



CITY OF SIERRA VISTA  
PLANNING AND ZONING COMMISSION  
FEBRUARY 5, 2019  
CITY COUNCIL CHAMBERS  
1011 N. CORONADO DRIVE  
REGULAR MEETING

REGULAR MEETING.....5:00 PM

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

ACCEPTANCE OF MINUTES

1. Minutes of December 4, 2018

CHAIR COMMENTS

CALL TO PUBLIC

OLD BUSINESS

NEW BUSINESS

2. **Resolution 1152**  
Appointment of Chair
3. **Resolution 1153**  
Appointment of Vice-Chair
4. **Resolution 1154**  
Recommend Appointment of Commission Member-Steven Miller
5. PUBLIC HEARING  
**Resolution 1155**  
Development Code Amendments,-Architectural and Design Standards  
Article 151.02, *Definitions*  
Section 151.03.006, *Development Review Committee*  
Article 151.20, *Architecture and Design Review*  
Article 151.30, *Appeals and Variances*
6. PUBLIC HEARING  
**Resolution 1156**  
City Code of Ordinances Amendments-Parking Regulations on Public Roadways  
Chapter 71, *Parking*

**FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS**

**INFORMATION**

Update on Projects

**CITY COUNCIL LIAISON COMMENTS**

Update on City Council Items

**ADJOURNMENT**

SIERRA VISTA PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
December 4, 2018  
CITY COUNCIL CHAMBERS  
Meeting Minutes

The regular meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present:           David Thompson, Chair  
                                  Gerald Gabel, Vice-Chair  
                                  Sharon Lake  
                                  Bradley Snyder  
                                  Robert Karp  
                                  Patricia Olson

Members Absent:           Chrysti Lassiter

Staff Present:             Matt McLachlan, Director, Department of Community Development  
                                  Jeff Pregler, Senior Planner

Council Present:           Councilmember Gray

Others Present:            Councilmember-Elect Umphrey

ACCEPTANCE OF THE AGENDA:

Ms. Lake made the motion to accept the agenda. Mr. Gabel seconded.

VOTE: Approved by a vote of 6-0.

ACCEPTANCE OF THE MINUTES:

1. Mr. Gabel made the motion to accept the minutes of September 18, 2018. The motion was seconded by Ms. Olson.

VOTE: Approved by a vote of 6-0.

CHAIR COMMENTS

Mr. Thompson had no comments.

CALL TO THE PUBLIC

Mr. Thompson opened the meeting to the public. There being no response, Mr. Thompson closed the meeting to the public.

## NEW BUSINESS

2. Resolution 1151  
Recommendation of Commission Appointments

Mr. Snyder made the motion to recommend Sharon Lake and Chrysti Lassiter to the Commission. Ms. Olson seconded the motion.

VOTE: Unanimous to approve, 6-0.

3. **DISCUSSION ITEM**-Architectural Design Review

Mr. Pregler gave the staff presentation. He included a power point presentation to help illustrate the proposed architectural and design review code amendments. Mr. Pregler first explained that the architectural and design standards would be applicable to new commercial development and exterior facade modifications to commercial buildings. He then stated that the proposed amendments include objective standards and design flexibility that allows the developer to choose from a menu of design elements. He further clarified the specific design elements which include Building Materials, Building Color, Building Scale, Building Massing, Roof Form, Location and Orientation of Building Entrances, Windows, and Site Design. The applicant, Mr. Pregler said, would be required to meet the Building Materials and Building Color design elements plus three additional design elements of their choosing. An applicant can apply for a waiver to the standards through the Director of Community Development, who shall act as the decision making authority.

Mr. Karp, in referencing one of the waiver criteria, asked if there was definition of superior alternative and stated that this term is subjective. Mr. Pregler stated that superior alternative is a design alternative recommended by the developer that either meets or exceeds the quality and intent of the design standards.

Mr. Karp, in discussing the design standards for building color, stated that the requirement for muted colors and earth tones was limiting and did not allow for variations in color. He further stated that proposed language should consider additional colors for the West End or specific zoning districts to provide vibrancy and more attractive development. Mr. Snyder concurred with Mr. Karp's comments. Ms. Lake stated that there should be one color standard throughout the City. Mr. Gabel stated his preference that a color palette be provided to developers to clearly identify allowable colors. He also promoted the idea that additional colors should be considered within the West End and certain zoning districts.

The Commission viewed a color palette of earth tone colors at the meeting. After viewing the color palette, it was decided that there was enough color variation to allow for vibrant aesthetically pleasing buildings. The Commission also stated that should the developer want to include additional colors not defined as an earth tone, that they could make a waiver request. However, the Commission had a consensus recommendation that there be less limitations on building color within the West End to allow for additional expression. Staff will revise the language accordingly.

Mr. Snyder discussed his concerns about the language relating to the design review and waiver process. Although the Director of Community Development is the decision making authority, Mr. Snyder stated that the waiver process should include a secondary reviewer separate from the Director to act as an independent decision maker, such as the Development Review Committee. Mr. Gabel concurred with Mr. Snyder's concerns further emphasizing that an independent reviewer should conduct the waiver review to prevent potential corruption and to ensure additional transparency. Mr. Snyder asked about the process for appealing the Director's decision. Mr. Pregler stated that the applicant can appeal to a Hearing Officer. The Commission had a consensus recommendation that a secondary reviewer review and hear all waivers to the design standards. Staff will revise the language accordingly.

4. **DISCUSSION ITEM**-RV Parking in the Right-of-Way

Mr. McLachlan gave the staff presentation. He stated that the Planning and Zoning Commission recommended staff pursue the development and implementation of parking restrictions for recreational vehicles and trailers on public streets in residential districts as part of the FY 18-19 Work Program. Staff brought the draft language to the Commission at their September 18, 2018 meeting. At that meeting staff sought Commission input on the amendments, particularly how long recreational vehicles or trailers should be permitted to park on a public street. The consensus from the Commission was that 5 days should be the maximum number of days allowed for the parking of vehicles. The Commission also requested that provisions be included in the language that addresses repeat offenders and that the definition of vehicle and trailers be clearly defined. The most recent code language integrates the Commission's recommendations. Mr. McLachlan also indicated that, in addition to the language relating to RV and trailer parking, staff has also included parking restrictions taken from Arizona Revised Statutes and integrated them into the local parking regulations.

With regard to the enforcement of RV's and trailers parked in the roadway, Mr. Karp asked if the vehicle owners would be cited or the vehicles towed? He also asked if there is an additional towing fee associated with the towing of the vehicle. Mr. McLachlan stated that enforcement could be a combination of both citation and the towing of the vehicle. No additional towing fees would apply to the vehicle owner.

Mr. Snyder had a concern about a potential loophole in the proposed language. He stated that the language indicating a parking prohibition for trailers disconnected from their tow vehicles may have the effect of the vehicle owner leaving the trailer connected to a non operable or non-daily use vehicle within the roadway. Mr. McLachlan stated that the language will be revised to read RV's and trailers, while eliminating the language about trailers being disconnected from their vehicles.

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANOUNCEMENTS

Mr. Karp asked about the Sierra Vista Metropolitan Planning Organization (SVMPO) Public Participation Plan and questioned whether the Commission should be more involved with this organization. Mr. McLachlan stated that the City, to include the Community Development Department has representation on the SVMPO's Transportation Advisory Committee and that many of the transportation issues discussed at the SVMPO need to be in conformance with the Transportation Element of the General Plan. He further stated that the Commission could be consulted and provide input during the update to the Regional Transportation Plan.

INFORMATION

Mr. Pregler stated that the Christian House Fellowship Site Plan, the Properties Plus Site plan, and the Olympic Karate studio Site plan were all recently approved. Mr. Pregler also explained that the Holiday Phase 5 preliminary plat and the Vista Montanas final plat are both currently under review.

CITY COUNCIL LIAISON COMMENTS:

Councilmember Gray asked the Commission if the Executive Reports were meeting their needs regarding project updates. The Commission indicated that the Reports were very helpful.

Councilmember Gray welcomed back Ms. Lake and Ms. Lassiter to the Commission and thanked Mr. Gabel for his time on the Commission. She also introduced Councilmember-elect Umphrey.

ADJOURNMENT

Mr. Gabel moved to adjourn the meeting. Ms. Olson seconded the motion. The meeting adjourned at approximately 6:15 p.m.

\_\_\_\_\_  
DAVID THOMPSON  
Chair  
Planning & Zoning Commission

\_\_\_\_\_  
MATT MCLACHLAN, AICP  
Executive Secretary  
Planning & Zoning Commission

\_\_\_\_\_  
JEFF PREGLER, AICP  
Recording Secretary

**STAFF MEMORANDUM**

<b>TO:</b>	Planning & Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU:</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	February 5, 2019
<b>SUBJECT:</b>	Appointment of Chair
<b>REQUESTED ACTION:</b>	I move that Resolution 1152, appointing _____ as Chair of the Planning & Zoning Commission said term to expire on December 31, 2019, be, and hereby is, approved.

**BACKGROUND:**

The term for the Chairperson has expired. A new chair must be elected.

RESOLUTION 1152

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING ESTABLISHED POLICY FOR ELECTING A CHAIR TO THE PLANNING & ZONING COMMISSION, ELECTING \_\_\_\_\_ AS CHAIR OF THE PLANNING & ZONING COMMISSION, SAID TERM TO EXPIRE DECEMBER 31, 2019, AND DIRECTING THE EXECUTIVE SECRETARY TO PERFORM ALL ACTS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created a Planning and Zoning Commission; and

WHEREAS, Section; § 36.005 of the Code of the City of Sierra Vista requires the Commission to elect a Chair from among its members; and

WHEREAS, it is the policy of the Planning and Zoning Commission to fill vacancies of their officers.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for electing the Chair of the Commission from among its members by majority vote of the Commission.

SECTION 2

That \_\_\_\_\_ be, and hereby is, elected as Chair to the Planning & Zoning Commission, said term to expire on December 31, 2019.

SECTION 3

That the Executive Secretary of the Planning & Zoning Commission perform all acts necessary to carry out the purposes and intent of this Resolution.



PASSED AND ADOPTED BY THE CHAIRPERSON AND MEMBERS OF  
THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA,  
ARIZONA, THIS 5TH DAY OF FEBRUARY, 2019.

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Chairperson

ATTEST:

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NATHAN WILLIAMS  
City Attorney

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JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler

RESOLUTION 1152  
PAGE TWO OF TWO

**STAFF MEMORANDUM**

<b>TO:</b>	Planning & Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU:</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	February 5, 2019
<b>SUBJECT:</b>	Appointment of Vice-Chair
<b>REQUESTED ACTION:</b>	I move that Resolution 1153, appointing _____ as Vice-Chair of the Planning & Zoning Commission said term to expire on December 31, 2019, be, and hereby is, approved.

**BACKGROUND:**

The term for the ice-Chair has expired. A new Vice-Chair must be elected.

RESOLUTION 1153

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING ESTABLISHED POLICY FOR ELECTING A VICE-CHAIR TO THE PLANNING & ZONING COMMISSION, ELECTING \_\_\_\_\_ AS VICE-CHAIR OF THE PLANNING & ZONING COMMISSION, SAID TERM TO EXPIRE DECEMBER 31, 2019, AND DIRECTING THE EXECUTIVE SECRETARY TO PERFORM ALL ACTS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created a Planning and Zoning Commission; and

WHEREAS, Section; § 36.005 of the Code of the City of Sierra Vista requires the Commission to elect a Vice-Chair from among its members; and

WHEREAS, it is the policy of the Planning and Zoning Commission to fill vacancies of their officers.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for electing the Vice-Chair of the Commission from among its members by majority vote of the Commission.

SECTION 2

That \_\_\_\_\_ be, and hereby is, elected as Vice-Chair to the Planning & Zoning Commission, said term to expire on December 31, 2019.

SECTION 3

That the Executive Secretary of the Planning & Zoning Commission perform all acts necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE CHAIRPERSON AND MEMBERS OF  
THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA,  
ARIZONA, THIS 5TH DAY OF FEBRUARY, 2019.

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Chairperson

ATTEST:

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NATHAN WILLIAMS  
City Attorney

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JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler

**STAFF MEMORANDUM**

<b>TO:</b>	Planning & Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU:</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	February 5, 2019
<b>SUBJECT:</b>	Recommendation to Appoint a Member of the Planning & Zoning Commission
<b>REQUESTED ACTION:</b>	I move that Resolution 1154, recommending Steven Miller to the Planning & Zoning Commission, said term to expire on December 31, 2020, be, and hereby is, approved.

**BACKGROUND:**

There is currently one vacancy on the Commission. The City has received an application from one individual, Steven Miller, interested in serving on the Commission. The term will expire on December 31, 2020. The application has been submitted to the Commission for their consideration and recommendation.

Attachment - Application: Steven Miller

RESOLUTION 1154

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING ESTABLISHED POLICY FOR RECOMMENDING APPROVAL OF PLANNING AND ZONING COMMISSION APPLICANTS TO THE CITY COUNCIL; RECOMMENDING STEVEN MILLER, SAID TERM TO EXPIRE DECEMBER 31, 2020, BE APPOINTED TO THE PLANNING AND ZONING COMMISSION; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S COMMENTS AND RECOMMENDATIONS TO THE CITY COUNCIL.

WHEREAS, the City Council has created a Planning and Zoning Commission; and

WHEREAS, there are current vacancies on the Commission; and

WHEREAS, it is the policy of the Planning and Zoning Commission to recommend to the City Council applicants for appointment.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION AS FOLLOWS:

SECTION 1

That a policy most recently affirmed by Resolution 1143 for recommending approval of Planning and Zoning Commission applicants to the City Council be, and hereby is, reaffirmed.

SECTION 2

That Steven Miller said term to expire on December 31, 2020, be recommended for appointment to the Planning and Zoning Commission.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's comments and recommendations to the City Council.

PASSED AND ADOPTED BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 5TH DAY OF FEBRUARY, 2019.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - www.SierravistaAz.gov

## APPLICATION TO CITY BOARD/COMMISSION

DATE: JANUARY 10, 2019

BOARD/COMMISSION: CITY OF SIERRA VISTA PLANNING AND ZONING

NAME: STEVEN J. MILLER TELEPHONE: [REDACTED] (ONE PER FORM)

E-MAIL ADDRESS: SMILLER@FARMERSAGENT.COM (HOME) (WORK)

ADDRESS: [REDACTED] CITY: SIERRA VISTA ZIP: 85635

MAILING ADDRESS: SAME AS ABOVE

CITY RESIDENT? YES REGISTERED TO VOTE IN CITY? YES

EDUCATION: HIGH SCHOOL GRAD SOME COLLEGE (NO DEGREE)

OCCUPATION: INSURANCE AGENT / OWNER

PROFESSIONAL/COMMUNITY ACTIVITIES: (IF RETIRED, INDICATE FORMER OCCUPATION)  
{CURRENT} BOARD MEMBER VERNON FD-AZ  
1995-2002 TRUSTEE - VILLAGE OF BARTLETT (ILLINOIS)

AT THE SAME TIME SERVED AS THE BOARD OF TRUSTEE'S  
COMMITTEE CHAIR FOR P+Z, POLICE AND LICENSE + ORDINANCE.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: DURING MY TENURE AS A  
VILLAGE TRUSTEE MY FOCUS CENTERED AROUND ECONOMIC DEVELOPMENT  
FOR THE VILLAGE OF BARTLETT INCLUDING THE PREPARATION OF A  
ECONOMIC DEVELOPMENT PLAN. PRIOR EXPERIENCE IN CIVIC PLANNING  
AND GOVERNMENT POSITIONS CONFIRMS MY CONTINUED INTEREST IN  
THESE AREAS.

REFERENCES: 1. KEN JAMES (NAME) [REDACTED] (ADDRESS) [REDACTED] (PHONE)

2. DAVE THOMPSON (NAME) [REDACTED] (ADDRESS) [REDACTED] (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.

[Signature]  
(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office - 08/29/05



## STAFF MEMORANDUM

<b>TO:</b>	Planning and Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	February 5, 2019
<b>SUBJECT:</b>	PUBLIC HEARING 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
<b>REQUESTED ACTION:</b>	I move that <b>Resolution 1155</b> , providing for text amendments to Development Code Article 151.02, Definitions, Section 151.03.006, Development Review Committee, Article 151.20, Architecture and Design Review, and Article 151.30 Appeals and Variances, as shown in Exhibit A, be recommended for approval to the Mayor and City Council

### 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; the second work session was held on December 4. The Commission provided a number of recommendations at the work sessions that have been integrated into the text amendments.

## 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 a 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 be 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 Design 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 has not received any public comment relating to the proposed amendments.

Staff recommends that Resolution No. 1155 be approved with any modifications determined to be necessary after holding the required public hearing. The City Council will consider this matter at their regularly scheduled meeting on February 28, 2019.

RESOLUTION 1155

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; BY RECOMMENDING APPROVAL OF AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN ON EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow the text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista, has proposed amendments to the following: 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 Planning and Zoning Commission review all applications for text amendments, to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.31 of the Development Code, the Planning & Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Planning and Zoning Commission considered all of the facts of the application and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for recommending Development Code text amendments to City Council.

SECTION 2

That text amendments to Chapter 151 of the City Code of Ordinances, the Development Code, as shown on Exhibit "A" are hereby recommended to the Mayor and City Council

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA THIS 5TH DAY OF FEBRUARY, 2019.

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler, AICP,  
Director of Community Development

## EXHIBIT A

### 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. T

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.
- ~~The Committee shall have the power to~~ A approve or disapprove all site plans submitted under the requirements of Article 151.18.003.
  - ~~The Committee shall~~ R review and recommend to the Commission and Council the master plan and subdivision plats required by Article 151.19.003.
  - 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:
- The proposed development complies with all applicable provisions of this Code and other ordinances, plans, and standards of the City;
  - 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;
  - The proposed development promotes and protects the peace, health and welfare of the City.
- G. Appeals. ~~to Commission and Council.~~ [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 consideration. The Council shall reach its decision on approval or disapproval of the site plan within a reasonable time.~~

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# DEVELOPMENT CODE

## ARTICLE 151. 20 ARCHITECTURE AND DESIGN REVIEW

151.20.01	Purpose
151.20.02	<a href="#">Applicability</a> <del>Architecture and Design Review Required</del>
151.20.03	Review Authority
151.20.04	<a href="#">Architecture and Design Review Process</a> <del>Limitations on Design Review</del>
151.20.05	<a href="#">Submittal Requirements</a> <del>Pre-submission Design Review Process</del>
151.20.06	<a href="#">Architectural and Design Standards</a> <del>Submittal Requirements</del>
151.20.07	Action by Decision Making Authority
151.20.08	<a href="#">Waivers</a> <del>Appeals</del>
151.20.09	<a href="#">Appeals</a> <del>Effect</del>
151.20.010	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.](#)

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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.~~

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- ~~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~~

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- ~~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).~~

~~A.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).~~

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~~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 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.

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.

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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;

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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.



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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;

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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 a~~ Approved provided the project ~~it is determined that it meets the provisions of this Article and the overall intent of the Architectural and Design Guidelines.~~
  2. Granting Conditional Approval. ~~An application may be c~~ 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 d~~ Denied if the project ~~it~~ 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.~~

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## 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.

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### Section 151.20.009

#### Appeals

Any action of the ~~decision-making authority~~ Director 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*.

## DEVELOPMENT CODE

### 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.

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- 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.

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### 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.

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### 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.



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### 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.

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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.

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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.

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- 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

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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

## DEVELOPMENT CODE

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.

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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.

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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.



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### 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;

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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.

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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.

## STAFF MEMORANDUM

<b>TO:</b>	Planning and Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	February 5, 2019
<b>SUBJECT:</b>	PUBLIC HEARING Proposed City Code of Ordinances Text Amendments- Chapter 71, Parking
<b>REQUESTED ACTION:</b>	I move that resolution 1156, providing for text amendments Chapter 71, Parking in the City Code of Ordinances, as shown in Exhibit A, be recommended for approval to the Mayor and City Council.

### 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 amendments contained in Resolution 1156 incorporate the Commission's input provided during the past two work sessions held on September 18, 2018 and December 4, 2018. 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 has received one letter of support (attached) for the proposed amendments.

Staff recommends that Resolution No. 1156 be approved with any modifications determined to be necessary after holding the required public hearing. The City Council will consider this matter at their regularly scheduled meeting on February 28, 2019.

RESOLUTION 1156

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; BY RECOMMENDING APPROVAL OF AMENDMENTS TO CHAPTER 71, PARKING, OF THE CITY CODE OF ORDINANCES, AS SHOWN ON EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow the text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code, Chapter 36.003 of the City Code of Ordinances, and established policy, the City of Sierra Vista, has proposed amendments to the following: Chapter 71, Parking, of the City Code of Ordinances; and

WHEREAS, Article 151.31 of the Development Code and Chapter 36.003 of the City Code requires that the Planning and Zoning Commission review all applications for text amendments, to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.31 of the Development Code and Chapter 36.003 of the City Code, the Planning & Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Planning and Zoning Commission considered all of the facts of the application and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for recommending text amendments to City Council.

SECTION 2

That text amendments to Chapter 71, Parking, of the City Code of Ordinances, as shown on Exhibit "A" are hereby recommended to the Mayor and City Council

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA THIS 5TH DAY OF FEBRUARY, 2019.

\_\_\_\_\_

Chairperson

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler, AICP,  
Director of Community Development

## EXHIBIT A

### 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.

**From:** [Carolyn Chatham](#)  
**To:** [Jeff Pregler](#)  
**Subject:** RV parking ordinance  
**Date:** Monday, December 03, 2018 7:34:05 AM

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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.  
Carolyn Chatham, and neighbors