



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**STUDY SESSION
TUESDAY, APRIL 20, 2021
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1) CALL TO ORDER; ROLL CALL
- 2) **p.3** Consideration and discussion regarding code compliance efforts and challenges within the Town over the last year, and direction from Council moving forward. (Joshua Cook, Development Services Director)
- 3) **p.5** Consideration and discussion of ORD 2021-893 regarding the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers. (Will Dingee, Planner)
- 4) ADJOURNMENT

Dated this 15th day of April, 2021.

By: *Erin N. Deskins, Town Clerk*

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Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk’s Office.

Council meetings are live-streamed on Town of Chino Valley Facebook page, and Zoom.

Join Zoom Webinar: us02web.zoom.us/j/81326335529

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CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session 2)
Meeting Date: 04/20/2021
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and discussion regarding code compliance efforts and challenges within the Town over the last year, and direction from Council moving forward. (Joshua Cook, Development Services Director)

RECOMMENDED ACTION:

Direction from Council regarding code compliance efforts and challenges.

SITUATION AND ANALYSIS:

Over the last several years, there have been changes that have occurred within department. Code Enforcement was moved from the Building Department to Customer Service and the name was changed to Code Compliance. The Council then approved a second full time employee increase so that there were two officers.

Due to staff turnover and the need to move employees around to fill vacancies this was reduced to 1.5 FTE's, and then down to 1 FTE. In December 2020, staff was able to hire a second fulltime code enforcement officer to bring that number back up to what Council intended.

It is important to note that 2020 had several challenges that made active enforcement impossible, and complaint driven enforcement difficult. These issues revolve around the COVID business shutdowns, office closures, and loss of staff. One major obstacle was the courts decision to close and postpone all active and pending court cases related to code compliance. Other related obstacles for staff include the habitual offender text, and civil versus criminal citations.

As staff moves forward into 2021 with many of the COVID restrictions lifted, we are requesting direction from Council on how to proceed. Specifically, would Council like Staff to take a more proactive enforcement? Alternatively, would Council prefer staff act on complaint driven enforcement?

The presentation provided at the Study Session will provide information to show department

needs going forward.

Other Pertinent Documents Available Upon Request:

No Additional attachments as a presentation will be made at the Study Session.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

3)

Meeting Date: 04/20/2021
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and discussion of ORD 2021-893 regarding the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers. (Will Dingee, Planner)

RECOMMENDED ACTION:

Direction from Council on ORD 2021-893 regarding Metal Storage Containers.

SITUATION AND ANALYSIS:

Under current Town Code, there are no provisions to allow staff to permit a steel shipping container (commonly referred to as a Conex Box) within in the Town of Chino Valley limits. Prior staff had instituted policy that allowed for the placement of these containers. However, the creation of this policy is not something that can be done solely at the discretion of Town staff.

On February 26, 2020, staff met with the UDO Update Subcommittee to ask for direction regarding shipping containers. The subcommittee gave staff the go ahead to draft language that would address this issue. Unfortunately, due to COVID and the subdivision regulations text amendment this language was placed on hold.

Staff met with the UDO Update Subcommittee on October 28, 2020, and presented draft language in response to the February meeting. The subcommittee gave direction to proceed with the text amendment so long as certain changes were reflected in the language. The changes involve screening requirements, conversion of the containers to a use other than storage, electrical service and allowed quantity.

The Planning Commission heard the item on December 1, 2020, and recommended approval 7-0 of the requested text amendment.

The UDO Subcommittee met again on February 3, 2021, to discuss the language. It was then presented to Council at a study session on February 16, 2021. After the Study Session, staff redrafted several sections based on Council’s direction. When presented to Council at their March 9, 2021, meeting the item was

tabled indefinitely, pending additional consideration.

Other Pertinent Documents Available Upon Request:

See attached Ordinance

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD 2021-893 Conex Boxes

ORDINANCE NO. 2021-893

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING THE PROVISIONS RELATING TO MEANINGS OF WORDS AND TERMS AND OUTDOOR STORAGE.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), by modifying the provisions relating to outdoor storage (the “Text Amendment”); and

WHEREAS, the Town Council has determined that the Text Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan; 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; and

WHEREAS, the Planning and Zoning Commission recommended approval of the Text Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The UDO, Section 2.1 (Meanings of Words and Terms), is hereby amended to add the definition of “metal storage containers” as follows (deleted text is shown in strikethrough, and new text is shown in ALL CAPS):

METAL STORAGE CONTAINER. A STEEL OR OTHER METAL STORAGE CONTAINER SOMETIMES REFERRED TO AS A CARGO CONTAINER OR CONEX BOX, WHICH IS INDEPENDENT OF ANY TRAILER OR AXLES, AND IS COMMERCIALY PRODUCED AND DESIGNED FOR THE PURPOSES OF STORAGE OF PERSONAL OR COMMERCIAL BELONGINGS/PRODUCTS. THIS DOES NOT INCLUDE TRACTOR-TRAILERS, BOXCARS, OR VEHICLE CARGO BOX/BODY.

Section 3. The UDO, Section 4.9 (Outdoor Storage), is hereby amended as follows (deleted text is shown in strikethrough, and new text is shown in ALL CAPS):

4.9 OUTDOOR STORAGE

A. IN RESIDENTIAL ZONING DISTRICTS. OUTDOOR STORAGE OF OBJECTS AND MATERIALS SHALL BE PERMITTED AS AN ACCESSORY USE ONLY IF A PRIMARY USE ON THE PROPERTY HAS BEEN ESTABLISHED, AND SUBJECT TO THE FOLLOWING:

1. No **travel trailer**, motor home, **recreational vehicle (INCLUDING PARK TRAILERS)**, or boat stored on residentially zoned parcels or **lots** shall be made suitable for on-site occupancy unless permitted in the specific zoning regulation. ~~Evidence of an on-site residency shall consist of~~ "SUITABLE FOR ON-SITE OCCUPANCY" MEANS at least three (3) of the following conditions ARE PRESENT:
 - a. Connection to a source of power.
 - b. Connection to a source of water.
 - c. Connection to sewer or septic system.
 - d. Raising or leveling by means of jacks, stands or **blocks**.
 - e. Having a mailbox.
 - f. Having any attached or ~~adjacent structure~~ **ADJACENT STRUCTURE** or improvement, ~~which~~ THAT enhances on-site livability and/or decreases the mobility of the vehicle.
 - g. Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches. All vehicles shall be kept in reasonable repair and neatly arranged to resemble a parked position.
2. THE INSTALLATION OR PLACEMENT OF A METAL STORAGE CONTAINER IS ALLOWED AS AN ACCESSORY USE, SOLELY FOR THE STORAGE OF PERSONAL ITEMS OWNED BY THE PROPERTY OWNER OR OCCUPANT SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:
 - a. PROPERTIES LOCATED WITHIN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS ARE ALLOWED A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN ONE PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 435 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).

- b. A LAND USE PERMIT IS REQUIRED AND SHALL BE OBTAINED PRIOR TO PLACEMENT OF THE METAL STORAGE CONTAINER. METAL STORAGE CONTAINERS ARE EXEMPT FROM BUILDING PERMITS, AS THEY ARE NOT STRUCTURES.
- c. ALL METAL STORAGE CONTAINERS SHALL BE PLACED IN THE REAR YARD AREA AND SHALL MEET THE PROPERTY DEVELOPMENT STANDARDS OF THE RESPECTIVE ZONING DISTRICTS. METAL STORAGE CONTAINERS SHALL MEET THE MINIMUM SETBACKS FOR PERMANENT STRUCTURES INSTEAD OF THE SETBACKS FOR ACCESSORY STRUCTURES.
- d. ALL METAL STORAGE CONTAINERS SHALL BE PAINTED A SINGLE COLOR WITHIN FIFTEEN (15) DAYS OF PLACEMENT AND SHOULD BE MAINTAINED IN SUCH CONDITION AT ALL TIMES WHILE ON THE PROPERTY. GRAFFITI LEFT ON THE METAL STORAGE CONTAINER IS NOT PERMISSIBLE. IT IS ENCOURAGED THAT THE METAL STORAGE CONTAINERS COLOR BE EITHER THE PRIMARY STRUCTURE'S COLOR OR AN EARTH TONE CONSISTENT WITH THE SURROUNDING TERRAIN.
- e. PHYSICAL MODIFICATION OF METAL STORAGE CONTAINERS IS PROHIBITED. THE ADDITION OF ANY STRUCTURE TO A METAL STORAGE CONTAINER, INCLUDING, BUT NOT LIMITED TO, ROOFS, OTHER METAL STORAGE CONTAINERS, WALLS, OR DECKS, IS PROHIBITED. MODIFICATION OF A METAL STORAGE CONTAINER TO REPURPOSE IT INTO SOMETHING OTHER THAN A STORAGE SPACE REQUIRES ENGINEERING AND SHALL BE SUBMITTED TO THE TOWN FOR BUILDING PERMIT REVIEW.
- f. ELECTRICAL SERVICE TO METAL STORAGE CONTAINERS IS PROHIBITED.
- g. PLACEMENT OF THE METAL STORAGE CONTAINER IS SUBJECT TO DRAINAGE AND BUILDING SAFETY REQUIREMENTS. THE TOWN ENGINEER MAY REQUIRE ANCHORING OF THE METAL STORAGE CONTAINER.
- h. TEMPORARY USES OF SUCH METAL STORAGE CONTAINERS MAY BE APPROVED IN CONJUNCTION WITH A TOWN ISSUED BUILDING PERMIT.

B. 2.—~~IN Commercial, manufacturing and industrial zone~~—**INDUSTRIAL ZONING DISTRICTS. Outdoor storage** of objects and materials shall be permitted as AN **accessory use** when a primary **use** has been established in **commercial,**

manufacturing and industrial zones ~~INDUSTRIAL ZONING DISTRICTS~~, providing the following conditions are met:

1. ~~a.~~ All **outdoor storage** must be stored OCCUR at least thirty-five (35) feet from the edge of the ~~pavement or other prepared street~~ ROADWAY subject to:
 - a. ~~i.~~ Storage may not occur within ten (10) feet from any **street** or property line.
 - b. ~~ii.~~ Any material or objects stored within the required front or **street side yard** shall not exceed eight (8) feet in height.
2. ~~b.~~ Flammables stored outdoors must be a minimum of ten (10) feet from any property line or such storage must be previously approved by the local fire department.
3. ~~c.~~ No **travel trailer**, motor home, **recreational vehicle (INCLUDING PARK TRAILERS)**, or boat stored on **commercial**, manufacturing or **industrial** zoned parcels or **lots** shall be made suitable for on-site occupancy unless permitted in the specific zoning regulation. ~~Evidence of an on-site residency shall consist of~~ "SUITABLE FOR ON-SITE OCCUPANCY" MEANS at least three (3) of the following conditions ARE PRESENT:
 - a. ~~i.~~ Connection to a source of power.
 - b. ~~ii.~~ Connection to a source of water.
 - c. ~~iii.~~ Connection to sewer or septic or sewer system.
 - d. ~~iv.~~ Raising or leveling by means of jacks, stands or **blocks**.
 - e. ~~v.~~ Having a mailbox.
 - f. ~~vi.~~ Having any attached or adjacent structure **ADJACENT STRUCTURE** or improvement, ~~which~~ THAT enhances on-site livability and/or decreases the mobility of the vehicle.
 - g. ~~vii.~~ Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches.
4. ~~d.~~ All **outdoor storage** shall be arranged in a neat and orderly manner or screened from the view of neighboring properties.
5. THE INSTALLATION OR PLACEMENT OF A METAL STORAGE CONTAINER IS ALLOWED ON COMMERCIAL AND INDUSTRIAL PROPERTY AS AN ACCESSORY USE, SOLELY FOR THE STORAGE OF

ITEMS OWNED BY THE BUSINESS OWNER OR OCCUPANT SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

- a. PLACEMENT OF ANY METAL STORAGE CONTAINER REQUIRES SITE PLAN REVIEW AND APPROVAL.
- b. PROPERTIES LOCATED WITHIN COMMERCIAL AND INDUSTRIAL DISTRICTS AND NOT ON SR 89 ARE ALLOWED A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN THREE PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 1,306 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).
- c. PROPERTIES LOCATED WITHIN COMMERCIAL AND INDUSTRIAL DISTRICTS ON SR 89 SHALL BE LIMITED TO A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN ONE AND ONE-HALF PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 653 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).
- d. ALL METAL STORAGE CONTAINERS SHALL BE PLACED AT THE REAR OF THE BUSINESS AND SHALL MEET THE PROPERTY DEVELOPMENT STANDARDS OF THE RESPECTIVE ZONING DISTRICTS. THOSE METAL STORAGE CONTAINERS THAT CANNOT BE PLACED TO THE REAR OF THE BUILDING SHALL BE FULLY SCREENED WITH BOTH LANDSCAPING AND FENCING. METAL STORAGE CONTAINERS SHALL MEET THE MINIMUM SETBACKS FOR PERMANENT STRUCTURES INSTEAD OF THE SETBACKS FOR ACCESSORY STRUCTURES.
- e. ALL METAL STORAGE CONTAINERS SHALL BE PAINTED A SINGLE COLOR WITHIN FIFTEEN (15) DAYS OF PLACEMENT AND SHOULD BE MAINTAINED IN SUCH CONDITION AT ALL TIMES WHILE ON THE PROPERTY. GRAFFITI LEFT ON THE METAL STORAGE CONTAINER IS NOT PERMISSIBLE. IT IS ENCOURAGED THAT THE METAL STORAGE CONTAINERS COLOR BE EITHER THE PRIMARY COMMERCIAL OR INDUSTRIAL STRUCTURE'S COLOR OR AN EARTH TONE CONSISTENT WITH THE SURROUNDING TERRAIN.
- f. PHYSICAL MODIFICATION OF METAL STORAGE CONTAINERS IS PROHIBITED. THE ADDITION OF ANY STRUCTURE TO A METAL STORAGE CONTAINER, INCLUDING, BUT NOT LIMITED TO, ROOFS, OTHER METAL STORAGE CONTAINERS, WALLS, OR DECKS, IS PROHIBITED. MODIFICATION OF A METAL STORAGE CONTAINER TO REPURPOSE IT INTO SOMETHING OTHER THAN A STORAGE SPACE

REQUIRES ENGINEERING AND SHALL BE SUBMITTED TO THE TOWN FOR BUILDING PERMIT REVIEW.

- g. ELECTRICAL SERVICE TO METAL STORAGE CONTAINERS IS PROHIBITED.
- i. PLACEMENT OF THE METAL STORAGE CONTAINER IS SUBJECT TO DRAINAGE AND BUILDING SAFETY REQUIREMENTS. THE TOWN ENGINEER MAY REQUIRE ANCHORING OF THE METAL STORAGE CONTAINER.
- j. IF A PROPERTY OWNER OR OCCUPANT REQUESTS PLACEMENT OF A METAL STORAGE CONTAINER IN A MANNER NOT ADDRESSED IN THESE REQUIREMENTS, THEN THE ZONING ADMINISTRATOR MAY REQUIRE SUBMITTAL OF A CONDITIONAL USE PERMIT.
- h. TEMPORARY USES OF SUCH METAL STORAGE CONTAINERS (E.G., ON-SITE CONSTRUCTION) MAY BE APPROVED IN CONJUNCTION WITH A TOWN ISSUED BUILDING PERMIT.

C. SUNSET PROVISION:

- a. THE PROVISIONS OF THIS SECTION 4.9 RELATING TO OUTDOOR STORAGE SHALL BE OF NO FORCE AND EFFECT AFTER APRIL 23, 2023, UNLESS, AFTER MEETING ALL APPLICABLE PUBLIC NOTICE AND HEARING REQUIREMENTS, THE TOWN COUNCIL DETERMINES THESE PROVISIONS SHOULD REMAIN IN EFFECT, AS CURRENTLY WRITTEN, OR AS MAY BE AMENDED.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 of this Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of March, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2021-893 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 9, 2021, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Erin N. Deskins, Town Clerk