

1. June 2, 2015 - Planning And Zoning - Agenda

Documents: [2015JUNE02_PZ_RG_AG.PDF](#)

2. June 2, 2015 - Planning And Zoning - Packet

Documents: [2015JUNE02_PZ_RG_PK_COLLATED.PDF](#)

3. June 2, 2015 - Planning & Zoning - Draft Minutes

Documents: [2015JUN02_PZ_RG_MND.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
June 2, 2015
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 May 5, 2015 meeting minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A.** Conduct a Public Hearing regarding proposed text amendments to Chapter 1, Administration, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process; consideration and possible action to forward the proposed amendments to Town Council with a recommendation for approval.
 - B.** Conduct Public Hearing to consider amendments to the text of UDO Section 1.9.2 (E) Protests; consideration and possible action to forward text amendments to Town Council with a recommendation of approval.
- 7. NON-PUBLIC HEARING ACTION ITEMS**
 - A.** Presentation and discussion of Open Meeting Law (OML), Robert's Rules of Order, and related topics
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this 27th day of May, 2015.

By: **Ruth Mayday, Development Services Director**

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.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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P&Z Commission Regular

4. A.

Meeting Date: 06/02/2015

May 5, 2015 Planning and Zoning Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the May 5, 2015 meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Approve the May 5, 2015 meeting minutes.

Attachments

May 5, 2015 Minutes

DRAFT

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

**May 5, 2015
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, on May 5, 2015.

1) CALL TO ORDER

Chair Merritt called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Gary Pasciak, Commissioner; Chuck Merritt, Commissioner; Florence Sloan, Commissioner; Corey Mendoza, Commissioner

Absent: Gwen Rowitsch, Chair

Staff Ruth Mayday, Development Services Director; Elyse DiMartino, Assistant Planner;

Present: Michael Lopez, Assistant Public Works Director; Amy Lansa, Town Clerk Assistant; Liz Hart (recorder), Deputy Town Clerk

4) MINUTES

- A)** Consideration and possible action to approve the April 7, 2015 regular meeting minutes.

MOVED by Commissioner Corey Mendoza, seconded by Commissioner Florence Sloan to approve the April 7, 2015 study session minutes.

Vote: 4 - 0 PASSED - Unanimously

- B)** Consideration and possible action to approve the April 7, 2015 study session minutes.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Corey Mendoza to approve the April 7, 2015 study session minutes.

Vote: 4 - 0 PASSED - Unanimously

5) STAFF REPORTS

No staff reports.

6) PUBLIC HEARING

- A)** Request by property owner to rezone subject parcel 306-29-050A, comprised of approximately 7.39 acres, from Agricultural/Residential (5 acre minimum) (AR-5) to Single Family Residential (2 acre minimum) (SR-2) for the purpose of splitting the property into two parcels.

Assistant Planner Elyse DiMartino advised:

- The property owners Todd and Lisa Corbell want to split the lot, sell proposed Parcel A, and build a residence on the adjoining lot, proposed Parcel B.
- The rezoning is not detrimental to neighborhood and is in compliance with zoning classifications in the area.
- Staff recommends forwarding this to Town Council with recommendation to approve the rezoning

The Board confirmed:

- The rezone would fit in with surrounding property.
- The utility easement would act as the access easement.
- The property would be on septic & well.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Corey Mendoza to forward rezoning case 15-003 to town council with recommendation for approval.

Vote: 4 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

- A)** Consideration and possible action to initiate and conduct public review of text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process and to recommend to Council that the proposed amendments be approved.

Director Mayday presented text amendments changes to recommend to Council

- The municipal regulatory bill of rights was adopted in 2011 and amended in 2013, to insure fair and open regulation by municipalities, standardized permitting and licensing processing as well as streamlining the application and approval process.
- The current permit process time line is up to 75 days from pre-application to Council approval without applicant receiving a permit.
- New software provides for expedited permit processing but needs to be added to the code to allow use of software.
- The new process timeline is a maximum of 75 days with permit being issued by the end of the process. Staff does not have to take the whole 30-days to perform the Completeness and Substantive reviews.

Other issues:

- Permitted or by right uses
- Health safety and welfare – no inherent danger in a 5000 square foot building
- Not a site plan review process
- Limited the participant in the number and title of the review

The Board discussed:

- Staff reviewed the UDO and struck every reference to “Site Plan Review” and “Site

Plan Review Committee”, including Section 4.21 Sign Regulations.

- Commissioner Merritt commented that words were changed from “committee” to “staff” to reflect doing away with the Site Plan Review Committee.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to initiate and conduct a public review of the proposed text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process and afterward recommend to Council that the text amendments be approved, including the correction of deleting one strike out and expanding Section 5.2.2(B).

Vote: 4 - 0 PASSED - Unanimously

- B)** Consideration and possible action to initiate and conduct a public review of amendments to the text of UDO Section 1.9.2 (E) Protests and to set a public hearing date for the amendment at the next regular meeting of the Planning and Zoning Commission.

Director Mayday presented the following information:

- Currently there are no time limits for submitting written protests.
- The amendment to UDO 1.9.2, would state that all written protests be submitted to the Town Clerk’s office no later than 3 days prior to the date of public hearing at Town Council which would allow staff to verify signatures and ownership of the parcel of the person submitting the written protest.
- Staff could provide Council and applicant with notice of a valid protest requiring a super majority vote for approval.
- Town attorney recommended that the 3-day limit be implemented.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to recommend a public review of the revision of amendment to UDO 1.9.2 (e) at the next Planning and Zoning meeting.

Vote: 4 - 0 PASSED - Unanimously

8) DISCUSSION ITEMS

No discussion items.

9) PUBLIC COMMENTS

No public comments were made.

10) ADJOURN

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to adjourn at 6:44 pm.

Vote: 4 - 0 PASSED - Unanimously

Chair Gwen Rowitsch

Date

Meeting Date: 06/02/2015

Amendments to Subsections 1.7, 1.8, and 1.9

CASE DESCRIPTION:

Conduct a Public Hearing regarding proposed text amendments to Chapter 1, Administration, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process; consideration and possible action to forward the proposed amendments to Town Council with a recommendation for approval.

ANALYSIS:

Sections 1.7, 1.8, and portions of 1.9 set forth the regulations governing review of site plans for all zoning districts except single family residential. While these regulations are justified by "...promoting the public health, safety, and general welfare..." there is nothing in these regulations that is not addressed by other review processes already in place.

Instead, these rules require a public hearing process for permitted uses (uses-by-right) that allow Town Council and P & Z to impose additional non-uniform stipulations that are not justified by claiming the reviews promote protection of the public. This is in direct conflict with the language set forth in ARS §9-462.01 (C):

"All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows: (emphasis added)

1) Within individual zones, there may be uses permitted on a conditional basis under which additional requirements must be met, including requiring site plan review and approval by the planning agency. The conditional uses are generally characterized by any of the following:

- (a) infrequency of use
- (b) high degree of traffic generation
- (c) requirement of large land area

2) Within residential zones, the regulations may permit modifications to minimum yard lot area and height requirements. "

Elected and appointed officials may not be subject matter experts in architecture, engineering, and land use (among other things) and should not modify or add stipulations to site plans for entitled uses that have already been approved by qualified staff members and agency officials. Setting forth the number of staff and agency representatives and specifying which staff and agency representatives can be present limit the ability of staff to carry out an effective review. The process should be set forth in policy rather than by ordinance. As written, these regulations serve no purpose other than to add unnecessary reviews and politicize the development process.

Section 1.7: Site Plan Review Committee: Strike in its entirety; save number for future use

Section 1.8: Enforcement: Redundant; Strike in its entirety. The zoning administrator has been vested with enforcement authority under ARS§ 9-462 and Subsection 1.6 Zoning Administrator and Assistant Zoning Administrator. Renumber PAD regulations using Section 1.8.

Section 1.9 Review and Approval Process: Strike out and modify as proposed in the redline; the town neither has nor defines "Use Permit" ; PAD process can now be separated from the site plan review and renumbered using either 1.8 or 1.9.

1.9.1.1 Application: The design of forms is an administrative task rather than one dictated by a committee. Requiring review of form revisions only slows the process. Required information is included in Section 1.9.1.2 Contents.

1.9.1.2 Contents: strike and replace with specific references to applicable UDO; repeating here is redundant.

1.9.1.3 Review: This section has been amended to shift review from committee to staff and eliminate extra or confusing verbiage. *Subsection D* has been stricken in its entirety as those requirements are also included in UDO Sections 4.22 Off-street Parking and Loading, 4.23 Public Street System and Public Use Access System, and 5.3 Design Principals and

Development Standards. *Subsection F* has been stricken as there is no remedy for protests to an entitled structure, and the 30-day requirement would conflict with the timelines established for compliance with the recently enacted Municipal Bill of Rights as found in ARS §9-831 et. seq.

Section 2: Definitions: Strike “Committee shall mean the Site Plan Review Committee”.

Section 4.21 Sign Regulations: Strike all references to “Site Plan Review” and “Site Plan Review Committee”. Strike 4.21.12 (B) in its entirety; the Town cannot force someone to alter a legal, non-conforming use.

Section 4.22.8: Off Street Parking and Loading: Determination of Required Spaces: strike last sentence; redundant.

Section 4.26.5 Landscaping: Alternative Compliance: allows for alternatives in landscaping; plan to be approved by Zoning Administrator rather than Site Plan Review Committee.

Section 4.29 Design Concepts: Modify language under Applicability; offices are by definition commercial uses; requires compliance with Design Concepts if redevelopment or remodeling will modify more than 50% of the exterior structure.

Section 5: Subdivision Regulations: Strikes references to Site Plan Review and Committee; eliminates unnecessary or redundant language.

On May 5, 2015, at the Planning and Zoning Commission regular meeting, these amendments were presented for citizen review; no comments were made by the public. Motion by Paciak, second by Sloan to initiate a Public Hearing at the next regular meeting of the Planning and Zoning Commission.

RECOMMENDATION

The proposed text amendments eliminate a redundant and non-effective review process. It creates legal exposure by enabling the Commission and Council to impose additional requirements on entitled uses that are not otherwise set forth in the UDO, and enshrines a process that should be a matter of policy into the UDO, limiting staff's ability to include only those specified in Section 1.7.1 rather than those whose expertise may be required in evaluating proposals for development. For these reasons, staff recommends forwarding the text amendment to Town Council with a recommendation of approval.

MOTION: I MOVE TO FORWARD THE PROPOSED TEXT AMENDMENTS TO SECTIONS 1.7, 1.8, AND 1.9 TO TOWN COUNCIL WITH THE RECOMMENDATION OF APPROVAL.

Attachments

Draft Ordinance 15-798

ORDINANCE NO. 15-798

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: SECTION 1: ADMINISTRATION AND PROCEDURES SUBSECTION 1.7 SITE PLAN REVIEW COMMITTEE, SUBSECTION 1.8 ENFORCEMENT, SUBSECTION 1.9 REVIEW AND APPEAL PROCESS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 purpose of the UDO include (1) providing for the social, physical, and economic advantages resulting from the 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, to provide for the effective provision of the stated purpose, amendments to the adopted ordinance are justified in order to incorporate best practices and eliminate redundant processes; and

WHEREAS, the public interest is served by clarifying language, consistent procedures, and streamlining processes as required in Arizona Revised Statute 9-832 Regulatory Bill of Rights; and

WHEREAS, the Town Council has determined that the proposed text amendments preserve the interest of the public health, safety and general welfare of the Town, and it is in the best interest of the Town to adopt the proposed amendments; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, (Chapter and Section(s) to be revised) is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

1.7 DELETED IN ITS ENTIRETY

1.7.1 DELETED IN ITS ENTIRETY

1.7.2 DELETED IN ITS ENTIRETY

1.7.3 DELETED IN ITS ENTIRETY

1.7.4 DELETED IN ITS ENTIRETY

1.7.5 DELETED IN ITS ENTIRETY

1.8 DELETED IN ITS ENTIRETY

1.9 SITE PLAN Review and Approval Processes

A. PURPOSE. Site Plan Review IS intended to PROVIDE the Town AND THE APPLICANT the OPPORTUNITY to review NEW DEVELOPMENT projects TO ENSURE COMPLIANCE WITH ADOPTED CODES AND ORDINANCES AND HARMONIZE NEW DEVELOPMENT WITH EXISTING STRUCTURES AND MINIMIZE INCOMPATIBLE USES.

B. WHEN REQUIRED. SITE PLAN REVIEW IS REQUIRED FOR ALL NEW CONSTRUCTION, EXTERIOR SITE AND STRUCTURE ALTERATIONS, SIGNS AND SUBDIVISION PLATS PRIOR TO ISSUANCE OF A BUILDING PERMIT, INCLUDING TOWN FACILITIES, WITH THE FOLLOWING EXCEPTIONS:

1. ACCESSORY STRUCTURES WITHIN SINGLE FAMILY ZONING DISTRICTS;

2. SINGLE FAMILY RESIDENCES ON SEPARATE LOTS WITHIN AN APPROVED AND PLATTED SUBDIVISION;

3. MINOR EXTERIOR SITE AND STRUCTURE ALTERATIONS THAT DO NOT MATERIALLY AFFECT THE DESIGN CONCEPT OR FUNCTION OF THE SITE OR STRUCTURE;

4. REPAIRS THAT DO NOT ALTER EXTERIOR DESIGN OF A STRUCTURE;

5. APPROVED TEMPORARY CONSTRUCTION OFFICES;

6. CHANGES TO THE FACE OF AN EXISTING APPROVED SIGN.

1.9.1 Site Plan Application, Content and Review

1.9.1.1 Application

A. AN Application FOR SITE PLAN REVIEW shall be filed with the Zoning Administrator or his/her designee ON A FORM APPROVED BY THE ZONING ADMINISTRATOR.

- B. Applications shall be made by the owner of the property or an agent authorized ~~by a letter~~ IN WRITING BY ~~from~~ all owners of the property.

1.9.1.2 Contents

A Site Plan APPLICATION shall include, AT A MINIMUM, the following information:

- A. An accurate Site Plan drawn at an appropriate scale showing the boundaries and dimensions of the site; acreage of the site; AND a north arrow;
- B. PROPOSED AND EXISTING STRUCTURES WITH DIMENSIONS BETWEEN STRUCTURES AND FROM PROPERTY BOUNDARIES TO NEW AND EXISTING STRUCTURES;
- C. LOCATION AND NAME(S) OF ADJACENT AND ABUTTING STREETS, ALLEYS, RIGHTS-OF-WAY AND ANY REQUIRED DEDICATIONS THEREOF
- D. OFF-STREET PARKING, IN COMPLIANCE WITH SECTION 4.22 OFF-STREET PARKING AND LOADING;
- E. LANDSCAPING, IN COMPLIANCE WITH SECTION 4.26 LANDSCAPE REQUIREMENTS;
- F. SCREENING, IN COMPLIANCE WITH SECTION 4.8 WALLS AND FENCES;
- G. OUTDOOR LIGHTING, IN COMPLIANCE WITH SECTION 4.24 OUTDOOR LIGHTING;
- H. LOCATIONS OF ALL SIGNAGE IN COMPLIANCE WITH SECTION 4.21 SIGN REGULATIONS
- I. OUTDOOR STORAGE AND RELATED ACTIVITIES, IN COMPLIANCE WITH SECTION 4.9 OUTDOOR STORAGE
- J. PEDESTRIAN, VEHICLE, AND SERVICE VEHICLE ACCESS; ONSITE CIRCULATION PLANS;
- K. LOCATION OF WATER LINES, SEWER LINES, FIRE HYDRANTS AND OTHER UTILITIES;
- L. COMPLIANCE WITH SECTION 4.29 DESIGN CONCEPTS;
- M. OTHER DATA AS DEEMED NECESSARY BY THE ZONING ADMINISTRATOR OR HIS/HER DESIGNEE.

1.9.1.3 Review

After submittal, THE SITE ~~development~~ plan SHALL BE REVIEWED for compliance with the Town's ~~development goals~~ REGULATIONS. The review procedure ~~is intended to~~ MAY be applied in a flexible manner to allow for creative designs, varying development concepts, locations and innovative response to requirements. ~~In the review, the Committee~~ IN ADDITION TO COMPLIANCE WITH THE TOWN'S REGULATIONS, THE ZONING ADMINISTRATOR ~~shall~~ MAY be guided by CONSIDER the following ~~review~~ criteria and principles of development:

- A. The proposed development complies with all provisions of this Ordinance and all other Ordinances, master plans, General Plans, goals, objectives and standards of the Town.
- ~~B. The proposed development does not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood, and shall not be detrimental or injurious to the neighborhood. HOW DO WE DEFINE THOSE?~~
- B. The proposed ~~development~~ SITE PLAN promotes a desirable relationship of structures to one another, to open spaces, and to topography both on the site and in the surrounding neighborhood.
- C. ~~Mechanical equipment, appurtenances and utility lines are concealed from view or are otherwise integral to the building and site design~~

1.9.1.4 APPROVAL

- A. UPON DETERMINATION THAT THE SITE PLAN IS IN COMPLIANCE WITH ALL DEVELOPMENT STANDARDS AND ANY CONDITIONS OF DEVELOPMENT SET FORTH IN THE ZONING ORDINANCE PERTAINING TO THE PROPERTY, THE SITE PLAN SHALL BE APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR OR HIS/HER DESIGNEE.
- B. PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT, ALL SITE DEVELOPMENT STANDARDS SET FORTH IN SECTION 1.9.2 SHALL BE CONSTRUCTED OR INSTALLED IN COMPLIANCE WITH THE APPROVED SITE PLAN. IN LIEU OF SUCH INSTALLATION, WHERE WEATHER CONDITIONS NECESSITATE A DELAY, A CASH DEPOSIT, BOND, OR LETTER OF CREDIT IN AN AMOUNT THAT GUARANTEES COMPLETE INSTALLATION OF SITE PLAN REQUIREMENTS, NAMING THE TOWN OF CHINO VALLEY AS BENEFICIARY, SHALL BE FILED WITH THE TOWN.

ADD TO SECTION 2 DEFINITIONS SUBSECTION 2.1 MEANINGS OF WORDS AND TERMS:

SITE PLAN: A PLAN PREPARED TO SCALE SHOWING THE BOUNDARIES OF A SITE AND THE PROPOSED LOCATON OF ALL BUILDINGS AND STRUCTURES, CIRCULATION, LANDSCAPING, IMPROVEMENTS AND OPEN SPACE AREAS, ALL IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE.

Section 4.21 Sign Regulations

F. The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property and the face of the sign (with the exception of lettering and logos) shall be opaque. This shall not preclude the use of neon sign elements within the commercial zoning districts, which are subject to staff review and approval ~~through the Site Plan Review process.~~

4.21.6 Permitted Permanent Signs

A. "Agricultural and Residential Districts":

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

4. Directory signs:

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

B. "Non-Agricultural and Residential":

3. Directional Signs:

Such signs shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They

shall not be located within the sight visibility triangle as described in Section 4.7, of any driveway. ~~The use, number and location of such signs must be approved through the Site Plan Review process and comply with all other Ordinance requirements.~~

4.21.12 Non-conforming and Unsafe Signs

~~B. Signs Rendered Non-conforming~~

- ~~1. If a non-conforming sign is located on a parcel that is experiencing development for which Site Plan Review is required, the height and area of the sign shall not be increased to exceed the height and area limitations of the site. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.~~

4.22 Off-Street Parking and Loading

4.22.8 Determination of Required Spaces

E. Large parking lots shall be divided into a series of smaller lots of approximately one hundred-fifty (150) spaces each, using raised landscape island(s) at least ten (10) feet in width, and at least 500 square feet in total area, located along the sides of the parking areas to separate large parking areas. Walkways should be considered as part of these landscape areas. Raised landscape strips at least five (5) feet wide and at least ninety-five (95) square feet in total area, should be located on the ends of parking rows, extending the full length of parking spaces. Additional landscape islands should be considered in the interior of the individual parking areas to provide shade and break up large expanses of parking area. ~~As part of Site Plan review, the Site Plan Review Committee shall review parking lot and landscape layouts to determine if they are in keeping with the requirements of this Ordinance.~~

4.26 Landscape Requirements

- ~~4.26.5 Alternative Compliance~~—LANDSCAPE PLAN Provisions. The alternative ~~compliance~~ provisions are intended to give flexibility where unique situations complicate the provision of required landscaping.

- A. ~~Alternative compliance established.~~ APPLICANTS ~~Petitioners~~ may choose to follow the requirements described herein or submit An ALTERNATIVE landscape plan to the Zoning Administrator THAT ILLUSTRATES HOW THE INTENT OF UDO SECTON 4.26 WILL BE FULFILLED ~~under the alternative compliance provisions of this subsection. The alternative compliance provisions are intended to give flexibility where unique situations complicate the provision of required landscaping.~~
- B.. ~~Appeal of Zoning Administrator's Decision.~~ If An APPLICANT developer chooses to ~~submitS~~ An ALTERNATIVE landscape plan through ~~the alternative compliance process, and the~~ WHICH IS NOT APPROVED BY THE Zoning Administrator ~~does not approve the landscape plan,~~ the APPLICANT Developer may appeal the Zoning Administrator's decision to the ~~Site Plan Review Committee.~~ BOARD OF ADJUSTMENT.
- C. & D. **Deleted in their entirety.**

4.29 Design Concepts

Development goals: protect investment in the community by encouraging consistently high quality development and promote projects that are suitable in the context of a southwest environment.

Applicability: to achieve these goals, the design concepts apply to all new commercial and office developments ~~as well as all developments requiring site plan review.~~ AND REDEVELOPMENT OR REMODELING OF EXISTING COMMERCIAL DEVELOPMENTS WHERE MORE THAN 50% OF THE EXTERIOR OF THE STRUCTURE WILL BE SUBSTANTIALLY MODIFIED.

5. Subdivision Regulations

5.2 Subdivision Application Procedures

5.2.2 ~~Pre-application Conference~~

~~Pre-application Conference:~~ The pre-application conference ~~stage of the subdivision planning process is an investigatory period that precedes preparation of platting and improvement plans by the subdivider. During this time,~~ CONFERENCE, subdividers make their intentions known informally to the Town, are advised of specific public objectives related to the subject tract, and are given detailed information regarding platting procedures and requirements.

A. ~~Actions of the Subdivider.~~ The subdivider must ~~meet informally with the Site Plan Review Committee to present~~ PROVIDE a general outline of the proposed development including:

1. Sketch plan(s) and ideas regarding land use, street and lot arrangement, and tentative lot sizes;

2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

~~B. Actions of the Site Plan Review Committee: The Site Plan Review Committee~~ STAFF will discuss the proposal with the subdivider and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed development, the ~~Committee~~ STAFF will:

* * *

5.2.4 Subdivision Technical Review

* * *

D. Engineering Plan and Specification Submission Comprehensive Development Plan (CDP) - In conjunction with the other engineering plans prescribed in this Ordinance, the subdivider must provide a CDP that illustrates the physical relationship of all the proposed utility improvements for the proposed subdivision. The intent of this plan is to cumulatively index all proposed utility improvements for easy reference, and to provide for a coordinated development effort. The subdivider, at his option, may choose to submit a preliminary CDP ~~for Site Plan Review Committee~~ STAFF review prior to the preparation and submittal of a final CDP and other improvement plans.

P&Z Commission Regular

6. B.

Meeting Date: 06/02/2015

Amendments to Section 1.9.2 (E) Protests

CASE DESCRIPTION:

Conduct Public Hearing to consider amendments to the text of UDO Section 1.9.2 (E) Protests; consideration and possible action to forward text amendments to Town Council with a recommendation of approval.

FACTS:

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

ANALYSIS:

On October 14, 2014 Town Council considered an application from LaVacara Trust to rezone 16.81 acres from AR-5 (Agricultural/Residential 5 Acre Minimum) to CL-PAD (Commercial Light Planned Area Development), and MR-PAD (Multifamily Residential, Planned Area Development). During the Public Hearing, but after the public comment portion of the meeting was closed, the Clerk received at least one (1) written protest to the proposed rezoning.

Both Arizona Revised Statutes and the Unified Development Ordinance are silent on the matter of when the written protests must be received in order to be valid. To define and clarify the process and avoid future litigation, a text amendment to UDO Chapter 1, Administration and Procedures, Subsection 1.9.2 (E), instituting a three (3) business day deadline for the receipt of written protests by the Town Clerk. The 3 business day deadline is designed to provide Staff sufficient time to verify signatures and ownership of the parcels and to provide Council with notice of a valid protest requiring a super majority vote for approval prior to the item being heard by Council. It will also enable Staff to provide notice to the applicant of the protest and need for super majority vote, giving the applicant an opportunity to work with the neighbors to resolve issues prior to the Council considering the item.

During its regular meeting on May 5, 2015, the Planning and Zoning Commission discussed this item and offered the public an opportunity to comment in compliance with the Citizen Review Process. No comments were made by the public.

Motion by Pasiack, second by Sloan to schedule a public hearing for consideration and possible action on the proposed amendments. Motion carried 4-0.

RECOMMENDATION

MOTION: I MOVE TO FORWARD THE PROPOSED TEXT AMENDMENTS TO SECTIONS 1.7, 1.8, AND 1.9 TO TOWN COUNCIL WITH THE RECOMMENDATION OF APPROVAL.

Attachments

Draft Ordinance 15-797

ORDINANCE NO. 15-797

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: CHAPTER 1: ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESS, SUBSECTION 1.9.2 AMENDMENT, PARAGRAPH E PROTESTS RELATED TO CLARIFYING AND PROVIDING STANDARDS FOR FILING LEGAL PROTESTS TO REZONING DECISIONS OF THE TOWN COUNCIL; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town Council finds it is necessary and in the best interests of the Town to amend the Unified Development Ordinance to eliminate contradictions, clarify language, and establish certain procedures related to legal protests to rezoning decisions; and

WHEREAS, the Town Council has determined that the proposed amendments will protect the rights of applicants and surrounding neighbors; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1: Administration and Procedures, Section 1.9.2 (E) Protests is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

- E. Protests. If the owners of twenty (20) percent or more of the area of the lands included in a proposed Ordinance or zoning map change, or those immediately adjacent in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the street frontage of opposite lots, file a protest in writing against a proposed Ordinance amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). WRITTEN PROTESTS MUST BE FILED WITH AND RECEIVED BY THE TOWN CLERK AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING AT WHICH THE ORDINANCE OR ZONING MAP CHANGE WILL BE HEARD BY THE COUNCIL.

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 shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 2015 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this ____ day of _____, 2015.

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. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN

OF CHINO VALLEY ON THE ____ DAY OF _____, 2015, WAS POSTED IN THREE
PLACES ON THE ____ DAY OF _____, 2015.

Jami Lewis, Town Clerk

P&Z Commission Regular

A.

Meeting Date: 06/02/2015

Planning & Zoning Bootcamp: Open Meeting Law, Robert's Rules of Order, and Related Topics

CASE DESCRIPTION:

Presentation and discussion of Open Meeting Law (OML), Robert's Rules of Order, and related topics

ANALYSIS:

RECOMMENDATION

DRAFT

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

**June 2, 2015
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, on June 2, 2015.

1) CALL TO ORDER

Chair Rowitsch called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Gwen Rowitsch; Commissioner Gary Pasciak; Commissioner Chuck Merritt; Commissioner Florence Sloan; Commissioner Corey Mendoza

Staff Present: Development Services Director Ruth Mayday; Deputy Town Clerk Liz Hart; Town Clerk Assistant Amy Lansa (recorder)

4) MINUTES

- A)** Consideration and possible action to approve the May 5, 2015 meeting minutes.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Chuck Merritt to approve the May 5, 2015 regular meeting minutes.

Vote: 4 - 0 PASSED

Other: Chair Gwen Rowitsch (ABSTAIN)

5) STAFF REPORTS

Elyse DiMartino accepted a position with the City of Phoenix and is no longer with Development Services. Director Mayday is hoping to replace her position soon.

At the Special Town Council meeting on Thursday May 28, 2015, Annie Lane and Michael Bacon were appointed to the Planning & Zoning Commission. Claude Baker was appointed as the alternate.

6) PUBLIC HEARING

- A) Conduct a Public Hearing regarding proposed text amendments to Chapter 1, Administration, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process; consideration and possible action to forward the proposed amendments to Town Council with a recommendation for approval.

Director Mayday reviewed the proposed text amendments:

- The Municipal Regulatory Bill of Rights was adopted in 2011, and amended in 2013, to insure fair and open regulation by municipalities, standardized permitting and licensing processing as well as streamlining the application and approval process.
- The current process can take 150 days to complete the site plan review without a permit being issued.
- The timeline for the new process is a maximum of 75 days with the permit being issued by the end of the process. Staff would not have to take the entire time allowed to perform the Completeness and Substantive review.

Commissioner Merritt commented that he liked the proposed changes.

Director Mayday addressed Commissioner Mendoza concerns about Section 4.26.5 which allows for alternative landscaping stating the intent was that if a contractor could not accommodate certain landscaping requirements they could be placed someplace else. The text amendments would give the zoning administrator some discretion in applying the landscape requirements.

Chair Rowitsch opened and closed the public hearing at 6:26 p.m. No one spoke.

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Florence Sloan to forward the proposed text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process to Council with the recommendation of approval as written.

Vote: 5 - 0 PASSED

- B) Conduct Public Hearing to consider amendments to the text of UDO Section 1.9.2 (E) Protests; consideration and possible action to forward text amendments to Town Council with a recommendation of approval.

The amendment to UDO 1.9.2 would require that all written protests be submitted to the Town Clerk's office no later than three (3) days prior to the date of the public hearing. This would allow staff to review the letter, verify information and provide copies to the applicant.

Chair Rowitsch opened and closed the public hearing at 6:29 pm. No one from the public spoke.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Chuck Merritt to forward the proposed text amendment of the UDO 1.9.2 (e) to Town Council with a recommendation for approval.

Vote: 5 - 0 PASSED

7) NON-PUBLIC HEARING ACTION ITEMS

- A) Presentation and discussion of Open Meeting Law (OML), Robert's Rules of Order, and related topics

Presentation by Director Mayday to review with Commission members about Open Meeting Laws, Conflicts of Interest, Unified Development Ordinance and Chino Valley Town Code as well as Robert's Rules of Order which govern Planning and Zoning meetings.

Director Mayday provided copies of this information to Commission members.

9) **PUBLIC COMMENTS**

10) **ADJOURN**

Vote: 5 - 0 PASSED

Chair Gwen Rowitsch

Date