

ORDINANCE NO. 2020-882

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 OFF-SITE COMMERCIAL SIGNS.

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 off-site commercial signs as set forth in Section 2 of this Ordinance (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 UDO, Section 4.21.3 (General Sign Regulations), is hereby amended by adding a new subsection "H" to as follows:

H. Off-Site Signage is prohibited, except as specifically set forth in this Section. In order to be permitted to have off-site signage, the following conditions must be met:

1. The property on which the business requesting the off-site signage is located shall be no further than ¼ mile from SR 89.

2. The business owner shall obtain permission pursuant to a non-revocable license, in a form provided by the Town, from an owner of commercial property fronting on SR 89, granting the off-site business the right to construct a new freestanding sign on the commercial property or to add the off-site business nameplate to an existing freestanding or monument sign. If no existing freestanding or monument sign exists, a new sign may be constructed to provide signage for the onsite businesses with additional nameplates

for off-site signage opportunities; provided, that any signage on such new freestanding or monument sign shall be calculated as part of the total allowable signage for each business.

3. The non-revocable license granted by the owner of the commercial property fronting SR 89 shall include a specific depiction of the location of the sign and a specific time limit or expiration date for the license. If the license has not been extended at the conclusion of the time period, the sign must be removed. The license shall be valid for the time period stated and shall not be terminated if the underlying property or the related business is sold during that time period.

4. Off-site signage shall require a sign permit. The signature of the owner of the commercial property fronting on SR 89 on which the sign is proposed shall be required on the application. A copy of the signed license shall be submitted as part of the application.

5. Off-Site signage shall conform to all other aspects of permanent signage as defined in Section 4.21 of this Chapter (i.e. freestanding, monument, etc.).

6. Off-site signage shall not be allowed on vacant property.

7. The business requesting off-site signage shall be required to have a permanent sign on-site prior to approval of any off-site signage. The square footage of the off-site signage shall be deducted from the total allowable signage of that type on the site the business is located.

8. No temporary or auxiliary off-site signage shall be permitted; such signage shall only be allowed on the property on which the business is located.

9. All off-site signage shall comply with the Outdoor Lighting ordinance found in Section 4.24 of this Chapter.

10. Signage shall meet minimum required setbacks. Signage is prohibited from being located in the public rights-of-way.

11. The Town shall not provide advice or direction to either party in discussions or negotiations regarding the license, other than to provide the form.

Section 3. The UDO, Section 4.21.7 (Prohibited Signs), Subsection A, paragraph (1), is hereby amended as follows:

A. Any sign not specifically listed as permitted by this Chapter is prohibited, including, but not limited to the following:

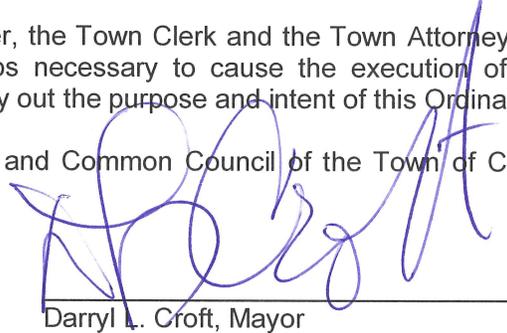
1. Off-site commercial signs, EXCEPT AS SPECIFICALLY PERMITTED IN SUBSECTION 4.21.3(H) OF THIS CHAPTER.

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.

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



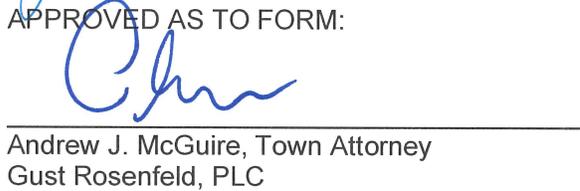
Darryl L. Croft, Mayor

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. 2020-882 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 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