

MINUTES OF THE TOWN OF FLORENCE COUNCIL WORK SESSION HELD ON MONDAY, MARCH 25, 2019, AT 5:30 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Walter called the meeting to order at 5:30 p.m.

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes

Mayor Walter welcomed the Planning and Zoning Commission members present.

WORK SESSION

Ordinance No. 667-18:

Mayor Walter read Ordinance No. 667-18 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND REPEALLING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD).

Mr. Dana Burkhardt, Planning Consultant, provided a memorandum to the Council, which provided additional background in response to questions posed during the Council's first reading of this agenda item on February 19, 2019. Below, please find the Councilmembers questions listed in **bold**, followed by staff research and recommendations shown in *italics*.

- 1) **Councilmember Larsen** – Questioned pg. 16, §150.098 (I) "All signs shall be professionally constructed and installed." Generally, agrees that permanent signs should be professionally made and installed, but questions if it is necessary for banners, grand opening and A-frame signs be professionally constructed and installed? They seem to be a thing someone could be easily hang themselves. Also, §150.099 E.2.h – "A-frame signs must be professionally constructed and maintained in a manner free from chipping paint, cracks, gouges, and/or loss of letters."

Response: Staff proposes to strike and replace the language under Section 150.098(I) with the existing Sign Code language (§150.094 C. - red text added): "All signs shall have a professional appearance and be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of the town codes and ordinances."

Existing A-frame code - §150.119 G.7: "A-frame signs shall be professionally constructed and maintained in a manner free from chipping paint, cracks, gouges, and/or loss of

letters.” Staff is unaware of an issue or complaint with this portion of the current code and recommends the text not be changed.

- 2) **Vice-Mayor Anderson** – Concerned the proposed sign code is too complicated. Request for work session to spend time going through answering specific questions.

Response: Work Session scheduled to review specific areas of concern

- 3) **Mayor Walter** – Explain why we need 33 pages vs. Maricopa’s 2 pages.

See Response to #4, below

- 4) **Councilmember Wall** – reduce size of document, cut out definitions

Response: Staff has analyzed peer community codes and found the following:

<i>Existing Sign Code</i>	<i>21 pages (with definitions, no spacing)</i>
<i>Proposed Sign Code</i>	<i>32 pages (with definitions, spacing)</i>
<i>Maricopa</i>	<i>27pages (without definitions)</i>
<i>Pinal County</i>	<i>29 pages (with definitions)</i>
<i>Gilbert</i>	<i>52 pages (without definitions)</i>
<i>Chandler</i>	<i>31 pages (with definitions)</i>
<i>Coolidge</i>	<i>31 pages (with definitions)</i>
<i>Queen Creek</i>	<i>27 pages (without definitions)</i>

With exception to the Town of Gilbert, the communities who do not include definitions within the Sign Code provide signage specific definitions in the “Definitions” section of the code. Staff finds that sign manufacturing companies are the greatest user of sign codes and benefit from definitions contained w/in the sign code. Sign manufacturers are unfamiliar and have little need for other areas of the zoning code.

- 5) **Councilmember Cordes** – Hard to understand code. Make easier for people to understand.

Response: Work Session scheduled to review areas of concern

- 6) **Public Comment** – Larry Johnson – wrong season to ask businesses to attend meeting, they are busy during the holidays, suggests summer.

Response: There are many ways to review, discuss and submit comments. In staff’s email correspondence with Larry we urged to attend and present at chamber functions, and also provided a link to online documents and explained the comment procedure. This was requested to be shared with the Chamber membership and business community at large.

Council inquired about the following:

- Restrictions and/or limitations on digital signs – need to promote digital rather than restrict it
 - *New Code allows for digital signs (monument and free-standing signs)*

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- *Wall signs are not allowed to be digital*

Vice-Mayor Anderson stated that he does not feel that there should be a restriction on wall signs. He stated that digital signs should be allowed anywhere regular signs are allowed.

- Section 10.6 (page 23) – One digital sign per site

Discussion occurred on the number of signs a business can have.

Mr. Burkhardt stated that they can modify the language to allow for two digital signs if it is a corner lot.

Mr. Billingsley stated that the most municipalities do not allow for multiple digital signs because they do not want their downtown to look like Las Vegas. It is also a public safety concern because too many things distracting people can cause accidents. Most cities do not allow digital signs or severely limit the number of signs.

Discussion occurred on the differences between monument signs, wall-mounted signs, their size, how high they can be displayed and the number of digital signs a business can have.

Mr. Burkhardt stated that monument signs tend to compete with wall mounted signs.

Councilmember Hawkins stated that the Code can be changed to accommodate changes in technology. The Council can also provide a variance, if an issue occurs, to accommodate a business for some type of development that isn't clearly identified in the Town Code.

Mr. Billingsley stated that businesses can apply for the following if they are requesting an exception from the Town Code:

- Variance
- Comprehensive Sign Plan/Package

Discussion occurred on signage on a window, specifically in residential areas.

Mr. Burkhardt stated that window signage is prohibited.

Discussion occurred on signs for grand opening, open house signs and small bandit signs.

Mr. Burkhardt stated that small bandit signs are prohibited. There are very strict restrictions on these types of signs.

Discussion occurred on removal of signs.

Mr. Billingsley stated that signs on Town right-of-way can be removed, others will be removed by going through the legal process.

Councilmember Larsen asked that Page 15 – Exemptions: Item T, Item U and Item F be explained.

Mr. Burkhardt stated that the section refers to large signs placed on vehicles that park in front of the business as additional signage. The section outlines what is and what is not permitted with that in mind. This includes vehicle wraps if they are not parked correctly. People who physically hold signs are exempt.

Discussion occurred on using semi-trucks for signage, interactive signs (digital sign that changes the sign message based on a passing vehicle or person, radar, speed sign or other traffic control signs).

Discussion occurred on signs painted on the water towers. Signs on water towers is not permissible and is a code enforcement issue, nor or signs on fences allowed.

Mr. Billingsley stated that there is a new interactive digital billboard that is being developed that will display messages based on your cellphone history of sites you have visited and items that you searched and/or purchased. This can be problematic because the messages can distract the driver.

Mr. Burkhardt stated that fence signs can be problematic because of weight and the wind load on the fence. There can be significant damage if the fence cannot handle the weight and/or load. He stated that most fences are no higher than four feet in height and do not require engineering. The business could have a sign as long as it has its own support structure. Painting a sign on a brick fence is not allowed under the Code.

Discussion occurred on variances and that there has only been one variance in the last three years. The cost for a variance can cost \$500. The Code has been simplified and allows more than the previous Code allowed.

Councilmember Wall inquired if the comments to the verbiage in the Code will be changed when approved by Council.

Mr. Burkhardt stated that the changes to the verbiage will be included in the amended document, once Council approves.

Ordinance No. 668-19:

Mayor Walter read Ordinance No. 668-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND "PART 7 PARKING; LOADING AND UNLOADING," SECTIONS 150.156 TO 150.167 (CASE PZ 18-34 ORD.) (Dana Burkhardt) (Public Hearing and First Reading held February 19, 2019, second reading held March 4, 2019)

Mr. Burkhardt, Planning Consultant, provided a memorandum to the Council, which provided additional background in response to questions posed during the Council's first reading of this agenda item on February 19, 2019. This item will come again before the Council on May 4, 2019.

Below, please find the Councilmembers questions listed in **bold**, followed by staff research and recommendations shown in *italics*.

7) **Vice-Mayor Anderson** – This amendment provides no requirement for number of ingress and egress to a development.

Response:

2006 Fire Code Chapter 5 provides for "Fire Apparatus Access Roads"

Section 502.1 Definitions

"Fire Apparatus Access Road" is a road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Section 503 – Fire Apparatus Access Roads

Section 503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Section 503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

In summary, when exterior portions of a structure are greater than 150 feet from a roadway or fire access road/route, the fire marshal is authorized to require more than one fire apparatus access road based on the potential for the primary vehicle ingress/egress to become inaccessible for any reason.

a. Stated that (§II.E) bituminous material and binder paving (aka wrap) as listed, may have recycled materials such as gas, oil and other environmentally hazardous materials and cause a negative environmental impact

Response: Staff proposes the following revision to Section II.E –

*(E) All parking and loading spaces, maneuvering areas, driveways and fire lanes shall be paved with asphaltic concrete; pavers; cement concrete; ~~penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate;~~ and/or a stabilization method approved by the Town **Engineer**. Through the site plan and design review process, the Town may permit up to 20 percent of the required parking to be of a pervious surface to reduce heat-island and run-off effects. All parking surfaces must be designed to a sufficient thickness to withstand repeated vehicular traffic and receive approval from the Town Engineer.*

b. §III.(B) – States the Town cannot hold the lessee accountable, it has to be the property owner.

Response: The existing code text states “it shall be the joint and separate responsibility of the lessee and owner of the principal use...” I agree with text as written to notify and bring to the attention of both parties. A tenant / lessee should be notified of any potential violations on the property they occupy in hopes to expeditiously remediate the violation. Staff is aware that the property owner is ultimately the subject of the violation and any ensuing penalties. However, providing the lessee with notification of a violation may gain compliance should the violation be due to their use of the property. Inversely, if the violation is the cause of the owner’s negligence, lessee may be affected and motivated to assist in remediating the violation.

c. Where is “grandfathered” defined?

Response: “Grandfathered” is a general term used to denote a pre-existing use or structure that was lawfully established under a prior code, and is no longer lawfully permitted under the current codes or ordinances. Another way we say this is “Legal non-conforming” use or structure, meaning it is a lawfully permitted structure or use established under a previous code at a time when the structure or use was permissible, but due to changes in development standards or codes, would not be permitted under the current code. The administrative section of the Development Code prescribes how these legal non-conforming uses and structures are treated should the owner wish to modify or expand the use or structure under the current codes:

§ 150.005 COMPLIANCE.

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land shall be located, with the exception of the following:

(A) Uses lawfully established as of the effective date of this comprehensive amendment;

d. Why not have a separate code for all of these definitions?

Response: Aside from the existing and proposed Sign Codes, the second section of the Development Code / Zoning Ordinance establishes 150.031 “Definitions”, which applies to the code in its entirety, unless otherwise specified.

e. Change name on list of uses “Church” to assembly buildings or something else

Response: Staff has reviewed peer community codes and found the following:

<i>Existing Code –</i>	<i>Church; Place of Worship or Religious Assembly (Medical Mar.)</i>
<i>Proposed Code –</i>	<i>Church; religious facility</i>
<i>Maricopa –</i>	<i>Church; Religious Facilities</i>
<i>Pinal County –</i>	<i>Church; Religious Facilities</i>
<i>Gilbert –</i>	<i>Place of Worship</i>
<i>Chandler –</i>	<i>Churches; Places of Religious Worship; Religious Facilities</i>
<i>Queen Creek –</i>	<i>Religious Assembly; Religious Institutions</i>

The existing Development Code has several references to the term "Church" as a use in various areas of the code. Amending the parking code reference of "Church" would create an inconsistency with the remaining Development Code. Staff is in process of preparing an overall "clean-up" of the Development Code, including addressing conflicts of terminology for uses. Staff recommends addressing this change in terminology with the overall clean-up of the Development Code to ensure all references are used consistently.

- 8) **Councilmember Larsen – §III.C.1 requires a 3' screen wall to screen parking areas from the street and adjacent residential development. Why require berms and screen walls adjacent to parking areas? Is this a code we are enforcing and why do some developments, such as Safeway and the Grille not have a screen wall?**

Response: Yes, Staff enforces the Development Code. Staff recommends retaining the current text requiring screen walls for parking areas. A review and comparison with peer communities is as follows:

Existing Code –

Requires parking areas to be screened from streets and residences by a 3' wall or wall in combination with earthen berms, and landscape is required.

Proposed Code –

No change from existing code

Maricopa –

Required 3' to 3.5' with combo of berming and vegetative materials. The code is involved, Refer to Section "Screening" 401.11 E. for additional details

Pinal County –

Section 2.140.030

B. Where a parking area for a business or industrial use adjoins or is within a residential zone, there shall be a solid wall of masonry or other approved fireproof material, at least four feet in height, along the boundaries adjoining residence lots, except that adjoining the front yard of a residence lot, said wall shall be three feet six inches in height.

C. Anywhere a wall is required, a minimum landscaped yard of five feet shall be provided between the wall and the parking area.

Gilbert –

Section 4.2012 Screening, Landscaping and Lighting

A. Screening. Parking areas, automotive fuel pump islands, and parking access aisles parallel to and within 75 feet of rights-of-way shall be screened from view from those rights-of-way, public parks and public buildings by fences. Landscaping or berming may substitute for fences up to a maximum of 25 percent of the length of the fence.

(See entire code for additional standards)

Chandler –

Section 35.1903 – Landscaping

(c) 8. *Parking lot screening: When parking areas abut a front yard or road frontage landscaped area, such parking area shall be screened with a decorative masonry wall(s) and earth berm(s) ranging between thirty (30) and forty-two (42) inches in height. Horizontal and vertical variation in the design of screening wall is required whenever linear alignments exceed eighty (80) feet.*

Tree, shrub and ground cover planting shall be as required in paragraph 5., "Front yard/street right-of-way areas," listed above.

Queen Creek –

See "Fencing and Walls" Section 5.2 D.3 - Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles. Parking lot screen walls shall also be subject to the design provisions set forth in Section 5.2.A.15 & 16 above.

- a. Concern over cost to construct a parking lot screen wall on sites with a long frontage. Seems to be a potential financial burden to the developer.**

Response: Per the above research and industry experience, parking lot screening and landscaping is common place and a widely accepted cost of development.

Councilmember Hughes inquired about Section IV. Parking Standards for Single Family and 2-Family Residential Uses, Subsection C. Recreational Vehicle Storage. Recreational vehicles, boats, and trailers shall be stored behind a solid six-foot wall with view obscuring gates.

Mr. Burkhardt stated that RVs may be located in front of a wall for a period not to exceed 72 hours for the purpose of preparing for travel or prior to storage. She stated that chain link fences are allowed in the downtown area.

Mr. Burkhardt stated that the purpose is to screen the unit from the residents and the surrounding uses. RVS currently parked in the backyard are grandfathered. Vehicles cannot be parked in the street or the right-of-way.

Discussion occurred on the questions posed by Council and an overview of the responses presented in the memorandum.

Discussion occurred on what category different businesses fall under and how the Code would be applied in various scenarios.

Mr. Billingsley stated that there is a formula used to determine parking spaces required based on occupancy. He stated that there are areas that have been grandfathered and have parking issues.

Councilmember Hawkins stated that the Town is transparent, and the Council is open to public comments or suggestions. He would hope more of the public would attend the public meetings.

MANAGER'S REPORT

There was no Manager's Report.

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL – CURRENT EVENTS ONLY

Councilmember Larsen requested to review the variance fees as she felt the cost is high. She stated that if any Councilmembers have questions, it is great to ask them publicly as the public may have the same questions.

Councilmember Hawkins invited everyone to the GI Bill 75th Anniversary Celebration on March 30, 2019.

Mayor Walter stated that March 30, 2019 is opening day for Little League as well as Community Emergency Response Training at various locations throughout Florence.

Mayor Walter stated that Hurts Donuts will be visiting Florence on March 27, 2019. The money raised will be donated to a young girl who is fighting cancer in our community.

Mayor Walter thanked the Florence Women's Club for their fashion show and the Florence Fire and Police Officers escorted the ladies down the aisle. The money raised will go towards scholarships. She also thanked the Florence Teen Council for their help at the fashion show.

ADJOURNMENT

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes, and carried (7-0) to adjourn the meeting at 6:40 pm.



Tara Walter, Mayor

ATTEST:



Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on March 25, 2019, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk

