

ORDINANCE NO. 2020-878

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING BY REFERENCE THE “AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE (TEMPORARY SIGN PROVISIONS), DATED JANUARY 28, 2020”; AND AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, RELATING TO TEMPORARY SIGNS, TO REPLACE PORTIONS THEREOF AS SET FORTH IN THE “AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE (TEMPORARY SIGN PROVISIONS), DATED JANUARY 28, 2020.”

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Unified Development Ordinance of the Town of Chino Valley, Section 2 (Definitions), Subsection 3.15(D) (CL – Light Commercial; Temporary Uses) and Section 4.21 (Sign Regulations), by adding and modifying definitions and by modifying provisions relating to temporary signs (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, 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 document entitled “Amendments to the Town of Chino Valley Unified Development Ordinance (Temporary Sign Provisions), dated January 28, 2020” (the “2020 Temporary Sign Amendments”), of which one paper copy and one electric copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are hereby ordered to remain on file with the Town Clerk.

Section 3. The 2020 Temporary Sign Amendments are hereby adopted by reference pursuant to ARIZ. REV. STAT. § 9-802.

Section 4. The Text Amendment, which is comprised of the 2020 Temporary Sign Amendments, is hereby approved, and the Town Code of the Town of Chino Valley, Arizona, Title XV, Land Usage, Chapter 154, Unified Development Ordinance, is hereby amended by modifying its provisions to reflect the changes shown in the 2020 Temporary Sign Amendments.

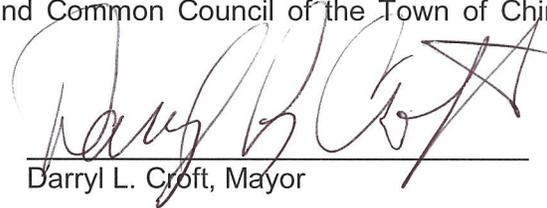
Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the code amendments adopted herein by reference, are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the 2020 Temporary Sign Amendments 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 of this Ordinance and the 2020 Temporary Sign Amendments.

Section 7. 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.

Section 8. 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of January, 2020.



Darryl L. Croft, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2020-878 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 28, 2020, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.



Jami C. Lewis, Town Clerk

**AMENDMENTS TO THE
TOWN OF CHINO VALLEY
UNIFIED DEVELOPMENT ORDINANCE
(TEMPORARY SIGN PROVISIONS)
JANUARY 28, 2020**

Section 1. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 2 (Definitions), is hereby amended by modifying the definition of “Sign, Banner” as follows:

SIGN, BANNER. A temporary sign OR AUXILIARY SIGN of fabric, plastic, paper, or other light, pliable material THAT IS not enclosed in a rigid frame.

Section 2. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 2 (Definitions), is hereby amended by adding new definitions of “Sign, A-Frame,” “Sign, Auxiliary,” “Sign, Feather,” “Sign, Pennant or Streamer,” “Sign, Permanent,” “Sign, Special Event (Promotional)” and “Sign, Temporary” to read as follows:

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, Banner, Pennant, or Feather Sign used to supplement a use’s permanent signage.

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, auxiliary, or 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.

Section 3. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 3.15 (CL – Light Commercial), Subsection D (Temporary Uses) is hereby amended to add a new Paragraph 2(f) to read as follows:

- 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.

Section 4. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.2 (Permits Required), Paragraph F (Temporary Sign Permits) is hereby amended as follows:

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.

Section 5. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.2 (Permits Required), Paragraph G (Exempt Signs) is hereby amended as follows:

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			

Section 6. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.3 (General Sign Regulations), is hereby amended to add a new Paragraph H to read as follows:

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 business. 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, auxiliary signs, and A-Frames may be displayed year-round, so long as the signs remain in good repair.

Section 7. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.5 (Sign Standards), Paragraph G (Aggregate Sign Limits), is hereby amended to add two new subparagraphs 6 and 7, to read as follows:

6. A-Frame signs shall be placed a minimum of five (5) feet out of the right-of-way on the property where the business operates provided such signs shall not obstruct pedestrian traffic. A-Frame Signage size allowance is calculated as part of the total allowable aggregate Auxiliary signage square footage.

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.

[AMENDMENTS CONTINUE ON FOLLOWING PAGE]

Section 8. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.6 (Temporary Signs, SPECIAL EVENT SIGNS AND AUXILIARY SIGNS), is hereby amended as follows:

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>
Banner, Pennant, STREAMER, FEATHER	CL, CH, I, Public, Institutional Facility	48 sq. ft. aggregate		On-site only. 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) SIGN, not to exceed 6 sq. ft. total per parcel BUSINESS. Shall be maintained in good repair. ANYTHING ATTACHED TO THE A-FRAME SIGN SHALL COUNT AGAINST THE TOTAL SQUARE FOOTAGE ALLOWED.

Section 9. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), Subsection 4.21.8 (Non-Conforming Signs), is hereby amended as follows:

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.

Section 10. The Chino Valley Town Code Title XV (Land Usage), Chapter 154 (Unified Development Ordinance), Section 4.21 (Sign Regulations), is hereby amended by adding a new Subsection 4.21.10 (Sunset Provisions), to read as follows:

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.