

Official Minutes of the City of Cottonwood
Planning & Zoning Commission Regular Meeting
Held, August 18, 2014, at 6:00 P.M. at the City Council Chambers
826 N. Main St. – Cottonwood, Arizona

CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 6:01 p. m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Ed Kiyler	Robert Williams	Philip Rosen
Judd Wasden	Jean Wilder	Ray Cox

Planning & Zoning Commission Members Absent

Vice-Chair Lovett

Staff Members Present

Berrin Nejad, Community Development Director
Charlie Scully, Community Development Long Range Planner
Christina Papa, Administrative Coordinator, Recorder

APPROVAL OF MINUTES OF JUNE 16, 2014-REGULAR MEETING, AND JUNE 24, 2014-SPECIAL MEETING

Motion: ***To approve the minutes of 6/16/2014-regular meeting, & 6/24/2014-special meeting***

Made by: ***Commissioner Williams***

Second: ***Commissioner Wasden***

Vote: ***Unanimous***

CALL TO THE PUBLIC (NONE)

UNFINISHED BUSINESS (NONE)

NEW BUSINESS

1. **ZO 14-009 YARD SALES & YARD SALE SIGNS-** Proposed addition to the Zoning Ordinance, Section 404.CC, regarding yard sales and yard sale signs. Planner Scully began meeting with a summary of the project for zoning ordinance amendment. Below is Scully's report:

BACKGROUND:

Yard sales, also called garage sales, commonly occur on weekends at residential locations throughout Cottonwood. These types of events are popular with residents who can get rid of excess household items and make a little extra money and they are popular with residents and others who enjoy visiting neighbors and purchasing various used items.

There has never been any requirement for obtaining permits, registering or any other kind of regulatory scheme for yard sales. Yard sales are considered as an occasional, informal and low-key type of activity. However, there have been examples of residents extending the privilege of these informal activities to effectively operate ongoing weekly events selling merchandise obtained from outside sources for such purpose. The effect of the ongoing, frequent and organized yard or garage sale is to be operating a retail store in a residential setting.

Upon documentation of ongoing retail sales activity at a residence, the City code enforcement officials will typically contact the resident and provide information regarding zoning and how such activity effectively constitutes a commercial use in a residential zone, which is in violation of the zoning. For most people education is sufficient to gain compliance with this issue; for a few, the interest in taking advantage of the system persists. Therefore, it is proposed to establish an ordinance to allow a reasonable program for people to engage in this popular activity while protecting the general rights of neighbors to enjoy the residential character of their neighborhood.

PROPOSED ZONING AMENDMENT:

There are several key points to the proposed amendment:

1. No permit or registration process is proposed. People do not want this level of regulation for this type of activity and for the most part it is not needed.
2. The ordinance can help guide residents. On-line information and printed material will also help provide more information to ensure successful events.
3. Although the existing zoning ordinance provides clear information regarding permitted uses in various zones, the exception to allow yard sales in residential zones has always been an unwritten policy. The question of enforcing clear violations of zoning standards is offset by this unwritten policy to allow this exception. Clarification is provided by this zoning ordinance amendment.

4. The ordinance provides a solid position for enforcement of violations. In the event a resident is unresponsive to this information, there will now be a specific code section to assist with effective enforcement of residential standards.

YARD SALE SIGNS:

Similar to the yard sale activity, the zoning ordinance does not include any standards for informal homemade signs directing people to weekend yard sales. Technically, these signs are in violation of the zoning ordinance as off-premise signs and signs located in the public right-of-way. The proposed amendment provides a reasonable compromise and meets the needs of this limited and specific type of activity:

1. No permits are proposed for yard sale signs.
2. The ordinance serves to help guide residents. It provides information on the maximum size of signs, the number placed and various prohibited and allowable locations.
3. The ordinance provides a clear position for enforcement, especially for removal of unsafe signs.

The ordinance maintains the current prohibition regarding locating signs in the street, sidewalk or right-of-way. It describes the prohibition regarding locating signs on utility poles and street signs as well. It allows a few off-site signs on private property, such as at the street corner of a neighboring property, with permission of the property owner. In general, people are still likely to use cardboard boxes and locate signs along the street. The importance of the ordinance is to be able to assist with relocating or removing unsafe signs on the street. This restriction for locating signs in the street needs to be clear, otherwise this opens the door for all types of signs to locate off-premise.

Discussion was opened up to the commission, Commissioner Williams had some questions and concerns regarding the proposed amendment section referring to yard sales not being allowed at apartments or multi-unit residential properties, except with a Temporary Use Permit. Commissioner Williams wanted to know why that was. Staff responded that they are mostly likely group sales that will take place in a parking lot, and there may be safety issues. Commissioners Williams and Rosen shared the same concerns regarding this issue, they both thought that between apartment management and condo board rules they should regulate those uses, and not the City. Staff mentioned that he would remove that prohibited use. Commissioner Rosen also brought up Estate Sales, and maybe there should be a section regarding those, as they are handled in a more commercial like way, as there are companies that specialize in doing estate sales. The concern of the commission is that not only are they selling the contents of one's home, but that they have seen them unload trucks with other items that they are bringing in to sell as well. Commissioner Wasden suggested that an additional section be made to address Estate Sales and Auctions. Commissioner Wasden went on to say that the days of the week or weekend shouldn't really matter and we shouldn't set specific dates that they are allowed to have a yard sale. Commissioner Wasden also mentioned that in section 5.a that yard sales at any one location shall be limited to no more than three (3) weekend events within a calendar year and no more than one such event within a thirty (30) day

period. This maybe punishing people and it shouldn't. They don't want to penalize people that are moving and need to have more than one sale in a 30 day period. Commissioner Wilder mentioned that 3 days is more than enough time to have a yard sale, she would like to see a little bit more regulation, like parking all along the street and blocking residents driveways. Commissioner Cox mentioned that the signs are a big issue, and he doesn't mind them having them up but driving around town there are signs still out on the streets for sales that happened the previous weekend. He feels that they should be accountable for picking up their signs. Staff will work on modifications and bring back to commission.

2. ZO 14-010 PORTABLE STORAGE CONATINERS- Proposed addition to the Zoning Ordinance Section 404.G.e, regarding portable storage containers. Planner Scully began meeting with a summary of the project for zoning ordinance amendment. Below is Scully's report:

Background:

There are residents and businesses who like to use "portable storage containers," also called "cargo containers," as accessory storage structures in commercial and residential zones. Currently, there are no specific regulations regarding the use of these types of structures. They are treated as accessory structures and are permitted as such.

In commercial or non-single-family residential locations, a storage container or accessory structure is subject to Design Review standards. The use is generally allowed subject to being screened or located behind a fenced area.

In single-family residential locations they are allowed subject to standards for accessory structures, including setbacks, distance between structures, and lot coverage. There is no restriction on the number allowed on a residential property provided all other requirements are met.

A review of a number of other jurisdictions reveals that most cities and counties have specific regulations for cargo containers; many do not allow for permanent use. If they do allow permanent use, it tends to be limited to commercial or industrial locations.

Proposed Zoning Amendment:

1. First, a definition for this type of structure is created.
2. Standards are described to allow one (1) portable storage container in the large lot Agricultural Residential zones (AR-20, AR-43, AR-70, GA) as a Permitted use. It must be painted and meet all setback and lot coverage standards.
3. Commercial and Industrial uses also can have these structures provided they are fully screened and it is reviewed through the Design Review process.
4. Exceptions allow temporary use on construction site and for household moving.
5. Exceptions could be described to allow Conditional use in other applications, but such use can also be generally prohibited in specific zones.

Commissioner Wilder liked the idea of the storage containers with color options. Commissioner Cox mentioned that they are used often and effectively in some areas, they are structurally sound and serve multiple purposes, he knows of one in Flagstaff that was being used as a home and it looked really nice. Staff mentioned that some places prohibit them, the question is does Cottonwood want to allow it or not. Commissioner Wasden mentioned that there should be some provision, and has seen homes done well and blend as part of the green movement, good use for it, also serves many purposes for individuals that have a lot of acreage and use these containers for safe keep of lard equipment, likes to see them painted to fit in. Commissioner Rosen mentioned that in the ordinance it mentions temporary and then gives a two (2) year time span that seems a little bit too long for temporary.

3. **ZO 14-011 HOME OCCUPATIONS:** Proposed amendment to the Zoning Ordinance Section 404.N, regarding home occupations.

Planner Scully began meeting with a presentation of the project for zoning ordinance amendment. Below is Scully's report:

Background:

Section 404. N. (General Provisions) Home Occupations, currently provides a brief description of what is allowed for home occupations. The City Finance department issues the permit as a type of business registration and the Community Development department reviews and approves the use and the zoning.

The home occupation use is intended to allow various types of uses that otherwise create no more effect on the character of the residential neighborhood than is otherwise expected. Generally, there are no outside employees, no regular customers, a typical level of residential deliveries and no outside activity. This tends to allow office uses, consulting and internet-based businesses.

Additional clarification is needed, as people periodically are looking for more extensive uses, including some customer based business, various personal services and internet-based sales that may include more shipping and distribution.

Proposed Zoning Amendment.

The level of activity allowed with home occupations is a matter of policy for each community to decide. Some cities allow more home-based business activity; some expect a very low-key atmosphere to be maintained. The underlying level of activity needs to be considered, as this forms the basis of the ordinance. The amendment includes:

1. Expanded sections on types of allowable uses, as well as prohibited uses.
2. Some limited light manufacturing, such as home crafts, may be allowed by CUP.
3. Review, Approval and Enforcement are further defined.

Commissioner Cox asked about short-term rentals. Staff mentioned that he has done a lot of research regarding short-term rentals and has already drafted up an ordinance that

covers that issue, and can present it to the commission another time. Commissioner Cox asked about individuals that work out of their home who engage in their hobbies that may cause disruption to neighbors. Staff responded that they are not addressing that at this time, hobbyists are different than home occupations. Commissioner Wilder asked if they are subject to Sales Tax. Staff responded that they are, usually the department finds out about home occupations from business registrations that come in from the Financial Services department, and if they come into the Community Development office they are forwarded to the Finance office to get a business license. Commissioner Wasden felt that there shouldn't be a permit process, that it will make it more restrictive. Staff responded that this is to limit what is going on, and it is to monitor businesses that want to use their home as a tax deduction and want to apply for a Transactional Privilege Tax (TPT). Commissioner Rosen said that there should be no sign, no customer, and no noise. Commissioner Williams agrees with Commissioner Rosen.

UNFINISHED BUSINESS-NONE

DISCUSSION ITEMS

1. A-Frame signs in Old Town, specifically Black Canyon Traders, there are several signs out, some that are bigger than what is allowed.
Staff will mention to Code Enforcement.
2. THAT Brewery, shouldn't that project been presented to P&Z for approval?
Staff mentioned that it was an allowed use in that area and therefore it did not have to come to P&Z, if they would have made any exterior changes it would have.

INFORMATIONAL REPORTS AND UPDATES

1. Vice-Chair Lovett has resigned from the commission, Chairman Kiyler would like some suggestions on how we can acknowledge her service to the commission.

ADJOURNMENT

Meeting adjourned at 7:49 p.m.