS</td><td>
<table>
<tr><td colspan="3">Speed Limit of Adjacent Roadway:</td></tr>
<tr><td>< 35 MPH</td><td>35 MPH</td><td>≥ 45 MPH</td></tr>
<tr><td>1.25 sq. ft. per linear foot</td><td>1.5 sq. ft. per linear foot</td><td>2 sq. ft. per linear foot</td></tr>
<tr><td colspan="3">Aggregate Sq. Footage:</td></tr>
<tr><td colspan="3">200 sq. ft.</td></tr>
</table>
Horizontal distance no greater than 80% of the width of the building
</td><td>Wall signs pertaining to any one (1) business within a complex, on a separate parcel or lot, or on a freestanding PAD shall be permitted on the exterior walls of the space occupied by the business.</td></tr>
</table>

2. FREESTANDING MONUMENT SIGNAGE

ONE (1) FREESTANDING MONUMENT SIGN FOR IDENTIFICATION PURPOSES SHALL BE PERMITTED PER BUILDING, EXCEPT AS OTHERWISE ALLOWED.

Purpose	Zoning District	Max Dimensions	Standards
Single Tenant Building	CL, CH, I, PL and OS	Speed Limit of Adjacent Roadway: < 35 MPH: 32 sq. ft. 35 MPH: 48 sq. ft. ≥ 45 MPH: 60 sq. ft. Max Height: 8’ / 12’ / 12’	May include the name and/or logo of the business and shall include the address.
Single Building Development with Multiple Tenants	CL, CH, I, PL and OS	Speed Limit of Adjacent Roadway: < 35 MPH: 32 sq. ft. 35 MPH: 48 sq. ft. ≥ 45 MPH: 60 sq. ft. Max Height: 8’ / 12’ / 12’	May include the name and/or logo of the businesses and shall include the address.
Multiple Building Developments or Commercial Centers	CL, CH, I, PL and OS	48 sq. feet per sign if two (2) signs proposed, or 60 sq. ft. per sign if one sign proposed Max Height: 12’ The minimum distance between two (2) signs on the same street frontage shall be three hundred thirty feet (500’).	One sign may be permitted for every three hundred thirty feet (500’) of street frontage with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate developments for signage purposes. May be either a freestanding center identification sign or a multi-tenant identification sign.

3. DIRECTIONAL SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Directional Signs	CL, CH, I, PL and OS	6 sq. feet Max Height: 3’	Shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.7, of any driveway.

4. DIRECTORY SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Directory Signs	CL, CH, I, PL and OS	18 sq. feet Max Height: 6’	Such signs may be used when required to identify the location of various buildings, offices or businesses within the complex. These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

5. DRIVE-THRU RESTAURANT MENU BOARDS

Purpose	Zoning District	Max Dimensions	Standards
Drive-thru Boards	CL, CH, I, PL and OS	50 sq. feet Max Height: 8’	Each drive-thru restaurant may be permitted one (1) preview menu Board and one (1) ordering menu Board. These signs may be freestanding or wall-mounted and shall be located a minimum of forty-five feet (45’) from the street property line and the front of the Board(s) shall not be visible from the public street. These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business. Freestanding menu Boards shall have a monument vase of masonry construction and shall have landscape area at the base of the sign area.

6. AWNING SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Awning Signs	CL, CH, I, PL and OS	25% of the front face area of the awning	Awning signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the awning sign. Such signs shall not include any additional advertising copy.

7. SHINGLE SIGNS AND PROJECTING SIGNS

Purpose	Zoning District	Max Dimensions	Standards
Shingle Signs	CL, CH, I, PL and OS	4 sq. feet 8' minimum clearance between the bottom of the sign and the sidewalk.	One (1) shingle sign or projecting sign that is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies. May identify the name and/or logo of the business, and such signs shall not include any additional advertising copy.
Projecting Signs	CL, CH, I, PL and OS	15 sq. feet 8' minimum clearance between the bottom of the sign and the sidewalk. 1 sq. foot for each linear street frontage of the business	One (1) shingle sign or projecting sign that is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies. May identify the name and/or logo of the business, and such signs shall not include any additional advertising copy. A wall or parapet sign is not permitted if a projecting sign is used to identify the business.

8. PARAPET OR MANSARD SIGNS

PARAPET SIGNS SHALL NOT PROJECT ABOVE THE TOP OF THE BUILDING PARAPET

Purpose	Zoning District	Max Dimensions	Standards
Parapet or mansard Signs	CL, CH, I	50 % of the front face area of the parapet or mansard	Signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the parapet sign. Such signs shall not include any additional advertising copy.

9. TOTAL SIGNAGE STANDARDS

i. The total maximum aggregate signage shall not exceed two hundred sixty (260 sq. feet) for a single-tenant development.
ii. The total maximum aggregate signage shall not exceed two hundred ninety-six (296 sq. feet) for a multi-tenant development.
iii. The freestanding monument sign(s) for multi-tenant, multi-building, or shopping center developments shall not be counted towards the individual businesses' or anchor tenant's allowed signage provided that the name of the businesses or anchor tenant is not part of the center identification name on the freestanding sign.
iv. In addition to above, drive-thru restaurants may be permitted one (1) freestanding or wall-mounted preview menu Board and one (1) ordering menu Board with a maximum aggregate area of fifty square feet (50 sq. ft.) for both signs.
v. In addition to above (Total Signage), multiple building developments or commercial centers may be permitted additional freestanding center or multi-tenant identification signs with a maximum area of forty-eight square feet (48 sq. ft.) each in accordance with the provisions outlined in this Ordinance.
vi. The provisions above shall apply unless such guidelines are addressed in an approved comprehensive sign plan.

4.21.6

1. Temporary Signs

Purpose	Zoning District	Max Dimensions	Standards
Grand Openings Banners, Pennants, and Displays	CL, CH, I, Public or Institutional Property	Not Specified	Permitted to be displayed at the time of original opening or when reopened by a new owner or lessee for a maximum of thirty (30) days. Such signs are allowed on-site. In residential districts, such signs may only be permitted for multiple residence uses and non-residential uses. No pennant, banner or display shall be displayed on or above the roof of any building. A minimum of thirty (30) days shall pass between each such display. Banners shall be made of cloth, nylon, or similar material.
Special Events Banners, Pennants, and Displays	CL, CH, I, Public or Institutional Property	48 sq. feet	Allowed for a maximum period of ten (10) consecutive days on each occasion, with the exception of grand opening or reopening signs and such signs shall be reviewed on a case-by-case basis. No pennant, banner or display shall be displayed on or above the roof of any building. A minimum of thirty (30) days shall pass between each such display. Limited to one (1) per street frontage of the business. Banners may be hung from streetlights that are specifically designed to accommodate banners and which advertise a Town-authorized special event, community-wide event or message but not for individual businesses.
A-Frame Signs	CL, CH, I, Public or Institutional Property	Limited to one of two sizes: 24" W x 36" H OR 31" W x 40" H	May be made of wood, vinyl, metal or other similar non-pliable material ("Portable sign") may be displayed for a maximum of three-hundred and sixty-five (365) days. A Portable sign is not permitted on another person's property without written permission. A Portable sign is not permitted to obstruct the Public Right of Way, or within any Town-owned property. Portable

			sign display is not permitted during hours of non-operation (close of business).

Off-site Directional Signs	CL, CH, I, Public or Institutional Property	Preference	Signs shall be placed twenty-four (24) hours in advance of the event and shall be removed within twenty-four (24) hours after the conclusion of the event. Signs shall not be within the public rights-of-way. Prior to installation, approval shall be obtained from the owner of the property on which the off-site signs directional signs will be placed.
Political Signs			Shall not be displayed earlier than sixty (60) days prior to an election and shall be removed within fifteen (15) days after the specific election to which they refer. The Town may impose a bond requirement for political signs to help insure the prompt removal of all political signage as required by this Ordinance. Sign shall not be placed in any portion of the public right-of-way, except during that period of time commencing sixty (60) days before a primary election and ending fifteen (15) days after the general election. A sign for a candidate in a primary election who does not advance to the general election, shall be removed from Town Right-of-way fifteen (15) days after the primary election. Prior to installation, approval shall be obtained from the owner of the property on which the political signs will be placed.

Real Estate Signs-Residential	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS	<u>Parcels less than 5 acres</u> 6 sq. feet Max Height: 5' <u>Parcels 5 acres or more</u> 32 sq. feet Max Height: 8'	One (1) non-illuminated sign, located on the subject property, shall be permitted.
Real Estate Signs-Vacant Commercial & Industrial Property	CL, CH, I	32 sq. feet Max. Height: 8'	One (1) non-illuminated sign, located on the subject property, shall be permitted.
Real Estate Signs-Developed Commercial & Industrial Property	CL, CH, I	12 sq. feet Max. Height: 6'	One (1) non-illuminated sign, pertaining only to the building upon which displayed shall be permitted.
Real Estate Signs-Open House	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS	Max Height: 3'	A maximum of four (4) open house directional signs, including any such sign on the property of the home for sale, may be posted for each home provided they are not placed or located upon Town sidewalks or within the public right-of-way. The signs may be posted only when a sales person is on duty at the home for no longer than nine (9) hours during any twenty-four (24) hour period.
Construction or Development Signs		32 sq. feet Max Height: 8'	One such sign may be posted on the lot or parcel where the construction or repair will be conducted. If construction plans have not been submitted to the Development Services Department for the parcel or lot within one hundred twenty (120) days after issuance of the construction or development sign permit, the sign shall be removed and will not be approved for replacement until after a

			building permit has been issued by the Town for the project. In all cases, such signs shall be removed within ten (10) days following issuance of a certificate of occupancy for the project.

4.21.8

2. <u>Subdivision Signs</u>

A. Permanent Signs

Purpose	Zoning District	Max Dimensions	Standards
Subdivision Entry/ Identification Signs	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, PL, MHP-4, MR-1, CL, CH, I	24 sq. feet per subdivision or parcel/unit permitted Max Height: 6’	A wall sign or monument sign may be permitted at the entryway(s) of a subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages.

B. Temporary Subdivision Advertising and Directional Signs

Purpose	Zoning District	Max Dimensions	Standards
On-site Signs	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, PL, MHP-4, MR-1, CL, CH, I	96 sq. feet Max Height: 13’	During the construction phase, each subdivision shall have one sign located at the subdivision (on-site) advertising the subdivision. Such signs may be single or double faced with boxed edges. The sign shall not be located within one hundred (100’) of any property line of an existing residence. The

			sign must be removed when ninety-five percent (95%) of the lots within the subdivision are sold and/or the on-site sales office(s) closes. Additional on-site subdivision advertising and directional signs may be permitted in a PAD District if prior approval by the Commission and Town Council is obtained.
Residential Kiosk Signs Residential Kiosk Signs Continued…	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, PL, MHP-4, MR-1, CL, CH, I	Max Height: 8’	Sign panels on a Town-approved kiosk structure may be authorized for the purpose of providing directional information to community facilities and residential developments, including manufactured home parks and apartment developments, which are offering first time sale and/or lease of single-family subdivisions, multiple-family condominiums, or apartments that are located within the Town limits. Sign panels may be single or double-faced. No temporary real estate kiosk sign shall be placed within three hundred feet (300’) of another except when across the street from one another. Panels shall conform to color and design standards. Any sign panel approved for a particular development project within the Town shall not be changed to another project without prior approval. Panels shall be located on designated Town Kiosk structures within the public right-of-way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property with the written permission of the property owner. Such permission includes a letter of consent allowing the Town, in the event of non-compliance, to enter the property and remove the sign. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted and approved prior to the acceptance of a sign permit application.

Flags	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, PL, MHP-4, MR-1, CL, CH, I	12 sq. feet Max Height: 25 feet above the adjoining ground (must be on engineered footing)	Flags may be placed on, or behind, the property line of the subdivision. No more than six (6) flags may be placed at any one subdivision. Flags shall contain no lettering. The flags must be removed when ninety-five percent (95%) of the lots within the subdivision are sold and/or the on-site sales office(s) closes.
PAD Directional Signs	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, PL, MHP-4, MR-1, CL, CH, I	6 sq. feet Max Height: 3’	A maximum number of three (3) homebuilder or marketing directional signs may be permitted within an approved PAD.

~~A. “Agricultural and Residential Districts”: For all signs within “Agricultural and Residential Districts” (OS, AR-36, AR-4, SR-2, SR-1, SR-0.16, MR-1, and MHP-4) the following shall apply:~~

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~~1. Wall sign: May or may not be illuminated with a maximum height of ten feet (10’) except where specifically noted.~~

-

~~a. Single Residence Uses: One or more identification signs may be permitted. Signs may include only the name of the residence or occupant, and the street address. Street address signs shall not exceed a total aggregate area of three square feet (3 sq. ft.). Within the “OS”, “AR-36” and “AR-4” zoning districts a total aggregate area of eight square feet (8 sq. ft.) may be permitted.~~

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~~b. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use): One or more identification sign per unit, not to exceed a total aggregate area of three square feet (3 sq. ft.), may be permitted. The maximum height of any identification sign, for multi-story buildings, shall be six feet (6’) from the story floor level. The sign may include only the name of the residence or occupant, and the street address or unit number. Building number or letter signs for multiple building developments shall be in compliance with Fire Department requirements and shall not be counted as part of the aggregate sign area.~~

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c. Non-Residential Uses: (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations). One or more identification sign per lot or parcel, not to exceed a total aggregate area of sixteen square feet (16 sq. ft.), may be permitted unless deviations are approved through a Conditional use permit. The sign may include the name and/or logo of the facility, organization or development and the street address.

-

2. Freestanding monument Sign: May or may not be illuminated with a maximum height of six feet (6').

-

a. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use). A maximum of two (2) freestanding monument signs with an aggregate area of thirty-two square feet (32 sq. ft.) may be permitted. The maximum height shall be six feet (6'). Signs should be located near the main entrance(s) and may include the name and/or logo of the development and shall include the street address. Street address numerals shall be provided on any freestanding monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign.

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b. Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations): One (1) freestanding monument sign per lot, not exceeding thirty-two square feet (32 sq. ft.) in area nor a height of six feet (6'), may be permitted. The sign may include the name and/or logo of the facility, organization or development and shall include the street address.

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3. Directional Signs:

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Such signs are permitted for Multiple Residence Uses and Non-Residential Uses and shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.6, of any driveway. The use, number and location of such signs must be approved through the Site Plan Review process and comply with the requirements of this Ordinance.

-

4. Directory signs:

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Such signs may be used for Multiple Residence Uses and Non-Residential Uses when required to identify the location of various buildings, offices or businesses within a complex. The use, number and location of such signs must be approved through the

~~Site Plan Review process and comply with the requirements of this Ordinance. Each sign may be illuminated and have a maximum area of eighteen square feet (18 sq. ft.) and a maximum height of six feet (6'). These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.~~

-

~~a. Total Signage:~~

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~~i. Single Residence Uses: A maximum aggregate area of three square feet (3 sq. ft.) per lot or parcel may be permitted.~~

-

~~ii. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use): One (1) wall sign per individual unit or dwelling, not to exceed three square feet (3 sq. ft.), may be permitted.~~

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~~iii. A maximum of two (2) freestanding monument signs per development, with a total aggregate area of thirty-two square feet (32 sq. ft.), may be permitted.~~

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~~iv. Freestanding directional signs may be permitted through the Site Plan Review process.~~

-

~~Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations): A maximum of two (2) signs per lot or parcel may be permitted with the total aggregate sign area not to exceed forty-eight square feet (48 sq. ft.).~~

-

~~Freestanding directory signs may be permitted through the Site Plan Review process.~~

~~5. Reader panel signs:~~

-

~~a. Elementary and secondary schools may also have, in addition to above (5.Total Signage. (c), one (1) freestanding reader panel sign with an area not exceeding thirty-two square feet (32 sq. ft.) and a height not greater than fourteen feet (14').~~

-

~~b. Churches may use up to one half (½) of the allowed freestanding sign area for a reader panel.~~

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~~B. "Non-Agricultural and Residential": Signs within "Non-Agricultural and Residential Districts" (CL, CH, I, PL and OS) shall comply with the following applicable restrictions. Additionally, any complex of three (3) or more businesses shall be required to submit a~~

~~comprehensive sign package to be reviewed and recommended by the Commission and approved by Council.~~

-

~~1. Wall signage: May or may not be illuminated.~~

-

~~a. Wall signs pertaining to any one (1) business within a complex, on a separate parcel or lot, or on a freestanding PAD shall be permitted on the exterior walls of the space occupied by the business in accordance with the following guidelines:~~

-

~~b. A wall sign may be permitted on the front building elevation and shall have a maximum area not to exceed one square foot (1 sq. ft.) for each linear foot of the building wall upon which the sign is displayed.~~

-

~~c. Wall signs may be permitted on each of its other exterior walls and shall have a maximum area not to exceed one-half (½) square foot for each linear foot of the building frontage upon which each sign is displayed.~~

-

~~d. Under no circumstances may any business have an aggregate area for all wall signs exceeding two hundred square feet (200 sq. ft.), unless as otherwise approved with a comprehensive sign plan.~~

-

~~e. Signage shall not extend horizontally a distance greater than eighty percent (80%) of the width of the building wall on which it is displayed.~~

-

~~2. Freestanding monument Signage: May or may not be illuminated.~~

-

~~a. One (1) freestanding monument sign for identification purposes shall be permitted per business, except as otherwise allowed.~~

~~b. Any freestanding sign shall not exceed eight feet (8') in height.~~

~~c. For a single tenant building the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and may include the name and/or logo of the business and shall include the address.~~

~~d. For a single building development with multiple tenants the sign shall not exceed forty-eight square feet (48 sq. ft.) in area and may include the name and/or logo of the businesses and shall include the address.~~

~~e. For multiple building developments or commercial centers one (1) sign may be permitted for every three hundred thirty feet (330') of street frontage for the entire development with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate~~

~~developments for signage purposes. The minimum distance between two signs on the same street frontage shall be three hundred thirty feet (330'). Each sign may be a maximum of forty eight square feet (48 sq. ft.) in area and may be either a freestanding center identification sign or a multi-tenant identification sign.~~

-

~~3. Directional Signs:~~

-

~~Such signs shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.7, of any driveway. The use, number and location of such signs must be approved through the Site Plan Review process and comply with all other Ordinance requirements.~~

-

~~4. Directory signs:~~

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~~Such signs may be used when required to identify the location of various buildings, offices or businesses within the complex. The use, number and location of such signs must be approved through the Site Plan review process and comply with all other Ordinance requirements. Each sign may be illuminated and have a maximum area of eighteen square feet (18 sq. ft.) and a maximum height of six feet (6'). These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.~~

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~~5. Drive-thru Restaurant Menu Boards:~~

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~~a. Each drive thru restaurant may be permitted one (1) preview menu Board and one (1) ordering menu Board. These signs may be freestanding or wall mounted and shall be located a minimum of forty five feet (45') from the street property line and the front of the Board(s) shall not be visible from the public street. The maximum aggregate area for both signs shall not exceed fifty square feet (50 sq. ft.) or a maximum height of eight feet (8') per sign. These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.~~

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~~b. Freestanding menu Boards shall have a monument base of masonry construction and shall have a landscape area at the base of the sign equal to at least two square feet (2 sq. ft.) for each square foot of sign area.~~

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~~6. Window signage:~~

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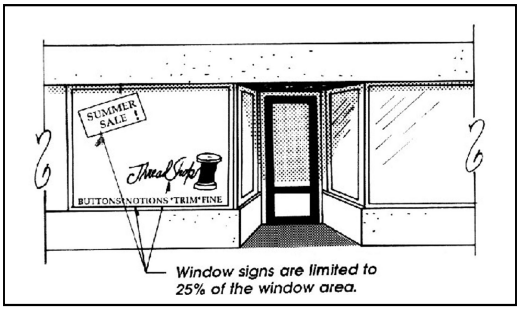
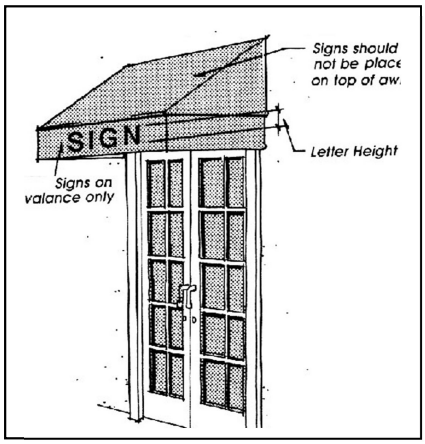


~~The total aggregate area of all window signs shall not exceed twenty-five percent (25%) of the total area of the windows through which they are visible.~~

~~7. Awning Signs:~~

-

~~A maximum of twenty-five percent (25%) of the front face area of the awning may be used for signage.~~



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~~Awning signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the awning sign. Such signs shall not include any additional advertising copy.~~

-

~~8. Shingle signs and projecting signs:~~

-

~~a. One (1) shingle sign or projecting sign that is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies.~~

~~b. Shingle signs and projecting signs shall have an eight-foot (8') minimum clearance between the bottom of the sign and the sidewalk.~~

~~c. Shingle signs shall have a maximum area of three square feet (3 sq. ft.).~~

-

~~9. Projecting signs for each ground floor business on a street shall not exceed one square foot (1 sq. ft.) for each linear street frontage of the business, up to a maximum of fifteen square feet (15 sq. ft.).~~

-

~~May identify the name and/or logo of the business, and such signs shall not include any additional advertising copy.~~

-

~~A wall or parapet sign is not permitted if a projecting sign is used to identify the business.~~

-

~~10. Parapet Signs:~~

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~~Parapet signs shall not project above the top of the building parapet.~~

-

~~a. A maximum of twenty-five percent (25%) of the front face area of the parapet may be used for signage.~~

-

b. ~~Parapet signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the parapet sign. Such signs shall not include any additional advertising copy.~~

-

~~11. Total Signage:~~

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a. ~~The total maximum aggregate signage, inclusive of wall, freestanding monument, window, awning, shingle, projecting, or parapet signs, shall not exceed two hundred thirty-two square feet (232 sq. ft.) for a single-tenant development.~~

b. ~~The total maximum aggregate signage, inclusive of wall, freestanding monument, window, awning, shingle, projecting, or parapet signs, shall not exceed two hundred forty-eight square feet (248 sq. ft.) for a multi-tenant development.~~

c. ~~The freestanding monument sign(s) for multi-tenant, multi-building, or shopping center developments shall not be counted towards the individual businesses' or anchor tenant's allowed signage provided that the name of the businesses or anchor tenant is not part of the center identification name on the freestanding sign.~~

d. ~~In addition to above, drive-thru restaurants may be permitted one (1) freestanding or wall-mounted preview menu Board and one (1) ordering menu Board with a maximum aggregate area of fifty square feet (50 sq. ft.) for both signs.~~

e. ~~Freestanding directory signs may be permitted through the Site Plan Review process.~~

f. ~~In addition to above (Total Signage), multiple building developments or commercial centers may be permitted additional freestanding center or multi-tenant identification signs with a maximum area of forty-eight square feet (48 sq. ft.) each in accordance with the provisions outlined in this Ordinance.~~

g. ~~The provisions above shall apply unless such guidelines are addressed in an approved comprehensive sign plan.~~

-

~~12. Reader panel signs:~~

~~Theaters, municipal uses, commercial uses, religious and academic institutions, or quasi-government organizations may also have, in addition to above (Total Signage), one (1) freestanding reader panel sign not to exceed twenty-four square feet (24 sq. ft.) in area and six feet (6') in height approved as a Conditional use.~~

-

~~4.21.7 Temporary Signs~~

~~A. Banners, Pennants and Displays for Grand Openings and Special Events:~~

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1. ~~All businesses shall be permitted to display Grand Opening signs at the time of original opening or when reopened by a new owner or lessee for a maximum period of thirty (30) days. Approval of the time and location of display shall be obtained from the Development Services Director or his/her designee, on forms provided by the Town's Development Services Department.~~

2. ~~Such signs may be allowed on-site, in commercial or industrial districts or public or institutional property. In residential districts, such signs may only be permitted for multiple residence uses and non-residential uses.~~

3. ~~Banners, pennants, and other displays for special events may be allowed for a maximum period of ten (10) consecutive days on each occasion, with the exception of grand opening or reopening signs and such signs shall be reviewed on a case-by-case basis. Approval of the time and location of display shall be obtained from the Development Services Director or his/her designee, on forms provided by the Town's Development Services Department.~~

4. ~~No pennant, banner or display shall be placed on or above the roof of any building.~~

5. ~~A minimum of thirty (30) days shall pass between each such display.~~

6. ~~For special events, the maximum banner size shall be forty-eight square feet (48 sq. ft.), unless otherwise reviewed and approved, and shall be limited to one (1) per street frontage of the business. Application for and approval of the time and location of display shall be obtained from the Zoning Administrator, or his/her designee, on forms provided by the Town's Development Services Department.~~

7. ~~Banners and pennants shall be displayed on the building or within the parking area, perimeter landscape, or some other area of the development, as reviewed and approved by the Development Services Director or his/her designee.~~

~~B. Off-site Directional Signs~~

-

1. ~~A sign plan shall be required in conjunction with the Special Event Permit or Temporary use Permit. The sign plan shall show the proposed location, placement, and size of all off-site directional signs.~~

2. ~~Signs may be placed twenty-four (24) hours in advance of the event and shall be removed within twenty-four (24) hours after the conclusion of the event.~~

3. ~~Signs shall not be placed or located within the public rights-of-way.~~

4. ~~Prior to installation, approval shall be obtained from the owner of the property on which off-site directional signs will be placed.~~

5. ~~Banners shall be made of cloth, nylon, or similar material.~~

6. ~~Banners may be hung from streetlights that are specifically designed to accommodate banners and which advertise a Town authorized special event or a community wide event or a community message but not for individual businesses.~~

7. ~~Approval of the time and location of the banners shall be obtained from the Development Services Director, or his/her designee, and the Public Works Director, or his/her designee on forms provided by the Town's Development Services Department.~~

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~~C. Political signs:~~

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1. ~~Signs pertaining to an election shall not be displayed earlier than sixty (60) days prior to an election and shall be removed within ten (10) days after the specific election to which they refer. The Town may impose a bond requirement for political signage to help insure the prompt removal of all political signage as required by this Ordinance.~~

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2. ~~Signs shall not be placed in any portion of the public right-of-way.~~

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~~Prior to installation, approval shall be obtained from the owner of the property on which political signs will be placed.~~

~~A. Real estate signs:~~

~~Signs advertising the sale, lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area.~~

-

1. ~~In residential zoning districts one (1) non-illuminated sign, located on the subject property, shall be permitted. The sign shall not exceed six square feet (6 sq. ft.) in area or five feet (5') in height. Parcels or lots of five (5) or more acres shall be permitted one (1) sign with a maximum area of thirty-two square feet (32 sq. ft.) and a maximum height of eight feet (8') per street frontage.~~

2. ~~For vacant property in commercial and industrial zoning districts one (1), non-illuminated sign, shall be permitted which shall not exceed thirty-two square feet (32 sq. ft.) in area nor eight feet (8') in height.~~

3. ~~For developed property within the commercial and industrial zoning districts one (1) non-illuminated sign, pertaining only to the building upon which displayed shall be~~

~~permitted. Such sign shall have a maximum area of twelve square feet (12 sq. ft.) and a maximum height of six feet (6').~~

4. ~~A maximum of four (4) open house directional signs, including any such sign on the property of the home for sale, may be posted for each home provided they are not placed or located upon Town sidewalks or within the public rights of way. Each sign shall have a maximum height of three feet (3'). The signs may be posted only when a sales person is on duty at the home and for no longer than nine (9) hours during any twenty-four (24) hour period.~~

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~~E. Construction or Development Signs:~~

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1. ~~One such sign may be posted on the lot or parcel where the construction or repair will be conducted. The sign shall have a maximum area of thirty-two square feet (32 sq. ft.) and a maximum height of eight feet (8').~~

2. ~~If construction plans have not been submitted to the Development Services Department for the parcel or lot within one hundred twenty (120) days after issuance of the construction or development sign permit, the sign shall be removed and will not be approved for replacement until after a building permit has been issued by the Town for the project.~~

3. ~~In all cases, such signs shall be removed within ten (10) days following the issuance of a certificate of occupancy for the project.~~

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~~4.21.8 Subdivision Signs~~

~~The following signs may be permissible after administrative review and approval by the Development Services Director or his/her designee.~~

-

~~A. Permanent Subdivision Entry / Identification Signs:~~

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1. ~~A wall sign or monument sign may be permitted at the entryway(s) of a subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages. A maximum aggregate area of twenty-four square feet (24 sq. ft.) per subdivision or parcel/unit may be permitted.~~

2. ~~The maximum height of any subdivision entry/identification sign shall be six feet (6'). The sign may include only the name of the development and the street address.~~

-

~~B. Temporary subdivision advertising and directional signs:~~

-

1. ~~On-site sign: During the construction phase, each subdivision shall have one sign located at the subdivision (on-site) advertising the subdivision. Such sign shall have~~

~~a maximum area of ninety-six square feet (96 sq. ft.) and may be single or double faced with a maximum height of thirteen feet (13') and boxed edges. The sign shall not be located within one hundred feet (100') of any property line of an existing residence. The sign must be removed when ninety five percent (95%) of the lots within the subdivision are sold and/or the on site sales office(s) closes. Additional on site subdivision advertising and directional signs may be permitted in a PAD District if prior approval by the Commission and Town Council is obtained.~~

2. ~~Residential kiosk Signs: Sign panels on a Town-approved kiosk structure may be authorized for the purpose of providing directional information to community facilities and residential developments, including manufactured home parks and apartment developments, which are offering the first time sale and/or lease of single-family subdivisions, multiple-family condominiums, or apartments that are located within the Town limits. Sign panels may be single or double-faced. Maximum sign height for a single sign structure (kiosk) shall be eight feet (8').~~

3. ~~Sign panels shall be located on designated Town kiosk structures within the public right-of-way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property with the written permission of the property owner. Such permission shall include the consent of the property owners to allow the Town, in the event of non-compliance, to enter the property and remove the sign. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Development Services Director, or his/her designee, prior to the acceptance of a sign permit application.~~

4. ~~Each temporary real estate directional sign panel may contain only the name of the subdivision or builder or new multiple-family development, the corporate logo, and a directional arrow. Community directional sign panels (Town Hall, library, medical facilities, parks, historic sites, etc.) may also be allowed on kiosk structures.~~

5. ~~No temporary real estate kiosk sign shall be placed within three hundred feet (300') of another except when they are across the street from one another.~~

6. ~~Directional sign panels shall conform to colors and design standards approved by the Development Services Director, or his/her designee.~~

7. ~~Any sign panel approved for a particular development project within the Town shall not be changed to another project without prior approval of the Development Services Director or his/her designee.~~

8. ~~Flags: Subdivision identification flags may be placed on, or behind, the property line of the subdivision. No more than six (6) such flags may be placed at any one subdivision. The flags shall have a maximum area of twelve square feet (12 sq. ft.),~~

~~shall contain no lettering and may not be maintained higher than twenty-five feet (25') above the adjoining ground, and must be on an approved engineered footing. The flags must be removed when ninety-five percent (95%) of the lots in the subdivision are sold and/or the on-site sales office closes.~~

~~9. PAD directional signs:~~

~~A maximum number of three (3) homebuilder or marketing directional signs may be permitted within an approved PAD. Each sign shall have a maximum height of three feet (3') and six square feet (6 sq. ft.) in area.~~

4.21.9 Submittal and Permit Requirements

Sign permit approval is required for constructing or altering any non-exempt sign. A sign permit application shall be made in writing on forms provided by the Development Services Department. Depending on the sign and location, a building permit may also be required.

The following information will be required on all sign permit applications:

A. Business owner's name, address and telephone number.

B. Sign contractor's name, address and telephone number.

C. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign.

D. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right-of-way.

E. Plans indicating the scope and structural detail of the work to be done; including details of all connections, supports, footings, and materials to be used.

F. Required information for an electrical permit for all signage illumination. Please contact the Building Safety Division for specific requirements and/or additional information.

~~G. Comprehensive sign packages, if required by this Ordinance, shall provide information regarding the color(s), material, type, and letter samples that are for all tenant signage, freestanding center identification signage, directional signs, window signs and any other information deemed necessary by the Town to adequately review the comprehensive sign package.~~

H. A "Planned Area Development" (PAD) ~~must~~ MAY submit a comprehensive sign package and may, through the comprehensive sign package, request deviations from this

Ordinance only if the deviations are reviewed and recommended by Commission and approved by Council.

I. Two (2) copies of all information listed above shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the Permit is issued.

J. Before issuing any Sign Permit required by this Ordinance, the Town shall collect a fee in accordance with a fee schedule established by Council. If work, for which a permit is required by this Ordinance, is started before a permit has been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Ordinance in the execution of the work or from any penalties prescribed herein.

4.21.10 Exceptions

A. Permits Not Required: Sign permits are not required for the following signs provided that such signs are subject to all other provisions of this Ordinance. Note: Electric permit required for all exterior electric signs.

~~B. Standard sign maintenance.~~

C. Relocation as required by the Town.

~~D. Garage sale signs not exceeding six square feet (6 sq. ft.). Such signs shall not be up longer than three (3) days. Signs may not be located upon Town sidewalks or within the public rights-of-way.~~

E. Political signs.

~~F. Messages painted directly on or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows; except that the aggregate square footage of such signs shall be calculated as window signage.~~

G. Flags, pennants or insignia of any nation, state, County, Town, or other political unit, or any church or religious organization.

H. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.

I. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise that may derive direct commercial gain from such display.

J. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

K. Temporary signs less than thirty (30) days for events of a general Town, civic or public benefit.

~~L. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.~~

M. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the Town or other authorized public agency, and the posting of public notices as required by law.

~~N. Non-illuminated directional or informational signs of a non-commercial public or quasi-public nature, including street, building or suite numbers which do not exceed six square feet (6 sq. ft.).~~

~~O. Signs displayed during recognized holidays, as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved permit should one be required. Such signs shall be excepted only when displayed within thirty (30) days of the recognized holiday.~~

~~P. Signs displayed within the interior of a building.~~

~~Q. Identification signs for individual residences.~~

~~R. On-site directional and similar informational signs provided such signs are utilized only when necessary for traffic directional or similar informational purposes and do not display corporate colors, logos or other commercial messages. Such signs shall be wall mounted or, if detached, shall not exceed a height of three feet (3').~~

4.21.11 Prohibited Signs

Any sign not specifically listed as permitted by this Ordinance is prohibited, including, but not limited to the following:

A. Bill Boards are prohibited in the Town.

B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.

~~C.~~ Signs attached to any utility pole, or structure, streetlight, traffic signal, tree, fence, fire hydrant, bridge, park bench or other location on public property ~~unless otherwise specifically allowed in this article.~~

~~D. The use of pennants, banners, fixed balloons, and similar displays except as permitted elsewhere in this article.~~

E. Off-site signs, unless otherwise permitted by this Ordinance, more specifically signs that direct attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

F. Signs that are animated or audible, or rotate or have intermittent or flashing illumination or emit audible sound or visible matter; except time and/or temperature units or to drive-up menu boards, except as otherwise approved through the Conditional Use Permit processes, in a comprehensive sign plan.

G. Roof signs.

H. Signs displayed in a manner or location that prevent free ingress and egress from a door, window or other exit.

I. Portable signs and/or temporary signs that advertise a business, commodity, service, entertainment, product or attraction.

~~J. Signs displayed in a location prohibited by this Ordinance.~~

~~K. Weekend directional signs.~~

~~L. Projecting signs unless mounted entirely under an awning or roof hanging and designed primarily for the aid of pedestrian traffic. Such signs shall not interfere with the pedestrian traffic.~~

~~M. Awning mounted signs, unless painted directly on the face of the awning.~~

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4.21.12 Non-conforming and Unsafe Signs

A. Legal Non-conforming signs:

1. Legal non-conforming sign(s) shall mean a sign that lawfully exists at the time of the enactment of this Ordinance that does not conform to the regulations as specified in this Ordinance.

2. A legal non-conforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the adoption of this Ordinance or any amendment thereto.

3. A legal non-conforming sign may not be altered in any manner not in conformance with this Ordinance. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.

4. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any non-conforming sign located within the boundaries of the development site, and within the limits of the applicant's control, authorized by the permit shall be brought into conformance with the provisions of this Ordinance, provided that if the non-conforming sign is a type of sign that is prohibited under this Ordinance, it shall be removed.

5. Legal non-conforming signs that are located on a parcel of property which is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal non-conforming status of that sign provided that the non-conforming sign:

    a. Is not increased in area or height to exceed the limits of the district in which it is located;

    b. Remains structurally unchanged except for reasonable repairs or alterations;

    c. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and

    d. Is relocated in a manner so as to comply with all applicable safety requirements.

    e. After relocation pursuant to this subsection, the legal non-conforming sign shall be subject to all provisions of this subsection in its new location.

B. Signs Rendered Non-conforming

Except as provided in this subsection, a non-conforming sign may continue in the manner and to the extent that it existed at the time of the Ordinance adoption, amendment or annexation that rendered the sign non-conforming. This subsection shall not prohibit reasonable repairs and alterations to non-conforming signs.

1. A sign approved by Zoning Administrator or comprehensive sign plan before the effective date of this Ordinance (date) shall not be considered non-conforming and shall not be subject to the regulations set forth in this subsection.

2. A non-conforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance.

3. If the structure of a non-conforming sign is changed, the height and area of the sign shall not be increased to exceed the height and area limits of the site on which it is located. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.

4. If a non-conforming sign is located on a parcel that is experiencing development for which Site Plan Review is required, the height and area of the sign shall not be increased to exceed the height and area limitations of the site. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.

C. Site Plan and/or Design Review required by one of the following types of development shall not cause reduction in a sign's non-conforming height and/or area:

1. An addition of less than two thousand square feet (2,000 sq. ft.) when the addition is less than fifty percent (50%) of the size of the usable space of the site which is the subject of review. A series of additions, which total more than fifty percent (50%) of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.

2. An addition of more than two thousand square feet (2,000 sq. ft.) when the addition is less than ten percent (10%) of the size of the usable space of the site which is the subject of review. A series of additions, which total more than ten percent (10%) of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.

3. A modification required by federal, state or local regulations or programs.

4. Any non-conforming sign shall be removed or rebuilt in full conformity to the terms of this Ordinance if it is damage or allowed to deteriorate to such an extent that the

cost of repair or restoration is fifty percent (50%) or more of the cost of replacement of such sign.

D. Signs For a Legal Non-conforming Use:

1. New or additional signs for a non-conforming use shall not be permitted.

2. A non-conforming sign for a non-conforming use which ceases to be used for a period of six (6) months or is suspended by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

3. Signs Rendered Discontinued: Sign structures which remain vacant, unoccupied, and devoid of any message for a period of six (6) months, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

4. A sign whose use has been discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises. Removal shall occur by no later than six (6) months after such use has been discontinued.

5. The owner/operator of a discontinued business shall cover the sign copy used to advertise the business.

B. Unsafe signs:

If the Zoning Administrator, or his/her designee, determines any sign or sign structure to be in an unsafe condition, he shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

If the correction has not been made within forty-eight (48) hours, the Zoning Administrator, or his/her designee, may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

ORDINANCE NO. 16-819

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE 4, GENERAL REGULATIONS; BY AMENDING CHAPTER 4.21, RELATED TO SIGN REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES;

WHEREAS, The Town of Chino Valley has the intent of modernizing its sign regulations to accommodate changing market demands; and

WHEREAS, the Supreme Court of the United States, in its Jun 18, 2015 decision in the case of *Reed, et al. v. Town of Gilbert* declared some types of sign regulations unconstitutional; and

WHEREAS, the Town of Chino is acting in good faith to bring its sign regulations into conformance with the outcomes of the *Reed v. Gilbert* case;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of Chino Valley, Arizona, Title 4, General Regulations, Chapter 4.21, Sign Regulations, is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

[TEXT INDENTED TWO TABS]

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

CIVIL INFRACTIONS Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this _____ day of _____, 20__ by the following vote:

AYES: _____ ABSENT: _____

NAYS: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L.N. Smiley, Town Attorney

[Directions: The attorney will only include the paragraph below if there is a penalty clause or civil sanction in the ordinance.]

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 20__, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 20__.

_____
Jami C. Lewis, Town Clerk

Planning and Zoning Commission Regular **6. b.**

Meeting Date: 05/03/2016

Unified Development Ordinance Amendment Regarding Medical Marijuana Separation Requirements

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CASE DESCRIPTION:

Consideration and possible action to hold a public hearing regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.

LOCATION:

N/A

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

The Arizona Medical Marijuana Act (the "Act"), approved by voters in 2010, established the laws for medical marijuana in Arizona and tasked the Arizona Department of Health Services ("ADHS") with developing regulations to implement the provisions of the Act. Arizona Revised Statutes ("A.R.S.") Section 36-2804 limited the number of medical marijuana dispensaries to no more than one dispensary for every ten registered pharmacies in the state (as registered under Arizona pharmacy statutes). ADHS was required to determine a means to distribute the limited number of dispensaries throughout the state. ADHS established regulations that permitted a single dispensary per Community Health Analysis Area ("CHAA"), the CHAAs are distributed throughout the state, and are nearly equal to the initial number of dispensaries permitted pursuant to A.R.S.§ 36-2804.

Arizona Administrative Code § R9-17-306(B)(1)(b) provides that after the first three years that a dispensary has been issued a Dispensary Registration Certificate, the dispensary may change its location to any other location in the state, and the first dispensaries in Arizona were certified in 2013. This means that those dispensaries that were certified in 2013 would now be allowed to move anywhere with the state, including CHAAs where there is an existing dispensary. Currently, within Chino Valley, there is one dispensary. If the Town Council takes no action, other dispensaries could locate within the Town boundaries, as long as they are in compliance with the UDO. The UDO Amendment set forth in Ordinance 16-816 is proposed in anticipation of the possibility that a duly certified dispensary may desire to move to the Town of Chino Valley.

The proposed amendment requires a five hundred foot (500') separation between medical marijuana uses and the edge of the right-of-way of State Route 89. The purpose of this proposed amendment is to prevent a proliferation of dispensaries from locating near highway frontage, thereby limiting the visibility of this use. Ordinance 16-811, which became effective on February 26, 2016, requires that all dispensaries be located within Industrial (I) zoning districts. Currently there are no industrially zoned properties adjacent to State Route 89. Staff recommends approving Ordinance 16-816 to provide added protection for the Town just in case a property located on State Route 89 is rezoned to Industrial for another purpose, and subsequently sold for medical marijuana uses.

TECHNICAL REVIEW:

N/A

SITE PLAN

N/A

RECOMMENDATION

Hold a public hearing regarding the proposed additional separation requirements from State Route 89 for medical marijuana facilities and send to Town Council with a recommendation. (James Gardner, Associate Planner)

Motion: Move to send Ordinance 16-816 to Town Council with the recommendation of approval.

Attachments

Ordinance 16-816

ORDINANCE NO. 16-816

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4 GENERAL REGULATIONS, SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, AND INFUSION FACILITIES, BY AMENDING SUBSECTION 4.31.D TO PROVIDE FOR A 500 FOOT SEPARATION FROM THE EDGE OF RIGHT-OF-WAY AT STATE ROUTE 89; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission held a citizen review meeting on April 13, 2016 and held a public hearing on May 3, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Town Council finds that reasonable regulations related to the location and operation of medical marijuana facilities is in the best interest of protecting the public's health, safety, and general welfare and consistent with the principles set forth in the Arizona Medical Marijuana Act;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

* * *

D. The following separation requirements shall apply to all medical marijuana facilities:

1. Five hundred feet (500') from any school, public or private.
2. Five hundred feet (500') from any public park, public building, or public community center.
3. Five hundred feet (500') from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
4. Five hundred feet (500') from any residential zoning district.
5. FIVE HUNDRED FEET (500') FROM THE EDGE OF THE RIGHT-OF-WAY OF STATE ROUTE 89.

* * *

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ___ day of _____, 2016 by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L.N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN

OF CHINO VALLEY ON THE ____ DAY OF _____, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

_____
Jami Lewis, Town Clerk

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, May 3, 2016
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

1.	**CALL TO ORDER**	
2.	**PLEDGE OF ALLEGIANCE**	
3.	**ROLL CALL**	
4.	**MINUTES**	
a.	Consideration and possible action to approve the April 13, 2016 special meeting minutes.	**APPROVED**
5.	**STAFF REPORTS**	**NONE HELD**
6.	**PUBLIC HEARING**	
a.	Consideration and possible action to hold a citizen review of proposed amendments to the Unified Development Ordinance (UDO) of the Town of Chino Valley, Section 4.21, *Sign Regulations*.	**HEARD**
b.	Consideration and possible action to hold a public hearing regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.	**REFERRED**
7.	**NON-PUBLIC HEARING ACTION ITEMS**	**NONE HELD**
8.	**DISCUSSION ITEMS**	**NONE HELD**
9.	**PUBLIC COMMENTS**	**NONE HELD**
10.	**ADJOURN**	

Dated this 28th day of April, 2016.
(Action Taken May 4, 2016)

By: **James Gardner, Associate Planner**

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.