1. Planning & Zoning Commission - Agenda

   Documents:

   2016_08_04_PZ_SP_AG.PDF

2. Planning & Zoning Commission - Agenda Packet

   Documents:

   2016_08_04_PZ_SP_PK.PDF

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

SPECIAL MEETING
Thursday, August 4, 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 June 7, 2016, regular meeting minutes.

b. Consideration and possible action to approve the June 15, 2016, special meeting minutes.

c. Consideration and possible action to approve the July 5, 2016, regular meeting minutes.

5. STAFF REPORTS

6. PUBLIC HEARING

0. Request to amend the Town of Chino Valley Unified Development Ordinance related to Agritainment, including amendments to Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms, Chapter 3 Zoning Districts, Section 3.5 "AR-36" -Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" - Agricultural/Residential (36 Acre Minimum)), Section 3.6 "AR-5" - Agricultural/Residential (5 Acre Minimum)), Subsection 3.6.2 Permitted Uses ("AR-5" - Agricultural/Residential (5 Acre Minimum)), Section 3.7 "AR-4" - Agricultural/Residential (4 Acre Minimum)), Subsection 3.7.2 Permitted Uses ("AR-4" Agricultural/Residential (4 Acre Minimum)), and amending Chapter 4 General Regulations to add new Section 4.32 Agritainment Development Standards and Regulations, all as set forth in that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, dated September 13, 2016" (the "Proposed Amendments"):

1) Hold a public hearing on the Proposed Amendments; and
2) Vote to recommend approval of the Proposed Amendments to the Town Council.
(Ruth Mayday, Development Services Director)

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 2nd day of August, 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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1) Hold a public hearing on the Proposed Amendments; and
2) Vote to recommend approval of the Proposed Amendments to the Town Council.
(Ruth Mayday, Development Services Director)

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8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 2nd day of August, 2016.

By: **James Gardner, Associate Planner**

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

Meeting Date: 08/04/2016

June 7, 2016 Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the June 7, 2016, regular meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

June 7, 2016 Meeting Minutes

D R A F T

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

JUNE 7, 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

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon; Commissioner Annie Lane

Absent: Commissioner Claude Baker; Commissioner Florence Sloan; Alternate Commissioner Julie Van Wuffen

Staff Present: Associate Planner James Gardner; Town Clerk (recorder) Jami Lewis

4) MINUTES

a) Consideration and possible action to approve the May 3, 2016 regular meeting minutes.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Annie Lane to approve the May 3, 2016 meeting minutes.

Vote: 4 - 0 PASSED - Unanimously

5) STAFF REPORTS

There were no staff reports.

Associate Planner Gardner provided an update on the sign code revisions.

There will be a Special Meeting on June 15, 2016 regarding the sign code ordinance. There have been three meetings with the sign code committee. Legal counsel has reviewed several iterations and will wrap up their revisions by the end of the week. The revised ordinance is much shorter and will increase people's rights. Associate Planner Gardner encouraged the Commissioners to review the ordinance and keep an eye out for any changes that are too drastic and to ask questions at the next meeting.

6) PUBLIC HEARING

a) Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-820 to rezone approximately 1.37 acres of real property, located at 3385 Bacon Lane, Chino Valley, Arizona, consisting of a portion of APN 306-04-002V, located within the Southeast quarter of Section 3, Township 16N, Range 02W, Gila and Salt River Base and Meridian from CH (Commercial Heavy) zoning district to SR-1 (Single Family Residential, 1 acre minimum) zoning district. (Applicant: Robbie and Maggie Vermilyea) (James Gardner, Associate Planner)

Associate Planner Gardner provided the following information about the rezoning request.

- Applicant applied to rezone 1.4 acres of a 5 acre property.
- The purpose of the rezone is to split off a portion of commercial property in order to sell the existing home.
- Access to the residential property is on Bacon Lane.
- The commercial property is accessed on Choctaw Lane.
- There will be a landscape buffer and wall between two properties on residential side of the property.
- A neighborhood meeting was held on 5-9-16 and there was no one in attendance.
- The rezone conforms to the General Plan.
- The property is near, but not inside, a community core.
- Dedication of the Right of Way is included in the Ordinance 16-820.

MOVED by Commissioner Michael Bacon, seconded by Vice-Chair Gary Pasciak to send Ordinance 16-820 to Town Council with recommendation of approval.

Vote: 4 - 0 PASSED - Unanimously

b) Consideration and possible action to hold a public hearing and to make a recommendation to the Town Council regarding adoption of Ordinance 16-821 to rezone approximately 5.0 acres of real property, located at 2099 E. Perkinsville Road, Chino Valley, Arizona, consisting of a portion of the Northwest quarter of Section 13, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-02-018D) from AR-5 (Agricultural-Residential 5-acre minimum) to SR-2.5 (Single Family Residential, 2.5-acre minimum) zoning district. (Applicant: TDH Investments) (James Gardner, Associate Planner)

Associate Planner Gardner provided the following information.

- The purpose of the rezone is to change a portion of the parcel from Agriculture-Residential, 5-acre minimum to Single Family Residential, 2.5 acre minimum.
- Applicant wants to split the property and give the split to family members.
- An onsite neighborhood meeting was held on May 23, 2016 and was attended by family members.
- The rezone conforms to the General Plan.
- The rezone is in conformance with the area.
- The property is accessible from Cottonwood Lane to the South as well as a private easement alongside the Peavine Trail from Perkinsville Road south to the property's driveway.

MOVED by Commissioner Michael Bacon, seconded by Vice-Chair Gary Pasciak to send Ordinance 16-821 to Town Council with recommendation of approval.

Vote: 4 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to adjourn the meeting at 6:16 p.m.

Vote: 4 - 0 PASSED - Unanimously

_____
Chair Charles Merritt

_____
Date

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

Meeting Date: 08/04/2016

June 15, 2016 - Special Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the June 15, 2016, special meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

June 15, 2016 Special Meeting Minutes

D R A F T

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

JUNE 15, 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 6:00 pm.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon; Commissioner Claude Baker; Commissioner Annie Lane

Absent: Commissioner Florence Sloan; Commissioner Julie Van Wuffen

Staff Present: Development Services Director Ruth Mayday; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa (recorder)

4) MINUTES

5) STAFF REPORTS

There were no staff reports.

6) PUBLIC HEARING

a) Hold a citizen review of the proposed agri-tourism standards, which will pertain to agricultural and residential zoning districts wherein the primary use of the property is agricultural.

Director Mayday outlined changes to the UDO related to Agritainment Uses:

- Definitions for Agritainment & Overnight Rental Unit will be added to the UDO.
- Agritainment is a secondary or accessory use.
- Administrative approval of site plan for dust control.
- Bathroom facilities connected to sewer system or approved septic system.
- Obtain a business and Transaction Privilege Tax (TPT) license for activities that aren't statutorily exempt.
- Exempt from hard surface paving requirements.
- Allows on-site food service.
- Permits overnight stays.

The Public Hearing was opened. The Commission heard comments from Norman Freeman and Mike O'Connor.

Comments from Norman Freeman of Freeman Farms included:

- Who decided this ordinance was needed. Where does it come from? What is the problem that needs to be fixed?
- Agriculture is a business by definition.
- Agriculture was never intended to fit under commercial.
- Agritainment definition was created by Town Official.
- There will be serious economic impact due to this ordinance.
- State policymakers have adopted rules to make things easier for agriculture businesses.
- Agriculture operations are exempt from business licensing if they sell what they grow.
- 80% of Chino Valley is zoned agriculture.
- The June 1, 2016 letter he received from Development Services Director Mayday was the first outreach he has received.
- Previously asked for a policy statement by Town Council when he was dealing with Ron Grittman's decision regarding bathrooms.
- Requested that the Commission review the Towns current agriculture codes.

Commissioner Lane asked Mr. Freeman to list his main objections to the ordinance.

- What is the problem trying to solve?
- Staff is redefining what he does which is agriculture, not agritainment. Agriculture businesses do not need to be redefined.
- Agriculture regulations from the Town, County, State and Federal government are already in place.

Mike O'Connor from Chino Valley Farms made the following comments:

- He would like several terms added to list of permissible agritainment facilities/uses, including CSA – Community Supported Agriculture, Food Hubs & Community Cooperatives.
- Interns from Worldwide Opportunities in Organic Farming Program (WOOF) stay and work on the farm for 1-4 months during the growing season.
- The farm provides housing and meals while the interns work up to 25 hours per week. If the interns work over 25 hour the farms has to pay them.
- He would like to see exemptions allowed for housing the interns.

Both Commissioner Pasciak and Bacon wanted to know the impetus that started this amendment. Commissioner Pasciak also confirmed that farms do not have to have a dust control plan.

The Public Hearing was closed.

Director Mayday provided the following information:

- Outreach was performed. Staff has conducted outreach with farmers and agriculture businesses, advertised public hearings and described what would be discussed. The ordinance was reviewed by Town Attorney.
- This is an affirmative action. Farms are not required to participate in any activities.
- If a farm wants to conduct an agritourist business the ordinance will apply.
- To speed the process, there will be administrative approval of dust control and site plans for only the portion of the farm that is part of the agritainment.

- Some businesses are required to obtain a conditional use permit, including Bed & Breakfasts.

Chair Merritt recommended that staff meet with Mr. Freemen and concerned citizens in as respectful, productive manner to see if they can achieve something that all parties can live with. It would be enlightening for a Planning & Zoning commission to also attend the meeting.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to recommend that the draft amendment to the Town of Chino Valley UDO related to agritainment be returned to staff for further review, modification and input by the public and specifically that Sections 4.32, Items B. 4, 5 & 6 be addressed and that between that time that Council reconsider making a policy statement about agriculture and permitted use.

Vote: 5 - 0 PASSED - Unanimously

b) Consideration and public hearing regarding possibly repealing Section 4.21 Sign Regulations, of the Unified Development Ordinance (UDO) and replacing it with the proposed revised regulations.

The process for Sign Code Amendments began again in January 2016, and included in-office outreach to those applying for sign permits or renewing temporary sign permits. Emails were sent to all business license holders. An ad hoc Sign Code Committee was formed that met monthly from April through June. An online survey was distributed. Concerns ranged from: formatting, definitions, temporary signs, including flags and banners, off-premise signs, and sizes of wall signs, monument signs, and shingle signs.

The intent of the revisions of the Sign Code are threefold:

1. Compliance with Reed vs. Gilbert.
2. Allowance for more signage for businesses and creating a proportional allowance for signs based upon speed limits and frontages.
3. To make a more easily understandable code that is easy to read for the public as well as easy to interpret for staff.

The revisions proposes address this specific intents by:

1. Creating content-neutral sign regulations.
2. Increasing maximum sign sizes, increasing total aggregate signage allowances, creating matrices or tables for different types of signage which allow for more signage on buildings fronting roadways with speed limits greater than 35 MPH, at 35 MPH, and less than 35 MPH.
3. Creating a table-based format that spells out quantity, type and placement of signage for each zoning district and reducing the number of pages of regulations from 22 to 11, as well as removing provisions which were written for a special purpose, provisions which conflicted with other parts of the code, and provisions which conflicted with state statute and case law.

Associate Planner Gardner reviewed each of the proposed Sign Regulations in his power point presentation..

- 4.21.1 Purpose
- 4.21.2 Permits Required
- 4.21.3 General Sign Regulations

- 4.21.4 Measurement of Signs
- 4.21.5 Sign Standards
- 4.21.6 Temporary Signs
- 4.21.7 Prohibited Signs
- 4.21.8 Non-Conforming Signs
- 4.21.9 Violations, Removal

During his presentation Planner Gardner responded to questions from Commissioners.

- Clarification on what is considered a flag.
- No commercial signs allowed in residential property except yard sales, real estate and political signs.
- Clarification on what would be considered legal non-confirming use.
- Possible time limits for messages on reader panel signs.
- Suggestion to include illustration regarding awning signs.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to move this item forward to the next meeting.

Vote: 5 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to adjourn the meeting at 8:05 pm.

Vote: 5 - 0 PASSED - Unanimously

_____

Chair Charles Merrritt

_____

Date

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

Meeting Date: 08/04/2016

July 5, 2016 Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the July 5, 2016, regular meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

July 5, 2017 Meeting Minutes

D R A F T

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

JULY 5, 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 6:00 pm.

2) PLEDGE OF ALLEGIANCE

Commissioner Lane led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon; Commissioner Claude Baker; Commissioner Annie Lane; Commissioner Julie Van Wuffen

Absent: Commissioner Florence Sloan

Staff Present: Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa (recorder)

4) MINUTES

5) STAFF REPORTS

There was no staff report.

6) PUBLIC HEARING

a) Consideration and public hearing regarding amending the Unified Development Ordinance ("UDO"), Chapter 2, Definitions, Section 2.1, Meanings of Words and Terms: repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016".

The intent of the revisions of the Sign Code are threefold: Compliance with Reed v. Gilbert Allowance for more signage for businesses, and creating a proportional allowance for signs based upon speed limits and frontages. To make a more easily understandable code that is easy to read for the public as well as easy to interpret for staff. The revisions proposed address those specific intents by: Creating content-neutral sign regulations Increasing maximum sign sizes, increasing total aggregate signage allowances, creating matrices or tables for different types of signage which allow for more signage on buildings fronting roadways with speed limits greater than 35 MPH, at 35 MPH, and less than 35 MPH (see Table 4.21.5.B-1 and Table 4.21.5.B-2 for examples). Creating a table-based format the spells out quantity, type, and placement of signage for each zoning district and reducing the number of pages of regulations from 22 to 11. This was achieved by creating a more compact format as well as removing provisions in the code which were written for a special purpose, provisions which conflicted with other parts of the code, and provisions which conflicted with state statute and case law.

Attached herein are the amendments to Section 4.21 that have arisen from this process, as well as amendments to Chapter 2 of the UDO, amending, deleting, and adding new definitions for signage.

This is the final review and vote before the amendment is sent to Town Council.

Associate Planner Gardner reviewed each if the proposed sign Regulations in his power point presentation.

- Chapter 2 Definitions, Section 2.1 Meanings of Words & Terms
- Repealing Chapter 4.21 Sign Regulations and adopting new Chapter 4.21 Sign Regulations consisting of Sections:
- 4.21.1 Purpose
- 4.21.2 Permits Required
- 4.21.3 General Sign Regulations
- 4.21.4 Measurement of Signs
- 4.21.5 Sign Standards
- 4.21.6 Temporary Signs
- 4.21.7 Prohibited Signs
- 4.21.8 Non-Conforming Signs
- 4.21.9 Violations, Removal

Planner Gardner responded to questions from Commissioners:

- The amendments and definitions will become part of the Uniform Development Code.
- The International Sign Association suggested 6-seconds as the length of a message on an animated sign.
- Planner Gardner will do more research on message length before this item is presented to Town Council.
- The standard of brightness for animation signs is limited due to the Dark Sky Ordinance.
- There was discussion regarding 2-sided animation signs.
- There is a proposed restriction on the size of residential signs that needs to be added.
- After discussion the Commissioners opted not to restrict window signs. If it becomes an issue they can make changes in the future.
- If a business is located along the frontage, due to the speed limits, they can have more signage.
- If a new owners take over a business with non-conforming signs, they can continue with the existing signage and refresh the sign copy or update the sign.
- Temporary signs, such as garage sales signs, in the right of way can be removed.

Chair Merritt confirmed that Planner Gardner felt there had been sufficient public participation and public input in creating the proposed amendments and that the Town tried to include the business community, sign makers and the community in the process.

MOVED by Commissioner Michael Bacon, seconded by Vice-Chair Gary Pasciak to approve the proposed sign code with the changes that were recommended for the animated signs and that will be forwarding to Council.

Vote: 6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

Commissioner Pasciak asked if the staff had met with Mr. Freeman as was recommended at the last meeting. Planner Gardner stated that he was not present but that Mr. Freeman had been invited to a meeting at Development Services. Chair Chuck Merritt was present at the meeting along with Mr. Freeman, Director Ruth Mayday, and Vice-Mayor Darryl Croft.

Chair Merritt described what took place at the meeting. Mr. Freeman was asked to write down specific problems he had with the proposed ordinance. The group could then sit down and address those concerns.

After the meeting Chair Merritt received a copy of a letter from Mr. Freeman dated from a few years prior. To date there had been no further response from Mr. Freeman regarding the proposed ordinance.

Chair Merritt stated that there did not seem to be too many restrictions placed on anyone by the proposed ordinance.

Commissioner Pasciak stated his question from the previous meeting about the requirements for septic systems to be approved by the County and the Town as well as what was the impetus behind the development of the ordinance.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Julie Van Wuffen to adjourn the meeting at 7:00 pm.

Vote: 6 - 0 PASSED - Unanimously

_____
Chair Chuck Merritt

_____
Date

Planning and Zoning Commission Regular **6. 0.**

Meeting Date: 08/04/2016

UDO Amendments pertaining to Agri-tainment Overlay District

CASE DESCRIPTION:

Request to amend the Town of Chino Valley Unified Development Ordinance related to Agritainment, including amendments to Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms, Chapter 3 Zoning Districts, Section 3.5 "AR-36" -Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" - Agricultural/Residential (36 Acre Minimum)), Section 3.6 "AR-5" - Agricultural/Residential (5 Acre Minimum)), Subsection 3.6.2 Permitted Uses ("AR-5" - Agricultural/Residential (5 Acre Minimum)), Section 3.7 "AR-4" - Agricultural/Residential (4 Acre Minimum)), Subsection 3.7.2 Permitted Uses ("AR-4" Agricultural/Residential (4 Acre Minimum)), and amending Chapter 4 General Regulations to add new Section 4.32 Agritainment Development Standards and Regulations, all as set forth in that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, dated September 13, 2016" (the "Proposed Amendments"):

1) Hold a public hearing on the Proposed Amendments; and
2) Vote to recommend approval of the Proposed Amendments to the Town Council.
(Ruth Mayday, Development Services Director)

ANALYSIS:

Under Council direction, staff has prepared proposed amendments to the Town of Chino Valley Unified Development Ordinance (UDO). The proposed changes will permit Agritainment uses in Agricultural-Residential zoning districts (AR-36, AR-5, and AR-4), and will also create a new section, 4.32, Agritainment Development Standards and Regulations setting forth the standards and regulations applicable to such uses wherever they are located. The proposed changes are set forth in the attached Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, dated September 13, 2016.

RECOMMENDATION

Hold a public hearing on Proposed Amendments and recommend approval of the Proposed Amendments to the Town Council.

Attachments

Ord 16-823 Adopting Ordinance

Exhibit to Ord 16-823 Agritainment

Memorandum 8-1-2016

ORDINANCE NO. 16-823

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE RELATED TO AGRITAINMENT USES, DATED SEPTEMBER 13, 2016" AS A PUBLIC RECORD; ADOPTING THE "AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE RELATED TO AGRITAINMENT, DATED SEPTEMBER 13, 2016" BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE AS FOLLOWS: (1) BY AMENDING CHAPTER 2 DEFINITIONS, SECTION 2.1 MEANINGS OF WORDS AND TERMS TO ADD NEW DEFINITIONS RELATED TO AGRITAINMENT USES; (2) AMENDING CHAPTER 3 ZONING DISTRICTS, SECTION 3.5 "AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM), SUBSECTION 3.5.2 PERMITTED USES ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)); SECTION 3.6 "AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM), SUBSECTION 3.6.2 PERMITTED USES ("AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM)); SECTION 3.7 "AR-4 – AGRICULTURAL/RESIDENTIAL (4 ACRE MINIMUM), SUBSECTION 3.7.2 PERMITTED USES ("AR-4" – AGRICULTURAL/RESIDENTIAL (4 ACRE MINIMUM)) RELATED TO PERMITTING AGRITAINMENT USES IN THOSE ZONING DISTRICTS SUBJECT TO STANDARDS AND REGULATIONS SET FORTH IN SECTION 4.32; AND AMENDING CHAPTER 4 GENERAL REGULATIONS TO ADD NEW SECTION 4.32 AGRITAINMENT DEVELOPMENT STANDARDS AND REGULATIONS, ALL RELATED TO PROVIDING REASONABLE REGULATIONS AND DEVELOPMENT STANDARDS FOR AGRITAINMENT USES WITHIN THE TOWN OF CHINO VALLEY, ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town of Chino Valley values and desires to maintain its agricultural and rural heritage and land uses related thereto; and

WHEREAS, the Town of Chino Valley Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance and the regulations set forth herein; and

WHEREAS, the Town of Chino Valley Town Council desires to provide reasonable regulations to encourage agritainment uses to preserve and promote the rural and agricultural character of the Town of Chino Valley in harmony with residential, commercial, and industrial uses in the Town,

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

Section 1. In General.

That certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, Dated September 13, 2016" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, is hereby amended by amending Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; amending Chapter 3 Zoning Districts, Section 3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum)); Section 3.6 "AR-5" – Agricultural/Residential (5 Acre Minimum), Subsection 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)); Section 3.7 "AR-4 – Agricultural/Residential (4 Acre Minimum), Subsection 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum)); and amending Chapter 4 General Regulations to add new Section 4.32 Agritainment Development Standards and Regulations, all as set forth in that document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, Dated September 13, 2016", which document is hereby adopted and incorporated into this ordinance by reference.

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

Amendments to the Town of Chino Valley Unified Development Ordinance
Related to Agritainment Uses
September 13, 2016

The following Sections of the Town of Chino Valley Unified Development Ordinance are amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~, * * * indicate intervening provisions remain unchanged):

Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms:

2.1 Meanings of Words and Terms

* * *

AGRITAINMENT. AN ENTERPRISE OR ACTIVITY LOCATED AT A WORKING FARM, RANCH, OR OTHER AGRICULTURAL OPERATION OR FACILITY, WHICH IS CONDUCTED FOR THE ENJOYMENT OR EDUCATION OF VISITORS, GUESTS, OR CLIENTS, AND THAT GENERATES INCOME FOR THE OWNER/OPERATOR OF THE AGRICULTURAL OPERATION.

* * *

OVERNIGHT RENTAL UNIT: A FACILITY OR PLACE OFFERING TEMPORARY SLEEPING UNITS FOR OVERNIGHT USE TO TRAVELERS AND GUESTS FOR A PERIOD OF 30 DAYS OR LESS PER VISIT INCLUDING, BUT NOT LIMITED TO, RENTAL CABINS, COUNTRY INNS, BED AND BREAKFAST, CAMPING, OR RECREATIONAL VEHICLE SITES.

* * *

Chapter 3 Zoning Districts, Section 3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum)); Section 3.6 "AR-5" – Agricultural/Residential (5 Acre Minimum), Subsection 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)), and Section 3.7 "AR-4" – Agricultural/Residential (4 Acre Minimum), Subsection 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum)):

3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum)

* * *

3.5.2 Permitted Uses

* * *

K. AGRITAINMENT. SEE SUBSECTION 4.32 AGRITAINMENT DEVELOPMENT STANDARDS AND REGULATIONS.

3.6 "AR-5" – Agricultural/Residential (5 Acre Minimum)

* * *

3.6.2 Permitted Uses

* * *

J. AGRITAINMENT. SEE SUBSECTION 4.32 AGRITAINMENT DEVELOPMENT STANDARDS AND REGULATIONS.

3.7 "AR-4" – Agricultural/Residential (4 Acre Minimum)

* * *

3.7.2 Permitted Uses

* * *

J. AGRITAINMENT. SEE SUBSECTION 4.32 AGRITAINMENT DEVELOPMENT STANDARDS AND REGULATIONS.

Chapter 4 General Regulations, to add new Section 4.32 Agritainment Development Standards and Regulations:

4.32 AGRITAINMENT DEVELOPMENT STANDARDS AND REGULATIONS

A. PURPOSE: AGRITAINMENT USES PRESERVE THE AGRICULTURAL HISTORY OF CHINO VALLEY; ENCOURAGE ACTIVITIES THAT EDUCATE, FOSTER INTEREST IN, AND PROVIDE ACCESS TO AGRICULTURAL AND AGRICULTURAL BUSINESSES AND ENDEAVORS IN CHINO VALLEY; AND PROMOTE ENTREPRENEURIALISM THROUGH AGRICULTURAL TOURISM, ENTERTAINMENT, AND PRODUCTION.

B. GENERAL REGULATIONS:

1. AGRITAINMENT USES SHALL BE DEVELOPED IN A MANNER AND ON A SCALE THAT COMPLIMENTS EXISTING ON-SITE STRUCTURES AND MAINTAINS THE RURAL ENVIRONMENT OF CHINO VALLEY.

2. AGRITAINMENT USES SHALL BE SECONDARY OR ACCESSORY USES TO AN ESTABLISHED AGRICULTURAL OR RESIDENTIAL USE.

3. NO LAND SHALL BE CONVERTED FROM AGRICULTURAL TO NON-AGRICULTURAL USES FOR PURPOSES OF OR IN CONNECTION WITH AN AGRITAINMENT USE.

4. PRIOR TO COMMENCING OPERATIONS AS AN AGRITAINMENT USE, THE PROPERTY OWNER OR AGENT SHALL SUBMIT AN APPLICATION TO THE DEVELOPMENT SERVICES DEPARTMENT AND OBTAIN APPROVAL OF, AT A MINIMUM, A SITE PLAN AND DUST CONTROL PLAN.

5. ALL STRUCTURES WITH BATHROOM FACILITIES SHALL BE CONNECTED TO THE TOWN'S SEWER SYSTEM IN COMPLIANCE WITH TITLE V OF THE CHINO VALLEY TOWN CODE.

6. PRIOR TO BEGINNING AGRITAINMENT OPERATIONS, THE OWNER OR AGENT SHALL OBTAIN A BUSINESS LICENSE FROM THE TOWN OF CHINO VALLEY AND A TRANSACTION PRIVILEGE TAX LICENSE AND ALL OTHER APPROVALS REQUIRED BY STATE AND LOCAL LAWS AND REGULATIONS.

7. MINIMUM SETBACK REQUIREMENTS FOR ALL STRUCTURES, TENT, AND RECREATIONAL VEHICLE SITES IS 50 FEET FROM THE SIDE AND REAR PROPERTY LINES; FRONT SETBACKS SHALL BE AS SET FORTH IN SECTION 4.28 OF THIS CODE.

8. AGRITAINMENT FACILITIES SHALL BE EXEMPT FROM THE PAVING REQUIREMENTS SET FORTH IN SECTION 4.22 OFF-STREET PARKING AND LOADING WHEN THE FOLLOWING APPLY:

a. PAVING OR HARD-SURFACE WOULD PERMANENTLY REMOVE AGRICULTURAL LANDS OUT OF PRODUCTION; AND

b. A DUST-CONTROL AND ADA-COMPLIANT ACCESS PLAN HAS BEEN APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR OR HIS/HER DESIGNEE.

9. FOOD SERVICE FOR GUESTS OF THE FACILITY SHALL BE PROVIDED ONLY IN COMPLIANCE WITH ARIZONA, YAVAPAI COUNTY, AND LOCAL HEALTH, LICENSING, AND INSPECTION REGULATIONS.

10. OVERNIGHT RENTAL UNITS ARE PERMITTED IN COMPLIANCE WITH THE FOLLOWING REGULATIONS:

a. THE TOTAL AREA, IN ANY COMBINATION, OCCUPIED BY OVERNIGHT RENTAL UNITS ON A PARCEL SHALL NOT EXCEED 1200 SQUARE FEET, UNDER ROOF.

b. THE AGRITAINMENT FACILITY, INCLUDING OVERNIGHT RENTAL UNITS, SHALL NOT EXCEED THE MAXIMUM LOT COVERAGE ALLOWED FOR THE ZONING DISTRICT.

c. OVERNIGHT RENTAL UNITS SHALL BE LIMITED TO MAXIMUM OCCUPANCY OF THIRTY (30) DAYS PER STAY.

d. OVERNIGHT RENTAL UNIT SHALL BE AT LEAST 200 SQUARE FEET UNDER ROOF.

e. EACH OVERNIGHT RENTAL UNIT SHALL INCLUDE, UNDER ONE CONTIGUOUS ROOF, A BATHROOM AND A BEDROOM. A KITCHEN MAY ALSO BE INCLUDED.

11. CAMPGROUNDS AND RV SITES ARE PERMITTED IN COMPLIANCE WITH THE FOLLOWING:

a. MINIMUM TENT SITE AREA IS 900 SQUARE FEET.

b. MINIMUM RECREATIONAL VEHICLE SITE AREA IS 1,200 SQUARE FEET.

c. TENT SITES AND RECREATIONAL VEHICLE SITES SHALL COMPLY WITH SECTION 4.19.B.

12. OVERNIGHT RENTAL UNITS, CAMPGROUNDS AND RECREATIONAL VEHICLE SITES MAY BE RENTED THROUGH ONLINE LODGING MARKETPLACES.

C. AGRITAINMENT USES. AGRITAINMENT USES, ACTIVITIES, AND EVENTS INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. BED AND BREAKFAST, FARM STAY PROGRAMS

2. ARENAS, PUBLIC AND PRIVATE

3. STABLES, COMMERCIAL AND PRIVATE

4. STANDS FOR THE SALE OF FARM PRODUCE WHEN PRIMARILY GROWN ON SITE (MORE THAN 50% GROWN ON SITE)

5. FARMER'S MARKETS, FOOD HUBS, COMMUNITY SUPPORTED AGRICULTURE, FOOD CO-OPS

6. FARM KITCHENS AND BAKERIES; CHEESE/SOAP/JELLIES/JAM PRODUCTION

7. EDUCATIONAL, INSTRUCTIONAL, AND INTERPRETIVE SEMINARS AND CLASSES

8. YOU-PICK OPERATIONS

9. BOUTIQUE WINERIES, MICRO-BREWERIES, CRAFT DISTILLERIES, AND MICRO-BREWERIES.

10. SHORT-TERM EVENTS SUCH AS FOOD AND WINE FESTIVALS, ART SHOWS, WEDDINGS AND SIMILAR TEMPORARY GATHERINGS

11. INTERACTIVE DISPLAYS AND ACTIVITIES SUCH AS PETTING ZOOS

12. FARM CAMPS

13. 50-MILE PRODUCER DINNERS.

14. ANIMAL SANCTUARIES AND RESCUES.

Development Services Department
1982 Voss Drive #201
Chino Valley, AZ 86323

928-636-4427
928-636-6937
www.chinoaz.net

To: Planning & Zoning Commission
From: Ruth Mayday, Development Services Director
Re: Agritainment Ordinance
Date: August 1, 2016

Interest in homesteading, gardening, raising chickens, farmer's markets and food exchanges, and other agricultural entrepreneurship activities has been on the rise as of late. Given Chino Valley's historic ties to agriculture, this community has become a popular choice for those wishing to pursue these and similar activities. While some accommodation is made in the UDO for these types of enterprises, many of the regulations stifle the ability of existing businesses to expand and new businesses to even open their doors.

In 2014, Staff and Council were apprised of issues regarding an existing agricultural business and construction of permanent bathroom facilities. Based on the issues raised by that business owner, Council directed that staff review the existing UDO for similar conflicts and prepare text amendments to remedy the conflicts between the commercial development standards and agricultural businesses.

As a part of the text amendments, two (2) new definitions will be added to Section 2, Meanings of Words and Terms.

> AGRITAINMENT. AN ENTERPRISE OR ACTIVITY LOCATED AT A WORKING FARM, RANCH, OR OTHER AGRICULTURAL OPERATION OR FACILITY, WHICH IS CONDUCTED FOR THE ENJOYMENT OR EDUCATION OF VISITORS, GUESTS, OR CLIENTS, AND THAT GENERATES INCOME FOR THE OWNER/OPERATOR OF THE AGRICULTURAL OPERATION.
>
> OVERNIGHT RENTAL UNIT: A FACILITY OR PLACE OFFERING TEMPORARY SLEEPING UNITS FOR OVERNIGHT USE TO TRAVELERS AND GUESTS FOR A PERIOD OF 30 DAYS OR LESS PER VISIT INCLUDING, BUT NOT LIMITED TO, RENTAL CABINS, COUNTRY INNS, BED AND BREAKFAST, CAMPING, OR RECREATIONAL VEHICLE SITES.

These definitions will frame the activities and conditions that will be regulated under the Agritainment ordinance, which is set forth in Chapter 4 General Regulations, adding Section 4.32 Agritainment Development Standards and Regulations.

The purpose of this zoning overlay district is to help preserve the agricultural and ranching history of the Town and encourage entrepreneurialism in agricultural tourism, activities, and production. The desire to preserve a more rural lifestyle has been expressed in each and every planning document since the town's incorporation in the early 70's to the most recent iteration of the General Plan. These text amendments and overlay district allow those uses to continue, while providing additional revenue streams to property owners.

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1. Currently, most of the uses contemplated by the Agritainment Overlay require a Conditional Use Permit (CUP) or rezoning to a commercial zoning district (CL or CH). Obtaining a CUP is nearly identical to rezoning property – a process that requires a minimum of 45-60 days, public hearings, and fees in excess of $400.

   The proposed ordinance requires administrative approval only. Should there be disagreement with administration interpretation and enforcement, the applicant has the ability to appeal to Board of Adjustment and Superior Court as set forth in ARS 9-462.06. Those agricultural businesses that have approvals in place (e.g., CUP) prior to the adoption of this ordinance can still conduct business within the bounds of the Permit.

2. Sites with bathroom facilities in a permanent structure will be required to connect to either a septic system approved by the Town and County or a municipal sanitary sewer system as required by IPC Chapter 701 and ADEQ. This does not preclude the use of portable units, as long as ADA compliant units are available.

3. Certain activities that may be offered have the potential to be taxable transactions. ARS 42-5061 and 42-5073 govern taxation of retail and amusement transactions in the state of Arizona; similarly, there may be other activities that are subject to TPT.

4. Relief from paving requirements that are part of the commercial development standard. Currently, when a residential use is converted to commercial or a new commercial structure is erected, the UDO requires asphalt; the Town Engineer has the ability to reduce the requirement to double chip seal. Relief from these requirements can only be granted by the Board of Adjustment, and that relief is predicated on a number of factors: the relief cannot be a grant of special privileges, it must be inherent to the land, and it cannot be based on economic factors, among other things. Under the proposed revisions, the property owner would need to demonstrate that meeting the paving requirement would permanently remove land from production and provide a dust control and ADA access plan.

5. As the right of individuals to avail themselves to online lodging marketplaces has recently been enshrined in state statute, the ability to have minimum requirements is crucial to ensuring the rights of all property owners are protected. The proposed amendments will allow camping onsite for horse shows, rodeos, farmstays, and the like.

6. The list of proposed uses is not meant to be specific and limiting but rather illustrative of those activities and enterprises that would be expected with agritainment.