

ORDINANCE NO. 10-740

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, RELATING TO ORDINANCE NOS. 09-718 AND 10-726, WHICH TEMPORARILY SUSPENDED THE PROVISIONS OF THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE SIGN REGULATIONS, SUBSECTIONS 4.21.7 "TEMPORARY SIGNS," PARAGRAPH (A), AND 4.21.11 "PROHIBITED SIGNS," PARAGRAPHS (E), (I), AND (K), AND EXTENDING SAID PROVISIONS FROM JANUARY 14, 2011 THROUGH JANUARY 8, 2014

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 store-fronts, 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, 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;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. The following requirements regarding the display of Banners and Pennants shall be effective from January 14, 2011 through January 8, 2014:

- a. A Banner or Pennant sign ("**Banner sign**") made of cloth, nylon, or similar durable material may be displayed for a maximum of thirty (30) consecutive days, subject to renewal on the first calendar day of each month. Display of a Banner sign is not limited to Grand Openings or Special Events. Approval of the time and location of a Banner sign display shall be obtained from the Development Services Director, or his/her designee on forms provided by the Town's Development Services Department, subject to Subsection 4.21.9 of the UDO and assessment of a Temporary Sign Fee upon initial Application and each renewal thereafter, based upon the Development Services Fee Schedule.
- b. 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.
- c. Banner sign displays are prohibited on or above the roof of any building.
- 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.
- f. For special events, the maximum Banner sign size shall be forty-eight square feet (48 sq. ft.), unless otherwise reviewed and approved, and shall be limited to one (1) per street frontage per business. Application for and approval of the time and location of display shall be obtained from the Zoning Administrator, or his/her designee, on forms provided by the Town's Development Services Department.

Section 2. The following requirements regarding portable signs shall be effective retroactively from January 14, 2011 until and through January 8, 2014:

- 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 thirty (30) consecutive days, subject to renewal on the first calendar day of each month. Approval of the time and location of a

Portable sign shall be obtained from the Development Services Director, or his/her designee, on forms provided by the Town's Development Services Department, subject to Subsection 4.21.9 of the UDO and assessment of a Temporary Sign Fee upon initial Application and each renewal thereafter, based upon the Development Services Fee Schedule.

- b. A Portable sign shall be limited to one of two sizes: (i) 24" width x 36" height; or (ii) 31" width x 40" height.
- c. A Portable sign is limited to (i) identification of a business; and (ii) providing directions to said business.
- d. The background color of a Portable sign shall be white in color, and shall be limited to one contrasting color of graphics and/or text.
- e. Subject to paragraph (f) below, a Portable sign is not permitted on another person's property without written permission.
- f. A Portable sign is not permitted in the following locations:
 - i. Within five (5) feet of a public street;
 - ii. At the corner of an intersection;
 - iii. Within a public utility easement;
 - iv. Within any Town-owned property, except for signs posted by the Town for Town events; and
 - v. As set forth in Subsection 4.2.11(E).
- g. No Portable sign display is permitted during hours of non-operation (close of business).

Section 3. This Ordinance shall temporarily suspend the provisions of Subsections 4.21.7(A) and 4.21.11(E), (I) and (K) of the UDO from January 14, 2011 through January 8, 2014, and is subject to automatic repeal as set forth in Section 5, below.

Section 4. 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 5. This Ordinance shall automatically be repealed on January 8, 2014, and have no further force and effect thereafter, with no further action being necessary by the Town.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 9th day of December, 2010.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney