MINUTES OF THE SPECIAL MEETING
TOWN COUNCIL AD HOC UDO UPDATE SUBCOMMITTEE
TOWN OF CHINO VALLEY

WEDNESDAY, AUGUST 14, 2019
3:30 P.M.

The Town Council Ad Hoc UDO Update Subcommittee of the Town of Chino Valley convened for a special meeting in the Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Vice Mayor Turner called the meeting to order at 3.34 p.m.

2) ROLL CALL

Present:	Chair Lon Turner; Councilmember Corey Mendoza
Absent:	Councilmember Cloyce Kelly
Staff Present:	Joshua Cook, Development Services Director; Alex Lerma, Planner; Cecilia Grittman, Town Manager

3) APPROVAL OF MINUTES

a) Consideration and possible action to approve July 10, 2019, meeting minutes.

MOVED by Chair Lon Turner, seconded by Councilmember Corey Mendoza to approve the July 10, 2019, meeting minutes.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

4) OLD BUSINESS

5) NEW BUSINESS

a) Discussion and review of draft language for temporary signage.

Tom Payne, owner of Tom's Print and Sign, stated that he had previously told the Subcommittee that he wanted to be a participant in the meetings dealing with Town's sign code, and he was not made aware of the first three meetings. Staff stated that they received an email from him stating he did not want to be involved in the process, but he could make constructive comments to the items listed on the agenda.

Mr. Cook and Committee Members discussed and reviewed the following:

- Staff had looked at the temporary sign section and made multiple proposals to modify the

existing language.

- Since there was a member of the public present at the meeting, staff provided an overview of what had been done based on the previous meetings. Staff explained that terms not defined in the code previously had been given definitions. Terms included A-Frame sign, banner, pennant, streamer and temporary. According to legal counsel, promotional, special event, and construction signs fell under the definition of temporary sign, therefore did not have a specific definition but did have separate and specific rules. None of the rules had been changed that had been discussed at the previous meetings.
- The Temporary Sign Definition: The intent of a temporary sign was that it was intended to be displayed for a limited time period and that time limit was defined within the text of the code.
- The definition of Temporary Sign permit had been modified to exclude A-Frame signs because although it was temporary in that it had to be removed at the end of each business day, it did not need to be renewed. One A-frame sign is allowed for each business and has to be located near the business, not the road.
- Temporary signs required a permit fee and a permit prior to use or installation. The Town would issue a color-coded sticker based on expiration dates. A two-month time limit was attached to temporary signs except for those businesses with an occupancy issued prior to the installation of a permanent sign. Those permits would be for two months and could be renewed for an additional two months. Once a permanent sign was installed, the temporary sign must be removed. Promotional events, and special events, would be capped at 15-consecutive days. Construction signs could remain until a certificate of occupancy was received and then the temporary or permanent sign would go up.
- After consultation with legal counsel, staff thought language should be added that the fee would include the amount of the sign review and a deposit. The deposit would be refundable to the business owner in the event the temporary sign was removed at or prior to the expiration date. The business owner that removed the temporary sign in a timely manner could send photos and the deposit would be refunded back. Staff wanted to incentivize business owners to remove the signs without Town involvement.
- Committee Members had a concern that charging business owners more money for a temporary sign after already getting a building permit was excessive. Staff explained that department employees were already spending time and funds to deal with the property owners on a code enforcement basis and it would be less expensive for the Town to incentivize businesses to remove their own signs. If the sign deposit was refundable, there would not be an extra cost to the business. To alleviate any additional work for the finance department, staff would hold the deposit check without depositing them.
- This language was only for the permitting process for all temporary signs. The different types of temporary signs were defined separately.
- Mr. Payne thought the code was too difficult for local business owners to understand and thought the original code covered temporary signs accurately. Staff did not believe the current code could be interpreted accurately and needed clarification. Staff also stated that the only changes from the last meeting regarding the proposed language was the elimination of the definitions for special event, promotional event and construction signs, which had now been put under temporary.
- The Committee asked for a reminder on how the temporary sign rewrite began and staff explained that Council gave direction to Mr. Cook and gave him 90-days to tackle the temporary sign code.
- Staff members and Committee Members reviewed the different types of temporary signs for clarification.
- Committee Members asked for clarification regarding the certificate of occupancy temporary business sign. Staff explained a certificate of occupancy was required for a temporary sign permit and before the permanent sign was installed and that a certificate of occupancy was only required for a temporary sign if the actual permanent sign had not been installed.

- Committee Members discussed the certificate of occupancy was for businesses that already had a facility, but the business had changed from a previous business. The temporary sign was for the time period before the permanent one could be installed. Once the permanent sign was erected, the temporary one would be removed. The temporary sign types and standards were specifically defined, but the standards were less than a permanent sign.
- Mr. Payne stated that the proposed code could not be understood and staff was still allowing nonconforming signs. Staff explained that the current code was deficient and needed to be updated. Mr. Payne pointed out signs in Town that were nonconforming that were allowed to remain up. Committee Members stated that those discrepancies were the reason the code was being updated.
- Staff explained that a temporary sign permit was already required in the current code and the proposed code changes were for clarification. The current code stated a temporary sign was allowed for six months and that was all it said. It did not address renewal. If someone were to renew the permit for an additional six months, that sign was no longer temporary.
- The Committee discussed the changes legal counsel had made and staff stated that if the Committee preferred staff's original language, he could bring that back.
- Timeline for Temporary Signage: Staff reviewed the new temporary sign permit language. It had a two-month allowed time frame with an additional two-month renewal period. It had a limit of two temporary signs per business at any given time with up to a 48 square foot aggregate sign space per business.
- Promotional Events: The allowance for promotional events was not included in what was allowed for temporary signs. There could be a temporary permitted sign and also promotional event signs up at a business at the same time. Promotional signs allowed for two square feet per linear foot of the building or store frontage. Businesses would be allowed more promotional sign area for a shorter period of time. Promotional signs were allowed for 15-days every quarter.
- Mr. Payne thought the Town was making it difficult for business owners to sell their products by limiting the time promotional signs could be up. He did not think having a time limit for promotional signs did anything negative to the Town. Staff disagreed and thought the best signage for a business advertisement was through permanent signage placement. Mr. Payne complained about government telling business owners what they could do and not getting the business owners involved in the code process. He thought staff needed to work with what was already in the code and make it work.
- Committee Members explained the public process of adopting new code regulations was as follows: Planning and Zoning and Council public meetings. The Committee stated that the Chamber could come to the Planning and Zoning and Council meetings and bring the business community's proposal for temporary sign code. Staff explained the public notification process for the Planning and Zoning meeting.
- The Committee discussed the divide in the community regarding how temporary signs made the Town appear and what parameters needed to be set to ensure businesses stayed viable.
- The Committee and Mr. Payne discussed the intent of the current temporary sign code timeframe of six months and the lack of a renewal provision. Staff explained that if a code does not specifically state something, it was not permitted. If the current language was to remain and the Town wanted a renewal option, the code would need to be changed to add the renewal provision. Mr. Payne wanted to have a revolving temporary signage.
- Committee and staff members discussed the distinction between a temporary sign and a temporary permit. Also, discussed was the benefit of advertisement through the temporary signs.
- Committee Members suggested that business owners could split their permanent sign space allotment between fixed signs and temporary signs through a conditional use type permit. Regulation would be done by the amount of square footage. The concern about the temporary sign material remaining in good condition after being out in all weather conditions was

discussed and the enforcement of that becoming a nightmare. Staff and Committee Members discussed the issue of the enforcement becoming subjective in this type of scenario. Staff stated that enforcing this would be a full-time job and that in order to issue a citation or send a letter there needed to be clear criteria defined.

- The incentivized deposit would be considered a fine if a business owner did not remove the temporary sign. It would cover staff time to begin the enforcement process.
- Staff asked for direction from the Committee and had concerns about meeting the 90-day deadline agreed upon with the full Council. Staff had planned to bring the item to a Council Study Session after it went through the Planning and Zoning process. Staff thought that more public input from the public on the proposed code was necessary. Staff thought the Chamber and their constituents needed to become involved and participate in the process. Staff would work on different approaches for community outreach.
- Staff stated that the permanent sign code also needed to be addressed because there were items that did not make sense. The Committee discussed some inconsistencies of the permanent sign code. Committee Members requested that staff talk at the public forums about some down sides of the sign code and provide examples of costs involved for signage.
- Committee and staff members discussed the necessity of requiring engineered plans for roof mounted signs and the responsibility held by the Town in accepting, reviewing and approving the engineered plans.
- Committee Members discussed that if there were temporary permanent signs, other temporary event signs would not be allowed.
- Committee Members directed staff to be ready to present the following options:
    1. No changes to the current code with clearly defined stipulations identifying when code enforcement could require the signs to be removed and add in rotating basis sign renewal language.
    2. The total sign footage for permanent signs would be shared with temporary signage.
    3. The proposed code language as staff had written with clarification on the difference between temporary signs prior to permanent and the promotional use signs.

6) ADJOURNMENT

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 5:34 p.m.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

Submitted: August 19, 2019.

By: *Vickie Nipper, Deputy Town Clerk*

Approved: January 15, 2020.