



**TOWN OF SAHUARITA  
PLANNING & ZONING COMMISSION MEETING**

*Pursuant to A.R.S. § 38-431.02 notice is hereby given to the public that the Sahuarita Planning & Zoning Commission will hold a regular meeting at the date and time specified below at the Sahuarita Town Hall Council Chambers, 375 West Sahuarita Center Way, Sahuarita, Arizona.*

*To better serve our community, the Council Chambers is wheelchair accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk's Office at 520-822-8801. Requests should be made no later than three (3) working days prior to the meeting to arrange the accommodation.*

**REGULAR MEETING AGENDA**

**MONDAY, OCTOBER 3, 2016 at or after 6:00 P.M.**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

- \_\_\_\_\_ Chair Tim Trospen
- \_\_\_\_\_ Vice Chair Jenna Reilly
- \_\_\_\_\_ Commissioner Michael Hernandez
- \_\_\_\_\_ Commissioner Nathan Barrett
- \_\_\_\_\_ Commissioner Lee Cornelison
- \_\_\_\_\_ Commissioner Cathy Maghran
- \_\_\_\_\_ Commissioner Ken Woodward

**4. APPROVAL OF THE MINUTES FOR PLANNING & ZONING COMMISSION MEETING OF SEPTEMBER 8, 2016.**

**5. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Commission on any issue ***not already on tonight's agenda***. Pursuant to the Arizona Meeting Law, the speaker's comments may not be considered, discussed or even answered by the Commission at this meeting, but may, at the discretion of the Commission, be placed on a future agenda for discussion/action.

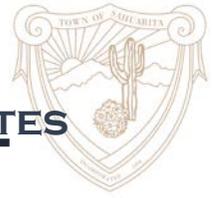
**6. PUBLIC HEARING:** A zoning code text amendment to Sahuarita Town Code Chapter 18.79 (Sign Standards), sections 18.79.030 (General Development Standards), 18.79.040 (Prohibitions), 18.79.100 (Permitted Signs by Zone), and 18.79.240 (Electronic Message Sign), the purpose of which amendment is to allow electronic message signs and providing development standards and review processes related to such signs (Case No. SA8-15-00001).

**7. PLANNING & BUILDING DIRECTOR'S REPORT**

**8. PLANNING COMMISSIONERS ANNOUNCEMENTS AND REPORTS**

**9. FUTURE AGENDA ITEMS**

**10. ADJOURNMENT**



## PLANNING & ZONING COMMISSION MEETING MINUTES

Regular Meeting Minutes  
September 8, 2016  
6:00 PM

1. **CALL TO ORDER**

The meeting was called to order at 6:00 PM by Chair Tim Trosper

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

A. Roll Call

4. **APPROVAL OF MINUTES FOR PLANNING & ZONING COMMISSION MEETING OF AUGUST 1, 2016**

Motion to approve minutes as presented.

MOTION

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Nathan Barrett, Commissioner
<b>SECONDER:</b>	Lee Cornelison, Commissioner
<b>AYES:</b>	Tim Trosper, Lee Cornelison, Nathan Barrett, Ken Woodward
<b>ABSENT:</b>	Jenna Reilly, Michael Hernandez, Cathy Maghran

5. **CALL TO THE AUDIENCE**

No one came forward.

6. **PUBLIC HEARING**

- A. **(CONTINUATION FROM AUGUST 1ST MEETING):** A request for a Type III Conditional Use permit for a 78 foot tall monopine wireless communications facility at 18105 S. I-19 Frontage Road. The project includes a new wireless communications tower camouflaged to look like a pine tree and ground equipment that will be housed within a 6 foot tall masonry wall enclosure. The request also includes two waiver requests which would allow the Tower to exceed the maximum height allowed in a residential zone and to not have to provide the required landscaping. (SA9-16-00001)

Chairman Trosper opened the public hearing.

Staff member Dylan Parry gave an update on the few changes to the application that has been submitted. The minor changes were new technical drawings showing a Eucalyptus Tree design, but the applicant did not submit new visual simulations or a revised analysis.



The applicant, Mr. Jones with SBA Wavelength, held a neighborhood meeting in which two people attended. Those two had not been to the previous Commission meeting nor were in the audience at this meeting.

Chairman Trosper closed the public hearing.

Commissioner Woodward made the motion to grant the continuance with the following conditions:

- The applicant holds another neighborhood meeting and notifies the residents within 600 feet, as required per Town Code.
- The applicant notifies the remaining residents of the Valle Verde del Norte neighborhood who fall outside of the 600 feet.
- The applicant notifies those present at the September meeting and those who spoke at the August 1<sup>st</sup> meeting if not present today.
- The applicant update the site’s public notice sign with pending meeting dates, including the neighborhood meeting,

Commissioner Cornelison 2nd the motion. MOTION CARRIED 4:0

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>AYES:</b>	Tim Trosper, Lee Cornelison, Nathan Barrett, Ken Woodward
<b>ABSENT:</b>	Jenna Reilly, Michael Hernandez, Cathy Maghran

**7. PLANNING & BUILDING DIRECTOR'S REPORT**

- Electric Sign Code amendment is being worked on and will be brought soon to the Commission.
- Staff is working on a Conditional Use Process amendment.
- Development plan updates were given to the Commission.
- Circle K Development plan approved, going through building permit process
- The Crossing Development plan, shopping center around Circle K, is expected to be submitted in the coming months.
- The Corner Development plan, across from Fry's, is currently in review.
- Dollar Tree store is close to getting its certificate of occupancy should be opening soon.
- Richmond American will be acquiring the lots at Santa Cruz Meadows and will begin building soon.
- Rancho Resort Final Plat is in review (resizing of existing lots).

**8. FUTURE AGENDA ITEMS**

None.

**9. ADJOURNMENT**

The meeting was closed at 6:29 PM

**Planning & Zoning Commission  
Staff Report**

**Case No.: SA8-15-00001**

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**Planning Commission Date:** October 3, 2016      **Agenda Item No.** 6

**PREPARED BY:** Sarah S. More, FAICP

**RECOMMENDATION:** Staff recommends that the Planning and Zoning Commission forward a recommendation of *approval* to the Town Council

**SUBJECT:**      **Public Hearing: Zoning Code Amendment – Electronic Message Signs**

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**BACKGROUND:**

On September 10, 2015, the Planning and Zoning Commission considered this amendment in a noticed public hearing. Several members of the public spoke on the proposed amendment, and there were differing opinions regarding whether or not to support adoption of the amendment. The Commission tabled the item and asked staff to meet with stakeholders and develop a consensus amendment. Staff met with the stakeholder group and was able to develop consensus on a new draft.

The Planning and Zoning Commission held a second public hearing on May 2, 2016, with David Stowell, Assembly of God Church, speaking in favor of the amendment. The Commission did not express any concerns about the amendment as proposed, and recommended adoption of the amendment unanimously in a 6:0 vote (one Commission member was absent).

On June 13, 2016, the Mayor and Council held a public hearing on the proposed amendment. Two people spoke in favor of the amendment and two people provided written comments suggesting changes. The Mayor and Council also discussed a part of the sign code that was not proposed for amendment and suggested that it requires rewording.

While rewording of the section in the sign code, without changing the intent, would not necessarily require another public hearing before the Planning and Zoning Commission, David Stowell has asked that the Commission consider allowing electronic message signs without a public hearing, as is required for a Type II CUP. That is a substantive change to the code.

**CHANGES TO THE AMENDMENT:**

Since the commission considered this amendment in May, changes have been made:

1. Section 18.79.030.G. has been rewritten to clarify the regulations regarding when sign lighting must be turned down or turned off;
2. The transition time has been changed to require immediate transition between messages.
3. Electronic message signs in residentially zoned areas require a Type I CUP rather than the originally proposed Type II CUP.

**DISCUSSION:**

The reasons for these three changes are (1) to provide clarity; (2) improved safety for drivers; and (3) make the rules more consistent with those for schools in residential zones.

A Type I CUP requires an application be filed with the Planning and Zoning Division for administrative review. The property must be posted with two signs advising the public of the application. Mailed notice is given to all property owners within a minimum notification area of 300 feet from the subject property. Notice must be provided a minimum of 15 days prior to the date of the administrative decision. Notice of the decision is made, but is not effective for 30 days. Within that 30 day period, an appeal may be filed by the applicant or affected property owners. Appeals are heard by the Planning and Zoning Commission in a public hearing.

**REQUIRED ACTION:**

Conduct a public hearing to determine whether this code amendment is in the best interest of the Town of Sahuarita as well as consistent with the goals, objectives, and policies of the General Plan. A motion is necessary to forward your recommendation to Town Council.

**RECOMMENDATION:**

Staff recommends that the Commission forward a recommendation that the Town Council adopt the Zoning Code amendment to Article III, Chapter 18.79, titled "Sign Standards" related to electronic message signs.

**PROPOSED MOTION:**

I move to recommend that the Town Council adopt the Zoning Code amendment – Electronic Message Signs.

**SUPPORTING DOCUMENTS ATTACHED:**

1. Draft Zoning Code Amendment
2. May 2, 2016 Planning and Zoning Commission report
3. Minutes of the May 2, 2016 Planning and Zoning Commission public hearing
4. June 13, 2016 Town Council report
5. Chapter 18.97 Conditional Use Procedures.

**18.79.030 General development standards.**

## G. Illumination.

1. A sign shall comply with the standards of the town lighting code.
2. The following types of sign illumination are permitted:
  - a. Internal illumination where only sign copy emits light;
  - b. Halo lighting;
  - c. Area lighting; and
  - d. Direct lighting only, with top-mounted, full cut-off fixtures.

3. An illuminated sign shall be turned off no later than 11:00 p.m., with the following exceptions:a. If the business or other entity remains open after 11:00 p.m., an illuminated sign shall:

- i. reduce the lighting source by 50 percent output from 11:00 p.m. until sunrise, as may be achieved by programmable electronic controls, timers, etc.; and
- ii. be turned off when the business or other entity closes.

b. Residential entryway signs may remain illuminated during all dark hours.

~~3. An illuminated sign shall be turned off no later than 11:00 p.m. unless the business remains open. If the business remains open after 11:00 p.m. an illuminated sign must be turned off at the closing time until sunrise and shall reduce the lighting source by 50 percent output from 11:00 p.m. until sunrise, as may be achieved by programmable electronic controls, timers, etc. Residential entryway signs may remain illuminated during all dark hours.~~

~~4. No illumination of a sign is permitted in a rural or residential zone unless it is associate with a business or an office that remains open or is associated with a medical or public service, with the exception of incidental lighting of residential entryway signs.~~

~~54. A light source of a sign shall not be visible from above, except as permitted in the town lighting code, or from an adjacent property or street.~~

~~65. Any unused tenant space on an approved sign shall be blanked out with an opaque panel to minimize light output.~~

~~76. When possible, corporate images or registered trademarks shall be altered to reduce light output to the extent possible.~~

**18.79.040 Prohibitions.**

## A. Prohibited Signs.

~~3. Electronic message sign, except those specifically permitted.~~

**18.79.100 Permitted signs by zone.**

A. Scope. This section specifies the signs permitted in the various zones.

March 24, 2016

- \* = Permitted Sign Type
- Blank = Not Permitted Sign Type
- <sup>2</sup> = Reference is in Table Notes,  
subsection D of this section

C. Table 1.

Zoning Type	Sign Awnning	Changeable Copy	Civic Banner	Community Director	Construction	Detached Canopy	Directional	Directory	Dwelling Unit Lease, Rent, Sale	Electronic Message Sign	Freestanding ID	Freeway Style	Human Sign	Incidental	Kiosk	Main Wall ID	Menu Board	Model Home Flag	On-Site Subdivision	Political	Projecting	Real Estate Property	Residential Entryway	Service Club	Special Event Banner	Suspended	Time and Temperature	Wind Blow
RH, GR-1	See Table Note 1																											
SR, SR-2, SH, R-1, R-2, R-3, MH-1	*2	*	*	*	*	*	*	*	<u>*10</u>	* <sup>3</sup>		*			* <sup>3</sup>	*	*	*	* <sup>4</sup>	*	*	*	*	*	*	*		
R-4, R-5, MH-2	*2	*	*	*	*	*	*	*	<u>*10</u>	* <sup>5</sup>		*			* <sup>5</sup>	*	*	*	*	*	*	*	*	*	*	*		
TH, MR	*	* <sup>2</sup>	*	*	*	*	*	*	<u>*10</u>	* <sup>7</sup>		*	*	*	* <sup>7</sup>	*	*	*	*	*	*	*	*	*	*	*	*	
NC	*	* <sup>2</sup>	*	*	*	*	*	*	<u>*10</u>	* <sup>7</sup>		*	*	*	* <sup>7</sup>	*	*	*	*	*	*	*	*	*	*	*	*	
B-1, MX	*	* <sup>8</sup>	*	*	*	*	*	*	* <sup>10</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

B-2	*	* <sup>8</sup>	*	*	*	*	*	*	*	* <sup>10</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
CPI	*	*	*	*	*	*	*	*	*	* <sup>10</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
I-1, I-2	*	* <sup>8</sup>	*		*	*	*	*		* <sup>10</sup>	* <sup>3</sup>	*	*	*	*	*	*		*	*	*	*		*	*	*	*
Golf Course	See Table Note 9																										

D. Table Notes to Table 1 in Subsection C of This Section.

10. Electronic message signs are permitted:

- a. As a component of a freestanding identification sign for gasoline price signs; and
- b. As a component of a freestanding or wall-mounted time and temperature sign; and [Ord. 2011-048 § 1; Ord. 2010-31 § 1.]

c. Subject to the requirements of Section 18.79.240.

**18.79.240 Electronic message sign.**

A. Electronic message signs are permitted as follows:

1. Electronic message signs are permitted in commercial and industrial zones.

2. Electronic message signs in residential zones may be conditionally permitted subject to a Type I CUP per Chapter 18.97.

B. Electronic message signs are permitted only as a component of a freestanding identification sign, except as allowed per Section 18.79.440.

C. The electronic message sign shall be controlled by one or more photocells which will automatically adjust the display light output at sunset and will further adjust the display light output to 50% of the total allowed at 11 p.m.

D. Prior to the issuance of permits for the electronic message sign, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in the stipulations above and in the Outdoor Lighting Code, and the intensity level is protected from end-user manipulation by password-protected software. Post installation commissioning may be required.

E. The total electronic messaging component of a sign shall not exceed fifty percent (50%) of the allowed sign size per Section 18.79.250:

F. Electronic messages may not change any more frequently than once every 30 seconds, with an immediate transition time.

G. There may be no effects of movement, flashing, scintillation, or similar effects.

H. Electronic messages must have a dark background.



# PLANNING & BUILDING DEPARTMENT

## PLANNING & ZONING DIVISION

### Planning & Zoning Commission Staff Report

Case No.: **SA8-15-00001**

**Planning Commission Date:** May 2, 2016

**Agenda Item No.** 6

**PREPARED BY:** Sarah S. More, FAICP

**RECOMMENDATION:** Staff recommends that the Planning and Zoning Commission forward a recommendation of *approval* to the Town Council

**SUBJECT:** Public Hearing: Zoning Code Amendment – Electronic Message Signs

#### **BACKGROUND:**

Electronic message signs are currently prohibited within the Town limits, with exceptions for gasoline price and Time & Temperature signs. The Town of Sahuarita has adopted the Outdoor Lighting Code and, due to the proximity of observatories to the Town, is within zone E1b. (See map, Attachment 1.) Electronic message signs can contribute to excessive nighttime light and to distraction of drivers.

Over the past few years, the Town has received several requests regarding electronic message signs. These requests have primarily come from local religious facilities, but business owners are also interested. Several of our local schools have electronic message signs, as school districts are exempt from Town Codes. Just as with schools, the religious uses want to allow for changing messages regarding events. Most of the religious uses are located in rural or residential zoning.

#### **PRIOR COMMISSION ACTION:**

On September 10, 2015, the Planning and Zoning Commission considered this amendment in a public hearing. Several members of the public spoke on the proposed amendment, and there were differing opinions regarding whether or not to support adoption of the amendment. The Commission tabled the item and asked staff to meet with the stakeholders and develop a consensus amendment.

Since that time, staff met with a group of stakeholders (see attached list of participants) and we were able to come to agreement on changes to the proposed amendment. The revised draft amendment proposed for Planning and Zoning Commission consideration has incorporated those changes.

**PROPOSED AMENDMENT:**

1. Allows electronic message signs, by right in commercial and industrial zones, with a Type 2 conditional use permit (Planning and Zoning Commission approval required, with public notice and input process) in rural and residential zones.
2. Limit the frequency of message change to once per 30 seconds to reduce distraction for drivers.
3. Continue to require signage lighting to be turned off at 11p.m. unless the business remains open, in which case the lighting output is to be reduced by 50% at 11p.m.

Changes to the proposed code amendment based on stakeholder discussions:

1. The Outdoor Lighting Code is no longer part of the amendment. We agreed that it should be looked at separately.
2. Because the Outdoor Lighting Code limits illumination to 200 nits full white mode, we agreed that limiting to 50 nits at night was not necessary.
3. The frequency of message change was amended from once per hour to once per 30 seconds, with a 2 second wait (transition) time.
4. The single color limit is deleted, as was the light color restriction.
5. Certification of the diming of the sign lighting is required. Post installation commissioning may be required.

**DISCUSSION:**

The following are the significant elements of the code amendment:

1. Section 18.79.030.G.4, which prohibits most illuminated signs in rural and residential zones, is deleted.
2. Section 18.79.040.A.3, which lists electronic message signs as prohibited, is deleted.
3. Section 18.79.100, Table of Permitted Signs by Zone, is amended to include new allowances for and references to standards for electronic message signs.
4. Section 18.79.240, Electronic Message Signs, is amended to permit such signs in commercial and industrial zones, to permit as conditional uses in rural or residential zones, and to include a standard that the electronic message sign be permitted only as a component of a freestanding identification sign. This section also limits the electronic message component of a sign to 50% of the allowed square footage, limits text changes to once per 30 seconds, and requires dark background.
5. Please note that billboards are prohibited in the Town, therefore this code amendment does not provide for electronic message sign billboards.

**GENERAL PLAN:**

The Vision statement of the General Plan recognizes the importance of dark skies to our community.

“We envision that in the year 2035, the Town of Sahuarita will be a place of distinctively high quality of life, achieved through its commitment to economic, social, and environmental sustainability. Sahuarita will have abundant opportunities for housing, shopping, recreation and leisure, access to all levels of high-quality education, and a wide variety of employment options– a place where people choose to live and where businesses choose to locate. Sahuarita will be a safe, attractive, and diverse community with well-maintained, highly efficient, and effective municipal services and amenities. Sahuarita’s appeal to residents, businesses, and tourists will be enhanced through its recognition and protection of the arts and its natural and cultural resources – the Santa Cruz River, archaeological and historic preservation areas, clean air, water resources, dark skies, natural habitat, and scenic views.”

**REQUIRED ACTION:**

Conduct a public hearing to determine whether this code amendment is in the best interest of the Town of Sahuarita as well as consistent with the goals, objectives, and policies of the General Plan. A motion is necessary to forward your recommendation to Town Council.

**RECOMMENDATION:**

Staff recommends that the Commission recommend that the Town Council adopt the Zoning Code amendment to Article III, Chapter 18.79, titled “Sign Standards” related to electronic message signs.

**REASONS FOR RECOMMENDATION:**

1. The amendment provides for flexible zoning to meet the needs of existing and future business and industry.
2. It provides for a new sign type, while continuing to protect the Town’s dark skies.
3. It provides religious institutions, and other non-business entities, the same capacity to provide announcements as public schools.

**PROPOSED MOTION:**

I move to recommend that the Town Council adopt the Zoning Code amendment – Electronic Message Signs.

**SUPPORTING DOCUMENTS ATTACHED:**

1. Outdoor Lighting Code Zone Map
2. List of Stakeholder Meeting Participants
3. Draft Zoning Code Amendment

PLANNING & ZONING COMMISSION  
MEETING MINUTES  
MAY 2, 2016

1. CALL TO ORDER

Meeting called to order at 6:30 PM

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present Chair Tim Trosper  
Present Vice Chair Jenna Reilly  
Present Commissioner Michael Hernandez  
Present Commissioner Nathan Barrett  
Present Commissioner Lee Cornelison  
Present Commissioner Ronald Darrah  
Absent Commissioner Ken Woodward

4. APPROVAL OF THE MINUTES FOR PLANNING & ZONING COMMISSION MEETING OF MARCH 7, 2016.

Commissioner Cornelison made the motion to accept minutes as presented; Vice Chair Reilly 2<sup>nd</sup> the motion. **MOTION CARRIED 6:0**

5. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Commission on any issue *not already on tonight's agenda*. Pursuant to the Arizona Meeting Law, the speaker's comments may not be considered, discussed or even answered by the Commission at this meeting, but may, at the discretion of the Commission, be placed on a future agenda for discussion/action.

No one came forward.

6. **PUBLIC HEARING:** A zoning code text amendment to Sahuarita Town Code Chapter 18.79 (Sign Standards), sections 18.79.030 (General Development Standards), 18.79.040 (Prohibitions), 18.79.100 (Permitted Signs by Zone), and 18.79.240 (Electronic Message Sign), the purpose of which amendment is to allow electronic message signs and providing development standards and review processes related to such signs. (Case No. SA8-15-00001).

Planning and Building Director, Sarah S. More, gave a presentation of the proposed amendment mentioned above and highlighted the changes from the December Commission public hearing. Director More requested that Commission forward a recommendation for approval.

Chair Trosper opened the public hearing.

Vice Chair Reilly was concerned that the businesses would use the signs to advertise products and/or vendors. Director More assured the Commission that no billboards will be allowed and all signs must be on site. Businesses can display the products on sale that day.

Vice Chair Reilly questioned if there were any limits placed on the transitions of messages. Director More stated that there were no restriction on the message transitions but if concern were to arise, Staff would bring the item back for amendment.

Chair Trosper asked that if this amendment is approved and adopted, will the signs be allowed in Conditional Use Permit areas. Director More responded that it would include these areas as long as

Industrial and Commercial. Churches, small businesses, or medical offices with in a residential zone will be limited to residential zoning provisions of the lighting code. These include a smaller maximum of sign square footage and a Conditional Use Permit, which will need Commission approval.

David Stowell, Pastor of The Assembly of God Church on La Canada, gave a handout to the Commission and staff that was in reference to any astronomical concerns. Mr. Stowell also expressed that the square footage of the allowable area of illumination on the signs is not a large area. Mr. Stowell continued to say that the signs aren't inexpensive and are an investment of about twenty thousand dollars. Mr. Stowell thanked the commission for reconsidering the issue.

Chair Trospser closed the public hearing and asked for a motion.

Commissioner Darrah made the motion to accept the amendment as presented by staff and forward a recommendation to Council; Commissioner Barrett 2<sup>nd</sup> the motion. **MOTION CARRIED 6:0**

**7. PLANNING & BUILDING DIRECTOR'S REPORT**

1. Anna has begun working on the Content Neutral Sign amendment.
2. Four Commissioner's terms are expiring in June.

**8. PLANNING COMMISSIONERS ANNOUNCEMENTS AND REPORTS**

None.

**9. FUTURE AGENDA ITEMS**

None.

**10. ADJOURNMENT**

Meeting adjourned at 7:17 pm.

**TOWN COUNCIL AGENDA COMMUNICATION**

**MEETING DATE:** June 13, 2016

**DATE PREPARED:** May 27, 2016

**AGENDA ITEM: 12**

**TO:** Honorable Mayor and Council  
**FROM:** Sarah S. More, FAICP, Planning & Zoning Director  
**SUBJECT:** Public hearing, discussion and possible adoption of Ordinance No. 2016-115, amending portions of Chapter 18.79 (Sign Standards) of the Sahuarita Town Code by amending Section 18.79.030 (General Development Standards), Section 18.79.040 (Prohibitions), Section 18.79.100 (Permitted Signs by Zone), and Section 18.79.240 (Electronic Message Sign) for the purpose of providing for flexible zoning, providing a new sign type while protecting the Town’s dark skies and providing entities other than public schools a means to provide announcements through signage; and repealing all resolutions, ordinances, and rules of the Town of Sahuarita in conflict therewith.

	<input type="checkbox"/> Economic Development	<input type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Planning for Our Community’s Future
	<input type="checkbox"/> Organizational Effectiveness	<input type="checkbox"/> Quality of Life	<input type="checkbox"/> Other

**GOALS/OTHER:** Goal 2: Facilitate Development Opportunities

**FINANCIAL / BUDGET SUMMARY**

1. Fund(s) Impacted: Not Applicable
2. Available Budget/Project Capacity (\$): Not Applicable

**STAFF RECOMMENDATION**

Adoption of Ordinance 2016-115.

**SUGGESTED MOTION**

**I move to adopt Ordinance No. 2016-115.**

**DISCUSSION**

**BACKGROUND:**

Electronic message signs are currently prohibited within the Town limits, with exceptions for gasoline price and Time and Temperature signs. The Town of Sahuarita has adopted the Outdoor Lighting Code and, due to the proximity of observatories to the Town, is within zone E1b. (See map, Attachment 1 of the Planning and Zoning Commission staff report.) Electronic message signs can contribute to excessive nighttime light and to distraction of drivers.

Over the past few years, the Town has received several requests regarding electronic message signs. These requests have primarily come from local religious facilities, but business owners are also interested. Several of our local schools have electronic message signs, as school districts are exempt from Town Codes. Just as with schools, the religious uses want to allow for changing messages regarding events. Most of the religious uses are located in rural or residential zoning.

Please note that billboards are prohibited in the Town, therefore this code amendment does not provide for electronic message sign billboards.



*The Proposed Amendment*

1. Allows electronic message signs, by right in commercial and industrial zones, with a Type 2 conditional use permit (Planning and Zoning Commission approval required, with public notice and input process) in rural and residential zones.
2. Limits the frequency of message change to once per 30 seconds to reduce distraction for drivers.
3. Continues to require signage lighting to be turned off at 11p.m. unless the business remains open, in which case the lighting output is to be reduced by 50% at 11p.m.

**PLANNING AND ZONING COMMISSION:**

On September 10, 2015, the Planning and Zoning Commission considered this amendment in a noticed public hearing. Several members of the public spoke on the proposed amendment, and there were differing opinions regarding whether or not to support adoption of the amendment. The Commission tabled the item and asked staff to meet with stakeholders and develop a consensus amendment. Staff met with the stakeholder group and was able to reach consensus on a new draft.

The Planning and Zoning Commission held a second public hearing on May 2, 2016, with David Stowell, Assembly of God Church, speaking in favor of the amendment. The Commission did not express any concerns about the amendment as proposed, and recommended adoption of the amendment unanimously in a 6:0 vote (one Commission member was absent).

**OTHER PUBLIC NOTICE AND COMMENT:**

- Planning and Zoning staff routinely involves stakeholders in preparation of zoning code amendments, and for this amendment staff gathered a group of stakeholders to serve as a review group (see Attachment 2 of the Planning and Zoning Commission staff report). An email invitation was sent out to a number of potentially interested individuals and groups, and several responded who were interested in being a part of the amendment process. The Planning and Zoning Commission hearing draft of the amendment was the basis of our discussion at the group meeting on February 29, 2016. The group discussed all of the major points in the draft and came to a consensus on revisions to the draft. Comments received were incorporated into the final draft. The revised draft was sent to the review group on March 25, 2016, with an offer to meet again if there were any questions or concerns. None were received, so the amendment was scheduled for rehearing before the Commission.
- Notice was provided in the Green Valley News on May 25, 2016, and links to the amendment were provided on the Town's website.

**ATTACHMENTS**

1. Ordinance 2016-115
2. Planning and Zoning Commission Staff Report – May 2, 2016
3. Planning and Zoning Commission Meeting Minutes (Draft) – May 2, 2016



## Chapter 18.97 CONDITIONAL USE PROCEDURES

Sections:

### **18.97.010 Purpose.**

### **18.97.020 Definitions.**

### **18.97.030 Procedures and requirements.**

#### **18.97.010 Purpose.**

This chapter provides procedures and standards for the review and approval of conditional uses, as designated within the zoning classifications of this code. Conditional uses provide zoning flexibility, but, due to their potentially adverse impacts, require the site-specific review processes established in this chapter. [Ord. 2015-098 § 1; Ord. 2011-048 § 1; Ord. 2010-39 § 2; Ord. 1995-06 § 2.]

#### **18.97.020 Definitions.**

Certain terms used in this chapter shall be defined, for the purpose of this chapter only, as follows:

A. "Affected property owner" means any owner of property located within the required radius for written notification of public hearing.

B. "Conditional use" means a use which, due to its greater potential for nuisance or hazard than other uses of the zone, has its establishment in a zone conditional upon the procedures and standards of this chapter.

C. "Planning and building director" means a town employee responsible for the planning and building staff and activities in the town and may also be identified by other titles, including "zoning administrator." [Ord. 2015-098 § 1; Ord. 2011-048 § 1; Ord. 2010-39 § 2; Ord. 1995-06 § 2.]

#### **18.97.030 Procedures and requirements.**

A. Scope.

1. A conditional use may be requested by submitting a conditional use permit application to the planning and building department. Issuance of the permit is subject to the requirements of this chapter and any requirements of the zone in which the use is being requested.

2. Application for a permit may only be made by the property owner of the subject property or an agent for the property owner.

B. Staff Consultation. The applicant is advised to consult with town staff concerning potential requirements prior to submittal of the application.

C. Application.

1. The complete application shall include, at a minimum:

a. A legal description of the property;

b. A list, by name and title, of all ownership interest in the property (e.g., individual, corporation, trust or limited partnership), in accordance with ARS [33-506](#);

- c. A letter of authorization for an agent;
- d. Applicable permit fees, in accordance with the adopted conditional use permit fees schedule;
- e. A preliminary development plan in accordance with STC [18.91.030](#) (rezoning), which shall show compliance with all other requirements of the zone in which the use is proposed to be located;
- f. A floor plan detail, when the request pertains to interior access or use.

2. Refer to written departmental policies for application specifics.
3. Incomplete applications shall not be processed.
4. Hearing notification maps shall be prepared only by the planning and building department.

#### D. Conditional Use Permit (CUP) Types.

1. Scope. This subsection establishes the specific procedure types for conditional use applications. The applicable permit procedure shall be referenced after each conditional use in this code.
2. Type 1 Procedure. Administrative review and approval by the planning and building director (see subsection F of this section).
3. Type 2 Procedure. Public hearing, review and approval by the planning and zoning commission (see subsection G of this section).
4. Type 3 Procedure. Public hearing and recommendation by the planning and zoning commission and public hearing and approval by the town council (see subsection H of this section).

#### E. Public Notice.

1. A minimum of 15 days prior to the administrative decision or public hearing, the planning and building department shall provide notice as provided below:
  - a. Posting of the subject property as follows:
    - (1) Type 1 permit process shall require two signs with a minimum sign size of 11 by 17 inches.
    - (2) Type 2 and Type 3 permit hearings shall require a minimum of one four-by-eight-foot sign with public hearing and project information as approved by the planning and building department. In addition to this minimum requirement, parcels with more than one street frontage shall require one additional sign for each adjacent street frontage exceeding 300 feet in length.
    - (3) All signs shall be placed parallel to the roadway and in the most visible location available. The applicant shall be responsible for all costs associated with the posting requirements as well as coordinating the posting. The sign(s) shall be installed on the property no more than 30 days nor less than 15 days prior to the public hearing and the applicant must remove the sign no sooner than 15 days nor more than 30 days after final disposition of the case.

b. Mailing written notice to all property owners within a minimum notification area of 300 feet from the subject property.

2. Failure of Notice. The unintentional failure to give written notice or the unintentional omission of the name of a property owner shall not invalidate an action taken at a hearing.

F. Type 1 Conditional Use Permit Process.

1. Scope. Within 30 days of an accepted application, the planning and building director will make a decision on the merits of the application.

2. Public Notice. Public notice shall be provided in accordance with subsection E of this section.

3. Findings. The applicant must demonstrate that all of the following findings are met:

a. The conditional use complies with the objectives of the general plan or the area plan in which the property is situated;

b. The conditional use conforms to the zoning regulations applicable for that use and the zone in which it is located;

c. The conditional use does not adversely impact adjacent property or the surrounding neighborhood or area, or that such impacts can be substantially mitigated through the use of additional conditions;

d. The conditional use provides for adequate and efficient vehicular and pedestrian access, circulation and parking;

e. The conditional use can be adequately and efficiently served by public and utility facilities and services;

f. The conditional use will meet standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly ash, dust, fumes, vapors, gases and other forms of air pollution, liquids and solid wastes; and

g. Hours of operation will not be detrimental to adjoining residents.

4. The administrator may require that additional information be presented.

5. Decision of the Director. Approval of a conditional use permit shall be subject to the preliminary development plan and any other reasonable requirements deemed necessary by the director. The permit shall not be effective until 30 days after the decision or when all requirements of approval have been satisfied, whichever is later.

6. Findings. A report on the findings of the director and conditions of the permit shall be available for public inspection within five days of the director's decision.

7. Appeals.

a. Any appeal to the planning and zoning commission of the decision or conditions imposed by the director shall be filed within 30 days by the applicant or affected property owners;

b. A public hearing by the planning and zoning commission shall be required in accordance with the procedure set forth in subsection G of this section.

G. Type 2 Conditional Use Permit.

1. Scope. As required by the conditions of a use, a public hearing shall be held by the planning and zoning commission.

2. Recommendation by the Director.

a. The director shall prepare a report for the planning and zoning commission.

b. The report of the director shall, at a minimum:

(1) Classify the request as to its conformance with applicable town land use plans;

(2) Analyze the expected impact of the proposed development on the site and surroundings;

(3) Contain a recommendation to the commission;

(4) Include the comments and conditions, if any, of other affected town departments and public agencies; and

(5) Include comments made after the public notice.

c. The report shall be available for public inspection 15 days prior to the date of the commission's public hearing.

3. The planning commission shall conduct a public hearing.

4. Decision of the Commission. Approval of a conditional use permit shall be subject to the preliminary development plan and any other reasonable requirements deemed necessary by the commission. The permit shall be effective when all requirements of approval have been satisfied.

5. Appeals.

a. Any appeal to the town council of the decision of the planning and zoning commission shall be filed within 30 days by the applicant or affected property owners.

b. A public hearing by the town council shall be required in accordance with the procedure set forth in subsections (H)(4) and (5) of this section.

H. Type 3 Conditional Use Permit.

1. Scope. As required by the conditions of a use, a public hearing shall be held by the town council after a public hearing and recommendation from the planning and zoning commission.

2. Commission Public Hearing. The commission shall conduct a public hearing in accordance with the procedure set forth in subsection G of this section.

3. Transmittal. Within 60 days after the commission public hearing, the planning and building department shall transmit the report and recommendations of the planning and zoning commission to the town council.

4. Town Council Public Hearing. The town council shall conduct a public hearing.

5. Decision of the Town Council. Approval of a conditional use permit shall be subject to the preliminary development plan and any other reasonable requirements deemed necessary by the town council.

I. Development Plan Requirement. An approved development plan in accordance with Chapter [18.71](#) STC (Development Plan Standards) shall be required prior to the issuance of a Type 3 conditional use permit.

J. Time Limits and Time Extensions.

1. Time Limit on Conditional Use Approval.

a. Approval for a conditional use shall expire if conditions of approval are not met, or permits issued for the new use or structure, within 12 months of the date of approval.

b. A new conditional use permit application is required after the expiration of the initial approval, unless a time extension has been granted.

c. Appeal of the decision or conditions imposed shall suspend the running of the time limit during the period of appeal.

2. Extension of Approval Time Limit. A request for a six-month time extension may be made in accordance with STC [18.91.100](#)(C) (Rezoning).

3. Time Limit on Conditional Use Permits.

a. A conditional use permit shall be valid for the duration of the conditional use, provided the use remains in conformance with the terms of approval.

b. If a conditional use is discontinued for more than 12 months, the permit shall be deemed null and void, and reapplication for a new conditional use permit shall be necessary.

c. A conditional use permit may transfer to new ownership or management of property or use, subject to review and approval by the planning and building director. [Ord. 2015-098 § 1; Ord. 2011-048 § 1; Ord. 2010-39 § 2; Ord. 2008-12 § 4; Ord. 1995-06 § 2.]

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