Call to Order

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

Roll Call

Invocation

Pledge of Allegiance

Item 1 Acceptance of the Agenda

City Manager’s Report: Upcoming Meetings, Bid Openings and Bid Awards

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Regular Meeting Minutes of February 14, 2019

Item 2.2 Resolution 2019-018, Appointment of Kathleen Calabrese and Larry E. McKim to the West End Commission, said terms expiring on December 31, 2020

Public Hearing

Item 3 Resolution 2019-019, Development Code Amendments-Architectural Design Standards Article 151.02, Definitions, Section 151.03.006, Development Review Committee, Article 151.20, Architectural and Design Review; Article 151.30, Appeals and Variances and Declaring a 30-day public Comment Period

Item 4 Resolution 2019-020, Amendments to City Code of Ordinance-Parking Regulations on Public Roadways Chapter 71, Parking and Declaring a 30-day public Comment Period

New Business

Item 5 Ordinance 2019-001, Rescinding City Code Title III, Chapter 41: Expense Allowance; Reimbursement; Financial Disclosure from the Sierra Vista Code of Ordinances

Call to the Public

Comments and Requests of the Council

Adjournment

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.
Mayor Mueller called the February 14, 2019 City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:
Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:
Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Brian Jones, Interim Fire Chief
Adam Thrasher, Police Chief
Laura Wilson, Leisure and Library Services Director
Matt McLachlan, Community Development Director
Sharon Flissar, Public Works Director
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Tony Boone, Economic Development Chief Officer
Linda Jones, Management Analyst
Judy Hector, Marketing and Public Affairs Chief Officer
Adam Curtis, Marketing Support Specialist
Rob Hinderer, Leisure Services Manager
Abe Rubio, Information Technology Chief Officer

Invocation – Reverend Chuck Carlson, Sierra Vista Community Church, led the Council and those present in prayer.

Pledge of Allegiance - Council Member Wolfe led the Pledge of Allegiance.

Mayor Mueller thanked Reverend Carlson for his good words and Council Member Wolfe, both for their service to the community. He announced that in 1912 Arizona became a state on February 14, wished everyone a Happy Statehood Day and Valentine’s Day. He also commented that he was well taken care of both at Canyon Vista Hospital and Cochise Oncology as well as good minister visits. He added that he is doing very well and is confident that he will lick what is left of his cancer journey. He further added that he can rely on City Council, the management team and professionals on City staff to make sure that there is not a missed beat in the service to the community, whether he is present or not, which was proven during the week that he was in the hospital because most people did not have a clue. In closing, he thanked staff and everybody for all of their prayers and well wishes.
Item 1 Acceptance of the Agenda - Umphrey

Council Member Umphrey moved that the agenda for the Regular City Council Meeting of February 14, 2019 be approved. Council Member Calhoun seconded the motion. The motion unanimously carried, 7/0.

Awards and Presentations

Sister Cities Association Youth Presentation

A Student Exchange Presentation was conducted by Jayden Brown, Maggie Yarbrough and Jonathan Sibley on their visit to Germany (report on file with the City Clerk).

Mayor Mueller thanked the students for being great ambassadors for the City and noted that this is a worthwhile program for the City to participate in. He also thanked the Sister Cities Association for all of the great work that they do in sponsoring this so that the community's students, future citizens can be more exposed to what is going on in the world.

Council Member Umphrey stated that it was a great presentation and thanked the students for sharing their experience and noted that she hopes that her children, who are studying German, will be able to participate in the future.

City Manager's Report: Mr. Potucek announced that the City Offices will be closed on Monday, February 18, 2019 in observance of Presidents’ Day. The next regularly scheduled work session is scheduled for 3:00 p.m. in the City Manager's Conference Room on February 26, 2019 that will feature presentations by Public Works on transit and street maintenance. He then reported that the City’s Crack Sealing and Patching Project was published on January 27 through 31, 2019, with bids being due on February 28, 2019 at 12:00 PM at the Procurement Lobby located at City Hall. The Library Concessionaires Café Project was published February 10 through 14, 2019 and a pre-proposal meeting has been scheduled for March 21, 2019 with those bids due and scheduled to be opened March 14, 2019. The Asphalt Repair Services is scheduled to be published on February 15 through 20, 2019, with bids being due on March 13, 2019. In closing, Mr. Potucek stated that the Development Impact Fee Study Consultant bid closed on January 25, 2019 and that those bids are currently being evaluated.

Old Business

Item 2 Resolution 2019-011, Declaring the necessity for and the expansion to the West Sierra Vista Redevelopment Area

Mayor Pro Tem Gray moved that Resolution 2019-011, declaring the necessity for and the expansion to the West Sierra Vista Redevelopment Area, be approved. Council Member Calhoun seconded the motion.

Mr. McLachlan stated that resolution proposes to expand the redevelopment area by 29 acres as depicted on Exhibit A. The Findings of Necessity Study was presented at a public hearing during the last Council Meeting and it was determined through that Study that a preponderance of the properties exhibit one or more of the statutory factors necessary to designate the expansion area as a redevelopment area. The boundary was drawn in consultation with the property owners, no additional comment has been received and if Council adopts the resolution,
staff will proceed to amend the Redevelopment Plan to address the expansion area. Hearing on that item will occur before the Planning and Zoning Commission on March 5, 2019 and be brought back to Council on March 14, 2019.

Mayor Mueller noted that this item has been presented a couple of times and asked if there are any questions/concerns.

Council Member Wolfe stated that she will be recusing herself from the vote since her property is included within the proposed area.

The motion passed, 6/0. Council Member Wolfe abstained.

**Item 3 Consent Agenda**

**Item 3.1** Resolution 2019-014, Appointment of Anastasia Dean to the Arts and Humanities Commission, said term to expire December 31, 2020

**Item 3.2** Resolution 2019-015, Appointment of Steven Miller to the Planning and Zoning Commission, said term to expire December 31, 2020

Council Member Calhoun moved that the Consent Agenda consisting of Resolution 2019-014, appointment of Anastasia Dean to the Arts and Humanities Commission and Resolution 2019-015, Appointment of Steven Miller to the Planning and Zoning Commission, be approved. Mayor Pro Tem Gray seconded the motion. The motion unanimously carried, 7/0.

Mayor Pro Tem Gray noted that Mr. Miller is present and he recently spoke to the Planning and Zoning Commission and although, he is new to the area, he is jumping in with both feet and so she would like to publicly thank him. She added that Ms. Dean is also present. Mayor Mueller thanked them both for their service.

**New Business**

**Item 4** Approval of the City Council Special Meeting Minutes of January 24, 2019

Council Member Benning moved that the City Council Special Meeting Minutes of January 24, 2019, be approved. Council Member Calhoun seconded the motion. The motion carried, 5/0, Council Member Calhoun and Mayor Mueller abstained.

**Item 5** Approval of the City Council Regular Meeting Minutes of January 24, 2019

Council Member Pacheco moved that the City Council Regular Meeting Minutes of January 24, 2019, be approved. Mayor Pro Tem Gray seconded the motion. The motion carried, 6/0, Mayor Mueller abstained.

**Item 6** Resolution 2019-016, Interagency Governmental Agreement with the Town of Huachuca City for Animal Care Services and declaring an emergency

Council Member Wolfe moved that Resolution 2019-016, Interagency Governmental Agreement with the Town of Huachuca City for animal care services and declaring an emergency, be approved. Council Member Benning seconded the motion.
Ms. Yarbrough stated that in December, Huachuca City suffered the misfortune of both a fire and flood at their animal shelter, which made it uninhabitable and unusable. Huachuca City approached Sierra Vista and asked if the City would be willing to help them out by accepting their animals at the City's animal shelter. The agreement proposed would accomplish that.

In 2019, their shelter accepted 50 dogs and 13 cats from its residents and those that were picked up inside their city limits. It would not present a burden or hardship upon the City's shelter and the agreement establishes the terms and costs at which Sierra Vista would accept these animals.

Council Member Calhoun asked if this will get dicey if an animal gets picked up outside of Huachuca City Limits; but belongs in a home in the city limits of Huachuca City. Ms. Yarbrough explained that the animal control officers with Huachuca City will not pick up animals outside of the city limits of Huachuca City. Those animals would be picked up by the County and would go to another animal shelter within the County, where hopefully the resident would be able to go there and pick up the animal. If the animals are micro chipped, they are scanned and the owner is contacted.

Council Member Calhoun stated that this clarifies another point that she was asked about and that is that Huachuca City Animal Control will be picking up the animals and not Sierra Vista Animal Control. Ms. Yarbrough stated that she is correct.

The motion unanimously carried, 7/0.

**Item 7 Resolution 2019-017. Approval of a Memorandum of Understanding with the Town of Huachuca City to provide human resources support**

Council Member Umphrey moved that Resolution 2019-017, approval of a Memorandum of Understanding with the Town of Huachuca City to provide human resources support, be approved. Council Member Calhoun seconded the motion.

Ms. Yarbrough stated that Huachuca City is also experiencing a human resources situation that would benefit from an impartial third party evaluation. Huachuca City has asked for the City's Human Resources assistance. As requested during the Council Work Session on February 12, 2019, the Memorandum of Understanding was revised to reflect that the City's Human Resources staff would track their time individually and be charged at their individual rates.

The motion unanimously carried, 7/0.

**Call to the Public**

Michael DeCarlo stated that government is square and life is circular; but since there cannot be trust in that everyone will get along, there has to be government to maintain order. He also suggested that people take the time to research the gold fringe along the outside of the state and city flags, the Cobra effect, the One Hundred nautical constitution free zone, the Hegelian and dialectic, Occam's razor and gaslighting. He then talked about recycling and refuse issues in the City and suggested using both cans for trash pickups and having trash picked up once a week.

Mr. DeCarlo asked that with regard to procedures and policies that the NCIC data base audits done by the Police Department be given to Council and located to the public on a monthly basis.
This way the public can be sure that their privacy is not being violated because the City has created an unelected bureaucrat and if every police officer is a sensor then his authority has been expanded beyond the County's range, let alone the City's as it is 33 miles from the Gate to the County line. He then mentioned the State of the State Address by the Government, proposing to get rid of immunities for politicians, water for Phoenix, Lake Meade and reducing the prison populations along with the farm bill and opportunities zones, Fry Boulevard, the hospital and road down to the river where no one lives. He then asked if the Vista News Circular could include the public meetings and if the Council, during their strategic planning, could look at Vista 2030's State's requirement with regard to elements for cities with Sierra Vista's population. He asked that Council focus on the land use, transportation circulation, growth, environmental, cost of development and water resources because those are the things that the City will get support from the State.

**Comments and Requests of the Council**

Council Member Benning stated that he had the pleasure of attending a breakfast for the Youth of the Year for the Boys & Girls Club of Sierra Vista and noted that after listening to four young adults, it moved him so he asked them to be present to introduce them. Aqib, Youth of the Year, who won $500 will compete against other Boys and Girls Club members in the State. Jayden, Cindy and Jessica were also nominees and Detric, Jay and the rest of the staff do amazing stuff and he wanted to publicly thank them. He then wished a Happy Birthday to Arizona, welcomed Mayor Mueller back and announced the County Spelling Bee scheduled for Saturday, February 16, 2019 at Cochise College and the Teacher of the Year Award scheduled for April 12, 2019. In closing, he encouraged people to nominate their favorite teacher.

Council Member Wolfe thanked the Sister Cities Association for a great program and for helping the children expand their horizons, the new commissioners and wished everyone a Happy Valentine's Day.

Council Member Pacheco stated that she was thrilled to see so many youth present and encouraged them to join the Youth Commission. She noted that the Sisters Association does a great job and added that it is good to see the City's youth is getting a broader perspective on the happenings in other parts of the world. She also voiced her pleasure at Council passing the two resolutions for assistance to Huachuca City and in playing a part at being a good neighbor because it is important to practice that principle. She then welcomed the new commissioners and thanked them for their willingness to serve on a City Commission. In closing, she wished a Happy Birthday to Arizona and welcomed back Mayor Mueller.

Council Member Umphrey welcomed the new commissioners and stated that the Arts and Humanities Commission will be happy to see their new commissioner so that they can have a quorum next month, noted that Mr. Miller is a perfect fit for the Planning and Zoning Commission as she was present at the Planning and Zoning Meeting and heard him speak, which pleases here to know that he is already so invested into the community. She then thanked all of the department heads for what they do and in taking time out of their schedule to meet with the new Council Members to brief them. In closing, she announced that the Fifth Annual Youth Arts Festival is scheduled for Saturday, February 23, 2019 at Cochise College from 10:00 a.m. until 3:00 p.m., which will include a bunch of activities, performances and take-home projects for the whole family, geared towards children ages five to 13 years old.
Council Member Calhoun concurred with the previous Council Members' statements, announced that there are three more commissioners needed for the Commission on Disability Issues and wished everyone a Happy Valentine's Day.

Mayor Pro Tem Gray echoed the sentiments of the Council Members about the commissioners that are coming on board, the Sister Cities Students, which always impress her because they are very composed in speaking to Council. She then reported on a meeting that she attended along with Ms. Yarbrough, Mr. Potucek and the Director of Installation Management Command of Training, who talked about the partnership with Fort Huachuca. His statement about the great partnership between the City and Fort speaks very highly of the staff's proactive approach and the Mayor's visits to the Fort to make sure that the City's issues are known and to let them know that the City can help. In closing, she wished a Happy Valentine’s Day and a Happy Birthday to Arizona.

Mayor Mueller voiced his appreciation towards staff and noted that the illustration that Council Member Umphrey made about the staff's great job in preparing the new people on Council and incumbents to be prepared for their discussions for the next week bodes well for the future. He then reminded everyone that it is a long weekend and that means that there is going to be people travelling and there will be a potential for unsafe acts on the road. He cautioned people to be safe as State Police and others will be checking for people that are operating vehicles under the influence.

Adjournment

Mayor Mueller adjourned the February 14, 2019 meeting of the Sierra Vista City Council at 5:46 p.m.

____________________________
Mayor Frederick W. Mueller

Minutes prepared by:          Attest:

____________________________        _____________________________
Maria G. Marsh, Deputy Clerk     Jill Adams, City Clerk
MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
        Victoria Yarbrough, Assistant City Manager
FROM: Matt McLachlan, AICP, Director
        Staff Liaison, West End Commission
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
         RESOLUTION 2019-018
         Appointment to the Sierra Vista West End Commission

INITIATED AND RECOMMENDED BY:
Sierra Vista West End Commission

BACKGROUND:
The West End Commission has two vacancies. The West End Commission
recommends that Kathleen Calabrese and Larry E. McKim be appointed for a term
expiring on December 31, 2020.

BUDGET APPROPRIATION:
Not applicable.
WHEREAS, on August 7, 1997, the City Council established the Sierra Vista West End Commission by Resolution 3843; and

WHEREAS, two vacancies exist on the Sierra Vista West End Commission due to the expiration of terms; and

WHEREAS, it is the settled policy of the City Council to fill vacancies on boards and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THAT:

SECTION 1

The City Council reaffirms its settled policy, most recently reaffirmed, on appointments to boards and commissions.

SECTION 2

The City Council hereby appoints Kathleen Calabrese and Larry E. McKim to the Sierra Vista West End Commission, said term to expire December 31, 2020.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:  ATTEST:

NATHAN J. WILLIAMS    JILL ADAMS
City Attorney          City Clerk

PREPARED BY:

Matt McLachlan, AICP
Community Development Director

RESOLUTION 2019-018
PAGE TWO OF TWO
City of Sierra Vista
1011 North Coronado Drive, Sierra Vista, Arizona 85635
520/458-3315 - fax 520/458-0584 - www.ci.sierra-vista.az.us

APPLICATION TO CITY BOARD/COMMISSION

DATE: Jan 7, 2019

BOARD/COMMISSION: West End

NAME: Kathy (Kathleen) Calabrese

E-MAIL ADDRESS: kathy_calabrese@gmail.com

ADDRESS: ___________________________ CITY: S.V. ZIP: 85635

MAILING ADDRESS: Same

CITY RESIDENT? Y REGISTERED TO VOTE IN CITY? Y

EDUCATION: B.S in Business Admin, Marist College Poughkeepsie, NY

OCCUPATION: Executive Director Good Neighbor Alliance

PROFESSIONAL/COMMUNITY ACTIVITIES: Member S.V. Car Club, Former Retarian, have worked with the City of SV in my role as ED of GNA for 17 years, Working on ending homelessness in Cochise County/Sierra Vista and active at state level of Arizona Dept of Housing and AHCCCS.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: I have had the pleasure to increase the quality of life of our homeless neighbors which impacts community at large. My husband and I relocated to SV in Dec 2017 so I am now eligible to join the West End Commission.

REFERENCES: 1. Fr Greg Adolf

2. Bradley Roland

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

Kathleen Calabrese

(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office – 08/29/05
City of Sierra Vista
1011 North Coronado Drive, Sierra Vista, Arizona 85635
520/458-3315 - fax 520/458-0584 - www.ci.sierra-vista.az.us

APPLICATION TO CITY BOARD/COMMISSION

DATE: 7 Nov 2018

BOARD/COMMISSION: West End Commission

NAME: Larry E. McKim

TELEPHONE: (ONE PER FORM)

E-MAIL ADDRESS: 

ADDRESS: 

CITY: Sierra Vista ZIP: 85635

MAILING ADDRESS: SV, AZ 85636

CITY RESIDENT? Yes REGISTERED TO VOTE IN CITY? Yes

EDUCATION: BS in Management

OCCUPATION: Retired 70+ years of the Infantry

PROFESSIONAL/COMMUNITY ACTIVITIES: Past Chief of Post 472 American Legion of Sierra Vista, VC current Vice Chairman.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: Live 2nd volunteer in West End

REFERENCES: 1. Clarence "Shady" Larson (NAME) (ADDRESS) (PHONE)

2. Stuart Carter (NAME) (ADDRESS) (PHONE)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

(PARTICIPANT'S SIGNATURE)

Please return completed application to the city clerk's office – 08/29/05
February 28, 2019

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP Community Development Director
Jeff Pregler, AICP, Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT DECLARING A 30-DAY PUBLIC RECORD PUBLIC HEARING Resolution 2019-019 Proposed Development Code Text Amendments- Architecture and Design Review Article 151.02, Definitions Section 151.03.006, Development Review Committee Article 151.20, Architecture and Design Review Article 151.30, Appeals and Variances

REQUESTED ACTION:

Approval of Resolution 2019-019, Declaring as Public Record text amendments to the Sierra Vista Development Code as shown on Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended approval with a vote of 5-0.

APPLICANT:

City of Sierra Vista

BACKGROUND:

The image and character of the built environment are important components to economic development. Creating an aesthetically pleasing development which includes diverse building forms and site improvements which complement the visual, physical, social, and functional components of the City encourages increased investment and provides a sense of community pride.
One approach to enhance the image and character of the City is to establish architectural and design standards that reflect the visual desires of the City. To ensure these goals were achieved, the City adopted Architectural and Design Guidelines ("Guidelines") in 2009 which were applicable to commercial development. In addition, Development Code Article 151.20, Architecture and Design Review was created that provided for a review process for the "Guidelines".

Since 2009, compliance with the "Guidelines" has been a requirement of all commercial site plan submittals and has been effective in enhancing the visual aesthetic of commercial buildings. However, there have been some recent concerns from the development community about the applicability and impracticality of the "Guidelines". In addition, staff has recognized the difficulty in enforcing the "Guidelines" without any objective criteria. For these reasons, amendments to the Architectural and Design Review language is necessary.

The Planning and Zoning Commission held two work sessions on the proposed amendments. The first work session was held on September 18, 2018; the second work session was held on December 4, 2018. The Commission unanimously approved the amendments 5-0 at their February 5, 2019 meeting. The discussion and commitment of the Commission was invaluable to the process, and their recommendations have been integrated into the proposed language. The Commission's recommendations have been attached as a separate sheet called P&Z Commission Text Amendment Recommendations.

ANALYSIS

As stated previously, enforcement of the design guidelines is difficult with the currently written language in the "Guidelines" document. Therefore, one of the first changes was to eliminate the "Guidelines" document as an enforcement document and to write objective standards within Development Code Article 151.20, thereby not only consolidating all aspects of design review within one document, but also strengthening the enforcement process. The function of the "Guidelines" document will now function as a supplemental document which is complementary to the architecture and design standards in Article 151.20.

Another proposed change is the format and layout of the design standards, which now allows the developer to choose from a selection of options to implement within the project. According to the proposed language, the developer is required to meet the Facade Materials and Building Color design standards and then has the option of selecting at least three of the remaining six design standards to incorporate into the development which include Building Scale, Building Massing, Roof Form, Location and Orientation of Building Entrances, Windows, and Site Design. The advantage of using this format is that it provides design flexibility and allows the developer to determine which standards will be most beneficial to the development. At the work sessions, the Planning & Zoning Commission recommended that the facade coverage area on buildings be determined based on the zoning district and the adjacent street classification. The Commission also recommended that there be no limitations on building colors for West End buildings to allow for artistic creativity and vibrancy. Both of these recommendations have been included in the proposed draft language.

An additional proposed amendment identifies the Director of Community Development as the review authority replacing the Architectural Review Committee. However, the Commission recommended that there be a separate review authority and process for developers that want to waive certain architectural and design standards. Therefore, the Development Review
Committee (DRC), which currently reviews and approves all commercial site plans was designated as the waiver review authority. The DRC will hear appeals and make decisions based on objective criteria as proposed in the Development Code. The proposed language also states that any appeals from the Development Review Committee decision shall be heard by the Hearing Officer. Therefore, although the proposed architectural and design language are required standards, there is flexibility built into the review process.

Additional amendments include specifying the developments which are subject to the architectural and design review process, which include new commercial buildings, new site development, and exterior structural modifications to existing buildings. The proposed language also clarifies and simplifies the submittal and review process.

PUBLIC COMMENTS

The City placed an ad in the newspaper which described the amendments and provided the date and time of the public hearings. The amendments are also posted on the City website for public viewing. No public comments have been received regarding the amendments.

Attachments:
Resolution
P&Z Commission Text Amendment Recommendations
Exhibit A, Proposed Text Amendments
A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING A 30-DAY PUBLIC RECORD PERIOD FOR AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN IN EXHIBIT A, ATTACHED HERETO; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with established policy and development code procedures, the City of Sierra Vista has proposed text amendments to the following Development Code Articles and Sections; Article 151.02, Definitions; Section 151.03.006, Development Review Committee; Article 151.20; Architecture and Design Review; Article 151.30, Appeals and Variances; and

WHEREAS, Article 151.31 of the Development Code requires that the City Council review and decide on all applications for text amendments; and

WHEREAS, per Article 151.31, the Planning & Zoning Commission recommended approval of the amendments to City Council; and

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City’s Development Code shall be declared a matter of public record for a period of 30 days prior to being passed and adopted by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1
The policy of the City of Sierra Vista declaring proposed text amendments to the Development Code as a public record be, and hereby is, reaffirmed.

SECTION 2
That the certain document entitled Exhibit A, proposed amendments to Development Code attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a 30-day public record.
SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.


FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

NATHAN WILLIAMS
City Attorney

ATTEST:

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner
The code citations below indicate the location of the P&Z code recommendations from the September 18 and December 4 work sessions:

**Section 151.03.006, Development Review Committee**

(A) "The Committee shall hear and consider all development related documents as stated in 151.03.006(C)"

(C)(3) "Hear and consider all waivers to the Architectural and Design Standards as defined in Section 151.20.006."

(G) "Any action of the Committee carried out pursuant to this Article may be appealed as provided by Article 151.30."

**Article 151.20. Architecture and Design Review**

Section 151.20.006(A) Facade Materials
Page 151.20-5 (Sections a, b, c, d)

a. Project located within a commercial zoning district and adjacent to collector or arterial roadway shall require that 75 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

b. Project located within a commercial zoning district and adjacent to local roadway shall require that 50 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

c. Project located within a industrial zoning district shall require that 25 percent of the building wall visible from a public right-of-way include an approved facade material.

d. Project located within a residential zoning district shall require that 50 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

Section 151.20.006(B)(3) Architectural and Design Review-Building Color

Page 151.20-6-"For buildings located within the West End, there shall be no limitations on building color."
Article 151.20, Appeals and Variances

Section 151.30.003(A), Powers and Duties of the Hearing Officer-

Page 151.30-2-"Hear and decide appeals where it is alleged that there is error in any order, requirement or decision made by the Director of Community Development or the Development Review Committee in the enforcement of the Code."

Section 151.30.008.(A), Appeals, Hearing and Stay of Proceedings-

Page 151.30-8-"Appeals to the Hearing Officer concerning interpretation or administration of this Code may be taken by any person affected by any decision on the Director of Community Development or the Development Review Committee."
ARTICLE 151.02
DEFINITIONS

Section 151.02.004
Definitions

**Architectural Feature** – A prominent or significant part or element of a building or site. Architectural features may include special lines, massing, projections, recesses, and texture.

**Articulation** – Describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.

**Brick** - A masonry unit made of clay, formed into a rectangular prism.

**Building Elevation** – The horizontal view and measurement of a side of a building.

**Building Mass** - The three dimensional bulk of a building which includes the height, width, and depth.

**Building Scale** - Building scale refers to building elements and details as they proportionally relate to each other and to humans.

**Concrete Masonry Units (CMU - Ground Faced, Split Face and Standard):** - A precast masonry unit of portland cement, fine aggregate, and water, molded into various shapes. The description refers to the finish on the face of the unit.

**Context** – Factoring the existing built environment into the design of a building.

**Cornice** - A molded and projecting horizontal feature that crowns a facade or divides it horizontally for composition purposes.

**Eave** – The horizontal or downward projecting overhang at the lower edge of a roof.

**Expression Line**- A horizontal linear element extending across a facade evidenced as a noticeable difference of projection or recess, change of color or material, or identified as a clear architectural feature of ornamentation such as a cornice.

**Fenestration** - The arrangement and design of windows and other openings on a building's facade.

**Human Scale** - Used to describe the quality of a building that includes structural or architectural components of size and proportions that relate to the human form and/or that exhibits through its structural or architectural components the human functions contained within.

**Module** - An arbitrary unit adopted to regulate the dimensions, proportions, or construction of the parts of a building.
**Muted Color** – Subdued or softened color.

**Opaque** – Impervious to light.

**Portico** – An exterior porch or walkway with a roof typically supported by columns, often leading to the entrance of a building.

**Rhythm** – Reference to the regular or harmonious recurrence of lines, shapes, forms or colors, incorporating the concept of repetition as a device to organize forms and spaces in architecture.

**Split-Face Block** – Concrete masonry unit with one or more faces having a fractured or roughened surface. Used in masonry wall construction.

**Strap Work** – A type of ornamentation imitating pierced and interlaced straps or bands, usually forming a geometric pattern.

**Stucco** – A course plaster applied in a static state to form a hard covering for exterior walls.

**Textured Pavement** – The application of imprinted or applied roughened or altered materials that serve to emphasize a change of treatment from regular surfacing.

**Veneer** – A thin surface layer, as of finely grained wood, or a decorative facing such as brick, stone, or metal applied to the base of an inferior material.
Section 151.03.006
Development Review Committee

A. **Creation.** The Committee shall **hear and consider all development related documents as stated in 151.03.006.(C)** review site plans and subdivision plats.

B. **Meetings.** The Committee shall meet, when necessary, at a specified time and place. All meetings shall be open to the public. Minutes of the Committee's proceedings shall be kept as a public record. The City shall forward a brief status report of the Committee's actions to the Council and the Commission once a month.

C. **Powers and Duties.**

1. The Committee shall have the power to **approve or disapprove all site plans submitted under the requirements of Article 151.18.003.**

2. The Committee shall **review and recommend to the Commission and Council the master plan and subdivision plats required by Article 151.19.003.**

3. **Hear and consider all waivers to the Architectural and Design Standards as defined in Section 151.20.006.**

D. **Approvals.** All approvals of submittals before the Committee shall be by a majority vote of the members present at the meeting.

E. **Applications.** Applications for review by the Committee shall be filed with the City.

F. **Review Criteria.** In considering any application for review and approval, the Committee shall be guided by the following general criteria, as well as the specific considerations of Article 151.18.003 and the findings required by Article 151.19.003.

   The committee shall examine the application to ensure that:

1. The proposed development complies with all applicable provisions of this Code and other ordinances, plans, and standards of the City;

2. The proposed development promotes the City's natural beauty and visual character by ensuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures;

3. The proposed development promotes and protects the peace, health and welfare of the City.

G. **Appeals.** Any action of the Committee carried out pursuant to this Article may be appealed as provided by Article 151.30. Any person or officer of the City or member of the Commission affected or aggrieved by a decision of the Committee may appeal to the Commission. Such appeals shall be filed within seven calendar days of the action with the Executive Secretary of the Commission and shall specify the grounds for the appeal. The Executive Secretary shall transmit the
appeal and all paper constituting the record upon which the action appealed was taken to the Commission for consideration. The Commission shall reach its decision on approval or disapproval of the site plan within a reasonable time.

Appeals to the Council concerning the approval or disapproval of any development site plan by the Commission may be taken by any person aggrieved or by any officer of the City affected by the decision of the Commission. Such appeals shall be filed within seven calendar days with the City Clerk and shall specify the grounds of the appeal. The City Clerk shall transmit the appeal and all papers constituting the record upon which the action was taken to the Council for consideration. The Council shall reach its decision on approval or disapproval of the site plan within a reasonable time.
ARTICLE 151. 20
ARCHITECTURE AND DESIGN REVIEW

151.20.01 Purpose

151.20.02 Applicability

151.20.03 Review Authority

151.20.04 Architecture and Design Review Process

151.20.05 Submittal Requirements

151.20.06 Architectural and Design Standards

151.20.07 Action by Decision Making Authority

151.20.08 Waivers

151.20.09 Appeals

151.20.10 Failure to Comply With Conditions

Section 151.20.001

Purpose

The purpose of the Architecture and Design Review Article is to promote reasonable and context-sensitive site and building design standards for certain types of development including commercial, industrial and certain multi-family development. Design is a term that is used to describe the image and character of the city’s built environment and includes both site and building architectural considerations. The Architecture and Design Review Guidelines will offer opportunities to create aesthetically pleasing and diverse building forms and site developments that compliment the visual, physical, social, and functional components of Sierra Vista. More specifically, the Architectural and Design Review Standards are intended to ensure the following:

1. Siting and architectural design of structures harmonize visually with surrounding development and creates a built environment that is safe and aesthetically pleasing;

2. The arrangement of buildings, parking areas, drive aisles, storm water detention areas, pedestrian ways and other features of the site combine to create a functional project that is convenient for users of the property;

3. Unsightly uses, features or activities are screened from public view and from adjacent property, and dissimilar uses are separated by buffers to prevent conflicts, promote privacy, and maintain property values;

4. Landscaping that provides a visually pleasing setting for structures on the site, complements the architecture of the project, blends harmoniously with the natural landscape, conserves water, does not conflict with public or private utilities, and is suited to the site and Sierra Vista’s climatic conditions.
5. Provide materials and colors that are appropriate to the architectural style of the structures, complement neighboring properties and project a high quality image.

The Architecture and Design Review process will assist private developers in evaluating and implementing public concerns regarding the aesthetics of development. It will ensure that new development does not have an adverse aesthetic, health, safety, or architecturally related impact upon existing adjoining properties, or the City in general.

**Section 151.20.002**  
**Applicability**

A. Architectural and Design Review shall be required for:

1. New buildings and new site development;

2. Exterior facade modifications to existing buildings requiring a building permit.

B. Exceptions:

1. Single family detached dwelling units and related accessory structures.

2. Multi-family development where there are 4 or less units located on one lot and related accessory structures.

**Section 151.20.002**  
**Architecture and Design Review Required**

A. The design of buildings and sites shall conform to this Article and to the overall intent of the adopted Architectural and Design Guidelines except as exempted herein.

B. Architecture and Design Review shall be required for all new development located in any multi-family, commercial, or industrial zone and shall regulate:

1. The exterior structural and architectural features of buildings or other structures, except as provided by Section 151.20.004.

2. The exterior structural and architectural features visible from a public street or public area, including color and materials, of all exterior alterations or additions to existing buildings, except as provided by Section 151.20.004.
3. Site development that is associated with any new development, including Recreational Vehicle and Mobile Home Parks (clubhouses, meeting areas, etc.) except as provided by Section 151.20.004.

4. Site development improvements that involve the addition of 25 percent or more parking stalls to an existing parking area. (Shall apply to the new parking area and the existing parking areas to the extent reasonably feasible.)

5. Exterior commercial, multi-family and industrial wall- and ground-mounted signage that is regulated by Article 151.10.

Section 151.20.003
Review Authority

For all projects requiring Architectural and Design Review, the Director of Community Development or designee shall act as the decision making authority.

A. For all proposed projects requiring Architecture and Design Review, the Director shall act as the decision-making authority for building design.

1. Architecture and Design Review performed by the Director shall be considered administrative review and shall not require public notice or hearing.

B. The Development Review Committee (DRC) shall be the decision-making authority for the site-related design components of a project (see applicable policy for additional DRC authority).

Section 151.20.004
Limitations on Design Review

A. Architecture and Design Review shall not be required for the following (though all other applicable Development Code provisions apply):

1. The interior designs of buildings.

2. Any of the following use types:

   a. Single Family Residential Development

   b. Multi-Plex (4 units per lot or less) Residential Development

   c. Townhouse Residential Development
3. Minor additions or alterations to commercial and industrial development as determined by the City.

Section 151.20.0045
Pre-submission Architecture and Design Review Process

A. For all proposed development that requires Architecture and Design Review, a pre-submission meeting shall be held. Application shall be made on an Architecture and Design Review Pre-Submittal meeting form. This meeting is intended to provide early feedback regarding the proposed building and site design compliance with the Standards Guidelines. Pre-submission meeting submittal requirements shall be as indicated on the application form, but should generally include sufficient information to enable staff to determine whether the design complies with the Standards Guidelines.

Recommendations shall be provided to the applicant regarding the proposed design and site layout but no final or binding decision shall be issued until such time as a formal submittal of plans is provided. The pre-submittal meeting may be combined with the required site plan or building plan pre-submittal meeting if desired.

B. The architecture and design plans of a site or building, shall be submitted and reviewed concurrently with the site plan or building plan review process. All comments will be integrated within the site and building plan comments and forwarded to the applicant.

Section 151.20.0056
Submittal Requirements

The application Submittal requirements for Architecture and Design Review shall include:

A. Application form signed by owner or, if applicable, agent (letter of agency required).

B. Exterior color elevations – 1/8 inch minimum scale. Elevations shall include:

1. Materials, details, and features (including plumbing and electrical meter locations, other mechanical equipment, and methods of concealment, etc.). (Elevations should not include superimposed landscaping or trees.)

2. Heights scaled and identified.

3. All sides of the building with north/south/east/west directionals identified.

4. Roof plan (if needed to indicate proposed mechanical equipment and required screening).
5. Colored elevations will be required prior to final architectural approval but are not required for initial submittal.

C. Additional information may be submitted to clarify issues, as determined by the applicant. Such information could include perspective drawings, color renderings, paint chip or material samples, computer-generated prints, etc.

D. Site Plan indicating conformance with both the design requirements and with the applicable elements of Article 151.18, Site Plans section of the Development Code. A preliminary site plan is sufficient at this stage provided the information provided enables staff to determine compliance with site-related design guidelines.

Section 151.20.006
Architectural and Design Standards

A. Facade Materials. Facade materials shall be appropriate to the architectural style and vernacular of the development and be of high quality and proven durability in Sierra Vista’s weather conditions.

1. Approved facade materials include wood, stucco, brick, stone, textured concrete, glass, textured and split face or ground face concrete masonry units, and brick, stone, or metal veneers (and their artificial derivatives). Additional facade materials can be considered as determined by the City. The materials shall be incorporated in proportionate quantities to the overall building elevation based on the zoning and location of the development.

   a. Project located within a commercial zoning district and adjacent to collector or arterial roadway shall require that 75 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

   b. Project located within a commercial zoning district and adjacent to local roadway shall require that 50 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

   c. Project located within an industrial zoning district shall require that 25 percent of the building wall visible from a public right-of-way include an approved facade material.

   d. Project located within a residential zoning district shall require that 50 percent of the building wall visible from a public right-of-way or facing an existing residential use include an approved facade material.

2. At least two (2) different facade materials, shall be used on all walls of the building that are visible from a public right-of-way or adjacent to a residential use.
B. **Building Color.** The following standards shall apply to building color:

1. A minimum of 75 percent of the exterior walls and roofs shall use muted colors and earth tones with a light reflectance value (LRV) of 50 percent or less.

2. Bright colors are appropriate only for accents.

3. For buildings located within the West End, there shall be no limitations on building color.

IN ADDITION TO THE ABOVE STANDARDS, AT LEAST THREE ADDITIONAL STANDARDS SHALL BE MET FROM THE DESIGN ELEMENTS BELOW.

C. **Building Scale.** It is important that a building be scaled to its context. In order to ensure appropriate scale, the following standards shall be used:

1. Define a rhythm and pattern of windows, columns, awnings, and other architectural features;

2. Provide a human scale to the primary entrance;

3. Express the position of each floor in the external design of a building to establish a human scale:
   a. Articulate structural elements; and/or
   b. Change materials between floors; and/or
   c. Use an expression line.

D. **Building Massing.** The following massing techniques shall be used:

1. Wall planes shall be divided into modules that express traditional dimensions such that a primary facade plane shall not exceed 75 feet in length without a jog which shall divide the facade into subordinate elements each less than 75 feet in length.

2. Change the height of a wall plane or building mass by providing vertical articulation. The change in height shall be at least 20 percent of the vertical height of an adjacent wall plane or building mass;

3. Change the roof form to express different modules of the building mass;
4. Divide large wall planes into smaller components by changing the arrangement of windows and other facade articulation features, such as columns or strap work.

E. **Roof Form.** Incorporate the following features to add architectural articulation and reduce perceived scale:

1. Overhanging Eaves;
2. Multiple roof planes;
3. A cornice or molding to define the top of a parapet;
4. A flat roof with parapet;
5. A sloping roof with a minimum pitch of 4:12.

F. **Location and Orientation of Building Entrances.** A building entrance serves both the building’s tenants and customers. In addition to its functionality, it can enliven the building’s context, especially when the building entrance provides access directly from the public sidewalk. A city block with buildings that have entrances directly accessible from the public sidewalk encourages walkability and increases the possibilities for pedestrian movement and activities, including shopping and social interactions.

1. The following standards apply to the design and placement of building entrances:
   a. The main entrance to a building that is open to the public shall be clearly identifiable by emphasizing and enhancing the level of architectural details such as a change in plane (e.g., porticos, recessed entrance on the street level facade), differentiation in material and color, or enhanced lighting.
   b. The primary entrance of a building shall be oriented to face a street, plaza or pedestrian way.
   c. Locate utility, mechanical room, or service entrance doors away from the public sidewalks.

G. **Windows.** The placement, pattern, scale, size, and sequence of windows on building facades, including proportions and details around them, are an important aspect of a building’s fenestration as they determine its appeal, charm, and character. Buildings with poor fenestration appear visually uninteresting. Scale, proportion, added architectural details, such as appropriate use of materials, trims, bands (i.e., an expression line) and cornices bring visual interest to building facades, enhance the building’s design, provide a connection from the outside to the inside of the building through a window, and provide a human scaled backdrop to the street space.
1. The following standards apply to the design and placement of windows on a building.
   a. Maximize the number of street level facade openings for windows.
   b. Organize the placement of windows and doors on the building elevation relative to each other and the building's forms to ensure they are balanced and proportionate.
   c. Set storefront window frames at a height above the finished grade to reflect traditional main street building qualities, such as display windows.
   d. Recess window frames, including storefronts, from the typical wall plane surface to provide a shadow line and to accentuate the storefront. At a minimum, the depth of the recess should be proportionate to the scale of the window.
   e. For the upper level facades, provide a fenestration pattern that includes window openings that are greater in height than width.
   f. Include operable windows on the upper level facade.
   g. Delineate changes in surface material by a reveal or a recess detail.

H. Site Design. Site design is an important factor when measuring the economic success of a commercial development. Careful planning, design, and construction enables new development to take advantage of Sierra Vista's climate to reduce energy usage and costs, thereby providing long term economic sustainability as energy prices fluctuate. On the other hand, poor project siting and design can detrimentally impact the potential to harvest solar energy, create a less automobile dependent environment, and address economic sustainability.

1. Pedestrian/Outdoor amenities. The following standards apply to the design and placement of pedestrian amenities:
   a. Covered walkways or canopies;
   b. Textured or raised pavement areas for pavement connections within a site. Such materials shall be designed to minimize the transition between differing surfaces and should themselves avoid excessive indentation or texturing;
   c. Courtyards, pedestrian gathering areas. Low walls or split-rail fences, or similar, to define such areas, are encouraged.
   d. Outdoor benches and elements that can be built to include seating, such as landscape planters;
e. Pedestrian-scale light fixtures in areas of high pedestrian use such as patios, outdoor
dining areas, connecting pathways, etc.
f. Outdoor dining areas.

2. Orientation of Building(s). The following standards apply to the placement and orientation of
buildings:
   a. Orient to views of activities, architectural landmarks, or natural features to provide visual
      interest;
   b. Orient buildings to take advantage of solar energy that will allow for passive heating of
      building, provide natural light, and harvest solar power.

Section 151.20.007
Action by Decision-Making Authority

A. The decision-making authority may take the following actions relating to the any application for
Architecture and Design Review of a project pursuant to this Article:
   1. Granting Approval. An application may be approved provided the project meets the provisions of
      this Article and the overall intent of the Architectural and Design Guidelines.
   2. Granting Conditional Approval. An application may be conditionally approved, in coordination
      with the applicant, provided the project application and conditions in combination meet the
      provisions of this Article and the overall intent of the Architectural and Design Guidelines.
   3. Denial of Application. An application shall be denied if the project does not meet the
      provisions of this Article and the overall intent of the Architectural and Design Guidelines. In
      such event, the reasons for the denial shall be stated in writing to the applicant and every effort
      to work with the applicant to resolve the issues shall be undertaken.

B. A building permit shall not be issued until the decision-making authority Director has approved the
architectural and design components of a project, as described in this Article, building design
components of the development and the DRC has approved the site plan and site-related design
components of the project.
Section 151.20.008  
Waivers. Appeals

Requests to waive or modify the Architectural and Design Standards or appeal staff comments will be heard by the Development Review Committee. No waiver or modification shall be granted unless one or more of the following circumstances exist:

1. Superior Alternatives. Where the development will provide an alternative which will achieve the purposes of the Architectural and Design Standards through clearly superior design, efficiency, or performance.

2. Protection of Significant Features. Where the waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features.

3. Deprivation of Reasonable Use. Where the strict application of the Architectural and Design Standards would effectively deprive the owner of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions or location; provided:
   (a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the Architectural and Design Standards in this case, and
   (b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, their predecessors or agents.

4. Technical Impracticality. Where strict application of the Architectural and Design Standards would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized; provided:
   (a) The development will provide an alternative adequate to achieve the purposes of the requirement, and
   (b) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner, their predecessors or agents.

5. No Relationship to the Development or Its Impacts. Where all or any part of the Architectural and Design Standards has no relationship to the development or to the impact of the development on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved.
Section 151.20.009
Appeals
Any action of the decision-making authority or the Development Review Committee carried out pursuant to this Article may be appealed as provided by Article 151.30.

Section 151.20.09
Effect
No temporary or final certificate of occupancy permit shall be granted unless all requirements and any conditions of the Architecture and Design Review approval have been completed. The colors, materials, building design and signs, as applicable, shall be established and maintained in accordance with the approved plans unless approval to the contrary is granted by the Director.

Section 151.20.010
Failure to Comply with Approval or Conditions
Failure to comply with any of the terms or conditions of an Architecture and Design Review approval shall constitute a violation of this Code subject to the Article 151.32 Violations and Penalties.
ARTICLE 151.30
APPEALS AND VARIANCES

151.30.001 Creation of Hearing Officer
151.30.002 Meetings, Rules and Record
151.30.003 Powers and Duties of the Hearing Officer
151.30.004 Limitations on the Powers of the Hearing Officer
151.30.005 Variances
151.30.006 Notice of Public Hearing
151.30.007 Public Hearing of Application by Hearing Officer
151.30.008 Appeal, Hearing and Stay of Proceedings
151.30.009 Creation, Membership, Terms of Office of Board of Adjustment
151.30.010 Officers, Meetings, Rules and Record
151.30.011 Powers and Duties of the Board
151.30.012 Limitations of the Powers of the Board
151.30.013 Notice of Public Hearing
151.30.014 Public Hearing of Application by Board
151.30.015 Appeals from the Board
151.30.016 Fees

Section 151.30.001
Creation of Hearing Officer

A. Creation. The Hearing Officer of the City of Sierra Vista is hereby established.

B. Appointment. The Hearing Officer shall be appointed by resolution of the City Council.

C Removal for Cause. The Hearing Officer may, after a public hearing, be removed from office by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance in office. The Mayor and City Council shall file a written statement for the public record of the reasons.

Section 151.30.002
Meetings, Rules and Record

A. Meetings. Meetings shall be held at such time as the Hearing Officer has an appeal or variance request to hear.
B. **Rules of Procedure.** The Hearing Officer shall be governed by such rules and policies as are necessary to carry out his/her duties and responsibilities.

C. **Records.** Minutes shall be kept of the Hearing Officer proceedings, including a record of the examinations and other official actions, all of which shall be of public record and filed in the Office of the City Clerk.

**Section 151.30.003**
**Powers and Duties of the Hearing Officer**

The Hearing Officer shall:

A. Hear and decide appeals where it is alleged that there is error in any order, requirement or decision made by the Director of Community Development or the Development Review Committee in the enforcement of the Code.

B. Hear and decide appeals for variances from the terms of this Code only if, because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the Code will deprive such property of privileges enjoyed by other property of the same classification in the same district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in which such property is located.

C. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Director of Community Development appealed from, and make such order, requirement, decision, or determination as necessary.

**Section 151.30.004**
**Limitations of the Powers of the Hearing Officer**

The Hearing Officer may not make any changes in the uses permitted in any district, nor make any changes in the terms of this Code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.
Section 151.30.005
Variances

Upon appeal in specific cases, the Hearing Officer shall authorize such variances from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship. A variance shall not be granted by the Hearing Officer unless and until:

A. A written application for variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district; and,

2. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed under the terms of this Code by other properties in the same district; and,

3. That the alleged hardships caused by literal interpretation of the provisions of this Code do not result from the actions of the applicant; and,

4. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this Code to other lands, structures or buildings in the same district; and,

5. That granting the variance requested will not interfere or injure the rights of other properties in the same district.

B. A public hearing has been held.

C. The Hearing Officer finds that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

D. The Hearing Officer finds that granting of the variance will be in harmony with the general purpose and intent of this Code and the General Plan and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
Section 151.30.006  
Notice of Public Hearing

A. Every application for interpretation or variance shall be considered by the Hearing Officer at a public hearing, notice of which shall be given in the following manner:

1. Notice of the time, date and place of the hearing including a general explanation of the matter to be considered, and including a general description of the area affected, shall be given at least 15 days before each hearing. Each notice of public hearing shall be published at least once in a newspaper of general circulation, published or circulated in the City of Sierra Vista and posted at City Hall, the Public Library, the Community Center, and at other locations in the City that the City Clerk may deem necessary or advisable.

2. Notice of the time, date, and place of the hearing on the variance shall be posted on the affected property.

3. Notice of the time, date, and place of the hearing for interpretation or variance shall be mailed by certified mail at least 15 days in advance to the owner and applicant or his agent.

4. Notice of the time, date, and place of hearings on variances shall be sent to all owners of property within 500 feet of the affected property. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons who receive notice as required by the matter under consideration, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest that may be affected by the proposed interpretation or variance.

B. The application shall contain:

1. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property under appeal within a radius 500 feet of the exterior boundaries of the property.

2. A typed or printed list containing the names and mailing addresses of the owners of parcels within a radius of 500 feet of the boundaries as indicated in Item 1 above and identified by the same number as on the vicinity ownership map. Correct zip codes must be shown for each address.
Section 151.30.007
Public Hearing of Application by Hearing Officer

Every application shall be considered by the Hearing Officer at a public hearing.

A. **Burden of Proof.** The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

B. **Order of Proceedings.**

1. The Hearing Officer will state the case and call the public hearing to order. The Hearing Officer may establish the time allowed for the presentation of information.

2. Any objections or jurisdictional grounds shall be noted in the record.

3. Any abstentions or disqualifications shall be determined.

4. Presentation of staff report. City staff may also present additional information whenever allowed by the Hearing Officer during the proceedings.

5. The Hearing Officer may view the area in dispute for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.

6. Presentation of information by the applicant or those representing the applicant.

7. Presentation of evidence or inquiries by those persons who support the proposal.

8. Presentation of evidence or inquiries by those persons who oppose the proposal.

9. Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposal.

10. Rebuttal testimony may be presented by persons who have testified supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters that were brought up during the course of the hearing. Rebuttal shall be first presented by the applicant or his/her representative and then by those opposed to the proposed change. The Hearing Officer shall limit rebuttal to avoid repetition or redundancy.
11. At the close of presentation of information, rebuttal, and written argument, the Hearing Officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. Additional written argument may be permitted at the discretion of the Hearing Officer.

12. Once a hearing has been closed, it shall be reopened only by the Hearing Officer and only after a reasonable showing that:

   a. There is evidence which was not reasonably available at the time of the hearing; and,

   b. The evidence is now available to the person seeking to reopen the hearing; and,

   c. The evidence is factual, substantial, and material. If the hearing is closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. The opportunity for brief rebuttal shall also be afforded to adverse parties.

C. **Rules of Procedure.**

1. Formal rules of evidence shall not apply.

2. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to, or received by the Hearing Officer or by any other City agency or official outside the public hearing, may be received as argument and placed in the record, but will not be considered as part of the information, except that signed writing received at the Department of Community Development prior to the closing of the public hearing shall be included as part of the information in that hearing. Unless the Hearing Officer specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.

3. All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Section 151.30.008. True copies of original information may be substituted for original documents.

4. All evidence and argument shall be as brief as possible, consistent with full presentation.

5. Redundancy shall be avoided.

6. Each person presenting information or argument shall be permitted to complete his presentation without interruption, except by the Hearing Officer, to enforce this Code.
7. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.

8. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the Hearing Officer, such person may be expelled from the hearing.

9. The Hearing Officer has complete authority to enforce these provisions to assure that a fair hearing is held, including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

D. Considerations. Following the hearing, the Hearing Officer shall consider and make a finding, taking into account:

1. The testimony at the hearing;

2. A site inspection of the property in question;

3. The recommendations from interested official bodies.

E. Findings. After public hearing, the Hearing Officer shall render its decision in the form of a finding of fact which shall include:

1. A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble should include, but should not be limited to, statements regarding:
   a. Size and location of property in question including tax lot number(s) and map number(s).
   b. Purpose of application.
   c. Statement of applicant(s) legal interest in the property.
   d. Date of original application.
   e. Whether or not applicant represents self or another person.
   f. Date of all public hearings (if any other) and actions taken at those hearings.
g. Other relevant background facts, as appropriate.

2. A statement of the applicable criteria against which the proposal was tested, and of the Hearing Officer's interpretation of what would be required to achieve compliance with the criteria and standards.

3. A statement of the facts that the Hearing Officer found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.

4. Specific findings of fact, individually numbered.

5. Ultimate findings of fact and conclusions, individually numbered. Such findings must relate relevant facts to the criteria identified previously. The findings may require an explanation of possible conflict between provisions of the identified legal criteria and an explanation of how any such conflicts were resolved.

6. The reasons for a conclusion, and the decision to deny or approve the proposed change, with or without conditions.

F. Staff Assistance. The Hearing Officer may request staff assistance to prepare proposed findings of fact.

Section 151.30.008
Appeals, Hearing and Stay of Proceedings

A. Appeals. Appeals to the Hearing Officer concerning interpretation or administration of this Code may be taken by any person affected by any decision of the Director of Community Development or the Development Review Committee. Such appeals shall be filed within 30 days with the Hearing Officer through the Department of Community Development and shall specify the grounds thereof. The Director of Community Development shall transmit to the Hearing Officer all papers constituting the record upon which the action appealed was taken. Any person dissatisfied with the decision of the Hearing Officer may appeal to the Hearing Officer Board of Adjustment.

B. Hearings. The Hearing Officer shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as due notice to the parties in interest, and reach its decision within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit
rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for full, true disclosure of the facts; provided that:

1. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party;

2. The Hearing Officer shall, as a matter of policy, provide for exclusion of irrelevant, immaterial or unduly repetitious evidence and, in furtherance of this policy, may limit cross-examination.

C. Stay of Proceedings. Any appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Community Development certified to the Hearing Officer after the notice of appeal is filed with him that, by reason of facts stated in this certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Hearing Officer or by a court of record in application on notice to the Director of Community Development and on due cause shown.

Section 151.30.009
Creation, Membership, Terms of Office of Board of Adjustment

A. Creation. The Board of Adjustment of the City of Sierra Vista is hereby established.

B. Membership. The City Council shall act as the Board of Adjustment.

C. Terms of Office. The term of office for each member of the Board shall run concurrent with their term on the City Council.

Section 151.30.010
Officers, Meetings, Rules and Record

A. Officers. The Mayor shall act as Chairperson and the Mayor Protem shall act as Vice Chairperson. The Chairperson, or in his absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses.

B. Rules of Procedure. The Board may, by resolution, adopt and be governed by such rules and policies as are necessary to carry out its duties and responsibilities.

C. Meetings. Meetings shall be held at the call of the Chairperson. A quorum shall consist of four members for the transaction of any business. The concurring vote of not less than three members
shall be necessary for all business including reversal of an order or decision of an administrative official or to decide an issue in favor of an applicant.

D. Records. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be of public record and filed in the Office of the City Clerk.

Section 151.30.011
Powers and Duties of the Board

Hear and decide appeals where it is alleged that there is an error in any order, requirements, or decision made by the Hearing Officer.

Section 151.30.012
Limitations of the Powers of the Board

The Board may not make any changes in the uses permitted in any district, nor make any changes in the terms of this Code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.

Section 151.30.013
Notice of Public Hearing

A. Every application for an appeal of a Hearing Officer decision shall be considered by the Board at a public hearing, notice of which shall be given in the following manner:

1. Notice of the time, date, and place of the hearing including a general explanation of the matter to be considered, and including a general description of the area affected, shall be given at least 15 days before each hearing. Each notice of public hearing shall be published at least once in a newspaper of general circulation, published or circulated in the City of Sierra Vista and posted at City Hall, Public Library, Community Center and at other locations in the City that the City Clerk may deem necessary or advisable.

2. Notice of the time, date, and place of the hearing on the variance shall be posted on the affected property.
3. Notice of the time, date, and place of the hearing for interpretation or variance shall be mailed by certified mail at least 15 days in advance to the owner and applicant or his agent.

4. Notice of the time, date, and place of hearings on variances shall be sent to all owners of property within 500 feet of the affected property. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons who receive notice as required by the matter under consideration, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest that may be affected by the proposed interpretation or variance.

B. The application shall contain:

1. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property under appeal within a radius 500 feet of the exterior boundaries of the property.

2. A typed or printed list containing the names and mailing addresses of the owners of parcels within a radius of 500 feet of the boundaries as indicated in Item 1 above and identified by the same number as on the vicinity ownership map. Correct zip codes must be shown for each address.

Section 151.30.014
Public Hearing of Application by Board

Every applicant shall be considered by the Board at a public hearing.

A. Burden of Proof. The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

B. Order of Proceedings.

1. The Chairperson will state the case and call the public hearing to order. The Chairperson may establish the time allowed for the presentation of information.

2. Any objections or jurisdictional grounds shall be noted in the record.
3. Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest.

4. Presentation of staff report. City staff may also present additional information whenever allowed by the Chairperson during the proceedings.

5. The Board may view the area in dispute for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.

6. Presentation of information by the applicant or those representing the applicant.

7. Presentation of evidence or inquiries by those persons who support the proposal.

8. Presentation of evidence or inquiries by those persons who oppose the proposal.

9. Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposal.

10. Rebuttal testimony may be presented by persons who have testified supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters which were brought up during the course of the hearing. Rebuttal shall be first presented by the applicant or his/her representative and then by those opposed to the proposed change. The Chairperson shall limit rebuttal to avoid repetition or redundancy.

11. At the close of presentation of information, rebuttal, and written argument, the Chairperson shall declare that the hearing is closed unless there is a motion to continue the public hearing. Additional written argument may be permitted at the discretion of the Board.

12. Once a hearing has been closed, it shall be reopened only upon a majority vote of the Board and only after a reasonable showing that:

   a. There is evidence which was not reasonably available at the time of the hearing; and,

   b. The evidence is now available to the person seeking to reopen the hearing; and,

   c. The evidence is factual, substantial, and material. If the hearing is closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. The opportunity for brief rebuttal shall also be afforded to adverse parties.
C. **Rules of Procedure.**

1. Formal rules of evidence shall not apply.

2. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to, or received by any member of the Board or by any other City agency or official outside the public hearing, may be received as argument and placed in the record, but will not be considered as part of the information, except that signed writing received at the office of Community Development Department prior to the closing of the public hearing shall be included as part of the information in that hearing. Unless the Board specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.

3. All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Section 151.30.008. True copies of original information may be substituted for original documents.

4. All evidence and argument shall be as brief as possible, consistent with full presentation.

5. Redundancy shall be avoided.

6. Each person presenting information or argument shall be permitted to complete his presentation without interruption, except by the Chairperson, to enforce this Code.

7. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.

8. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the Chairperson, such person may be expelled from the hearing.

9. The Chairperson has complete authority to enforce these provisions to assure that a fair hearing is held, including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more these provisions.

D. **Considerations.** Following the hearing, the Board shall consider and make a finding, taking into account:

1. The testimony at the hearing;
2. A site inspection of the property in question;

3. The recommendations from interested official bodies.

E. Findings. After public hearing, the Board shall render its decision in the form of a finding of fact which shall include:

1. A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble should include, but should not be limited to, statements regarding:
   a. Size and location of property in question including tax lot number(s) and map number(s).
   b. Purpose of application.
   c. Statement of applicant(s) legal interest in the property.
   d. Date of original application.
   e. Whether or not applicant represents self or another person.
   f. Date of all public hearings (if any other) and actions taken at those hearings.
   g. Other relevant background facts, as appropriate.

2. A statement of the applicant criteria against which the proposal was tested, and of the Board’s interpretation of what would be required to achieve compliance with the criteria and standards.

3. A statement of the facts that the Board found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.

4. Specific findings of fact, individually numbered.

5. Ultimate findings of facts and conclusions, individually numbered. Such findings must relate relevant facts to the criteria identified previously. The findings may require an explanation of possible conflict between provisions of the identified legal criteria and an explanation of how any such conflicts were resolved.
6. The reasons for a conclusion, and the decision to deny or approve the proposed change, with or without conditions.

F. **Staff Assistance.** The Board may request staff assistance to prepare proposed findings of fact.

**Section 151.30.015**  
**Appeals from the Board**

Any person aggrieved by a decision of the Board may, at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in the superior court to review the Board decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and, on final hearing, may affirm or reverse or modify, in whole or in part, the decision reviewed.

**Section 151.30.016**  
**Fees**

Upon filing an application or appeal, the applicant shall pay a filing fee established by the City Council by separate resolution. In addition, the applicant must pay all required publishing costs associated with the appeal.
From: Jesse C English <jesse.english@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I'm against this. The reason businesses don't do well in certain parts of the city is not because of how they look. It's a combination of demographics, traffic, and the cost of doing business. If you want to attract businesses, change one to three of those things to make them more attractive. Adding new design requirements is the opposite of what you should be doing, because it's increasing the cost of doing business.

—

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Kenneth Giffin <giffinkenneth@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
Regarding the proposed limitations on parking RV's on public streets: I am very much against the proposed change. In my neighborhood there is plenty of available and safe street parking for RV's and cars. Many of us with RV's are working class or retired people that don’t have space on our small lots for RV's. Some of us use the RV's to work seasonal jobs away from Sierra Vista but have to park them here when we are between jobs. We also can’t afford to put our RV's in storage during times they aren't being used. I don’t understand what the problem is with using the available street space for this purpose. I think the only reason is vanity as some people don’t like the way it looks. There is nothing unsafe about it. I think vanity is a terrible reason to limit someone’s freedom, convenient access to their RV’s and to cause them undue expense by having to pay for RV storage. I’m sure RV storage businesses will be very much behind banning RV parking on the street. Please, please do not take away my ability to park my RV on the street. If you do, I will probably have to sell it and that would be a terrible shame!! Thank you for considering my opinions.

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
MEMO TO:  Honorable Mayor and City Council

THROUGH:  Charles P. Potucek, City Manager
            Victoria Yarbrough, Assistant City Manager

FROM:  Matt McLachlan, AICP Community Development Director
        Jeff Pregler, AICP, Senior Planner

SUBJECT:  REQUEST FOR AGENDA ITEM PLACEMENT
          DECLARING A 30-DAY PUBLIC RECORD
          PUBLIC HEARING
          Resolution 2019-020
          Proposed City Code Text Amendments-
          Parking Regulations on Public Roadways
          Chapter 71, Parking

REQUESTED ACTION:

Approval of Resolution 2019-020, Declaring as Public Record, text amendments to the City Code of Ordinances as shown on Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended approval with a vote of 5-0.

APPLICANT:

City of Sierra Vista

BACKGROUND:

The Planning and Zoning Commission, in working with Staff on its Annual Work Program, identified a need to enact parking regulations into the City Code of Ordinances including restrictions on recreational vehicle parking on public streets. The proposed amendments incorporate the Commission’s input provided during the work sessions held on September 18, 2018 and December 4, 2018. The Commission ultimately recommended approval of the amendments at their February 5 meeting. Further, the proposed amendments have been reviewed by the City’s Police Department and their comments have also been addressed.
ANALYSIS:

Chapter 71, Parking, under Title VII, Traffic Code, establishes requirements for disabled parking. The scope of this Chapter is expanded to include conventional parking requirements on public streets that are commonly covered in municipal codes and follow Arizona Revised Statutes.

The restrictions on recreational vehicle and trailer parking on public streets in residential zoning districts is to prevent the use of the right-of-way for long term storage (more than five days in any 30-day period within the same block). The amendments were developed in response to citizen concerns such as such vehicles taking up on-street parking, constricting emergency vehicle access, blocking mail delivery and sanitation pick-ups, as well as obstructing corner visibility.

The enforcement section describes the process for citing and removing vehicles that are in violation of the parking regulations in the chapter. A definition of recreational vehicle and trailer have also been included in the proposed language to assist in the enforcement of these vehicles.

PUBLIC COMMENTS

The City placed an ad in the newspaper which described the amendments and provided the date and time of the public hearings. The amendments are also posted on the City website for public viewing. The City has received one comment letter in support of the amendments which is attached for your review.

Attachments:
Letters from the public
Resolution
Exhibit A, Proposed Text Amendments
RESOLUTION 2019-020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING A 30-DAY PUBLIC RECORD PERIOD FOR AMENDMENTS TO THE CITY CODE OF ORDINANCES, AS SHOWN IN EXHIBIT A, ATTACHED HERETO; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWIITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with established policy, the City of Sierra Vista has proposed text amendments to the following City Code of Ordinances Section: Chapter 71, Parking;

WHEREAS, the City of Sierra Vista, through its Code of Ordinances, regulates the safety and appearance of public roadways; and

WHEREAS, the amendments will increase vehicle and pedestrian safety along the public roadways; and

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City Code shall be declared a matter of public record for a period of 30 days prior to being passed and adopted by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to declaring proposed text amendments to the City Code as a public record be, and hereby is, reaffirmed.

SECTION 2

That the certain document entitled Exhibit A, proposed amendments to the City Code of Ordinances attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a 30-day public record.
SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.


FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner

RESOLUTION 2019-020
PAGE TWO OF TWO
CHAPTER 71: PARKING

§ 71.01 – DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Permanently Disabled Removable Windshield Placard.** A two-sided, hooked placard that includes on each side all of the following:

1. The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a blue shield.
2. An identification number.
3. A date of expiration.
4. The seal or other identification of the issuing authority.

**Physically Disabled Person.** A person who, as determined by a hospital administrator or authorized physician, meets any of the following conditions:

1. Cannot walk 200 feet without stopping to rest.
2. Cannot walk without the use of assistance from any brace, cane, crutch, other person, prosthetic device, wheelchair, or other assistive device.
3. Is restricted by lung disease to an extent that the person’s forced respiratory volume for one second, if measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.
4. Uses portable oxygen.
5. Has a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
6. Is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition.

**Recreational Vehicle.** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
Temporarily Disabled Removable Windshield Placard. A two-sided, hooked placard that includes on each side all of the following:

1. The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a red shield.
2. An identification number.
3. A date of expiration.
4. The seal or other identification of the issuing authority.

Trailer. A structure standing on wheels, towed or hauled by another vehicle, and used for carrying materials, goods, or objects.

§ 71.02 VIOLATIONS.

(A) Disabled Parking. It shall be unlawful for any person to stop, stand, or park a motor vehicle within any specially designated and marked parking space reserved for use by physically disabled persons, whether on public or privately-owned property available for public use, unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or number plates bearing the international wheelchair symbol, and either:
   1. The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard; or
   2. The motor vehicle displays international symbol of access special plates which are currently registered to the vehicle.

(B) Exception. Provided, however, any person who is chauffeuring a physically disabled person shall be allowed, without a placard or international symbol of access special plates, to park momentarily in any parking space for the purpose of loading or unloading the disabled person. No complaint shall be issued to the driver for such momentary parking.

(B) Parking, Standing, Stopping in Public Rights-of-Way. Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or official traffic control device, it shall be unlawful to stop, stand or park a vehicle:

1. Upon a sidewalk in such a manner as to block or impair the passage of pedestrian traffic on such sidewalk, either completely or partially. This shall not be construed
to prohibit temporary parking of delivery vehicles either in commercial zones or residential neighborhoods.

(2) In front of a public or private driveway;
(3) Within an intersection;
(4) Within fifteen (15) feet of a fire hydrant;
(5) On a crosswalk;
(6) Within twenty (20) feet of a crosswalk at an intersection; except where approved designated parking spaces are located at a lesser distance from the intersection.
(7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a street;
(8) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance;
(9) On the side of any vehicle stopped or parked at the edge of curb or street, or what is commonly known as double parking;
(10) At any place where official signs prohibit stopping, standing or parking;
(11) Upon or within a designated bicycle path or bicycle lane unless allowed via signs or markings;
(12) When signs are erected giving notice thereof, to park a vehicle for longer than such time as is prescribed by such signs in such areas designated in such signs. For purposes of this regulation, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one (1) continuous parking period;
(13) Within a bus stop when such stop or stand has been officially designated and appropriately marked;
(14) To park, stand or stop a vehicle in such a manner as to impede, hinder or restrain the normal flow of traffic on a street. This provision shall not apply to emergency vehicles and city or commercially owned vehicles engaged in the collection of solid waste or recyclable materials;
(15) To park or stand a vehicle in a street other than parallel with the edge of the street headed in the direction of traffic, and with the curbside wheels of the vehicle within eighteen (18) inches of the edge of the street or curb, except upon those streets which have been marked or signed for angle parking where such vehicles shall be parked at the angle to the curb indicated by such mark or signs;
(16) To park or stand a vehicle upon any street or right-of-way for the primary purpose of displaying it for sale and/or washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. An exception may be permitted, subject to compliance with any other applicable requirements of the City Code, in those cases where a vehicle is parked on a street immediately adjacent to the vehicle owner's principal place of residence and access to any form of off-street parking is not available; or

(17) To park, stand or stop a vehicle in such a manner as to impede the curbside delivery of mail when notice has been given by a postal carrier to discontinue the blocking of access to a mailbox to allow the delivery of mail.

(C) Recreational Vehicles/Trailers. It shall be unlawful to park any recreational vehicle or a trailer on a public street in any residential zoning district for a period longer than five (5) days in any thirty (30) day period unless signs are posted prohibiting on-street parking or identifying a different period of time. For purposes of this provision, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one (1) continuous parking period.

Penalty, see § 70.99

§ 71.03 ISSUANCE OF COMPLAINT.

If a law enforcement officer or a parking enforcement specialist employed by the city finds a motor vehicle in violation of this chapter, the person shall issue a complaint to the operator or other person in charge of the motor vehicle or, if an operator or person in charge is not present, to the registered owner of the vehicle for a civil traffic violation.

§ 71.04 DISABLED PARKING SPACE REQUIREMENTS.

(A) Each parking space prescribed in this section shall be prominently outlined with paint and posted with a permanent sign that is located at least three feet but not more than six feet above the grade. The sign should be conspicuously designated as being reserved for the physically disabled, to include a depiction of the internationally accepted symbol of access and the caption “reserved parking.”
(B) Such designations shall authorize law enforcement officers and parking enforcement specialists employed by the City of Sierra Vista to enforce the provisions of this section and shall thereby constitute a waiver of any objection by the owner of the property to enforcement of this section by the Police Department.

§ 71.05 - PARKING OR MOVING VEHICLES IN VIOLATION; REMOVAL AND IMPOUNDMENT BY LAW ENFORCEMENT AGENCY.

(A) Any police officer or other duly authorized agent who has reasonable grounds to believe that a vehicle has been parked in violation of this chapter may remove or cause the removal of such vehicle from any public street.

(B) Written notice shall be placed upon the vehicle in a conspicuous place. The notice shall state:

(1) That if the vehicle is not moved from its location within three (3) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be in violation of this section.

(2) That if the vehicle is not moved from its location within six (6) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be removed from its location and impounded pursuant to this section.

(C) Parking any vehicle in violation of this chapter shall constitute a presumption that the last registered owner of record is responsible for such unlawful parking and shall be subject to the provisions of this section, unless an affidavit has been filed pursuant to Arizona Revised Statutes, section 28-4844, reporting the vehicle as being stolen, or a stolen report has been accepted by a local law enforcement agency, or written notification of the transfer of title has been filed pursuant to Arizona Revised Statutes, section 28-2058; this presumption shall apply in any adjudication of the issue that may occur. The registered owner of the parked vehicle shall be responsible for the payment of any and all charges incurred in the removal and subsequent storage of the vehicle, unless it is shown that the registered owner was not the legal owner at the time of the offense, or if the registered owner proves by a preponderance of the evidence that the city lacked probable cause to remove the vehicle. The provisions of Arizona Revised Statutes, sections 28-4801 et seq., shall apply in all respects to the removal, towing, storage, transfer of title, and sale of vehicles impounded under this chapter.
Mr. Pregler, I understand that a discussion will take place regarding an amendment to the city code to prohibit the parking of RVs and trailers on public roadways. I would like to add my support to such an amendment. I live at 2940 Raven Drive and we have a resident who parked a very large RV on the road for several months. Because the road is narrow and has a curve right at their residence it was impossible to see oncoming traffic. The RV has been moved next to the driveway, covered in a tarp for the winter, and now it's stored within 1 foot of the street sidewalk. We have several older residents that have expressed fear of backing out of their driveway because of the visual obstruction.

I don't know what is being considered, but I would like it to include roadways and easements. I understand that, while preparing for departure or returning, it may be convenient to have an RV close at hand but extended periods of obstruction are dangerous.

Thanks for considering a change.
Carolin Chatham, and neighbors
From: Anthony <anthony85635@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
It is troubling to see people parking RVs in the road ways they obstruct the flow of traffic on my street since they are parked on both sides of the street. They also obstruct the view of the roads and make it harder for people to walk when the have their waste hoses’s and electric wire connecting the RV to keep power running across walk ways

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: susan bush <suebush@gmail.com>  
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Any vehicle, RV or truck/auto should be allowed to park overnight on any city street in a manner congruent with safety and traffic laws. Any citizen has paid for the street and should be allowed to park overnight safely. If an area is not safe for whatever reason, sign should be posted every 300 ft stating so, and why. So many now are forced into RV living - not by choice but by discrimination and if they are parked safely and not obstructing traffic or driveways, leave them alone!

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Pamela Colabella <pamcola3041@yahoo.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
To Whom It May Concern,

I am in favor of keeping trailer parking on the neighborhood streets. When we first moved here, we loved seeing all the different fifth wheels and motor coaches so much, we ended up buying one ourselves. It’s the culture of this city and it helps bond our retirement and vacationing communities and as someone highly interested in tourism, I would even love to see a huge trailer meetup down here and one of the big draws would be how trailer friendly this city is. Not only that, when we purchased our first house down here, we chose a neighborhood with no HOA regulations so we could have our freedom with our fifth wheel (we park it on our property by the way) and our neighborhood’s value continues to increase and there are plenty of trailers parked on our streets. Like Lake Havasu has its ATVs and Catalina Island has its Golf carts, let Sierra Vista continue to have it’s trailers please.

Thank you for your consideration,
Pam

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Michael DeCarlo <michael@decarloenterprises.net>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Vehicles which are registered by the state have paid the tax to use city streets. Areas of Sierra Vista have HOA's, which stipulate XXXXXXXX in a written contract. All vehicles are the same (give or take / min/max) width if used on a roadway within the State of Arizona. Taxes (burdens/legal extortion) being paid to the State, City, and County generate 'resources' directly or indirectly from many sources and this plan is bad for business. Unless you are a Attorney, Citation Scriber or in Towing and storage yard business.

This is a neighborhood dispute that has influenced the CITY Staff to create a cookie cutter situation that will in second and third order effects will require more CITY Staff involvement to create a new 'Parking' order to create order out of the chaos. Instead of letting the neighborhood work it out, it requires knowing your neighbors and talking to them.

Because when we can put these petty differences behind us and we will one way or the other, perhaps then, we can find more proficient use of staffs time. Which would then permit it to identifying ways to 'right size' the local government from focusing on 17 issues in its worldly vision plan for sustained growth, to the 7 State Mandated Governmental Requirements as put forth in the Arizona Constitution and printed on page 3 of Vista 2030.

Hope you are recovering well Honorable Mayor, and that this finds you all in good health.

Very Respectfully
Michael J. DeCarlo
ETC(SS) USN Ret.
Sierra Vista, AZ

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
Jeff.

I understand that the COSV is in the process of proposing revising the street side parking in residential neighborhoods. As you are aware, I am in favor of any developmental change to enhance fire and life safety. That said, I foresee revising parking along the streets as a positive approach to address reducing existing roadway widths with high-profile/oversized vehicles as a good faith measure that benefits day to day traffic flow as well as emergency responses. I appreciate an opportunity to provide this opinion, realizing revising this type of ordinance is a tremendous undergoing which is offered as assistance during the discussion process. Thanks.

Paul Cimino, Fire Marshal
City of Sierra Vista Fire & Medical Services
1295 E. Fry Blvd., Sierra Vista, Arizona 85635
Office: (520) 439-2230 Fax: (520)417-6925
paul.cimino@sierravistaaz.gov
From: Barbara Ann Spengler <babs_spengler@mac.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I do NOT want people parking RV's on the street. It is dangerous. When we have had an RV parked on Elmwood Lane, you cannot see around it or back out of your driveway safely if they are parked opposite your driveway. If you cannot park your RV behind your house then you should park in an RV storage facility. My RV is parked in my RV drive behind my house.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: John D. Spengler <johnspengler@cox.net>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Please do NOT allow RV parking on the street. It is not safe for pets, children, pedestrians and other vehicular traffic. You cannot see around them.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Neil Anderson <2highspeed@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Leave the parking alone. Some of us have large families and very small driveways. We have no choice but to park in the street. I have 4 kids 3 who drive and 1 who soon will we use the street all the time because we have to. We have 4 cars.

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaaz.gov)
From: zack blackwell <zackblackwell@yahoo.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I believe as long as vehicles are not impeding traffic they should be left alone especially in neighborhood areas that are not h o a.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaaz.gov)
From: Phyllis Bruce <mephylaz@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I disagree with the provision §71.02 (C) that will change it from a 11 days permit to a 5 day permit. I live on a side street that when I bring my trailer to park next to my house for packing and unpacking it may take me more than a week to complete. I there is plenty of room from the stop sign and turning that the trailer is not in the way. And being that it's a side street and not a Main Street I see no problem. Those using this side street are only the few residents that use it the street. I am sure this is something that some have taken advantage of but enforcing the 11 day permit would be better than taking it away from us that need longer than the 5 day permit.

Thank you

---

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaz.gov)
From: Jesse C English <jesse.english@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I'm against an ordinance banning RV parking on the roadway. Additional regulations should be backed up with data showing that the parking of RVs on city streets is inherently unsafe. Without it, all you're doing is fundraising for the city on the backs of RV owners.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Valerie Fieber <valerie.fieber@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I do not support this draft city ordinance. You are stating that it is illegal to park on the street; many housing areas do not accommodate more than one car. There is adequate room built in for street parking. Your proposition is unreasonable and does not benefit the city nor the tax payer. There is no added value to this ridiculous ordinance. I have never been to anywhere in the US that has banned parking on the street in the entire city limits. Who came up with this asinine gibberish? Because I won’t be voting for them next election. Please advise on how the city expects to deal with the 2nd and 3rd order effects? You’re only going to anger your constituents. Do not pass this ordinance.

---
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Jennifer <Jennifer.reiss@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
As long as the vehicle is registered with insurance I see no reason why it can't sit in the City Street! They can't block a mailbox or anything important for Emergency vehicles. The restrictions for RV's and trailers should be same as for a car - you should get a ticket or a warning and be told to move it in a certain number of days if the city comes by and sees cobwebs - a ticket that labels it as litter. This should already be in place and not need amended! They should have a right to park in the streets as long as they are taking care of the vehicle/using it!

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Jeremy
To: Public Comment: Judy Hector; Jeff Pregler
Subject: Public Comment Item
Date: Tuesday, February 26, 2019 6:26:15 AM

From: Jeremy <57sherby@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
Strongly disagree with this, do not vote for this....we are not an hoa

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Kristin Juarez <kuriyred@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Please remove the monstrous RVs, Trailers, and essentially abandoned vehicles! Our street is barely maneuverable due to the excessive vehicles from RVs to boats to a giant truck that moves maybe once a month.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Michael Juarez <mjkjuarez@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I live in the Country Club Estates. There are a number of vehicles that park in a manner that violates the laws / policies outlined in the City Code Text, Chapter 71 - Parking, particular, 71.02 Violations, sections (B), Parking, Standing, Stopping in Public Rights-of-Way, (7) (14)(15) and section (C), Recreational Vehicles/Trailers. Calls that have been made regarding these violations have not resulted in any actions taken by a law enforcement agency, as outlined by section 71.05 - Parking or moving vehicles in violation; removal and impoundment by law enforcement agency (we've been told that local law enforcement are reluctant to cite vehicles due to perceived "neighbor relation issues".

There are a number of vehicles on my street that are constantly parked in the street that 1) are not parallel with the edge of the street headed in the direction of traffic, 2) larger vehicles (e.g., recreational vehicles, extended cab trucks, or heavy duty trucks) that impede, hinder or restrain the normal flow of traffic on a street, 3) that are within 30 feet upon the approach to stop signs or traffic control signals located at the side of the street, and lastly 4) recreational vehicles/trailers that are parked on a public street in residential zoning districts for a period longer than five days in any thirty day period (although not part of the code, there are a number of trucks that appear to be permanently parked on the streets that are rarely used/moved that violate the RV rules).

The neighborhood, as whole, has a number of vehicles that violate the 30 feet rule for traffic control signals that present a hazard to vehicles coming and going from the streets due to an inadequate amount of space for the vehicles to pass safely around each other. The street that presents the biggest area of concern are Mission Dr. and Newport Ave where there consistently is a vehicle parked in too close to the Yield sign. Additionally, often times there is a vehicle parked along Newport Ave and Oakmont Drive just prior to the Newport Ave sign as you approach Oakmont Dr.

The neighborhood, as a whole, has a number of recreational vehicles and trailers parked on the public streets that violate section (C)--these vehicles rarely move. Furthermore, these vehicles, in addition to the larger trucks, are rather large (width) thus "impeding, hindering, and restraining" the normal flow of traffic on the street. Often times these vehicles are stacked in an offsetting manner along both sides of the street which presents hazards to all street traffic (pedestrian, vehicular). Vehicular traffic often is required to pull off to the side of the street to allow the oncoming vehicles to pass safely. The last year, my family has had to get creative on how we place our refuse (garbage and recycling) bins on the street to ensure that the city garbage trucks are able to safely navigate our street while ensuring our bins can actually be collected. Sadly, there have been times where bins were not collected due to the city truck's inability to safely empty the bins. Lastly, our neighbor has parked (although it feels as if they have abandoned) their third vehicle, a large extended cab truck, directly across from our driveway, even though there is plenty of room in their own driveway, making it difficult and dangerous for us to safely back our vehicles out of our driveway.

There are plenty of storage facilities in and around Sierra Vista, which in my opinion is where the large trailers and recreational vehicles should be parked. Most of the houses on my street have the space to have these vehicles parked in their driveways or on their property; however, the residents of the houses are electing to leave them on the streets with little to no consideration to the public nuisance it has created for the residents of the street, which ironically are in violation of the existing city codes.

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Anthony Lamas <a_jamas@hotmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I support this! It brings down the neighborhood and is an eye sore. Nobody wants RV's or trailers parked next to their house.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Carrie Langley <carrieann.davidson1@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I support a city wide ordinance that limits the amount of time RV's, and trailers can be parked on city streets. Parking of these large vehicles creates hazards for emergency vehicles, regular transit, and are unsightly.

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaaz.gov)
From: Tonja Martin <tonjatol@hotmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I support any proposal to limit RV and trailer parking on public city streets. They restrict driving, cause limited visibility when pedestrians are crossing or children are playing, additionally they are an eyesore. People are often inconsiderate and park their vehicles in front or on the side of their neighbors house rather than their own house.

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Patrick Matranga <pm82414@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
City streets are for the use of all citizens. How a street is used ought to be up to the people of a particular neighborhood, not the city at large. If people want trailers and RVs banned in their neighborhoods let them form or move to areas with HOAs. Why punish people on one side of town over the desires of those on the other side?

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaaz.gov)
From: Thomas Rownan <Ecogreenowner@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
I am against any action that is against the use of parking personal vehicles on public streets. There should be no enforcement that disallows citizens to use streets to park ANY vehicle, business or otherwise.

---
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Kenneth Giffin <giffinkenneth@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
Regarding the proposed limitations on parking RV's on public streets: I am very much against the proposed change. In my neighborhood there is plenty of available and safe street parking for RV's and cars. Many of us with RV's are working class or retired people that don't have space on our small lots for RV's. Some of us use the RV's to work seasonal jobs away from Sierra Vista but have to park them here when we are between jobs. We also can't afford to put our RV's in storage during times they aren't being used. I don't understand what the problem is with using the available street space for this purpose. I think the only reason is vanity as some people don't like the way it looks. There is nothing unsafe about it. I think vanity is a terrible reason to limit someone's freedom, convenient access to their RV's and to cause them undue expense by having to pay for RV storage. I’m sure RV storage businesses will be very much behind banning RV parking on the street. Please, please do not take away my ability to park my RV on the street. If you do, I will probably have to sell it and that would be a terrible shame!! Thank you for considering my opinions.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Keith Landry <remyyner82@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I have a neighbor that has on any given day, 6-7 vehicles and a boat parked around his/her house. Clearly a safety hazard and reported numerous times. Please make this happen.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Kenneth Giffin <giffinkenneth@gmail.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
Regarding the proposed limitations on parking RV's on public streets: I am very much against the proposed change. In my neighborhood there is plenty of available and safe street parking for RV's and cars. Many of us with RV's are working class or retired people that don't have space on our small lots for RV's. Some of us use the RV's to work seasonal jobs away from Sierra Vista but have to park them here when we are between jobs. We also can't afford to put our RV's in storage during times they aren't being used. I don't understand what the problem is with using the available street space for this purpose. I think the only reason is vanity as some people don't like the way it looks. There is nothing unsafe about it. I think vanity is a terrible reason to limit someone's freedom, convenient access to their RV's and to cause them undue expense by having to pay for RV storage. I'm sure RV storage businesses will be very much behind banning RV parking on the street. Please, please do not take away my ability to park my RV on the street. If you do, I will probably have to sell it and that would be a terrible shame!! Thank you for considering my opinions.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Keith Landry
To: Public Comment; Judy Hector; Jeff Pregler
Subject: Public Comment Item
Date: Tuesday, February 26, 2019 10:03:06 AM

From: Keith Landry <remyyner82@gmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I have a neighbor that has on any given day, 6-7 vehicles and a boat parked around his/her house. Clearly a safety hazard and reported numerous times. Please make this happen.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Randy Maroney <ranstar2@msn.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
I am concerned about the move to add new HOA type of ordinance to the entire city, there are certain neighborhoods that are not conducive to RV or trailer parking on the street but there are some areas that people purchased property due to the wide streets, easy access and are friendly to RV owners, I am concerned about the sudden need to restrict RV and trailer use and storage, has the city seen an increase in complaints to council members, are local RV storage facilities looking for an economic growth, I understand looking at issues related to unregistered, broken down or not being moved for great time frames, I believe that there is already an ordinance that is not enforced, there are times when it takes more than the three days you are proposing to either load/unload or clean my RV.
Please don't turn Sierra Vista into a Green valley or Sun City type resort community.
Sierra Vista resident since 1964

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Stephanie Cespedes <stephrh72@gmail.com>
Subject: [your-subject]
Topic: Parking in Public Roadways

Message Body:
As it stands now, this is what SHOULD be enforced concerning RVs parked in residential areas:

"Recreational Vehicles/Trailers. It shall be unlawful to park any recreational vehicle or a trailer on a public street in any residential zoning district for a period longer than five (5) days in any thirty (30) day period unless signs are posted prohibiting on-street parking or identifying a different period of time. For purposes of this provision, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one (1) continuous parking period."

I have filed complaints multiple times with the city for RVs in violation of this in my neighborhood. The city has never done anything to enforce this code. An RV should not be allowed to be permanently parked in the street in front of a house for longer than 5 days in the 30 day period, especially when it is clear that people are living in the RV. The same should be applied to trailers.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Peggy L. Dean <peggystarkdean@hotmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
The proposed amendment to the parking ordinance is vague concerning trailers and large vehicles. There are different types/uses of trailers. If this ordinance amendment is intended to address ONLY recreational vehicle trailers such as bumper towed or fifth wheels, that specification should be so stated. Folks who use trailers as part of their business and daily use and park said vehicle on the street in proximity to their residence would be uncivilly penalized under the five day rule even though they moved them daily.

Any vehicle parked in such a manner to impede emergency services should be cited with no need to single out recreational vehicles or any type.

Also absent from the amendment is truck bed mounted campers and Class C RV's (large van like vehicles) that are parked on public streets. By comparison a large size pick up such as a Ford 3500 dually is comparable in size to 15 foot towable RV trailer causing some of the same hazards as an RV.

I recommend the Council not adopt the proposed amendment in that the problem is not wide spread, poorly defined in applicability and definitions, low in the number of complaints as reported in the work session, a burden to enforcement of a low priority complaint and to quote Mr. Potuchek from the work session, "is more an issue of a good neighbor"

---

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: jere fredenburgh <jcfred@jcdx2.com>
Subject: [your-subject]

Topic: Architecture and Design Review

Message Body:
RV/Trailer Parking on-street. Driving is dangerous, driving in parking lots, backing out is dangerous. Having an RV/Trailer parked on a city street is not more an obstacle than parking between two cars and backing out. Caution, common sense should be used in any driving situation. I encourage the City not to add more regulations and restrictions. Thank you.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
Dear City Council and Mayor,

I moved to Sierra Vista Arizona last year after traveling around the United States for about four years looking for the ideal place to purchase a retirement home. I have friends who have retired in private communities with HOA restrictions in Tucson and purposely did not choose to live in one of these places. I did not look at these types of communities in Sierra Vista either. If I wanted regulatory restrictions I would of picked a community with such guidelines.

A number of people in my neighborhood have RVs parked either in front of their homes or alongside them. None of these are offensive or unsightly. If you start requiring families or retirees to have to pay for storage which is a considerable added expense to already tight budgets, who are you making happy, people who do not have RV's? You essentially defeat one of your fundamental policy statement that you want to attract retirees and make recreation a part of everyone's healthy lifestyle in Sierra Vista. You can restrict people from living in RV's on our public streets but that is not the same as long term parking. The only time parking has filled up in my neighborhood is on Halloween when families park in my neighborhood to Trick or Treat in the adjacent neighborhood.

My neighbor parks two cars in front of her house that only get used when her family visits in the summer. Why should she be expected to block her driveway? She is considerate and moved them so that the mail truck can access our boxes. She even removed the wheel chair rack from one of them which has a Handicap Designation.

Don't make disable retirees the only important issue over other tax paying retirees. Besides Fort Huachuca, our economic growth is dependant on people picking Sierra Vista over other cities in Cochise, Pima and Santa Cruz County to retire or start a family.

Some people pursue careers that involve RVs like work camping, food vendors and artists/crafters. They are paying not only local taxes but State and Federal taxes.

I oppose this amendment as written and welcome a revision that allows us to purchase an Annual Parking Permit for our Recreation Vehicle if you have to enact something other than the current regulations. Like the RV dump station fee that we pay to the City through the Visitor Center, it shows inclusion versus exclusion.

--

This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Darlene Sanders <hello-darlin@hotmail.com>
Subject: [your-subject]

Topic: Parking in Public Roadways

Message Body:
Leave the streets alone for RVs.

--
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
From: Keith R Hall  
To: Public Comment; Judy Hector; Jeff Pregler  
Subject: Public Comment Item  
Date: Thursday, February 28, 2019 8:57:48 AM

From: Keith R Hall <keithrichardhall@hotmail.com>  
Subject: [your-subject]  

Topic: Parking in Public Roadways  

Message Body:  
I fully support the much needed change. City streets are not parking lots. I am aware of a RV being in the same spot at 4807 Paseo Del Rico for well over two years. It has not been moved in over a year.  

It is unsightly and a traffic hazard.  

--  
This e-mail was sent from a contact form on Sierra Vista, Arizona (http://www.sierravistaaz.gov)
February 6, 2019

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager

FROM: Sherry Kratchmer, Management Analyst II

SUBJECT: Request for Agenda Item Placement Rescinding City Code Title III, Chapter 41: Expense Allowance; Reimbursement; Financial Disclosure from the Sierra Vista Code of Ordinances

Recommendation:

The City Manager recommends approval.
The Chief Finance Officer recommends approval.

Initiated by:

David Felix, Chief Finance Officer
Jill Adams, City Clerk

Background:

In accordance with City Council’s FY2018-2019 Strategic Plan initiative to reduce obsolete and unnecessary code provisions and in anticipation of implementing the City's Employee Expense Module for recording City personnel travel, a review of City Code Title III, Chapter 41: Expense Allowance; Reimbursement; Financial Disclosure was performed.

As a result, it was determined City Code Title III, Chapter 41, should be rescinded because it is outdated and involves the management and guidance of the operations of City personnel and volunteers, which should be addressed in Administrative Directives and Council and Commission Guidelines adopted by resolution.

Budget Appropriation:

None
ORDINANCE 2019-001

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA; RESCINDING CHAPTER 41: EXPENSE ALLOWANCE; REIMBURSEMENT; FINANCIAL DISCLOSURE OF THE CITY OF SIERRA VISTA CODE OF ORDINANCES; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, AND CHIEF FINANCE OFFICER OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1
That Chapter 41: Travel Policy of the City of Sierra Vista Code of Ordinances be, and hereby is, rescinded.

SECTION 2
All other ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby rescinded.

SECTION 3
Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.


_____________________
Frederick W. Mueller
Mayor

Approved as to form: Attest:

________________________   ______________________
Nathan J. Williams     Jill Adams
City Attorney      City Clerk