

ORDINANCE NO. 14-784

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, TEMPORARILY SUSPENDING A PORTION OF THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4.21 SIGN REGULATIONS, BY AMENDING SECTIONS 4.21.7 TEMPORARY SIGNS AND 4.21.11 PROHIBITED SIGNS, RELATED TO THE TEMPORARY SUSPENSION OF CERTAIN PORTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES

WHEREAS, on November 9, 2006, the Town of Chino Valley Town Council adopted Resolution No. 06-812 declaring the Unified Development Ordinance (“**UDO**”) a public record, and adopted Ordinance No. 06-678 adopting the Unified Development Ordinance; and

WHEREAS, the stated purposes of the UDO include: (1) providing for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of resources and (2) promoting the health, safety, convenience, and general welfare of the citizens of the Town of Chino Valley, Arizona (“**Town**”); and

WHEREAS, during the Arizona Department of Transportation road improvements on State Route 89 in the Town Limits, area residents experienced difficulty locating business storefronts, and local merchants experienced difficulty displaying signage adequate to alert consumers of the presence of their businesses, on March 12, 2009, Council adopted Ordinance No. 09-718, which temporarily suspended certain portions of the UDO Sign Regulations, with an automatic termination date of December 31, 2009; and

WHEREAS, due to the ongoing economic downturn and the proven effectiveness of Ordinance No. 09-718’s provisions, Council adopted Ordinance No. 10-726 on January 28, 2010 to extend the effective date of Ordinance No. 09-718 retroactively from January 1, 2010 through January 13, 2011; and

WHEREAS, upon adoption of Ordinance 10-726 by Town Council on December 9, 2010 the Town Council extended the modifications with an expiration date of January 8, 2014; and

WHEREAS, Terminating the temporary suspension of prohibitions on certain types of signage as set forth in Ordinance 10-726 will likely have a chilling effect on businesses struggling to recover from the economic downturn; and

WHEREAS, it is in the interest of providing for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of resources and promoting the health, safety, convenience, and general welfare of the citizens of the Town to extend the temporary suspension of certain portions of the UDO Sign Regulations; and

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

Section 1. In General.

The Town Code of Chino Valley, Arizona, Chapter 4.21 SIGN REGULATIONS, Section 4.21.7 TEMPORARY SIGNS AND 4.21.11 PROHIBITED SIGNS is hereby amended to read as follows:

SECTION 4.21.7 (C) TEMPORARY BANNERS AND PORTABLE SIGNS

1) Temporary Banners

- a. An on-site Banner or Pennant sign ("Banner sign") made of cloth, nylon, or similar durable material may be displayed for a maximum of three hundred and sixty-five consecutive days, subject to the issuance of an annual Signage Permit. Display of a Banner sign is not limited to Grand Openings or Special Events.
- b. Approval of the location of a Banner sign display shall be obtained from the Development Services Director, or his/her designee subject to Subsection 4.21.9 of the UDO and assessment of an annual Temporary Sign Fee upon Application
- c. Banner sign displays are allowed on-site in commercial or industrial districts or public or institutional property. In residential districts, such sign displays may only be permitted for multiple residence uses and non-residential uses.
- d. The maximum size of a Banner sign shall be forty-eight square feet (48 sq. ft.), and shall be limited to one (1) per business, subject to Paragraph (f) below and Subsection 4.21.7(B), off-site Directional signs pertaining to special events.
- e. A Banner sign display is limited to 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.

2) Temporary A-Frame Signs

- a. In commercial or industrial districts or on public or institutional property, one (1) A-frame type portable sign 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 consecutive days, subject to the issuance of an annual Signage Permit.
- b. Approval of the time and location of a Portable sign shall be obtained from the Development Services Director, or his/her designee, subject to Subsection 4.21.9 of the UDO and assessment of AN ANNUAL Temporary Sign Fee upon Application.
- c. A Portable sign shall be limited to one of two sizes: (i) 24" width x 36" height; or (ii) 31" width x 40" height.
- e. Subject to paragraph (g) below, a Portable sign is not permitted on another person's property without written permission.
- f. A Portable sign is not permitted to obstruct the Public Right of Way, or within any Town-owned property, except for signs posted by the Town for Town events.
- g. No Portable sign display is permitted during hours of non-operation (close of business).

SECTION 4.21.11 (E) AND SECTION 4.21.11 (I) PROHIBITED SIGNS ARE REVOKED.

Amend Section 4.21.11 (K) by adding the following language after "Weekend directional signs:" THE MANNER AND PLACEMENT OF WEEKEND DIRECTIONAL SIGNS FOR THE PURPOSE OF ADVERTISING REAL ESTATE SHALL BE GOVERNED BY THE REGULATIONS SET FORTH IN SECTION 4.21.7 (D) (4).

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 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.

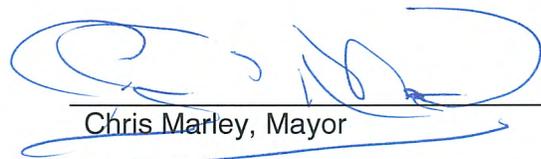
Section 5. Termination

This ordinance shall expire on January 1, 2016 or upon the revision of Section 4.21 Sign Regulations of the Unified Development Ordinance, whichever first occurs.

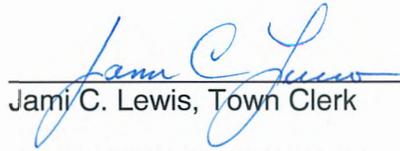
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of June, 2014 by the following vote:

AYES:	<u>7</u>	ABSENT:	<u>0</u>
NAYS:	<u>0</u>	ABSTAINED:	<u>0</u>

APPROVED this 10th day of June, 2014.

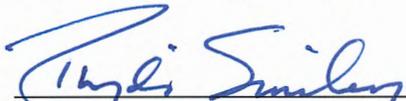

Chris Marley, Mayor

ATTEST:



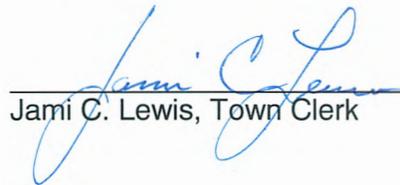
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-784 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 10TH DAY OF JUNE, 2014, WAS POSTED IN THREE PLACES ON THE 24TH DAY OF SEPTEMBER, 2014.



Jami C. Lewis, Town Clerk