

1. Planning And Zoning Commission - Agenda

Documents:

[2020_01_07_PZ_RG_AG.PDF](#)

2. Planning And Zoning Commission - Packet

Documents:

[2020_01_07_PZ_RG_AG_PK.PDF](#)



Town of Chino Valley

MEETING NOTICE PLANNING AND ZONING COMMISSION

**REGULAR MEETING
TUESDAY, JANUARY 7, 2020
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 November 5, 2019, regular meeting minutes.
5. **STAFF REPORTS**
6. **PUBLIC HEARING**
 - a. Consideration and possible action to adopt Ordinance 2020-878 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by Amending Section 4.21 Sign Regulations, by amending temporary commercial signs text. (Alex Lerma, Senior Planner)
7. **NON-PUBLIC HEARING ACTION ITEMS**
8. **DISCUSSION ITEMS**
9. **PUBLIC COMMENTS**

Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

10. ADJOURN

Dated this 19th day of December, 2019.

By: *Alex Lerma, 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: 01/07/2020

November 5, 2019 Minutes

CASE DESCRIPTION:

Consideration and possible action to approve November 5, 2019, regular meeting minutes.

ANALYSIS:

RECOMMENDATION

Approve November 5, 2019, regular meeting minutes.

Attachments

November 5, 2019 Minutes

DRAFT

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

NOVEMBER 5, 2019
6:00 P.M.

The Planning and Zoning Commission of the Town of Chino Valley 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 Chuck Merritt called the meeting to order at 6:00 p.m.

2) **PLEDGE OF ALLEGIANCE**

Commissioner Meadors led the Pledge of Allegiance.

3) **ROLL CALL**

Present: Chair Chuck Merritt; Commissioner Gary Pasciak; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner Robert Switzer; Commissioner William Welker; Alternate David Somerville

Absent: Vice-Chair Tom Armstrong

Staff Development Services Director Joshua Cook; Planner Alex Lerma; Public Works

Present: Director/Town Engineer Frank Marbury; IT Manager/videographer Spencer Guest; Deputy Town Clerk Vickie Nipper

4) **MINUTES**

- a) Consideration and possible action to approve October 1, 2019, regular meeting minutes.

Chair Merritt wanted to change the minutes to clarify his comments made at the October 1, 2019, meeting, pointing out that he moved to Yavapai County in 1979 and that his son was born in Prescott, not Chino Valley.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner John McCafferty to approve the October 1, 2019 minutes as amended.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

5) **STAFF REPORTS**

6) **PUBLIC HEARING**

- a) Consideration and possible action to adopt Ordinance 2019-873 to rezone approximately 10 acres of real property from the AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to the SR-0.16 PAD (Single Family Residential-7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay. The property is located on the southeast corner of Juniper Drive and North Road 1 East at 701 North Road 1 East, Chino Valley, AZ 86323, Assessor Parcel Number: 306-24-012. (Alex Lerma, Senior Planner)

Mr. Lerma presented the following:

- Pointed out that the Ordinance Number on the Agenda was incorrect, but the staff report had the correct number. The correct Ordinance Number was 2019-876.
- The applicant, Paul Aslanian, had applied for a Planned Area Development (PAD) for property located on the southeast corner of North Road 1 East and Juniper Drive.
- The property is adjacent to several subdivisions to the North and South. The surrounding properties were residential in nature.
- The subject property was ten acres in size and was currently zoned Agricultural Residential, five acres minimum.
- The General Plan Use Designation was medium residential density two acres or less.
- The property currently had a single-family residence and accessory structures.
- The subject property was the only property in the area that had the AR-5 zoning classification. Surrounding properties had commercial and residential zoning with smaller lot size.
- The applicant was requesting to subdivide the property into 45 lots that would be developed in two phases. Phase one would offer 20 lots and phase two would offer 25 lots.
- Lot sizes would range from a smaller lot of 4,560 square feet to the larger lots of 9,409 square feet with the average lot at 5,334 square feet.
- The density of the project would be 4.5 dwelling units per acre with 25% or 2.5 of the ten acres dedicated to open space.
- The applicant was proposing to have two ingress/egress legal access points to the subdivision, both located on Juniper Drive.
- There would be perimeter landscaping along the exterior of the subdivision on Juniper Drive and Peppertree. There would also be landscaping internally on the lot frontage.
- Sidewalks would be provided along Road 1 East, along Juniper Drive and internally into the subdivision.
- The open space and amenities would be maintained by a Homeowners Association.
- The applicant was proposing to locate fencing along Road 1 East and Juniper Drive and wooden fencing on the southern property line adjacent to the neighbors to the south.
- The subdivision would be hooked to Town water and sewer utilities.
- The homes would be site-built homes.
- The zoning requirements and setbacks and coverage for the lot locations and for the requested zone were reviewed.
- Landscaping and sidewalk zoning standards for lots abutting an arterial or collector street required a minimum 6-foot-wide sidewalk separated by an eight-foot landscaping strip. Properties abutting local streets required a five-foot sidewalk with a six-foot landscaping strip. Street standards had different requirements for residential dwelling units less than one acre in size and did not require sidewalks. Staff explained when two zoning sections of the code provided different direction, typically staff followed the more stringent

standards. In this case, staff was requiring the applicant to follow the internal and external landscaping standards. Staff reviewed the various requirements for the subdivision lots based on the location within the subdivision.

- Staff reviewed the layout of the PAD request and the applicants requested deviations from the requirements. The PAD deviations addressed the following:
 - The applicant was requesting a minimum setback of 5 foot side yards instead of 10, street side yard at 8 feet instead of 20 feet, front yard with sidewalk at 16 feet instead of 20 feet, front yard with no sidewalk at 11 feet instead of 20, rear yards abutting Road 1 east were at 20 feet instead of 50 feet, lots with a side yard abutting Juniper Drive were at 10 feet instead of 20 feet.
 - The minimum lot size standards set by code was at 7,500 square feet and the applicants average lot size was at 5,334 square feet, with a maximum low of 4,560 square feet.
 - The minimum lot frontage requirement of 50 feet would be abided by except for lots 13, which be be at 35 feet and lot 14 at 34 feet, so the applicant was asking for a minimum lot coverage of 34 feet.
 - Sidewalks development standards required sidewalks for all lots abutting local or arterial streets. The applicant was requesting to have sidewalks externally only at Road 1 East and Juniper Drive but with only a walkway on one side of the street internally.
- To offset the PAD request, the developer was willing to provided 2.5 acres of open space and off-street parking near the open space area. The developer proposed a gazebo, pavilion and picnic area in the open space area. The developer was also proposing off street trails and fencing along Juniper Drive and Road 1 East along the south property line. These proposals were not required by development standards.
- Neighboring property owners were notified and a neighborhood meeting was held on October 23, 2019. Two residents were in attendance. The concerns stated included well water depletion issues and excessive landscaping water use. The developer had explained that the landscaping would be desertscape and zeroscape plans. There was also concern about street lights in the subdivision, and the developer had explained that the lighting would be lowlight and the lighting would meet all development standards. There was also concern that two-story units would be part of the development, and the applicant confirmed that there could be two story dwellings sporadically throughout the subdivision, but the units would meet the development standards. The applicant stated that there would be deed restrictions limiting the lots abutting the south property line to one story units.
- The area was adjacent to the major community downtown core, which encouraged a higher density that was more pedestrian friendly.
- Properties abutting the proposed subdivision shared higher densities. Staff reviewed lot sizes and densities.
- This was only a first step and if the applicant received approval, he would still need to go through the subdivision process.
- Staff recommended the Planning and Zoning forward a recommendation of approval to the Town Council with the following conditions:
 1. The project shall substantially conform to the site plan, landscaping plan, conceptual building elevations and other exhibits provided by the applicant, as modified by staff's recommended conditions.
 2. Developer shall provide a 6-foot fence installed at the property line of each lot, fronting on Road 1 East and Juniper Drive, in addition, a 6-foot wooden fence shall be installed along the south property line.
 3. The Developer shall provide proof of assured water supply from the State of Arizona.

4. The Town of Chino Valley has an existing 12" water line in the Juniper Dr. right-of-way along the property's frontage. Properties will be required to connect. Additionally, the installation of fire hydrants at a maximum of 500' spacing will be required. Also, the water main shall be extended along the property's entire frontage on Rd 1 East per Town Code 51.060.
5. The developer will be required to construct a new 8" sewer line along the properties entire frontage per Town Code 51.060. In lieu of constructing a new 8" sewer line along the perimeter of the entire frontage of the property per Town Code 51.060, an 8" sewer line that is extended through the development and terminating within the right-of-way of Road 1 East at the Southwest corner of the development is acceptable.
6. The Town of Chino Valley Area Drainage Master Study shows possible flooding potential on the east side of the property. Building designs will need to take this into account. In addition, additional right-of-way or drainage easements may be required.
7. All drainage ways that convey fifty (50) cubic feet per second or more, during the one-hundred (100)-year flood event, shall be considered a regulatory flood and shall be dedicated to the public with provisions for maintenance access ramps.
8. A drainage study that addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed and prepared by a registered Arizona Professional Engineer. The drainage study shall be approved before the street improvement plans and final plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.
9. The developer shall dedicate additional right-of-way 50' east of the road centerline on Rd 1 East and 25' west of centerline on Peppertree Dr. Additional right-of-way or drainage easements may be required on Juniper Dr. pending engineering study results.
10. The developer shall improve the east half of Road 1 East and the south half of Juniper Dr. along the project limits per Town Street Design Standards. This includes, but is not limited to, new road section, pavement edge treatment, sidewalk, and utility relocations as necessary. Due to pending drainage projects, improvements on Peppertree are not recommended. Cash or other amenities in lieu of improvements is recommended.
11. A traffic Impact statement for this development will be required.
12. City of Prescott has an aerial easement for power lines. This may limit development in the vicinity of this easement.
13. A 1' non-vehicular access easement will be required along Road 1 East. This is shown in the development plan on Road 1 East and Juniper Drive. This would prevent property owners from accessing their property from the rear or side area. All access would be required to be from the front of the lot.

Planning Commission Members and staff discussed the following:

- The applicant stated there would be a six-foot wood fence along the south property line but the material for the six-foot fence along Road 1 East and Juniper had not been determined, but he could not imagine a chain link or block fence. His vision would be something more attractive such as a vinyl or wooden fence.
- Staff explained that there was a power line in the vicinity that the City of Prescott used to power their wells. Properties that had clearance issues with the power line easements would not get a building permit. The building restriction would be lifted once the power lines were rerouted.
- Any flooding and drainage issues would be contained within the open space, but the Town

wanted to ensure the issue was addressed. The drainage study numbers would be refined as the applicant went through the engineering process. The lots adjacent to the open area were developable as long as the base flood elevation was one to two foot above regulatory flood levels. An engineered and detailed plan would be provided during the subdivision stage.

- Staff explained to the Commission that there were not sidewalks in most of the area subdivisions. Staff also explained that the Commission could request through a condition that sidewalks be moved to the opposite side of the street if it was deemed more appropriate. The current plan layout for the sidewalks might allow for more off street parking.
- The sewer easement between lots 13 and 14 was underground sewer. The Town's goal was to get the sewer further down Road 1 East or into the Roadrunner Mobile Home Park. If the sewer line went through the development and through the easement, it would facilitate any future connections or extensions the Town needed without added expense and future maintenance of additional lines in Juniper and Road 1 East.
- The water rights currently granted to the property would be between the applicant and the City of Prescott. The Town had no authority or access to the rights. The applicant would need to provide a certificate of assured water supply. Staff was unclear about the status of the flood irrigation rights. The Chino Valley Irrigation District required the City of Prescott to serve up to one home per acre worth of water in exchange for the water rights.
- Staff explained that the assured water supply was the water rights. The assured water supply was the legal water that was brought to satisfy ADWR with the 100-year assured supply. The Town would be agreeing to serve the applicant the water. Where the water was pumped from was not as important as having the legal right to withdraw the water. The withdrawal right would be signed over to the Town.

Planning Commission Members, applicant, Mr. Aslanian and staff discussed the following:

- Mr. Aslanian explained that the subdivision would be a good addition to the Town and provide a price point not currently offered in the area for site-built homes.
- The streets of the subdivision were intended to be public, not private.
- The homes were smaller and the average footprint was smaller. The average house at 1200 square feet, had a building area that provided a backyard and had a footprint that only took about 1,700 square feet. The objective was to create more space than the minimums requested.
- The area of the sidewalks helped provide enough setback depth into the garage area. Sidewalks on both sides would require the homes to be setback further. The objective was to have 22 feet from backup curb to the front of the garage. This would allow enough off street parking so that large vehicles were not hanging out into the street.
- Low water usage plants would be used for landscaping and there was not a plan for zeroscape plants.
- This would be connected to Town water not Prescott. The applicant had both options because the location was in the CVID. Prescott could have provided water to 10 dwellings, but they also had fire flow issues with the existing lines. The applicant thought it made more sense to be tied into Town water and sewer.
- The style of the homes would be craftsman or cottage style and not cookie cutter homes. The smaller homes allowed for the price point.
- Commissioners suggested that the exterior fencing on Juniper and Road 1 East be added under the HOA maintenance plan so it did not fall under individual ownership.
- Off street parking would be enforced through signage and HOA requirements.
- Commissioners stated the applicant may want to consider having the one-foot non-vehicle

access on lots 4, 5, 21, 28, 29 and 36. The applicant stated that too wide of a setback on those lots would require a side load garage. Staff explained that Town code only required the non-vehicular access on Road 1 East and Juniper was a plus. From a traffic point of view, a side entrance on those lots would not make a difference and limiting access would not need to be restricted.

Planning Commission Members discussed the following:

- Commissioners discussed including a number 14 in the conditions that would require the developer to commit to utilizing the Town of Chino Valley's utilities for water and sewage. It was pointed out that was already required under condition number four.
- The applicant explained that his intention was to have Juniper Drive be included in the one-foot non-vehicular easement. Staff explained that Juniper Drive was purposely not included because it was not a requirement of the code. The applicant stated that although it was not required, it was the intention to include that as part of the development.
- The Commissioner amended the original motion removing the modification of number 13 to include Juniper Drive.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Teena Meadors to forward a recommendation of approval to Town Council to adopt Ordinance 2019-876 rezoning approximately 10 acres of real property from the AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay zoning district with the conditions as stated in the staff recommendation.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate David Somerville

NAY: Commissioner Robert Switzer

6 - 1 PASSED

Commissioner Switzer stated that he voted nay because he wanted to see the project conform to the SR-0.16 standard conditions to match the areas around it more closely with the larger lots.

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

9) PUBLIC COMMENTS

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10) ADJOURN

MOVED by Commissioner Teena Meadors, seconded by Commissioner Gary Pasciak to adjourn the meeting at 7:12 p.m.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

Chair Charles Merritt

Date

Planning and Zoning Commission Regular

6. a.

Meeting Date: 01/07/2020

UDO Text Amendment Temporary Signs

CASE DESCRIPTION:

Consideration and possible action to adopt Ordinance 2020-878 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by Amending Section 4.21 Sign Regulations, by amending temporary commercial signs text. (Alex Lerma, Senior Planner)

LOCATION:

N/A

FACTS:

1. Applicant:.....Town of Chino Valley
2. Owner:.....N/A
3. Parcel Number.....N/A
4. Site Area.....N/A
5. Existing zoning:.....N/A
6. Intended Use.....N/A

ANALYSIS:

See attached memo.

TECHNICAL REVIEW:

See attached memo.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 2020-878 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by Amending Section 4.21 Sign Regulations, by amending temporary commercial signs text. (Alex Lerma, Senior Planner)

Attachments

Planning and Zoning Commission Memo

Temporary Sign Draft Text



TOWN OF CHINO VALLEY PLANNING AND ZONING COMMISSION Staff Report January 7, 2020

APPLICATION SUMMARY

File Number:	ZC19-0019
Applicant:	Town of Chino Valley
Request:	Consideration and possible action to adopt Ordinance 2020-878 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.21 Sign Regulations, by amending temporary commercial sign text.

BACKGROUND

DISCUSSION

On March 14, 2017, Town Council adopted Section 4.21 of the UDO (Unified Development Ordinance) through Ordinance 17-819 as the sign regulations. Since then, it has become a challenge for staff to regulate the content of the sign regulations, in part, because the language is not clear enough and is up to interpretation. The rise of complaints from local business owners based on the enforcement of this section has led staff to believe that the sign section of the UDO needs revisions for more clarity for both staff and local business owners alike.

Staff has done extensive research and gathered code information from other municipalities that have similar codes. The research focused solely on how other municipalities regulated temporary signs. Comparing our sign code with the other municipalities, staff believes that a complete rewrite of the sign code will not be necessary; however, there are areas that need to be revised with either additional language or slight modifications for clarity.

DISCUSSION OF THE PROPOSED DRAFT ORDINANCE

Staff met with Town Council at the May 21, 2019 study session to discuss major issues with the sign ordinance and the need to enforce an adopted ordinance as written. Council directed staff to initiate drafting language for a potential text amendment to the sign regulations. After that meeting, staff began enforcing the code as written.

On June 26, 2019, staff met with the UDO Subcommittee and presented the first draft version of the sign text amendment. It was the intent of staff to provide definitions to some of the key terms, provide additional language to those sections that lacked clarity and provide other options of temporary signs.

UDO Subcommittee met on July 10, 2019 to review a second version of the draft text provided by staff. Both staff and Subcommittee members discussed the modifications made by staff, at which time members of the Subcommittee requested additional language to be added to the draft.

After the review and further revisions made by the Town attorneys, staff presented the UDO Subcommittee members a third version of the draft text on August 14, 2019. UDO Subcommittee members discussed additional provisions that could be implemented into the amended text.

At the Town Council study session held on October 15, 2019, staff presented Council members the first and third versions of the draft text previously reviewed by UDO Subcommittee members. The Mayor led the discussion based on a list of topics designed to help focus the group to certain aspects of the current code language.

The Council requested comments from the community members in attendance. At the end, the Mayor asked the business owners in attendance to tell the Council how the issue should be solved. The business owners made several good recommendations.

Staff was asked to summarize what was said and what the Council had agreed upon for the changes based on the business owners recommended changes. They are as follows:

1. All businesses are required to install a permanent sign before any special event or promotional signage may be displayed.
2. A temporary sign is the sign installed while a business waits for their permanent sign to be installed. This requires a permit, may be displayed for up to six (6) months, and shall not be renewable.
3. All businesses, institutions that have installed a permanent sign are entitled to an amount of square footage based on the zoning of the property (CL, CH, and I = 48 square feet, all other zones = 24 square feet). This signage is called Auxiliary signage. Special event and promotional signage may be displayed as long as the total square footage does not exceed the allotted amount listed above.
4. Special event, promotional, and auxiliary signage shall not require a permit, but is allowed by right as long as the signage remains in good condition.
5. The provisions allowing the signage by right shall sunset in two years.
6. Provide definitions for all types of "new" signage.

Staff presented the latest draft version of the sign text to Council members at Town Council study session on December 10, 2019. The draft text provided to Council members addressed the items that were discussed at the October 15 study session. Council was satisfied with the changes and directed staff to present the proposed text amendment before the Planning and Zoning Commission at the next scheduled meeting.

Staff has attached a copy of the sign section of the ordinance with the proposed changes that satisfy the above bullet points as discussed and directed by Town Council.

CITIZENS OUTREACH

Staff notified all residents within Chino Valley through public notification. The draft text amendment has been uploaded to the Town of Chino Valley homepage and can be accessed by citizens by going to the news flash section. The draft text has been available since early December 2019 and will be available until the end of January 2020. Staff has encouraged the citizens to send comments to the Development Service Department. To date, staff has not received any comments or emails from residents.

STAFF RECOMMENDATION

Staff recommends that Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 2020-878 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.21 Sign Regulations, by amending temporary commercial sign text.

2 DEFINITIONS

2.1 MEANINGS OF WORDS AND TERMS

SIGN, A-FRAME. A portable, stand-alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands.

SIGN, AUXILIARY. An A-Frame Sign or a Feather Sign used to supplement a use's permanent signage.

SIGN, BANNER. A temporary sign of fabric, plastic, paper or other light, pliable material that is not enclosed in a rigid frame.

SIGN, FEATHER. A portable, stand-alone sign consisting of vertical pole onto which is attached a sign made of fabric, plastic or other light, pliable material.

SIGN, PENNANT OR STREAMER. Any piece of lightweight plastic, fabric or other material suspended from a pole, rope, wire, or string, displayed in series and capable of movement in the wind.

SIGN, PERMANENT. A sign that is intended to be, and is so constructed as to be, of lasting and enduring condition, such that it may be displayed for an indefinite or long-lasting period of time while remaining unchanged in character, condition (beyond normal wear) and position.

SIGN, SPECIAL EVENT (PROMOTIONAL). Any signs used for temporary, promotional purposes for uses that have already installed permanent signs. Temporary signs installed prior to permanent signage shall not be considered special event signs.

SIGN, TEMPORARY. Any sign, banner, pennant or streamer, valance, or advertising display constructed of light fabric, cloth, canvas, wall board, or other light materials, with or without frames, intended to be displayed for a limited period of time until a business' permanent signage is installed.

3.15 "CL" - LIGHT COMMERCIAL

D. **TEMPORARY USES (Temporary Use Permit Required)**

1. Applicability: Temporary carnivals, circuses, revivals, rodeo, swap meets, outdoor retail sales, transient merchants, and similar activities, as defined and regulated in Article 8-3 of the **Town Code**, must obtain a Temporary Use Permit. The provisions of this subsection do not apply to garage sales or rummage sales.

2. **Temporary Use Permit Process.** A **Temporary Use Permit** shall be obtained from the **Zoning Administrator** in accordance with the following:

a. The **Zoning Administrator** shall ensure that health and safety are considered, and shall obtain the approval of the Yavapai **County Health Department**, the Fire District, and the Police Department prior to issuing the **Temporary Use Permit**.

b. The **Zoning Administrator** shall ensure that land area is adequate for the proposed temporary **use** and consequent parking, and shall ensure that traffic safety is considered.

- c. The **Zoning Administrator** shall require any measures necessary to protect surrounding property.
- d. A time limit shall be established for each temporary **use** conducted under the **Temporary Use Permit**. Unless otherwise previously approved by the **Council**, the time limit shall not exceed fifteen (15) consecutive days.
- e. Permanent **structures** shall not be permitted under a **Temporary Use Permit**.
- f. A **Temporary Use Permit** must include a comprehensive sign package, prepared by the applicant and approved by the Zoning Administrator, that documents (1) the total number of signs to be displayed within the corporate limits of the Town, not to exceed ten (10) individual double-sided signs, (2) the days and times of display of such signs, (3) the approximate locations of such signs, (4) the total aggregate sign area of all signs proposed, not to exceed two hundred (200) square feet size for all signs, taken together and (5) the applicant's plan for removal of the signs after the event is finished.

4.21 SIGN REGULATIONS

4.21.2 PERMITS REQUIRED

- A. **Permit** Required. Except as provided herein, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any non-exempt **sign** in the **Town** without first obtaining a **sign permit** in conformance with this **Sign Code**.
- B. Conflicts with other requirements. If provisions of this **Sign Code** are conflict with any other **Town Code** or **Ordinance**, the more restrictive requirement(s) shall apply. **Signs** maintained contrary to the provisions of this **Sign Code** are declared to be **nuisances** and may be abated as provided by law.
- C. Fees. **Sign permit** fees shall be as adopted by the **Council** by resolution.
- D. **Sign Permit** Application. No **sign permit** application shall be accepted if not submitted with full payment of all fees required. Application for a **sign permit** shall be made to the **Development Services Department** on forms provided by the **Town** and shall include at a minimum the following information:
 - 1. Yavapai **County** Assessor's parcel number identifying the property where the **sign** will be located;
 - 2. **Street** address, if any, legal description of the property, and dimensions thereof. If the parcel is not within a recorded **subdivision**, a metes and bounds legal description shall be submitted with the application;
 - 3. Name, address and telephone number of the property owner and agent, if any;
 - 4. Signature of applicant or agent;
 - 5. Inventory of all existing **signs** on the property showing the type, dimensions, and location of each **sign**;
 - 6. Fully dimensioned plans and elevations showing the dimensions, placement of copy, and location of each proposed **sign** in relation to the **property line(s)** and **public right(s)-of-way**;

7. Plans indicating the scope and structural detail of the work to be done, including all connections, supports, footings, and materials to be used;
8. Type, placement, and strength of **illumination**, if any and required information for an electrical **permit** for signage **illumination**;
9. Such other information as the **Zoning Administrator** may require for the purpose of determining whether the application complies with the **Sign Code** requirements;

E. **Sign Permit** Review; Timeframes.

1. Within ten business days of submission of an application for a **sign permit**, staff shall review the application for completeness. If the application is not complete, the applicant will be notified of the deficiency via email, telephone, or first class mail.
2. Within thirty business days of receipt of a complete application, **Town** staff shall review the application for compliance with the regulations set forth in this Code and in the **Town Code**, as applicable, and shall issue the **permit** or notify the applicant of deficiencies and the need for corrections.

F. **Temporary Sign Permits**. ~~Temporary Signs with a limited duration of use, such as those provided in Section 4.21.6~~ shall obtain a temporary **sign permit**. The requirements and criteria for such **signs** are as follows:

1. Temporary **sign permits** shall be issued for no more than six months. ~~The temporary sign shall be removed as soon as the business' permanent sign is installed or six months, whichever occurs first.~~
2. ~~The temporary sign permit shall not be renewable.~~
3. ~~Temporary signs shall conform to all other requirements of this Code.~~
4. ~~Special event (promotional) signs and auxiliary signs do not require temporary sign permits.~~

G. **Exempt Signs**. The following types of **signs** are exempt from the permitting requirements but shall comply with all other requirements and standards set forth in this **Sign Code**. No business shall have more than two (2) exempt **signs** and no more than two (2) exempt **signs** may be located on any residential **lot**, except as provided in the following table:

<i>Description</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Maximum Area and Height</i>
Official notices authorized by a court, public body or public safety official			No limit
Government Signs	Wall or ground-mounted standard	No limit	No limit
Posters			No limit
A-Frame Signs	-	2 per frontage	12 Square feet total- See Table 4.21.6 for regulations

TEMPORARY NON-COMMERCIAL DIRECTIONAL SIGNAGE	A-FRAME	THREE (3)	12 SQUARE FEET TOTAL
Temporary Use Permit Signage (see Section 3.15(D)(2)(f))	Banner, Pennant, Flags	Ten (10)	200 square feet Maximum
Sign for temporary event held by non-profit charitable organization (as designated under section 501(c)(3) of the Internal Revenue Code) with a permanent location inside Town's incorporated limits	Banner, Pennant, Flags	Two (2)	48 square feet Maximum
Signs located within structures in Commercial zoning districts	Window Signs		No limit
Signs on residentially zoned property	Wall, window, or ground-mounted		
Signs required to be relocated by the Town or other governmental agency			

4.21.3 GENERAL SIGN REGULATIONS

- A. The regulations, requirements, and provisions set forth in this Chapter shall apply to all **signs erected**, placed, or constructed within the **Town**.
- B. All **signs** shall be structurally designed, constructed, **erected**, and maintained in conformance with all applicable Technical Codes and regulations.
- 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 in such a manner to confuse, distract, or interfere with traffic and/or pedestrians.
- D. **Signs** shall be located a minimum of six feet (6') from **property lines**.
- 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. All **illuminated signs** shall comply with Section [4.24](#) Outdoor Lighting including, but not limited to, Subsection 4.24.4 General Requirements, Subsection (P).
- G. A non-commercial **sign** may be located in any location that a **commercial sign** is permitted and shall comply with the regulations set forth in this Chapter for that location.

H. Special event (promotional) signs and auxiliary signs shall be subject to the following:

1. No special event (promotional) or auxiliary signage shall be allowed for any business until such time as the business obtains and installs, at a minimum, a wall-mounted permanent sign.

2. An aggregate of up to two (2) special event (promotional) signs or auxiliary signs are permitted in addition to the permanent signs allowed for a property. The number and size of the special event (promotional) signs or auxiliary signs are determined by the zoning of the property as shown in the table in Section 4.21.6, Temporary Signs and Auxiliary Signs. If the business wants to display a new special event (promotional) sign or auxiliary sign, then one or more of the existing signs on display must be taken down to ensure the total square footage requirements are maintained.

3. Special event signs and auxiliary signs may be displayed year-round, so long as the signs remain in good repair.

4.21.5 SIGN STANDARDS

G. Aggregate Signage Limits.

1. The total maximum aggregate signage shall not exceed two-hundred ninety-six square feet (296 sq. feet) for a single-tenant development.

2. The total maximum aggregate signage shall not exceed three-hundred sixty square feet (360 sq. feet) for a multi-tenant development.

3. Comprehensive **Sign Packages** may be approved by **Planning and Zoning Commission** and **Town Council** for multi-tenant developments with up to a 50% increase in total aggregate area.

4. The provisions above shall apply unless such guidelines are addressed in an approved comprehensive **sign** package.

5. Signage whose manner and placement has not been listed herein may be approved at the discretion of the **Zoning Administrator** or his/her designee.

6. A-Frame signs shall be placed near the business entrance and not along the street front; provided such signs shall not obstruct pedestrian traffic.

7. All temporary signs, special event (promotional) signs and auxiliary signs shall be placed (a) at a minimum five (5) feet from the property line on which the business is located and (b) outside the public rights-of-way.

4.21.6 TEMPORARY SIGNS, SPECIAL EVENT SIGNS AND AUXILIARY SIGNS

<i>Sign Type</i>	<i>Zoning District</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Standards</i>
		48 sq. ft. aggregate		On-site only.

Banner, Pennant, Streamer, Feather	CL, CH, I, Public, Institutional Facility			Shall not be located above the roof of any building . Shall be maintained in good repair.
Banner, Pennant, Streamer, Feather	MR-1, MHP-4	24 sq. ft.		On-site only. Shall not be located above the roof of any building . Shall be maintained in good repair.
A-Frame	CL, CH, I, Public or Institutional Facility	Sizes limited to: 24" x 36" or 6 sq. ft. maximum.		May be made of wood, vinyl, metal, or other similar non-pliable material. Shall be on-site only. Up to two per frontage, One (1) not to exceed 6 sq. ft. total per parcel. Shall be maintained in good repair. Anything attached to the A-Frame Sign (i.e. streamers, balloons, etc.) shall count against the total square footage allowed.

4.21.7 PROHIBITED SIGNS

A. Any **sign** not specifically listed as permitted by this Chapter is prohibited, including, but not limited to the following:

1. **Off-site commercial signs.**
2. **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**.
3. **Signs** attached to any utility pole, or **structure**, streetlight, traffic signal, tree, fire hydrant, bridge, **park** bench or other location on **public** property.
4. **Signs** that are animated, inflatable, or audible, or rotate or have intermittent or flashing **illumination** or emit audible sound or visible matter; except time and/or temperature units.
5. **Signs** displayed in a manner or location that prevents free **ingress** and **egress** from a door, window or other exit.

(Ord. 17-819, passed 3-14-2017)

4.21.8 NON-CONFORMING SIGNS

A. A **non-conforming sign** may continue to be utilized in perpetuity only in the manner and to the extent that it existed prior to the effective date of ~~this Chapter or any amendments thereto~~ the provision of this Sign Code that first caused the sign to become non-conforming.

B. A **non-conforming sign** may not be altered in any manner not in conformance with the **sign** regulations in the zoning district in which it is located that are in effect at the time of the alteration, except for reasonable repair and maintenance of the **sign** or to change the copy, provided that **such change** does not require structural alterations.

4.21.9 VIOLATIONS; REMOVAL

A. Notice of Violation: Notice of violation of this Chapter shall be provided by a Code Compliance Officer to the property owner, person in control, or authorized agent of the property. The time periods provided for correction of the violation shall be:

1. **Permanent Signs.** A ten calendar day written notice shall be provided.
2. **Temporary Signs.** A two calendar day written notice shall be provided.
3. **Portable Signs.**
 - a. A two calendar day written notice shall be provided for **Portable Signs** other than those placed within the **right-of-way**.
 - b. A written notice is not required for **Portable Signs** placed within the **right-of-way**.

B. Authority to Remove.

1. The Code Compliance Officer is authorized to require removal of any **sign** installed in violation of this Chapter. The Code Compliance Officer may remove or cause to be removed any **Temporary Sign** which is not removed by the owner.
2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe **sign** that creates an immediate hazard to persons or property.

C. Removal by **Town**. In the case of a **sign** code violation where the offending **sign** has been removed by the Code Compliance Officer, the notice provided pursuant to Section 4.21.9(A) shall state the reason for its removal.

D. Recovery of Costs. The costs of removal or repair of a **sign** by the **Town** shall be borne by the person who installed the **sign**, and, if unknown, the owner or lessee of the **sign** and of the property on which the **sign** is located. If the **Town** incurs costs in the removal or repair of a **sign**, the **Town** may bring an action in Municipal Court or Superior Court to recover its costs.

4.21.10 SUNSET PROVISION

The provisions of this Sign Code relating to (A) auxiliary signs being permitted by right in certain zoning categories and (B) auxiliary signs and special event (promotional) signs being allowed without the need for a temporary sign permit shall automatically terminate and shall be of no force and effect after July 1, 2022, unless, after meeting all of the public notice and hearing requirements set forth in State Law, the Town Council determines these provisions should remain in effect, as currently written or as may be modified.