

## DEVELOPMENT SERVICES CODE

### Title 1 - GENERAL CODE PROVISIONS

#### CHAPTER 1.01. - CODE ADOPTION

##### 1.01.010. - Adopted.

The board approves the codification of existing development services ordinances into a code named the "Pinal County Development Services Code."

(Ord. No. 021010-DSC, § 1)

### Title 2 - ZONING

#### CHAPTER 2.05. - PURPOSE AND APPLICATION

##### 2.05.010. - Short title.

This title may be referred to as the "County Zoning Ordinance."

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 101)

##### 2.05.020. - General purpose and adoption of official land use plan and zoning ordinance.

For the promotion and protection of the public health, peace, safety, comfort, convenience and general welfare and in order to secure for the citizens of Pinal County, Arizona, the social and economic advantages of an orderly, efficient use of land, and as a part of the comprehensive plan for the county, there is hereby adopted and established an official land use plan and zoning ordinance for Pinal County, Arizona, and rules, regulations and plans by which the future growth and development of the county may be directed in accordance with the plan and ordinance, as provided in the Planning and Zoning Act of 1949, A.R.S. § 11-801 et seq., as amended.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 201)

##### 2.05.030. - Guiding principles.

The following principles and rules are hereby adopted as a guide in the use and application of this title:

- A. The powers of the board of supervisors, the planning and zoning commission, the board of adjustment, the zoning inspector and all other persons or agencies charged with the administration of this title shall be strictly limited by the expressed intent of the Arizona Legislature in the enactment of the Planning and Zoning Act of 1949 (A.R.S. § 11-801 et seq., as amended) and by the language of this title.
- B. All terms used herein shall be interpreted according to their common, plain, natural and accepted usage when not otherwise defined herein.
- C. In any dispute concerning the application of any provision of this title, that solution shall be favored which is most reasonable with regard to the general purpose of this title and the goals, objectives and policies of the

comprehensive plan.

- D. The application of this title to any property or use classified herein shall be governed by all the particular facts in each individual case, and the fundamental rights of any individual property owner shall not be prejudiced by reason of the property owner being in a minority, either in number or in land interests concerned in the application.
- E. The right of every affected property owner to petition and to be heard whenever the application of this title is at issue shall be strictly observed at all times.
- F. No special favors or privileges shall be granted to any individual or group of property owners and no permit shall be issued under the terms of this title which will or might reasonably tend to destroy the established economic or social uses and values of adjacent or surrounding properties.
- G. On every application of this title to any given area, the relative importance of the interests involved shall be as follows:
  - 1. First, established conforming uses of adjacent or surrounding properties having the same zoning district classification or similar use;
  - 2. Second, the cost of tax-supported and other public services to the area affected, and the increased or decreased share of this cost which might be borne by the area if a proposed use or change of zoning district classification is permitted; and
  - 3. Third, the impact of the proposed zoning district classifications and uses to the orderly development of the neighborhood or area affected.
- G[H]. The theory and use of "spot" zoning is hereby specifically repudiated in the application of any zoning district classification of this title to any given land area that is in conformance with the goals, objectives and policies of the comprehensive plan.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 301)

#### 2.05.040. - Regulations.

Except as hereinafter provided:

- A. All property under the county's jurisdiction, except that covered by statutory exemptions and exemptions and exceptions listed in chapter 2.150 PCDS shall be hereby governed according to the type of zoning district in which it is located, as shown on the zoning map adopted and made a part hereof, and shall be subject to the regulations set forth for such zoning districts, the regulations applying to specific uses and the general regulations of this title.
- B. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title or amendments thereto as permitted in the zoning district in which such land, building or premises is located.
- C. No building shall be erected, nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this title or amendments thereto for the zoning district in which such building is located.
- D. No building shall be erected, nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this title or amendments thereto

for the zoning district in which such building is located.

- E. No land shall be used in any zoning district in violation of this title.
- F. No yard or other open space provided about any building for the purpose of complying with the regulations of this title or amendments thereto shall be considered as providing a yard or open space for any other building or structure.
- G. No structure shall be erected in a required front yard, side yard or rear yard, except as specifically permitted herein.
- H. If a particular use or class of building, structure, or premises is not specifically permitted in a zoning district, then such building, structure, premises or use is prohibited in that zoning district, unless allowed by a special use permit as provided in this title. (See chapter 2.151 PCDSC.)

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 302)

#### 2.05.050. - Statutory exemptions.

As specified in A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.), the provisions of this title shall not prevent, restrict or otherwise regulate in any zoning district the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agriculture purposes, as defined herein, provided the tract or premises so used is five or more contiguous commercial acres. Land shall be classified as being used for grazing purposes when 50 percent or more of the owner's income from the land is derived from the use or from the rental of the land for grazing purposes, and the land shall be classified as being used for general agricultural purposes when 50 percent or more of the owner's income from the land is derived from the production of agricultural products or from the rental of the land for the production of agricultural products.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 303)

#### 2.05.060. - Nonconforming uses exempted.

As specified in A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.), the provisions of this title shall not affect existing uses of property or the right to its continued use or the reasonable repair or alteration for the purpose of this use at the time the ordinance codified in this title becomes effective.

- A. An existing nonconforming use may not be changed to another nonconforming use.
- B. A nonconforming use that has changed to a conforming use shall not be changed again to any nonconforming use.
- C. A nonconforming building or structure that has changed to a conforming building or structure shall not be changed again to a nonconforming building or structure.
- D. Nothing in this title on nonconforming use shall authorize the violation of any health or sanitary law or other county ordinance or regulation.
- E. A nonconforming business use within any zoning district shall have the right to expansion, provided it does not exceed 100 percent of the area of the original business. "Area" is the floor area inside a structure and/or square footage or acreage outside a structure. Business uses as used in this section shall be limited to the uses described in PCDCS 2.85.010(B), 2.90.010(B), 2.95.010(B) and (C), 2.105.010(C) and (D), and 2.110.010(B) and (D). The term "area of the original business" is defined as being any land or building, or both, improved for a business purpose.
  - 1. Expansion of a nonconforming business use, other than within an existing building, requires compliance with the development standards of the zone district.

2. Additional parking area necessitated by such expansion shall not count against the 100 percent expansion allow.
3. Where the expansion of a nonconforming business is an open land use, a solid masonry wall must be installed as a screening between such expanded use and any residential use. Any other type of wall, fence or hedge requires the approval of the planning director.
4. Expansion shall be limited to the original parcel of land on which the business use was located at the time it became a nonconforming use.
5. Expansion does not mean the following:
  - a. Any improvement required by federal, state or local environmental or health agency.
  - b. Any increase in production volume utilizing existing equipment.
  - c. Any extension of the use into an existing floor area originally designed for such extension, but not currently utilized by that use.
  - d. Any use of the nonconforming business utilized at a later date, but which would have been allowed as part of the original business.
6. The provisions for expansion do not waive the requirement of obtaining a building permit or any other applicable permit or approval.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 304)

#### 2.05.070. - Nonconforming use of land.

The lawful use of land existing at the time the ordinance codified in this title becomes effective, or existing on the effective date of any amendment of the text or of the maps hereof, although such use does not conform to the provisions hereof for the land, may be continued; but if such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the land shall be in conformity with the provisions of this title. A nonconforming use of land is also discontinued when replaced by a conforming use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 305)

#### 2.05.080. - Nonconforming use of buildings.

The lawful use of a building existing at the time the ordinance codified in this title becomes effective, or on the effective date of any amendment of the text or of the maps hereof, although such use does not conform with the provisions hereof for such building, such use may be continued provided no structural alterations, except those required by law or ordinance or permitted by the board of adjustment, under this title are made. If any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building shall be in conformity with the provisions of this title.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 306)

#### 2.05.090. - Alteration of nonconforming buildings.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this title for the zoning district in which located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations, and the further use thereof, conform in every respect with the regulations specified by this title for such zoning district in which the building is located, except a nonconforming business use as provided in PCDCS 2.05.060, but nothing in this section shall authorize the violation of any setback, health or sanitary law, ordinance or regulation not a part of this title.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 307)

2.05.100. - Destroyed nonconforming buildings.

If, at any time, any building in existence or maintained at the time the ordinance codified in this title becomes effective, and which does not conform to the regulations for the zoning district in which it is located, shall be destroyed by any act of casualty or act of God to the extent of 100 percent of its value, the owner shall have the right to rebuild for the use, provided the structure is rebuilt according to the area of the original nonconforming structure and is not expanded in any way either vertically or horizontally.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 308)

2.05.110. - Interpretation, purposes and conflict.

In interpreting and applying the provisions of this title, the provisions shall be held to be minimum requirements adopted for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this title to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance previously adopted pursuant to the laws relating to the use of building or premises, or relating to the erection, construction, establishment, alteration or enlargement of any building or improvements, except to the extent any existing provisions conflict with or are inconsistent with the valid provisions of this title, and to that extent and no more, the same are hereby repealed. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between private parties, but where the zoning provisions of this title are more restrictive than any existing private restrictive covenant affecting any portion of the unincorporated area of the county, said zoning provisions shall prevail over said private covenant.

(Ord. No. 011812-ZO-PZ-C-007-10, § 4; Ord. No. 61862, § 2601)

2.05.120. - Sale of copies.

Repealed by Ord. No. 011812-ZO-PZ-C-007-10.

(Ord. No. 61862, § 2901)

2.05.130. - Repeal of inconsistent provisions.

Repealed by Ord. No. 011812-ZO-PZ-C-007-10.

(Ord. No. 61862, § 3001)

2.05.140. - Severability.

This title and the various parts thereof are hereby declared to be severable. If any section, subsection, sentence, clause, word or phrase of this title is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this title.

(Ord. No. 61862, § 3101)

CHAPTER 2.10. - DEFINITIONS

## 2.10.010. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "structure" includes the word "building" and the word "shall" is mandatory and not directory. The term "supervisors" shall mean the board of supervisors of Pinal County, Arizona; the term "commission" shall mean the county planning and zoning commission of Pinal County; the term "board" shall mean one of the boards of adjustment appointed under the authority of this title, and the term "county" shall mean Pinal County, Arizona. The term "PCDSC" means Pinal County Development Services Code.

*Accessory building.* See *Building, accessory*.

*Accessory use.* See *Use, accessory*.

*Acre* means 43,560 square feet.

*Acre, commercial,* means 36,000 square feet.

*Addressing.* See chapter 2.215 PCDSC.

*Adjacent* means all properties immediately contiguous to or near a development site, including those which are separated from the site only by a road or road right-of-way.

*Adult oriented business.* For definitions concerning adult oriented businesses and adult service providers, see PCDSC 2.190.030.

*Agriculture* means the tilling of the soil, the raising of crops, horticulture, animal husbandry and uses customarily incidental thereto; but not including commercial slaughterhouses, stockyards/feedlots, meat packing plants, fertilizer yards, or plants for the reduction of animal matter.

*Aircraft* means any motorized machine for traveling through the air for the purpose of carrying people.

*Airport, commercial,* means an airport, landing strip or landing field used by or available to commercial carriers, flight training or flying schools, private pilots or owners of noncommercial aircraft on a commercial basis.

*Airport, private,* means an airport, landing strip or landing field owned and used by owners of noncommercial aircraft, including private bona fide flying clubs, on a noncommercial basis.

*Alley* means a way dedicated to the public which affords a secondary means of access to contiguous property and is not intended for general traffic circulation.

*Antenna.* See PCDSC 2.205.030 for definition.

*Apartment house.* See *Dwelling, multiple*.

*Arena, commercial,* means an improved area within which equestrian activities occur and where spectators are charged an admission fee and the activities are operated for profit.

*Assisted living facility* means a residential care institution that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

*Bar* means premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

*Basement* means a story partly underground and having at least one-half of its height, measured from its floor to its finished ceiling, below the average grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.

*Bed and breakfast* means one dwelling (conventional construction only), or portion thereof, where short-term lodging rooms and meals are provided, for compensation. The operator shall live on the premises or on adjacent premises.

*Boarding or rooming house* means a building, other than a hotel, where lodging is provided, with or without meals, for compensation, not primarily for transients.

*Buffer* means a strip of land established to protect one type of land use from another land use or to provide screening. Normally, a buffer is landscaped and developed in open space areas.

*Buildable area* means the net portion of the lot remaining after deducting all required yards/setbacks from the gross area of a lot or building site.

*Building* means any structure used or intended for supporting, housing or sheltering any use or occupancy. For the purpose of this title, the terms "building" and "structure" shall be treated as though they are synonymous, unless stated otherwise. (See *Structure*.) A structure having a roof supported by columns and used exclusively for the shading of livestock and not for housing livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

*Building, accessory*, means a subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main building or their nonpaying guests or employees.

*Building height* means the vertical distance from the average finished grade at the front of the building to the highest point of the building, exclusive of chimneys and screening of mechanical equipment.

*Building, main*, means a building or buildings in which the primary use of the lot is conducted.

*Building site* means the ground area of a building or buildings together with all contiguous open spaces as required by this title.

*Bulk station* means a place where liquefied petroleum, gas, and crude liquid are stored in wholesale quantities where the aggregate capacity of all storage tanks is more than 10,000 gallons.

*Campground* means an open area or tract of land, with or without sanitation facilities or water, for overnight or limited camping of tents, trailers, recreational vehicles or other vehicles intended for camping purposes.

*Carport* means a roofed structure which may be attached or unattached to the main building providing space for one or more vehicles and may be either open or enclosed on not more than two sides by walls.

*Car wash, automated*, means a commercial accessory use to the primary commercial use which has no more than one drive-through bay where vehicles are washed and cleaned by automated equipment without the driver leaving the vehicle and without any attendant present.

*Car wash, full service*, means a primary commercial use that provides washing and cleaning of vehicles by hand or by use of automated equipment operated by one or more attendants.

*Car wash, self-service*, means a primary commercial use where the washing and cleaning of a vehicle is done by the occupant and the car wash consists of one or more bays, some or all of which may be automated.

*Cemetery* means a parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums and columbaria.

*Child care* means the act of providing care and supervision of a child in a place other than the child's own home.

*Child care center* means any facility or building other than a private residence in which child care is provided for compensation for children not related to the proprietor or caregiver. This use shall not be considered a school within the meaning of this title even though some instruction may be offered in connection with the child care.

*Church* means a building or group of buildings used primarily as a place of communion or worship which includes convents, religious education buildings and parish houses, but not parochial schools.

*Club* or *lodge* means a regularly constituted association of persons who have some common social purpose and which derives not more than one-half of its revenue or income from the sale of goods and services to its members or others.

*Commercial acre.* See *Acre, commercial.*

*Commercial outdoor patio.* See *Outdoor patio, commercial.*

*Community service agency* means an organization such as an orphanage, home for the aged, Y.M.C.A., Y.W.C.A., Boy Scouts or Girl Scouts, C.Y.O., Y.M.H.A., Campfire Girls, or any similar agency organized as a nonprofit corporation or supported in whole or in part by public subscription and primarily established to serve the social or welfare needs of the community or any part thereof, and not organized for the personal profit of any individual, group of individuals, or corporation.

*Comprehensive plan* means the Pinal County comprehensive plan adopted by the supervisors pursuant to A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.) on November 18, 2009, and as amended from time to time.

*Conventional construction* means a building constructed on a permanent site, conforming to the International Building Code (IBC), which includes but is not limited to factory-built buildings (modular) as they are built according to the IBC. It does not include manufactured homes or mobile homes as they are not built according to the IBC.

*Dairy* means a facility constructed for the purpose of extracting and conditioning milk from cows bred for the purpose of milk production. The facility is so constructed as to have confinement of these cows in pens, with bunk or bunk-type feeding. A dairy includes areas designated for the raising of replacement heifers or bulls owned by the same dairy operation; and if the replacement heifer or bull raising operation of a dairy is not on contiguous property of the dairy, the replacement heifer or bull raising operation is part of the dairy when it begins within one-quarter mile of the dairy.

*Development unit* means a portion of a PAD shown on the specific plan of development that illustrates groupings of lot sizes and/or types within the same zoning district.

*Development unit line* means the boundary line of a development unit.

*Director of planning and development services* or *director of planning and development* or *planning director* or *planning and development services director* means the director of the Pinal County planning and development department or his/her designee.

*Dwelling* means a building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, duplexes, townhouses, triplexes, manufactured homes, mobile homes, modular homes, and multiple-family dwellings, but not including hotels, motels, boarding, and lodging houses.

*Dwelling, duplex,* means a building containing only two dwelling units.

*Dwelling group* means a group of two or more detached or semi-detached one-family, duplex or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common.



*Dwelling, multiple*, means a building or portion thereof containing three or more dwelling units.

*Dwelling, one-family*, means a building containing only a single dwelling unit.

*Dwelling unit* means a room or suite of two or more rooms that is designed for or is occupied by a person or persons for living purposes and having its own cooking and sanitary facilities.

*Easement* means an interest in land that is less than fee title which entitles the easement holder to a specific limited use or enjoyment.

*Factory-built building (modular)*. See PCDCS [2.150.190\(A\)](#).

*Family* means any number of individuals related by blood or marriage or not more than five unrelated persons customarily living together as a single housekeeping unit, and using common cooking facilities, as distinguished from a group occupying a hotel or club. A family shall be deemed to include domestic servants.

*Fence* means an artificially constructed barrier used as a boundary, means of protection, buffer, or used to enclose areas of land, which may or may not restrict visibility. (Additional requirements are set forth in PCDCS [2.150.100](#).)

*Fence, wildlife friendly*, means a maximum 42-inch-high fence using two-strand, nonbarbed, 12-gauge wire and T-posts as installed and maintained, with the bottom strand being no less than 18 inches from the ground.

*Fertilizer yard or fertilizer processing plant* means a place where animal or plant matter is collected, processed or stored on a commercial basis.

*Funeral home* means an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services.

*Garage, private*, means an accessory building or portion of the main building designed or used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of the main building.

*Garage, public*, means premises, except those defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where such vehicles are equipped for operation, or repaired, or kept for hire or sale.

*Garage, storage*, means premises, other than those defined as a private garage or public garage, used exclusively for the storage of self-propelled vehicles, and for no other purpose whatever.

*Gas station* means a building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

*Grade* means the average level of the finished ground surfaces surrounding a building.

*Grazing* means the feeding of domestic livestock on open range or fenced pasture for commercial purposes and incidental uses; but not including commercial slaughterhouses, stockyards/feed lots, fertilizer yards, bone yards or plants for the reduction of animal matter.

*Greenhouse* means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other tender plants.

*Group home*. See PCDCS [2.150.200](#).

*Guest house/casita* means an attached or detached accessory building, used to house guests of the occupants of the principal building.

*Guest ranch* means a resort hotel and/or group of buildings containing sleeping units on at least four commercial acres.

*Guest ranch, working*, means a working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on or adjacent to the ranch.

*Health care facility* means a building or group of buildings providing services and facilities for nursing services, respite care services, supervisory care services, apothecary, dental and medical laboratories, tissue labs, x-ray facilities, inpatient care or operating rooms for major surgery. Such facilities may be a health care institution, adult day health care facility, nursing care institution, outpatient surgical center, residential care institution, nursing care institution, or recovery care center.

*Health club* means an establishment that provides facilities for exercise activities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses.

*Helipad* means a facility without logistical support where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

*Home occupation* means a business activity carried on by the occupant of a dwelling unit as a secondary use. See PCDSC 2.150.260 for requirements.

*Hospital* means a building or group of buildings arranged, intended, designed or used for the housing, care, observation and treatment of sick human beings.

*Hotel* means a building containing six or more guest rooms, in which lodging is provided and offered to the public for compensation and which is open to transient guests, together with accessory commercial uses operated primarily for the convenience of the guests.

*Hotel, resort*, means a hotel, the buildings of which occupy not more than 30 percent of the building site.

*Industrial park* means a special or exclusive type of planned industrial area designed and equipped to accommodate a variety of industries, providing them with all necessary facilities and services.

*Junkyard* means the commercial use of more than 200 square feet of the area of any parcel of land for the storage, keeping, display or abandonment of salvageable or recyclable parts, materials, junk, or scrap or for the dismantling, demolition or abandonment of vehicles or machinery.

*Kennel, commercial*, means any premises that are used for the commercial breeding, boarding, training, grooming or bathing of dogs, cats, and/or other small domesticated household pets (not farm animals), or for the breeding or keeping of dogs for racing purposes. Note: See A.R.S. § 11-1001.

*Kitchen* means any room in a building which is used, intended or designed to be used for cooking or preparation of food.

*Lighting*. For definitions concerning lighting, see [chapter 2.195](#) PCDSC.

*Live entertainment* means live performances which include, but are not limited to, disc jockeys, bands, comedians and other entertainers; provided, that the following shall not be considered live entertainment for purposes of this title:

- (1) Adult live entertainment establishments which are subject to the requirements of [chapter 2.190](#); and
- (2) Performances by one or two performers with no voice or instrument amplification.

*Livestock* means cattle, oxen, horses, mules, donkeys, swine, sheep, goats, llamas, alpacas, ostrich, emus and rhea.

*Long-term care facility* means a facility or part of a facility that is intended to provide medical supervision for eight or more residents for periods of time exceeding 72 hours.

*Lot* means a parcel or unit of land described by metes and bounds or shown as a lot on a recorded subdivision plat or shown as a lot on a recorded map of survey for the purpose of minor land division.

*Lot, corner*, means a lot located at the junction of two or more intersecting streets, having an interior angle of less than 135 degrees, with a boundary line bordering on two of the streets. The point of intersection of the street lot lines is the corner.

*Lot depth (length)* means:

- (1) If the front and rear lines are parallel, the shortest distance between such lines.
- (2) If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- (3) If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

*Lot, flag*, means a lot having frontage or access to a street or place only by a narrow strip of land.

*Lot, interior*, means a lot which is not a corner lot.

*Lot, key*, means a lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

*Lot line* means a property line bounding a lot.

*Lot line, front*, means, in the case of a lot abutting only one street, the line separating such lot from the street. In the case of a corner or through lot, the owner may elect any street lot line as the front lot line, provided such choice, in the opinion of the zoning inspector, will not be injurious to the existing or desirable future development of the abutting properties.

*Lot line, rear*, means the lot line which is opposite and most distant from the front lot line. The rear lot line of an irregular or triangular lot shall, for the purpose of this title, be a line entirely within the lot at least ten feet long and parallel to and most distant from the front lot line.

*Lot line, side*, means any lot line not a front lot line or a rear lot line; a side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

*Lot line, street or alley*, means a lot line separating a lot from a street or alley.

*Lot, through*, means an interior lot having frontage on two parallel or approximately parallel streets.

*Lot width* means the mean horizontal width of the lot measured at right angles to the depth.

*Machinery and equipment sales, storage and repair* means an indoor or outdoor establishment primarily engaged in the cleaning, repair, painting, reconstruction, storage or other uses of heavy machinery, equipment, or vehicles including vehicle body work.

*Manufactured home*. See PCDCS [2.150.190\(B\)](#).

*Manufactured/mobile home park* means a parcel of land on which two or more manufactured/mobile homes are occupied as residences, regardless of whether or not a charge is made for such accommodations.

*Manufactured/mobile home space* means a plot of ground within a manufactured/mobile home park designed for the accommodation of one manufactured/mobile home together with its accessory structures or uses.

*Metallurgical* includes the land used in treating and reducing metal bearing ores by mechanical, physical or chemical methods on a commercial basis and uses incidental thereto but does not include permanent residential housing or the fabrication of metals or metal materials.

*Mining* includes the land necessary or incidental to the digging, excavating or otherwise procuring minerals and ores found in their natural state, but does not include permanent residential housing or the operating of a rock crusher.

*Mobile home.* See PCDSC 2.150.190(C).

*Modular home.* See PCDSC 2.150.190(A).

*Motel* means a building or group of buildings on the same lot, whether detached or in connected rows, containing individual sleeping or dwelling units and designed for or occupied by transient guests.

*Nursing home* means an establishment licensed by the State of Arizona which maintains and operates continuous day and night facilities providing room and board, personal services and medical care for compensation for two or more persons not related to the operator of the home.

*Open space, conservation,* means:

- (1) Areas of land set aside, dedicated or reserved in perpetuity for public or private enjoyment as preservation or conservation areas which have a natural scenic beauty or ecological, geological, archeological, historic, or cultural features; may be important as a natural resource; or whose existing openness, natural condition or present state of use, if retained, maintains or enhances the conservation of such features or resources.
- (2) Such features or resources include, but are not limited to, significant habitat areas, natural or geologic features, wildlife corridors, mountain ranges, river corridors or beds, perennial streams, natural washes, open desert areas, historic trail systems or historic land uses that have cultural significance or provide a link to historic events.
- (3) Such areas may include abutting lands that preserve the edges of such features or resources, act as an extension of the natural environment and integrate such features or resources with surrounding landscapes and preserve view corridors.
- (4) Such areas which have been re-vegetated to resemble the native desert in areas that were previously graded or used for agriculture.

*Open space, recreation area,* means areas of land that provide recreational amenities which may include active recreation such as sport fields and courts or passive recreation such as multi-use paths and trails.

*Outdoor patio, commercial,* means an outdoor area used in conjunction with an established commercial use and which is open to the air at all times which is either enclosed by a roof or other overhead covering and not more than two walls or other side coverings or has no roof or other overhead covering at all regardless of the number of walls or other side coverings. "Open to the air" can be permeable material such as shade cloth, lattice work that is 50 percent open, and wrought iron fences.

*Parcel* means real property with boundaries described by deed, subdivision plat or map of survey and recorded with the county recorder.

*Parcel, abutting,* means adjoining real property with a common boundary line, except that where two or more lots or parcels adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two parcels measure less than eight feet in a single direction.

*Park model* means a park trailer defined by A.R.S. § 41-4001(30)(c) as built on a single chassis mounted on wheels, designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet exterior horizontal dimension in the setup mode. The term "park model" does not include a fifth wheeler.

*Permitted use* means a use in a zoning district which is allowed therein by reason of being listed among the permitted uses in the zoning district.

*Planning and development department, planning and development services department, planning and development, or department of planning and development services* means the Pinal County planning and development department.

*Planning director or planning and development services director* means the director of the Pinal County planning and development department or his/her designee.

*Plant nursery* means land, buildings or structures where plants are raised, acquired and maintained for transplanting or sale. It may also include the sale of materials (not the processing) commonly used for landscaping purposes such as soil, rock, bark, mulch, fertilizer and other landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

*Professional* includes accountants, architects, chiroprodists, chiropractors, dentists, engineers, lawyers, naturopaths, osteopaths, physicians, surgeons, surveyors, and veterinarians.

*Railroad* includes the land used for general railroad purposes, including main line and switching trackage, repair shops, stations, communications equipment, roundhouses and storage facilities; does not include railroad equipment (miniature or otherwise) operated by its owner as a hobby or as a part of the equipment of an amusement resort or park.

*Recreational vehicle (RV) park* means any plot of ground upon which two or more recreational vehicles/travel trailers (RV) are occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

*Recreational vehicle (RV)/travel trailer* means a vehicular-type unit, not exceeding eight feet in width nor more than 40 feet in length, primarily designed as temporary living quarters for recreational, camping or travel use. The unit either may have its own motive power or may be mounted on or drawn by another vehicle upon the highway.

*Restaurant* means an establishment serving food and beverages where food and beverage service takes place within an enclosed building or an accessory outdoor eating area and may or may not include a drive-through service.

*Rezoning* means a change in this title changing the zoning district boundaries within an area previously zoned.

*Ridgeline* means an area including the crest of a hill or slope and a vertical perpendicular distance of 150 feet on either side of the crest.

*Right-of-way* means an area of land which by deed, conveyance, agreement, dedication, or process of law is dedicated to Pinal County for public purposes including, but not limited to, a street, highway, public utility, pedestrian facility, bikeway or drainage.

*Sanatorium (includes sanitarium and rest home)* means a building or group of buildings arranged, intended, designed or used for the housing, care or treatment of sick people or convalescents other than those mentally ill or afflicted with infectious, contagious or communicable diseases.

*School, private*, means any building or group of buildings, the use of which meets state requirements for education and which does not secure any major part of its funding from a governmental agency.

*School, public*, means an institution of learning belonging to the public and established and conducted under public authority; and pursuant to A.R.S. § 15-189.01, also includes charter schools for purposes of zoning.

*School, nursery*, means an institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a school within the meaning of this title.

*Self-storage* means a completely enclosed building which is composed of contiguous individual rooms which are rented or sold to the public for the storage of personal property and household goods and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials.

*Semi-professional* includes insurance brokers, photographic studios, public stenographers, real estate brokers, stock brokers, and other persons who operate or conduct offices which do not require the stocking of goods for sale at wholesale or retail; does not include barbers, beauty operators, cosmetologists, embalmers, or morticians.

*Service establishment* means an establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industries, government and other enterprises.

*Setback* means the minimum distance required between a structure and a property line of a parcel of land or between a structure and a proposed street line. For the purpose of this title, the terms "setback" and "yard" shall be treated as though they are synonymous, unless stated otherwise.

*Sight-visibility triangle* means an area on corner lots located at local to local street intersections and collector/local street intersections. Said area is 21 feet by 21 feet where the corner lot is located at a local to local street intersection and is 31 feet by 31 feet where the corner lot is located at a collector/local street intersection.

*Sign.* For definitions concerning signs, see PCDSC [2.145.020](#).

*Space* refers to a plot of ground within a manufactured home park (MHP) or park model (PM) and recreational vehicle (RV) park designed to accommodate one unit (manufactured home, park model, or recreational vehicle) together with its accessory structures including carports or other off-street parking areas, storage structure, ramadas, cabanas, patios, patio covers, awnings or similar structures.

*Special event.* For definitions concerning special events, see PCDSC [2.151.040\(A\)](#).

*Stable, commercial,* means a stable for horses which are let, hired, used or boarded on a commercial basis for compensation.

*Stable, private,* means a stable for horses which are used by the owners of the property and their guests without compensation.

*Story* means the space in a building between the surface of any floor and the finished ceiling next above it, or the finished undersurface of the roof directly above that particular floor.

*Street* means a way dedicated to the public which affords the principal means of access to abutting property.

*Structural alterations* means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, or which expands the height, bulk or area thereof.

*Structure* means anything constructed or erected the use of which requires location on the ground or attachment to something having a location on the ground. This definition shall include, for the purpose of this title, a manufactured home, mobile home and accessories thereto. For the purpose of this title, the terms "building" and "structure" shall be treated as though they are synonymous, unless stated otherwise. (See *Building*.)

*Subdivision* means land subdivided or proposed to be subdivided for the purpose of sale or lease, whether immediate or future, into six or more lots or parcels.

*Tower, communications.* See PCDSC [2.205.030](#).

*Tower, stealth,* means an alternative designed structure that camouflages or conceals the presence of antennas or towers. See PCDSC [2.205.030](#).

*Urgent care facility* means a facility not included in a hospital, which, regardless of its posted or advertised name, provides unscheduled medical services for urgent, immediate or emergency conditions.

*Utilities* means services and facilities provided by public or private agencies and public or private utilities such as electric and gas service, water (domestic and irrigation), sewage disposal, drainage systems and solid waste disposal. See PCDSC [2.150.010](#).

*Use* means the purpose or purposes for which land or a building or structure is occupied, maintained, arranged, designed or intended.

*Use, accessory*, means a use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site, which accessory use does not alter the principal use of such lot or building.

*Use, commercial*, means retail business, wholesale business, service establishment, professional office, governmental office, and recreational use.

*Use, horizontal mixed*, means a combination of residential, commercial and employment-type uses on the same site, but in separate buildings.

*Use, principal*, means the main use of land or a building or structure as distinguished from an accessory use.

*Use, vertical mixed*, means residential uses over commercial uses in the same building or any other potential diversity of land uses within a building.

*Wastewater treatment facility* means systems or structures designed to hold, cleanse, purify or to prevent the discharge of untreated or inadequately treated sewage or other polluted waters for purposes of complying with the Clean Water Act.

*Water facilities* means a system of structures designed to collect, treat or distribute potable water, and includes water wells, treatment plants, storage facilities and transmission and distribution mains.

*Wireless communications facilities*. See PCDSC [2.205.030](#).

*Yard* means an unoccupied space on a building site and, except as otherwise provided in this title, unobstructed from ground to sky. For the purpose of this title, the terms "yard" and "setback" shall be treated as though they are synonymous, unless stated otherwise.

*Yard, front*, means a yard extending the full width of the building site between the front lot line and the nearest line of the main building or the nearest line of any enclosed or covered porch.

*Yard, rear*, means a yard extending across the full width of the building site between the rear lot line and the nearest rear line of the main building or the nearest line of any enclosed or covered porch. Where a rear yard abuts a street, it shall meet the front yard requirements.

*Yard, side*, means a yard extending from the front yard to the rear yard between the side lot line and nearest line of the main building.

*Yard, street side*, means a yard extending from the front yard to the rear yard between the street lot line and the nearest line of the main building.

*Zoning clearance* means verification by the county that the proposed use or proposed building, structure or improvement meets the requirements of this title.

*Zoning inspector, (also known as code compliance officer)* means the position, along with the position of deputy zoning inspectors (also known as deputy code compliance officers), created in [chapter 2.160](#) PCDSC for the purpose of enforcing this title and to carry out the duties assigned to them in this title.

*Zoning regulations* means the provisions in this title and these regulations are known as the Pinal County zoning ordinance as codified in this title.

*Zoning regulations amendment* means a change in this title that modifies, adds to, transfers or repeals one or more zoning regulations or that adds one or more zoning regulations.

(Ord. No. PZ-C-005-12, § 1; Ord. No. 011812-ZO-PZ-C-007-10, § 5; Ord. No. 022311-PZ-C-008-10, § 1; Ord. No. 012010-AEO, § 1; Ord. No. 61862, §§ 401—474; Ord. No. 2024-PZ-C-001-24, § 1(Exh. A))

## CHAPTER 2.15. - ZONING DISTRICTS, MAPS AND BOUNDARIES

### 2.15.010. - Retention of zoning districts existing before February 18, 2012.

All properties within the unincorporated area of the county and under the county's jurisdiction shall retain the zoning district classifications that exist on the properties before February 18, 2012, subject to the stipulations, conditions, plans and/or schedule for development, if any, that were part of the zoning approval until a rezoning is requested and approved.

(Ord. No. 011812-ZO-PZ-C-007-10, § 6)

### 2.15.020. - Rezoning and planned area development (PAD) overlay district applications.

A complete rezoning application or PAD overlay district application for a zoning district classification listed in PCDCS 2.15.030 that has been filed before February 18, 2012, may proceed through the rezoning process and/or the PAD process set forth in chapter 2.175 PCDCS without any change to zoning district classifications listed in PCDCS 2.15.040. Any complete rezoning or PAD overlay district application filed on or after February 18, 2012, must be to one of the zoning district classifications listed in PCDCS 2.15.040 and/or pursuant to the regulations in chapter 2.176 PCDCS except as allowed in PCDCS 2.175.090(D).

(Ord. No. 011812-ZO-PZ-C-007-10, § 6)

### 2.15.030. - Zoning districts.

For the purpose of this title, the following classifications of zoning districts are hereby established. The zoning district classifications listed below are not available for any rezoning or PAD overlay district application which has not been heard by the commission in a public hearing before February 18, 2012, except as described in PCDCS 2.175.090(D).

Rural Zoning Districts:	
CAR	Commercial Agricultural Ranch Zoning District
SR	Suburban Ranch Zoning District
SH	Suburban Homestead Zoning District
GR	General Rural Zoning District
Residential Zoning Districts:	
CR-1A	Single Residence Zoning District



CR-1	Single Residence Zoning District
CR-2	Single Residence Zoning District
CR-3	Single Residence Zoning District
CR-4	Multiple Residence Zoning District
CR-5	Multiple Residence Zoning District
MH	Manufactured Home Zoning District
RV	Recreational Vehicle Homesite Zoning District
MHP	Manufactured Home Park Zoning District
PM/RVP	Park Model/Recreational Vehicle Park Zoning District
TR	Transitional Zoning District
Business Zoning Districts:	
CB-1	Local Business Zoning District
CB-2	General Business Zoning District
Industrial Zoning Districts:	
CI-B	Industrial Buffer Zoning District
CI-1	Light Industry and Warehouse Zoning District
CI-2	Industrial Zoning District
Overlay Zoning Districts:	
PAD	Planned Area Development Overlay Zoning District, pursuant to the regulations set forth in <a href="#">chapter 2.175</a> PCDSC.
DR	Design Review

2.15.040. - Zoning districts on and after February 18, 2012.

For the purpose of this title, the following classifications of zoning districts are hereby established for use on and after February 18, 2012. Any rezoning application or PAD overlay district application filed on or after February 18, 2012, must be to one of the following established zoning district classifications, except as described in PCDS 2.175.090(D):

Rural Zoning Districts:	
RU-10	Rural Zoning District
RU-5	Rural Zoning District
RU-3.3	Rural Zoning District
RU-2	Rural Zoning District
RU-1.25	Rural Zoning District
RU-C	Rural Commercial Zoning District
Residential Zoning Districts:	
R-43	Single Residence Zoning District
R-35	Single Residence Zoning District
R-20	Single Residence Zoning District
R-12	Single Residence Zoning District
R-9	Single Residence Zoning District
R-7	Single Residence Zoning District
MD	Mixed Dwelling Zoning District
MR	Multiple Residence Zoning District
Activity Center Zoning Districts:	
AC-1	Activity Center Zoning District
AC-2	Activity Center Zoning District

AC-3	Activity Center Zoning District
Office Zoning Districts:	
O-1	Minor Office Zoning District
O-2	General Office Zoning District
Commercial Zoning Districts:	
C-1	Neighborhood Commercial Zoning District
C-2	Community Commercial Zoning District
C-3	General Commercial Zoning District
Industrial Zoning Districts:	
I-1	Industrial Buffer Zoning District
I-2	Light Industrial and Warehouse Zoning District
I-3	Industrial Zoning District
Other Zoning Districts:	
MH-8	Manufactured Home Zoning District
MHP-435	Manufactured Home Park Zoning District
PM/RV-435	Park Model/Recreational Vehicle Park Zoning District
MP-CMP	Multi-Purpose Community Master Plan Zoning District
L-MPC	Large Master Plan Community Zoning District
Overlay Zoning Districts:	
PAD	Planned Area Development Overlay Zoning District, pursuant to the regulations set forth in <a href="#">chapter 2.176</a> PCDSC.
DR	Design Review

(Ord. No. PZ-C-001-16, § 2; Ord. No. 011812-ZO-PZ-C-007-10, § 6; Ord. No. 2021 PZ-C-002-21, § 2)

2.15.050. - Official zoning map.

The boundaries of zoning districts shall be as shown on a geographic coverage layer entitled "zoning" that is maintained as part of the county's geographic information system (GIS) under the certification of the planning director. This "zoning" geographic coverage layer, as amended in accordance with the provisions of A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.) and chapter 2.166 PCDSC, shall constitute the official zoning map (zoning map) for the unincorporated area of the county under the county's jurisdiction, and shall be part of this title, as fully as if they were set out or copied at length herein. The planning director shall revise the zoning map to reflect any changes to the zoning district boundaries. The planning director may authorize printed copies of the zoning map to be produced, and shall maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

(Ord. No. 011812-ZO-PZ-C-007-10, § 6; Ord. No. PZ-C-003-10, § 1; Ord. No. 61862, § 502. Formerly § 2.15.020)

2.15.060. - Determination of zoning district boundaries.

Where uncertainty exists, the boundary of any zoning district shall be determined as follows:

- A. By an approved zoning case covering the subject parcel of land; or
- B. If the boundary is not determined by an approved zoning case, the boundary will be determined by the zoning map subject to the following:
  - 1. Where a boundary is indicated as approximately following a street or alley line or the center line thereof, or a lot line, such line shall be construed to be such boundary.
  - 2. Where a boundary divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.
  - 3. Where a public street, alley or railroad or other right-of-way is vacated or abandoned, the zone applied to abutting property shall be thereafter deemed to extend to the center line of such vacated or abandoned right-of-way.
  - 4. Questions concerning the exact location of boundaries not covered above shall be determined by the board of adjustment.

(Ord. No. 011812-ZO-PZ-C-007-10, § 6; Ord. No. PZ-C-003-10, § 2; Ord. No. 61862, § 503. Formerly § 2.15.030)

CHAPTER 2.20. - SR SUBURBAN RANCH ZONE

2.20.010. - Uses permitted.

- A. One-family dwelling unit, conventional construction, manufactured home, or mobile home.
- B. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries.
  - 2. The raising and marketing of poultry, rabbits and small animals, but no slaughtering of other than such raised on the premises.

3. The grazing and raising of livestock, except that not more than one hog, weighing more than 50 pounds, may be kept per commercial acre.
- C. Guest ranch, in accordance with chapter 2.115 PCDSC, Guest Ranch Regulations.
  - D. Public park, public or parochial school.
  - E. Church, providing the minimum off-street parking requirements, as set forth in chapter 2.140 PCDSC, are met.
  - F. Professional or semi-professional office or studio, home occupation, and the employment of persons not residing on the premises.
  - G. Accessory building or use.
  - H. A stand not more than 200 square feet in area for the sale of farm products grown or produced on the premises, provided the stand is no closer than ten feet to any street lot line and no closer than 20 feet to any other lot line.
  - I. Airport, airstrip or landing field; provided, that the runway shall be no closer than 600 feet from any boundary of a site of not less than 160 acres; and provided further, that the applicant for a permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 1,320 feet of the required 160-acre site for which the permit is sought.
  - J. College, community service agency, governmental structure, library, museum, playground or athletic field, private school; provided, that the use shall be located on a site of not less than ten acres, that the improvements shall occupy not more than 30 percent of the site, that no playground or athletic field be located closer than 100 feet to any property line, and that all roads and parking areas be surfaced with a material which will minimize the creation of dust.
  - K. Commercial riding stable or riding school; provided, that the use shall be located on a site of not less than 20 acres; and provided that all stables, barns, animal sheds, or shelters shall be no less than 100 feet from any property line. There shall be no feeding or disposal of garbage, rubbish or offal unless a permit is issued by the Pinal County health department. The permit shall be for a stipulated period not to exceed three years; and provided further, that the applicant for the permit shall provide the zoning inspector the written consent of no less than 51 percent of the owners, by number and area, of property within 300 feet of the area for which the permit is sought.
  - L. Hospital, clinic, dispensary or sanatorium; provided that the building site is not less than four commercial acres, that any buildings occupy not more than 30 percent of the building site, and are located at least 50 feet from any boundary line of the site, and that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the building site.
  - M. Private, athletic, sport or recreation club, or lodge; provided, that the building site contains not less than ten acres, that no building be erected closer than 100 feet to any boundary of the site, that all outdoor lighting be controlled so as not to reflect on any area beyond the boundary of the site, that no amplifiers or loudspeakers of any kind be installed outside any buildings erected on the site; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the building site.
  - N. Racetrack or sports stadium; provided, that any racetrack conducted for profit must be licensed by the state racing commission; that any incidental uses in connection with the racetrack or sports stadium not otherwise permitted in the zone where located shall be first approved by the board of adjustment as a use incidental to and commonly associated with a racetrack; that a permit may be issued for a practice racetrack, if operated by the owner of the site, and not conducted for profit or charging admission to spectators; that no portion of any track, stables or grandstand authorized by this subsection shall be within 200 feet of any boundary of its site adjoining any property in a rural or

residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 500 feet of the boundary of the site for which the permit is sought.

- O. Resort hotel, provided the site contains not less than ten acres, that the buildings occupy no more than 30 percent of the area of the building site; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 51 percent of the owners, by number and area, of property within 300 feet of the building site for which permit is sought.
- P. Veterinary hospital or kennels, provided the site is not less than five acres in area, that no building or structure be within 100 feet of any boundary of the site abutting property in a rural or residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of at least 75 percent of the owners, by number and area, of property within 300 feet of the building site for which the permit is sought.
- Q. Golf course, other than miniature, in private ownership, but open to the public; provided, that the use be located on a site of not less than 30 acres; that no building be located nearer than 200 feet to any boundary of the site; that the course shall have not less than nine holes; that no hole shall be less than 75 yards from its tee; that no tee or cup be located closer than 100 feet to any boundary of the site; that any driving range shall be placed so that flying balls will be directed toward the interior of the site; that all outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from any adjoining residential zone beyond the boundary of the site; that no amplifiers or loudspeakers of any kind be installed other than within a completely enclosed building on the site; that off-street parking be provided for not less than 100 vehicles for each nine holes of the course; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners by number and area, of all property within 300 feet of the boundary of the site for which the permit is sought.
- R. Cemetery or crematory, provided a site of not less than one acre be provided for a pet cemetery and not less than five acres for a human cemetery; that no crematory be erected closer than 500 feet from any boundary of the site which adjoins property in a rural or residential zone; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 300 feet of the site for which the permit is sought.
- S. Radio or television tower or station; provided, that any tower be no closer to any boundary of the site than the height thereof, and that any station occupy no more than 30 percent of the site, and be located at least 50 feet from any boundary line of the site.
- T. Motion picture studio; provided, that the site is not less than 40 acres in area, that no building or structure is within 100 feet of the boundary of the site, that permanent buildings and structures occupy in total not more than 50 percent of the area of the required minimum site, that all outdoor lighting is controlled so as not to reflect on any adjoining property in residential use; and provided further, that the applicant for the permit shall provide the zoning inspector with the written consent of 75 percent of the owners, by number and area, of property within 1,000 feet of the site.
- U. Bar or cocktail lounge as an accessory use to a private athletic, sport or recreation club, or lodge (subsection (M) of this section); racetrack or sports stadium (subsection (N) of this section); resort hotel (subsection (O) of this section); golf course club house (subsection (Q) of this section).

(Ord. No. 61862, § 601)

#### 2.20.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.

- B. Minimum lot area: 144,000 square feet (3.30 acres).
- C. Minimum lot width: None.
- D. Minimum area per dwelling unit: 144,000 square feet (3.30 acres).
- E. Minimum front yard: 50 feet.
- F. Minimum side yards: Ten feet each.
- G. Minimum rear yard: 50 feet.

(Ord. No. 61862, §§ 603—609)

2.20.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 100 feet.
- E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 100 feet if building is used for poultry or animals.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 610)

CHAPTER 2.25. - SR-1 SUBURBAN RANCH ZONE

(Repealed by Ord. No. 011812-ZO-PZ-C-007-10)

CHAPTER 2.30. - SH SUBURBAN HOMESTEAD ZONE

2.30.010. - Uses permitted.

- A. Any use permitted in the SR zone.
- B. Duplex dwelling.

(Ord. No. 61862, § 701)

2.30.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 87,120 square feet (two acres).
- C. Minimum lot width: 100 feet.
- D. Minimum area per dwelling unit: 87,120 square feet (two acres).
- E. Minimum front yard: 30 feet.
- F. Minimum side yard: Ten feet.
- G. Minimum rear yard: 40 feet.

H. Minimum distance between main buildings: 20 feet.

(Ord. No. 61862, §§ 702—709)

2.30.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 710)

CHAPTER 2.35. - CAR COMMERCIAL AGRICULTURE RANCH ZONE

*Footnotes:*

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**Note**— *To be used as buffer classification in areas where CI-2 heavy industry is located.*

2.35.010. - Uses permitted.

- A. One-family dwelling unit, conventional construction or manufactured home or mobile home.
- B. Grouped residences (employee housing) provided no building is erected closer than 20 feet to any other building on said site. When six or more dwellings are built on any one site, the Pinal County subdivision regulations shall be complied with.
- C. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries.
  - 2. The raising and marketing of poultry, rabbits and small animals, but slaughtering of only those raised on the premises.
  - 3. The grazing and raising of livestock, except that not more than one hog may be kept per acre.
- D. A stand not more than 200 square feet in area for the sale of farm products grown or produced on the premises.
- E. Veterinary hospital or kennels provided the site is not less than five acres in area; that no building or structure be within 100 feet of any boundary of said site abutting property in a rural or residential zone.
- F. Commercial riding stable or riding school; provided, that said use shall be located on a site of not less than 20 acres; and provided, that all stables, barns, animal sheds, or shelters be not less than 100 feet from any property line of a more restrictive zone.
- G. Cemetery or crematory, provided a site of not less than one acre be provided for a pet cemetery and not less than five acres for a human cemetery; that no crematory be erected closer than 500 feet from any boundary of the site



which adjoins property in a rural or residential zone.

- H. Livestock sales yard or auction yard, provided the site where located is not less than one-half mile from any residential restricted zone in which the use requested is prohibited; and provided further, that the site is not less than 20 acres in area and the applicant shall provide the zoning inspector with the written consents of 51 percent of the owners by number and area of property within 300 feet of the proposed site.
- I. Such other uses as the planning commission may deem appropriate in securing efficient land development.

(Ord. No. 61862, § 725A)

#### 2.35.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 35 feet.
- B. Minimum lot area: 174,240 square feet (four acres).
- C. Minimum lot width: None.
- D. Minimum lot area per dwelling unit: 174,240 square feet.
- E. Minimum front yard: 50 feet.
- F. Minimum side yard: Ten feet.
- G. Minimum rear yard: 50 feet.

(Ord. No. 61862, §§ 726A—732A)

#### 2.35.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum heights: 25 feet within required rear yard, 35 feet within buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 15 feet.
- E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 100 feet if building is used for poultry or animals.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 733A)

#### CHAPTER 2.40. - GR GENERAL RURAL ZONE

*Footnotes:*

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**Note**— *Holding classification pending more intensive development of area.*

#### 2.40.010. - Uses permitted.

- A. One-family dwelling unit, conventional construction or manufactured home or mobile home.
- B. Commercial agricultural uses.

1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and greenhouses, or aviaries and apiaries.
  2. The raising and marketing of poultry, rabbits and small animals, but slaughtering of only those raised on the premises.
  3. The grazing and raising of livestock and horses, except that not more than three hogs shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any residential zone or more restrictive zone.
- C. Public and quasi-public uses: church, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, governmental structure; athletic, sport or recreation club; and hospital or sanatorium; such buildings shall be located at least 50 feet from any boundary line of the site.
- D. Fruit, vegetable or agricultural products packing or processing plant, provided it is located on a site of not less than ten acres and any buildings located thereon occupy not more than 30 percent of the site area.
- E. Livestock sales yard or auction yard, provided, the site where located is not less than one-half mile from any residential zone or within one-half mile of any exterior boundary of a restricted zone or residence district established by any municipal corporation in this county in which the use requested is prohibited; and provided further, that the site is not less than 20 acres in area and applicant shall provide zoning inspector with written consent of 51 percent of the owners by number and area of property within 300 feet of proposed site.
- F. A stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided the stand is not more than ten feet to any street lot line and not closer than 20 feet to any other lot line.
- G. Public riding stables and boarding stables, providing the site contains not less than ten acres and the buildings housing animals set back from all lot lines a distance of not less than 100 feet.
- H. Accessory building or use; home occupation, housing for seasonal farm labor, and private stable.
- I. Dairy.

(Ord. No. 61862, § 801)

2.40.020. - Site development standards.

- A. Building height: maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 54,450 square feet (1¼ acres).
- C. Minimum lot width: 100 feet.
- D. Minimum area per dwelling unit: 54,450 square feet (1¼ acres).
- E. Minimum front yard: 40 feet.
- F. Minimum side yards: 20 feet each.
- G. Minimum rear yard: 40 feet.
- H. Minimum distance between main buildings: 25 feet.

(Ord. No. 61862, §§ 802—809)

2.40.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.

- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 15 feet to side lot line and four feet to rear lot line if building is used for poultry or small animals; 50 feet if used for livestock.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 810)

2.40.040. - Cluster option.

- A. *Intent.* This cluster option, to be used in the GR zone only, provides for:
  - 1. The voluntary, permanent conservation of open space as a product of the subdivision of land;
  - 2. The protection of natural features including riparian areas, rock outcrops and natural topography; and
  - 3. Flexibility in designing residential developments while not exceeding standard general rural (GR) residential densities.
- B. *Purpose.* The purpose of the cluster option in the GR zone is to:
  - 1. Preserve significant, natural open space areas and cultural resources without increasing overall residential densities.
  - 2. Encourage and provide incentives for innovative site planning that is harmonious with the natural features and constraints of property.
  - 3. Support open spaces that are interconnected, continuous, and integrated, particularly when located contiguous to public preserves.
  - 4. Allow for design innovation, flexibility, and more cost-effective development due to more efficient servicing of the development with utilities, roads and other services.
  - 5. Provide additional usable open space.
- C. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Functional open space* means a designed element of the subdivision that has a functionally described and planned use as an amenity for the direct benefit of all the residents of the subdivision. Functional open space is equally accessible to all residents of the subdivision. Examples of functional open space include, but are not limited to, landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenities; nature trails; exercise trails; playgrounds; picnic areas and facilities; recreation areas and facilities. The term "functional open space" does not include indoor facilities, public or private streets, driveways, parking areas, or channelized/altered drainage ways.

*Natural open space* means any area of land, unimproved except for pedestrian and nonmotorized access trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment as a preservation or conservation area.

*Open space* means those areas of either functional or natural open space (as defined herein), of the subdivision that are permanently designated and deed restricted to open space.

*Primary conservation features* means those parts of the site that contain primary resource value natural features such as lakes, ponds, wetlands, floodways, riparian areas, prominent peaks and ridges, prominent rock outcrops, slopes over 15 percent, prominent vegetative and geologic features including saguaros, ironwoods, mesquite bosques, and habitat for threatened and endangered species.

*Private living area* means the portion of a lot occupied by buildings, walls, patios, permitted accessory uses, vehicular parking, circulation areas, and connecting pedestrian walks.

*Restored, restoration, or mitigation* means the process of repairing a previously disturbed area or graded site feature and replicating its previously undisturbed, or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian area that historically existed on the site. Restoration includes revegetation, and may include corrective grading, natural and artificial rock, and top dressing.

*Wildlife friendly fencing* means a maximum 42-inch-high fence using two-strand, nonbarbed, 12-gauge wire and T-posts as installed and maintained, with the bottom strand being no less than 18 inches from the ground. Other specifications shall be in accordance with Arizona Game and Fish Department standards for wildlife friendly fencing.

D. *Applicability.* These cluster standards may be used to allow development on land containing natural features while permanently conserving substantial amounts of valuable open space. The GR cluster option is only to be applied to land that contains natural features such as desert washes, riparian areas, prominent peaks and ridges or natural slopes over 15 percent, and shall not be applied to agricultural lands where natural features have been removed such as farm fields. The cluster option can only be used in conjunction with the application for a subdivision plat submitted and processed in accordance with the Pinal County zoning ordinance and other regulations. This cluster option shall not be used in conjunction with a planned area development (PAD) application. Except as noted in this section, all other requirements of the Pinal County zoning ordinance shall apply.

E. *Permitted uses.*

1. One-family dwelling unit, conventional construction;
2. Public and quasi-public uses: church, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, government structure, athletic, sport or recreation club;
3. Private stable for the exclusive use by residents, provided the site contains not less than ten acres and the buildings housing animals are set back from all lot lines a distance of not less than 100 feet;
4. Detached accessory buildings.
  - a. Maximum height: 20 feet.
  - b. Minimum distance to main buildings: Seven feet.
  - c. Minimum distance to front lot line: 60 feet.
  - d. Minimum distance to side and rear lot lines: Four feet.
  - e. Accessory buildings shall be detached from the main building except they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.

F. *Development standards.* Development standards shall be in accordance with the GR zone except as modified herein:

1. Minimum subdivision area: 160 acres.
2. Maximum density: Determined by dividing the subdivision area by 54,450 square feet.
3. Minimum lot size: 5,000 square feet.
4. Minimum yards:
  - a. Front: 25 feet.
  - b. Side: Ten feet.
  - c. Rear: 25 feet.

5. Minimum lot width: 50 feet.
  6. Subdivision perimeter. The subdivision perimeter shall consist of either a natural open space buffer no less than 200 feet in width or large lots, with a minimum area of one and one-fourth acres each, a minimum depth of 200 feet, and a yard no less than 100 feet in width from the subdivision perimeter boundary. Roadways, if crossing perimeter buffer areas, shall do so over the shortest distance feasible, preferably at 90-degree angles and in a manner that minimizes impacts to natural open space and existing, neighboring residential uses.
  7. Cluster lot groups. Development areas including lot layout will be shown on the tentative plat in accordance with this section. Groupings containing individual lots of less than 54,450 square feet shall not contain more than 50 lots. Further, said lot groups shall be separated by a distance of not less than 200 feet.
  8. Crossings. If approved by the planning and development director, roads, driveways, utility easements or similar improvements may cross natural open space areas in alignments that are the least disruptive to the natural features, including topography, of the site. The area of such crossings cannot be counted toward meeting minimum open space requirements.
  9. Exterior lighting. All lights shall be designed to shield and reflect light away from neighboring properties and residential lots.
  10. CC&Rs. The subdivision shall have covenants, conditions and restrictions (CC&Rs) regulating the following:
    - a. The keeping of domestic animals as follows:
      - i. Fowl, swine and livestock are not permitted in a cluster subdivision, except horses may be kept in a private stable on a site of not less than ten acres.
      - ii. Domestic animals shall be confined to private living areas or accompanied on a leash outside private living areas. Domestic animals are not permitted in natural open space areas.
      - iii. Fenced dog runs may be located outside private living areas, no closer than ten feet to adjacent properties.
    - b. Requiring residential outdoor lighting to comply with Pinal County outdoor lighting regulations.
    - c. All lots less than one acre in area require storage of recreational vehicles, boat, trailer and similar equipment in a centralized, common storage area.
  11. Storage yards/areas. All storage yards/areas shall be screened on all sides with a wall or opaque fence at least six feet in height.
  12. Fencing. Wildlife fencing shall be used, with the following exceptions:
    - a. Fencing and walls in private living areas on individual lots.
    - b. Fencing and walls for domestic pet enclosures on portions of lots not restricted by a conservation easement.
  13. Driveways. Widths shall be limited to a maximum of 24 feet with a maximum three-foot graded area on each side of the driveway. In sloped conditions, disturbed areas, beyond the maximum three-foot graded area, shall be restored. Maneuvering and turnaround areas adjacent to the private living areas of the lot may be wider than 24 feet.
- G. *Open space*. The subdivision's open space shall protect the subdivision's primary conservation features and provide links, as appropriate, between open space areas and important habitat areas. Open space requirements are as follows:
1. A minimum of 30 percent of the subdivision shall be open space.
  2. No more than 50 percent of the required open space shall be functional open space, as defined in subsection (C) of this section. The remaining required open space shall be comprised of natural open space as defined in

subsection (C) of this section.

3. Open space adjacent to public parks, preserves or county-maintained stream channels may be deeded to Pinal County or a nonprofit land trust as public open space, if approved by the board of supervisors. Such open space must remain readily accessible to the public.
  4. Except where protection of sensitive natural resources is paramount, convenient access to the open space areas of the subdivision shall be provided for all residents with multiple points for nonvehicular access. Nonvehicular access to open space will provide frequent access points making the open space amenities equally accessible to all residents of the subdivision.
  5. To maximize natural open space area benefits, open space areas shall provide connections to public preserves, undisturbed riparian areas and natural areas on adjoining properties, where appropriate.
  6. Where possible, natural open space areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped areas.
  7. Buffers shall be provided adjacent to existing development to mitigate impacts of sound, visibility, and traffic. Buffers may include landscaping, walls, fences, pathways, drainage ways, natural features, and existing vegetation.
  8. Natural open space areas ownership and control shall be:
    - a. As part of an individual, private lot with recorded covenants running with the land; or
    - b. By a homeowners' association, as specified in this section; or
    - c. By Pinal County, as legally dedicated either in fee simple or as a conservation easement, by form of instrument approved by the county. The county may, but is not required to, accept natural open space areas; or
    - d. By a nonprofit organization with perpetual existence that is acceptable to the county and whose principal purpose is to conserve natural areas and/or natural resources.
  9. If the natural open space areas are to be owned and maintained by the homeowners' association of the subdivision, the subdivider shall record covenants, conditions and restrictions approved by the county including maintenance and preservation standards running with the land. The covenants shall contain the following provisions:
    - a. A clause stating that designated natural open space on the subdivision plat shall be restricted to natural open space in perpetuity and maintained by the homeowners' association;
    - b. A clause stating that Pinal County is not responsible for maintenance or liability of the natural open space areas but that Pinal County may enforce the maintenance and preservation standards and that the clause cannot be amended or repealed without the written consent of the county.
- H. *Grading.* Grading shall be in accordance with Pinal County grading and drainage standards and policies. Additional grading requirements for subdivisions using the GR cluster option are:
1. Grading of a subdivision is permitted only for infrastructure including roadways, drainage facilities, utilities, recreation facilities and within the approved development areas.
  2. The maximum grading area on lots smaller than one acre (43,560 square feet) is 16,000 square feet.
  3. The maximum grading area on lots one acre or larger is 20,000 square feet.
  4. Lots with grading area limitations as described in subsections (H)(1) and (2) of this section shall have building envelopes, delineated on the subdivision plat indicating the maximum area of the lot to be graded.
  5. The development shall be designed to have the least impact on the primary conservation features.

6. Cut and fill.
  - a. Cut material may not be pushed, dumped or disposed over any existing 15 percent or greater slope.
  - b. Fill depth may not exceed eight feet and the face of exposed constructed slopes may not exceed eight vertical feet when measured from existing grade to the finished elevation.
  - c. The height of any exposed cut slope shall not exceed 12 vertical feet. Larger cuts are permitted provided they are completely shielded from view from all surrounding areas.
7. Within washes that have riparian habitat, only that grading for roadways and utilities that is necessary to provide access to approved development areas is permitted. Wash disturbance shall be minimized and all utilities shall be installed within utility easements, except where a utility easement is not a practical location for the utility as confirmed by the planning director, then the utility crossing shall utilize the least intrusive construction methodology. The disturbed wash area is subject to mitigation and revegetation as approved by the planning director.
8. Graded and disturbed areas outside private living areas and fenced or walled pet runs shall be revegetated with plant material that replicates the understory, midstory and canopy of adjoining open space areas. Drought tolerant, low water use plants including trees, shrubs, cacti, ground covers, grasses and seed mixes approved by the planning director may also be used.
9. Except as provided in subsection (H)(8) of this section, revegetation of graded or disturbed areas shall be with indigenous trees, shrubs, and ground cover to simulate understory, midstory and canopy of adjoining open space areas.
10. Grading design, including the requirements of this section, will be included on the grading/landscape and restoration plan submitted with the tentative plat.
- I. *Infrastructure standards.*
  1. Cluster development shall comply with Pinal County roadway standards.
  2. Streets shall be laid out in a manner that avoids or minimizes adverse impacts to natural open space areas to the greatest extent practical.
  3. There is no restriction on cul-de-sac length in a cluster subdivision project subject to satisfaction of public health and safety concerns including reasonable accommodation for emergency vehicles. No cul-de-sac may serve more than 50 dwellings or any use that would generate 500 or more average daily vehicle trips. Pinal County may require enhanced cul-de-sac street design, including traffic calming devices or additional pavement width, to reasonably offset local traffic impacts and public safety concerns created by additional cul-de-sac length.
- J. *Submittal requirements.* For review purposes, a cluster project submittal will include:
  1. Tentative subdivision plat to Pinal County standards and application requirements.
  2. Grading, landscaping and restoration/revegetation plans are required for all portions of the site disturbed during development.
  3. Covenants, conditions and restrictions that will apply to the cluster subdivision project.
  4. Application for review of a tentative subdivision plat utilizing the cluster option shall be submitted in writing together with required fees to planning and development services.
- K. *Procedures.* Pinal County subdivision platting procedures shall apply to the processing of cluster subdivision projects. The following additional requirements also apply:
  1. A preapplication concept review meeting with planning and development services is required for all proposals prior to submittal of a tentative plat utilizing the cluster option. The applicant shall prepare for the meeting a

preliminary plan that shows:

- a. Proposed functional and natural open space areas;
  - b. Lot pattern;
  - c. Street layout; and
  - d. All development areas.
2. The applicant shall consult with other applicable governmental agencies, affected utility companies, and property owners within 300 feet of the site and submit a summary report that includes the names, addresses and dates of consultations to the planning director at least 30 days prior to review of the subdivision plat by the planning and zoning commission.
3. The tentative plat shall be prepared according to the applicable Pinal County standards. Additionally, the tentative plat shall include the following:
- a. Determination of density yield. (See subsection (F)(2) of this section.)
  - b. Identification of open space areas, including primary conservation features.
  - c. Identification of development areas.
  - d. Approximate location of building sites.
  - e. Grading limits in accordance with subsection (H) of this section.
  - f. The lot lines should, where possible, be located approximately midway between house locations and may include L-shaped or "flag lots" subject to the following requirements:
    - i. Minimum 30-foot width of "pole" portion of flag lot.
    - ii. Pinal County drainage requirements are met and drainage conflicts are not created.
    - iii. Driveways for flag lots shall be paved.
    - iv. Minimum lot size for flag lots is 1¼ acres.
  - g. The tentative and final plat will include notes specifying that the natural and functional open space included on the plat are permanent and are not to be resubdivided or used for any purposes other than open space as defined herein.
4. Planning and development services shall review the application and plat to determine if they are acceptable for further processing.
- a. If rejected, planning staff shall specify the conditions and revisions that must be complied with before the plat can be accepted by staff for further processing.
  - b. Once accepted, copies of the plat will be transmitted to the applicable county departments for review.
5. Applicable county departments shall review the plat for compliance with the county's subdivision regulations; appropriateness of subdivision layout to the subdivision's primary conservation features and cultural features; and for the subdivision's compliance with the purposes of this section. Diversity and originality in lot layout are encouraged to achieve the best possible relationship between development and natural open space areas. To the greatest extent possible and practical, the layout of the subdivision shall:
- a. Protect and conserve riparian areas, slopes greater than 15 percent and significant peaks and ridges from grading, clearing, filling or construction except as necessary for essential infrastructure;
  - b. Use buffers to minimize conflicts between residential uses, public preserves, and wildlife habitat;
  - c. Locate development on the least environmentally sensitive areas of the subdivision;
  - d. Protect wildlife habitat;



- e. Avoid siting dwellings on prominent hilltops or ridges;
  - f. Preserve sites of historic, archaeological or cultural value, preserving their character and integrity;
  - g. Provide pedestrian and hiking trails that provide for pedestrian safety and convenience and connectivity between properties and activities or features of the project. Make open space areas intended for recreational use easily accessible to pedestrians; and
  - h. Consolidate and connect open space areas and minimize fragmentation of natural open space areas within the subdivision.
6. The planning commission shall review the tentative plat for conformance with the county's subdivision regulations and conformance with the intent, purpose and requirements of this section and for design that is compatible with the primary conservation features of the subdivision.

(Ord. No. 61862, § 811)

#### CHAPTER 2.45. - GR-5 GENERAL RURAL ZONE

(Repealed by Ord. No. 011812-ZO-PZ-C-007-10)

#### CHAPTER 2.50. - GR-10 GENERAL RURAL ZONE

(Repealed by Ord. No. 011812-ZO-PZ-C-007-10)

#### CHAPTER 2.55. - CR-1A SINGLE RESIDENCE ZONE

##### 2.55.010. - Uses permitted.

- A. One-family dwelling, conventional construction.
- B. Public park, public or parochial school.
- C. Church, providing the minimum off-street parking requirements, in PCDCS 2.140.020(E), are met.
- D. A travel trailer or recreational vehicle (RV) for not more than 90 days during construction of a residence on the same premises. This period may be extended for an additional period of 90 days upon application to the zoning inspector.
- E. Agriculture or horticulture used only for the purposes of propagation and culture and not for retail sales, including any number of poultry, rabbits and similar small animals and not more than two head of cattle, horses, sheep or goats, more than six months of age, per acre. Swine are not permitted in the district.
- F. Accessory building or use.

(Ord. No. 61862, § 825-A)

##### 2.55.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: One acre (43,560 square feet).
- C. Minimum lot width: 100 feet.
- D. Minimum lot area per dwelling unit: one acre (43,560 square feet).
- E. Minimum front yard: 30 feet.
- F. Minimum side yards: Ten feet each.

G. Minimum rear yard: 40 feet.

(Ord. No. 61862, §§ 826—832)

2.55.030. - Detached accessory buildings.

A. Permitted coverage: One-third of the total area of the rear and side yard.

B. Maximum height: 20 feet.

C. Minimum distance to main building: Seven feet.

D. Minimum distance to front lot line: 30 feet.

E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.

F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 833)

CHAPTER 2.60. - CR-1 SINGLE RESIDENCE ZONE

2.60.010. - Uses permitted.

A. One-family dwelling, conventional construction.

B. Public park, public or parochial school.

C. Church, providing the minimum off-street parking requirements in PCDSC 2.140.020(E) are met.

D. A travel trailer or recreational vehicle (RV) for not more than 90 days during construction of a residence on the same premises, which period may be extended for an additional period of 90 days upon application to the zoning inspector.

E. Agriculture or horticulture used only for the purposes of propagation and culture and not for retail sales, including any number of poultry, rabbits and similar small animals, and not more than two head of cattle, horses, sheep or goats more than six months of age per commercial acre. Swine are not permitted in the district.

F. Home occupation.

G. Accessory building or use.

(Ord. No. 61862, § 901)

2.60.020. - Site development standards.

A. Building height: Maximum height of any structure shall be 30 feet.

B. Minimum lot area: 20,000 square feet.

C. Minimum lot width: 80 feet.

D. Minimum lot area per dwelling unit: 20,000 square feet.

E. Minimum front yard: 25 feet.

F. Minimum side yards: Ten feet each.

G. Minimum rear yard: 25 feet.

H. Minimum distance between main buildings: 20 feet except as required in PCDSC 2.150.140 for a rear dwelling.

(Ord. No. 61862, §§ 902—909)

2.60.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main buildings: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 910)

CHAPTER 2.65. - CR-2 SINGLE RESIDENCE ZONE

2.65.010. - Uses permitted.

Any use permitted in the CR-1 zone but horses, cattle, sheep or goats shall not be kept on less than one commercial acre.

(Ord. No. 61862, § 1001)

2.65.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 12,000 square feet.
- C. Minimum lot width: 60 feet.
- D. Minimum area per dwelling unit: 12,000 square feet.
- E. Minimum front yard: 25 feet.
- F. Minimum side yards: Ten feet each.
- G. Minimum rear yard: 25 feet.
- H. Minimum distance between main buildings: 20 feet except as required in PCDSC 2.150.140 for a rear dwelling.

(Ord. No. 61862, §§ 1002—1009)

2.65.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 50 feet if building

is used for poultry or animals.

- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

(Ord. No. 61862, § 1010)

## CHAPTER 2.70. - CR-3 SINGLE RESIDENCE ZONE

### 2.70.010. - Uses permitted.

- A. One-family dwelling, conventional construction.
- B. Public park, public or parochial school.
- C. Church, provided the minimum off-street parking requirements, as set forth in PCDCS 2.140.020(E), are met.
- D. A travel trailer or recreational vehicle (RV) for not more than 90 days during construction of a residence on the same premises, which period may be extended for an additional period of 90 days upon application to the zoning inspector.
- E. Horticulture, flower and vegetable gardening, nursery or greenhouse used only for propagation and culture and not for retail sales.
- F. Home occupation.
- G. Accessory building or use.

(Ord. No. 61862, § 1101)

### 2.70.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 7,000 square feet.
- C. Minimum lot width: 60 feet.
- D. Minimum area per dwelling unit: 7,000 square feet.
- E. Minimum front yard: 20 feet.
- F. Minimum side yards: Eight feet each.
- G. Minimum rear yard: 25 feet to the rear lot line.
- H. Minimum distance between main buildings: 16 feet, except as required in PCDCS 2.150.140 for a rear dwelling.
- I. Buildable area: Not to exceed 40 percent of the lot, including all structures, except swimming pools.

(Ord. No. 61862, §§ 1102—1110)

### 2.70.030. - Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet.

- F. Accessory buildings shall be detached from the main building except that they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.

(Ord. No. 61862, § 1111)

#### CHAPTER 2.75. - CR-4 MULTIPLE RESIDENCE ZONE

##### 2.75.010. - Uses permitted.

- A. Any use permitted in the CR-3 zone.
- B. Duplex dwelling.
- C. Multiple dwelling for not more than four families.
- D. Dwelling group consisting of permitted dwelling types in this zone.

(Ord. No. 61862, § 1201)

##### 2.75.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 7,000 square feet.
- C. Minimum lot width: 60 feet.
- D. Minimum front yard: 25 feet.
- E. Minimum side yards: Eight feet each.
- F. Minimum rear yard: 25 feet.
- G. Minimum distance between main buildings: 16 feet.

(Ord. No. 61862, §§ 1202—1208)

##### 2.75.030. - Detached accessory buildings.

- A. Permitted coverage: 30 percent of the minimum rear yard area plus 50 percent of any additional space in the rear of the principal building.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 61862, § 1209)

#### CHAPTER 2.80. - CR-5 MULTIPLE RESIDENCE ZONE

##### 2.80.010. - Uses permitted.

- A. Any use permitted in the CR-3, CR-4 zone.
- B. Multiple dwelling for any number of families.

C. Boarding or rooming house for any number of guests, but not primarily for transients.

(Ord. No. 61862, § 1301)

2.80.020. - Site development standards.

A. Building height: Maximum height of any structure shall be 30 feet.

B. Minimum lot area: 7,000 square feet.

C. Minimum lot width: 60 feet.

D. Minimum front yard: 25 feet.

E. Minimum side yards: Seven feet each.

F. Minimum rear yard: 25 feet.

G. Minimum distance between main buildings: 14 feet.

(Ord. No. 61862, §§ 1302—1308)

2.80.030. - Detached accessory buildings.

A. Permitted coverage: 35 percent of the minimum rear yard area plus 50 percent of any additional space in the rear of the principal building.

B. Maximum height: 20 feet.

C. Minimum distance to main building: Seven feet.

D. Minimum distance to front lot line: 60 feet.

E. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 61862, § 1309)

CHAPTER 2.85. - TR TRANSITIONAL ZONE

2.85.010. - Uses permitted.

A. Any use permitted in the CR-3, CR-4, and CR-5 zone.

B. Tourist court or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than 100 feet to a public street:

1. Retail shops;

2. Personal services;

3. Recreational facilities;

4. Restaurant;

5. Beverage service.

C. Professional or semi-professional office.

D. Private club or lodge (nonprofit).

E. Club, college, community service agency, governmental structure, library, museum, playground or athletic field, private school.

F. Community storage garage.

G. Guest ranch in accordance with chapter 2.115 PCDSC, guest ranch regulations.

H. Hospital, clinic, dispensary, or sanitarium.

I. Office, real estate.

(Ord. No. 61862, § 1401)

2.85.020. - Site development standards.

A. Building height: Maximum height of any structure shall be 30 feet.

B. Minimum lot area: 10,000 square feet for residential uses.

C. Minimum lot width: 60 feet.

D. Minimum area per dwelling unit: 1,000 square feet.

E. Minimum front yard: 20 feet.

F. Minimum side yards: Seven feet each.

G. Minimum rear yard: 25 feet.

H. Minimum distance between main buildings: 14 feet.

(Ord. No. 61862, §§ 1402—1409)

2.85.030. - Detached accessory buildings.

A. Permitted coverage: 40 percent of the minimum rear yard area plus 50 percent of any additional space in the rear of the principal building.

B. Maximum height: 20 feet.

C. Minimum distance to main building: Seven feet.

D. Minimum distance to front lot line: 60 feet.

E. Minimum distance to side lot lines: Four feet.

F. Minimum distance to rear lot line: Four feet if building is not used for poultry or animals; 15 feet if building is used for poultry or animals.

(Ord. No. 61862, § 1410)

CHAPTER 2.90. - CB-1 LOCAL BUSINESS ZONE

2.90.010. - Uses permitted.

A. Any use permitted in PCDSC 2.85.010(B) through (J) (TR transitional zone).

B. The following uses, which in any CB-1 zone shall be conducted wholly within a completely enclosed building unless otherwise specified and use operated as a store, shop or business, shall be a retail establishment and all products on the premises shall be sold at retail on the premises.

1. Antique store;

2. Apparel store;

3. Art needlework or hand-weaving establishment;

4. Art gallery or store;

5. Auto parking lot (within or without building) subject to the provisions of PCDCS 2.140.030;
6. Bakery;
7. Bank, safe depository or trust company;
8. Barber or beauty shop;
9. Bicycle shop (no sales or servicing of motor scooter or motorcycles);
10. Book, newspaper, magazine, stationery, art or drawing supply store;
- 10[11]. Cafe, lunch room (provided no dancing is allowed and no alcoholic beverages sold except beer and wine);
- 10[12]. Catering service;
- 11[13]. Church;
- 12[14]. Cigar store;
- 13[15]. Cleaning, dyeing, laundry, collection agency;
- 14[16]. Clinic;
- 15[17]. Club or lodge (nonprofit);
- 16[18]. Community service agency;
- 17[19]. Confectionery store;
- 18[20]. Custom dress making, millinery, hemstitching or pleating;
- 19[21]. Custom weaving or mending;
- 20[22]. Day nursery or child-care center;
- 21[23]. Dealer in coins, stamps, or similar collector's items;
- 22[24]. Delicatessen store;
- 23[25]. Dental or medical laboratory;
- 24[26]. Department store, variety store;
- 25[27]. Drug store;
- 26[28]. Dry goods or notions store;
- 27[29]. Electric appliance store;
- 28[30]. Florist shop;
- 29[31]. Frozen food locker;
- 30[32]. Furniture or house furnishing store;
- 31[33]. Garage for public storage only;
- 32[34]. Gasoline service station (incidental repairing only) subject to the provisions of PCDCS 2.140.070;
- 33[35]. Gift, curio, novelty, toy or hobby shop;
- 34[36]. Governmental structure;
- 35[37]. Grocery, fruit or vegetable store;
- 36[38]. Hardware store;
- 37[39]. Hotel;
- 38[40]. Ice cream store;
- 39[41]. Ice station for packaged sales only;
- 40[42]. Interior decorator;



- 41[43]. Jewelry store or jewelry and watch repair;
- 42[44]. Laundry and dry cleaning units provided the same occupy no more than 3,000 square feet of gross floor area;
- 43[45]. Leather goods store;
- 44[46]. Library, rental or public;
- 45[47]. Liquor store for packaged sales only;
- 46[48]. Meat, fish or dressed poultry market, provided no live poultry are kept on premises;
- 47[49]. Messenger service;
- 48[50]. Multigraphing, mimeographing, duplicating, addressographing;
- 49[51]. Museum;
- 50[52]. Music, phonograph or radio store;
- 51[53]. Nursery, flower, plant or tree (within a building or enclosure);
- 52[54]. Office: business, professional or semi-professional);
- 53[55]. Photograph studio or photographic supply store;
- 54[56]. Postal stations;
- 55[57]. Pressing establishment;
- 56[58]. Refreshment stand;
- 57[59]. Religious rescue mission;
- 58[60]. School, barber or beauty culture;
- 59[61]. School, business;
- 60[62]. School, dramatic;
- 61[63]. School, handicraft, painting or sculpture;
- 62[64]. Shoe store or shoe repair shop;
- 63[65]. Sporting goods, hunting and fishing equipment store;
- 64[66]. Station, bus or stage;
- 65[67]. Tailor shop;
- 66[68]. Taxi cab stand;
- 67[69]. Taxidermist;
- 68[70]. Theater, except drive-in or outdoor theater;
- 69[71]. Water, telephone or telegraph distribution, installation or electrical receiving or distribution station (within or without a building) subject to the provisions of PCDCS 2.140.030;
- 70[72]. Other similar enterprise or business of the same class, which in the opinion of the board of supervisors, as evidenced by resolution or record, is not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses above enumerated.

C. Accessory building or use (not involving open storage), when located on the same building site.

D. Administrative, engineer, scientific research, design or experimentation facility, and such processing and fabrication as may be necessary thereto; provided, that all such operations be completely housed within buildings located on a site of not less than 10,000 square feet; that all such buildings shall be set back not less than 25 feet from any property line abutting a residential zone; that an off-street parking area be provided for all such vehicles incidental to said operation; and that one additional such parking space be provided for each three persons regularly employed on

said premises; that a masonry wall or screened planting shall be erected and maintained on any property line directly abutting any residential zones; that there is no manufacturing or warehousing of goods for sale at wholesale or retail; and that any activity conducted on said premises shall be free of dust, noxious smoke, fumes, odors, or unusual vibrations or noise.

- E. Restaurant or tea room, including a cocktail lounge or bar in connection therewith, upon condition that no outside door opens into the cocktail lounge or bar; and provided further, that the applicant for a permit shall provide the zoning inspector with written consent of 75 percent of the owners, by number and area, of property within 300 feet of the site for which the permit is sought.
- F. One-family dwelling unit, conventional construction, or mobile home or manufactured home in conjunction with an established, permitted use.

(Ord. No. 61862, § 1501)

#### 2.90.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: None for uses listed in PCDSC 2.90.010(B) through (F).
- C. Minimum lot width: None for uses listed in PCDSC 2.90.010(B) through (F).
- D. Minimum area for detached dwelling unit: 3,500 square feet for residential uses.
- E. Minimum front yard: 20 feet, which may be used to meet off-street parking requirements, or as part of off-street parking lot.
- F. Minimum side yards: None for uses listed in PCDSC 2.90.010(B) through (F): Seven feet each for residential uses.
- G. Minimum rear yard: 25 feet, except as provided in PCDSC 2.150.200 for corner lot, which may be used to meet off-street parking requirements, or as a part of off-street parking lot.
- H. Minimum distance between main buildings: None for uses listed in PCDSC 2.90.010(B) through (F): 14 feet between residence and business.

(Ord. No. 61862, §§ 1502—1509)

#### 2.90.030. - Detached accessory buildings.

- A. Permitted coverage: 40 percent of the minimum rear yard area and any additional space within the buildable area.
- B. Maximum height: 20 feet within the required rear yard; two stories or 30 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 20 feet.
- E. Minimum distance to side lot lines: None.
- F. Minimum distance to rear lot line: Four feet.

(Ord. No. 61862, § 1510)

### CHAPTER 2.95. - CB-2 GENERAL BUSINESS ZONE

#### 2.95.010. - Uses permitted.

- A. Any use permitted in PCDSC 2.85.010(B) through (J) (TR transitional zone) and in PCDSC 2.90.010 (CB-1 local business

zone);

B. Advertising sign, structure or billboard, subject to chapter 2.145 PCDSC;

1. Amusement or recreational enterprise (within a completely enclosed structure) including billiard or pool hall, bowling alley, dance hall, gymnasium, penny arcade, shooting gallery, skating rink, sports arena;
2. Amusement or recreational enterprise (outdoor) including archery range, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis court:
  - Auction, public (no animals);
  - Auditorium or assembly hall;
  - Auto rental garage;
  - Auto repair, mechanical or steam washracks, battery service (no body or fender work, painting or upholstery, except as incidental);
  - Bar, cocktail lounge, night club, tavern;
  - Baths (Turkish, Swedish, steam, etc.);
  - Blueprinting, photostating;
  - Boats, storage or rental;
  - Burglar alarm service;
  - Carpenter shop;
  - Cigar manufacturing (custom hand-rolled);
  - Cleaning establishment, if only two clothes cleaning units of not more than 40 pounds rated capacity, and using cleaning fluid which is nonflammable, and nonexplosive at temperatures below 138.5 degrees Fahrenheit;
  - Club: athletic, private, social, sport or recreational (operated for profit) except sports stadium or field;
  - Engraving, photo-engraving, lithographing;
  - Fortunetelling;
  - Garage, public (for commercial use);
  - Juke box or coin machine business (limited to assembly, repair and servicing);
  - Laundry, steam or wet-wash;
  - Lumber yard, retail (provided no machinery is used other than a rip saw and cut-off saw);
  - Locksmith, tool or cutlery sharpening, lawnmower repairing, fix-it or handyman shop;
  - Massage establishment, reducing salon or gymnasium;
  - Mattress shop for repairing only (no renovating);
  - Merchandise broker's display, wholesale;
  - Motorcycle or motor scooter repair or storage;
  - Mortuary or embalming establishment or school;
  - Newspaper office;
  - Oxygen equipment, rental or distribution;
  - Pawnshop;
  - Piano repairing;

- Plumbing, retail custom;
- Printing or publishing;
- Record recording studio or sound score production (no manufacturing or treatment of records);
- Refrigeration installation or service;
- School or college (operated as a commercial enterprise for dancing or musical instruction; industrial or trade school teaching operations or occupation permitted in this zone);
- Sheet metal or tinsmith shop;
- Sign painting shop;
- Storage building;
- Trade show, industrial show or exhibition;
- Transfer or express service;
- Upholstery shop;
- Wallpaper sales, paper hanging.

C. Sale, rental or display of:

- Airplanes or parts;
- Automobiles, recreational vehicles, travel trailers, motorhomes, and trailers;
- Barber's supplies or beauty shop equipment;
- Butcher's supplies;
- Clothing or accessories (wholesale);
- Contractor's equipment or supplies;
- Drugs or medical, dental, or veterinary supplies (wholesale);
- Farm equipment or machinery;
- Feed (wholesale);
- Garage equipment;
- Hardware (retail or wholesale);
- Hotel equipment or supplies;
- Household appliances, sewing machines, etc. (wholesale);
- Machinery, commercial and industrial;
- Monuments or tombstones (no wholesale);
- Office equipment (safes, business machines, etc.) (wholesale);
- Orthopedic appliances (trusses, wheelchairs, etc.);
- Painting equipment or supplies (paint, varnish, etc.);
- Pet (no boarding or hospital);
- Plastic or plastic products (wholesale);
- Plumbing, heating and ventilating fixtures or supplies;
- Restaurant or soda fountain equipment or supplies;
- Secondhand goods: personal, furniture, books, magazines, automobiles, but not secondhand auto parts;
- Tents or awnings;

- Trunks or luggage (wholesale);
  - Upholsterer's supplies;
  - Venetian blinds;
  - Window shades.
- D. Light manufacturing or assembling incidental to retail sales from the premises; provided, that not more than 25 percent of the floor is occupied by businesses engaged in manufacturing, processing, assembling, treatment, installation and repair of products.
- E. Wholesaling of products permitted in subsection (C) of this section unless specifically prohibited, with storage space not exceeding 1,500 square feet of floor area.
- F. Cemetery or crematory; provided, that cemeteries for human remains shall be located on a site of not less than five acres and for animal pets not less than one acre, and that no crematory be erected closer than 500 feet from any boundary of said site adjoining property in a rural or residential zone.
- G. Drive-in theater; provided, that the face of any projection screen be not visible from any county road or any street or route shown on the adopted map of major thoroughfares and proposed routes (Map C, PCDCS 2.15.020), which is within 500 feet of said screen; provided further, that the site for said theater shall consist of not less than ten acres of land and be a single tract or parcel not intersected or divided by any street, alley or by property belonging to any other owners; that any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets; that the plans for said theater shall have been approved by the county engineer, indicating no undue traffic congestion, due to the location and arrangement of the theater, including the car rows and aisles and minimizing the danger of fire and panic; that acceleration and deceleration lanes shall be provided along the public thoroughfare adjacent to the entrance and exit of the theater; that parking space or storage lanes for patrons awaiting admission shall be provided on the site in an amount equal to not less than 30 percent of the vehicular capacity of the theater; that vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract on which the theater is located; that emergency exits shall be provided; that sanitary facilities and the method of food handling shall be approved by the county health department; that definite plans for shrubbery and landscaping shall be presented to the zoning inspector and made a part of the permit; that the nearest point of the theater property, including driveways and parking areas shall be a least 750 feet from the boundary of a district zoned for residential use; and provided further, that all other conditions of the zone are fully observed.
- H. Racetrack or sports stadium, subject to the conditions set forth in PCDCS 2.20.010(O), except the requirements for the filing of the consent of owners of adjacent property.
- I. Radio or television tower or booster station, provided such tower is no closer to any boundary of said site than the height thereof.
- J. Veterinary hospital or kennels, provided no such building or structure be within 100 feet of any boundary of said site abutting property in a rural or residential zone.
- K. One-family dwelling unit, conventional construction, mobile home, or manufactured home in conjunction with an established, permitted use.

(Ord. No. 012010-AEO, § 1; Ord. No. 61862, § 1601)

2.95.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 35 feet.

- B. Minimum lot area: None except for uses listed in PCDSC 2.95.010(F) and (G).
- C. Minimum lot width: None.
- D. Minimum area for detached dwelling unit: 3,500 square feet for residential uses.
- E. Minimum front yard: 15 feet.
- F. Minimum side yards: None for uses listed in PCDSC 2.95.010(A) through (J); seven feet each for residential uses.
- G. Minimum rear yard: Ten feet for uses permitted in PCDSC 2.95.010(A) through (J); 25 feet for residential use.
- H. Minimum distance between main buildings: None for uses listed in PCDSC 2.95.010(A) through (K); 14 feet between residence and business.

(Ord. No. 61862, §§ 1602—1609)

2.95.030. - Detached accessory buildings.

- A. Permitted coverage: 40 percent of the minimum rear yard and any additional space within the buildable area.
- B. Maximum height: 20 feet within the required rear yard; 35 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 15 feet.
- E. Minimum distance to side lot lines: None.
- F. Minimum distance to rear lot line: Four feet.

(Ord. No. 61862, § 1610)

CHAPTER 2.100. - CI-B INDUSTRIAL BUFFER ZONE

2.100.010. - Uses permitted.

- A. Office buildings.
- B. Scientific or research laboratories.
- C. Wholesale, and ancillary retailing activities and warehousing.
- D. Assembly of products from previously prepared materials.
- E. Commercial trade schools and business colleges.
- F. Light manufacturing in enclosed buildings only.

(Ord. No. 61862, § 1650)

2.100.020. - Building and site restrictions.

- A. All uses permitted in PCDSC 2.100.010 shall be conducted wholly within an enclosed building.
- B. Required yards fronting on a public street shall be entirely landscaped except for necessary driveways and walkways.
- C. All loading and service bays shall not front on a public street.
- D. Parking areas and maneuvering areas shall not be located in any required yard fronting on a public street.
- E. Displays are prohibited in any required yards fronting on a public street.
- F. Outdoor storage is prohibited in any required yards fronting on a public street.
- G. A minimum of 80 percent of all exterior building wall surfaces which front on public streets, excluding windows and

doors, shall be of masonry or reinforced concrete construction or shall be surfaced with wood, stucco, or similar materials.

- H. One-family dwelling unit, conventional construction or manufactured home or mobile home as watchman or caretaker's quarters in conjunction with an existing permitted use.

(Ord. No. 61862, § 1651)

2.100.030. - Site development standards.

- A. Building height: Maximum height of any structure shall be 35 feet.
- B. Minimum lot area: 10,000 square feet.
- C. Minimum lot width: None.
- D. Minimum area per dwelling unit: none.
- E. Minimum front yard: 20 feet, except as provided in PCDSC 2.105.030, whichever is greater.
- F. Minimum side yards: None for interior side yards, except as provided in PCDSC 2.105.030, whichever is greater.
- G. Minimum rear yard: Ten feet, except as provided in PCDSC 2.105.030.
- H. Industrial buffer required: Same as provided in PCDSC 2.105.030.

(Ord. No. 61862, §§ 1652—1659)

2.100.040. - Detached accessory buildings.

- A. Permitted coverage: 40 percent of the minimum rear yard and any additional space within the buildable area.
- B. Maximum height: 20 feet within the required rear yard; 35 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 20 feet, except as provided in PCDSC 2.105.030, whichever is greater and in no case to be less than the distance between the front lot line and that of the main building.
- E. Minimum distance to side lot lines: None for the interior side yards, except as provided in PCDSC 2.105.030; 15 feet for street side yards, except as provided in PCDSC 2.105.030, whichever is greater.
- F. Minimum distance to rear lot line: Four feet, except as provided in PCDSC 2.105.030.

(Ord. No. 61862, § 1660)

CHAPTER 2.105. - CI-1 LIGHT INDUSTRY AND WAREHOUSE ZONE

2.105.010. - Uses permitted.

- A. Any use permitted in PCDSC 2.90.010(B) (CB-1 local business zone) and in PCDSC 2.95.010(B) and (C) (CB-2 general business zone).
- B. One-family dwelling unit, conventional construction, or manufactured home or mobile home as watchman or caretaker's quarters in conjunction with an established, permitted use.
- C. Any of the following if conducted wholly within a completely enclosed building:
  - 1. Manufacture, compounding, processing, packaging or treatment of: Bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only), and food products, except fish or meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

2. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, broom corn, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair or bristles, horn, leather, paper, plastics or plastic products, precious or semi-precious metals or stones, shell textiles, tobacco, wax (paraffin, tallow, etc.), wood (excluding sawmill or planing mill), yarns, paint (not employing a boiling process).
  3. Manufacture of: Glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay and kilns fired only by electricity or gas), musical instruments, toys, novelties, rubber or metal stamps.
  4. Manufacture and maintenance of: Electric and neon signs, billboards, commercial advertising structures and displays, sheet metal products, including heating or cooling and ventilating ducts and equipment, cornices, eaves and the like.
  5. Automobile or trailer assembling, painting, upholstering, rebuilding, reconditioning, sale of used parts, truck repair or overhauling, tire rebuilding or recapping, battery manufacture and the like.
  6. Blacksmith and welding shop or machine shop (excluding punch presses over 20 tons rated capacity, and drop hammer), foundry casting, electroplating and electro-winding lightweight nonferrous metals not causing noxious fumes or odors.
  7. Laundry, cleaning or dyeing works, carpet and rug cleaning.
  8. Distribution plant, ice and cold storage plant, beverage bottling plant.
  9. Wholesale business, storage building or warehouse.
  10. Assembly of electrical appliances: Radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
  11. Laboratory: experimental, photo or motion picture film, testing, medical and dental.
  12. Veterinary or cat or dog hospital or kennels.
  13. Poultry or rabbit killing incidental to a retail business on the same premises.
  14. Aircraft engine, engine parts and auxiliary equipment manufacturing.
  15. Manufacturing of search, detection, navigation, guidance, aeronautical and nautical systems and instruments.
  16. Manufacturing of plastics and resin, semiconductors and related devices, noncorrosive storage batteries, electrical and electronic equipment and components.
  17. Manufacturing of medical and dental equipment and supplies manufacturing.
  18. Medicinal and botanical manufacturing, excluding medical marijuana dispensaries, food establishments and off-site cultivation locations.
  19. Missile and space vehicle parts and auxiliary equipment manufacturing.
- D. Any of the following if conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, compact evergreen hedge or uniformly painted board fence, not less than six feet in height:
1. Building material sales yard, contractor's equipment sales yard (only) or rental of equipment commonly used by contractors.
  2. Retail lumber yard, including only incidental mill work; feed yard.
  3. Draying, freighting or truck yard or terminal.
  4. Motion picture studio.
  5. Automobile or automotive body and fender shop.



- 6. Public utility service yard.
- E. Accessory building or use when located on the same building site.
- F. Airport, airstrip or landing field including airport operations and air traffic control; provided, that runways shall be no closer than 600 feet from any boundary of a site of not less than 160 acres.
- G. 1. Gasoline or flammables bulk station, provided said products, gasoline, or petroleum shall not be stored in tanks of more than 10,000 gallons capacity each, located not less than 25 feet from building or lot line and no closer than 100 feet to a residential zone.
- 2. Liquefied petroleum gases (LPG) bulk station shall be designed, constructed and maintained in compliance with provisions of National Fire Protection Association NFPA Standards No. 58.
- H. Heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment.

(Ord. No. PZ-C-003-12, § 6; Ord. No. 011812-ZO-PZ-C-007-10, § 8; Ord. No. 61862, § 1701)

2.105.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 35 feet.
- B. Minimum lot area: None.
- C. Minimum lot width: None.
- D. Minimum lot area per dwelling unit: None.
- E. Minimum front yard: 15 feet, except as provided in PCDSC 2.105.030.
- F. Minimum side yards: None, except as provided in PCDSC 2.105.030.
- G. Minimum rear yard: Ten feet, except as provided in PCDSC 2.105.030.

(Ord. No. 61862, §§ 1702—1708)

2.105.030. - Industrial buffer required.

Where industry adjoins, faces or confronts residential property or a major or secondary thoroughfare, such industrial use shall provide a yard of not less than ten percent of the lot depth or width on the side or sides abutting, facing or confronting said uses, but such yard need not exceed 50 feet unless a greater depth or width is required by the general setback provisions of this title, or general or special setback provisions of any existing setback ordinance. Such yard shall be improved with one or more of the following:

- A. Landscaping.
- B. Parking lot, wherein a minimum width of ten feet along the lot line(s) closest to the residential property or major or secondary thoroughfare, shall be landscaped; and a decorative screening device of opaque fencing, walls, landscaped earth berms or any combination thereof, shall be installed between the landscaped area and the parking lot, to a minimum height of three feet.
- C. Recreational space for employees, wherein a minimum width of ten feet along the lot line(s) closest to the residential property or major or secondary thoroughfare, shall be landscaped.

(Ord. No. 61862, § 1709)

2.105.040. - Detached accessory buildings.

- A. Permitted coverage: 40 percent of the required rear yard and any additional space within the buildable area.

- B. Maximum building height: 20 feet within the required rear yard; 35 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 15 feet, except as provided in PCDSC 2.105.030.
- E. Minimum distance to side lot lines: None, except as provided in PCDSC 2.105.030.
- F. Minimum distance to rear lot line: Four feet, except as provided in PCDSC 2.105.030.

(Ord. No. 61862, § 1710)

## CHAPTER 2.110. - CI-2 INDUSTRIAL ZONE

### 2.110.010. - Uses permitted.

- A. *[Applicable uses.]* Any use permitted in PCDSC 2.90.010(B) (CB-1 Local Business Zone), 2.95.010(B) and (C) (CB-2 General Business Zone) and 2.105.010(B) through (E) (CI-1 Light Industry and Warehouse Zone).
- B. *[Airport and landing field.]* Airport or landing field, commercial, subject to the following conditions set forth in PCDSC 2.20.010(l).
- C. *[Accessory building or use.]* Accessory building or use when located on the same building site.
- D. *[IUP issued for specified uses.]* An industrial use permit (IUP) shall be obtained from the board of supervisors for the uses specified below:
  - 1. The uses covered by this subsection include but are not limited to:
    - a. The application for an industrial use permit shall be made to the commission and shall include a plan for the development of the land to be so used, and a uniform, nonrefundable fee, as set forth in chapter 2.160 PCDSC. Copies of the application shall be provided to the county engineer, the county health department and the Pinal-Gila County Air Quality Control District. The commission shall hold at least one public hearing on the application after giving at least 15 days' notice. The notice shall be given by publication once in a newspaper of general circulation in Pinal County, by posting the property to be used, and by notifying all property owners within 300 feet of the proposed use. The commission shall consider whether the use will create any foreseeable flood, traffic or health hazards or nuisances. The commission may hold additional public hearings and give additional public notice as they deem reasonable under the circumstances. By agreement between the commission and the applicant, the above procedures may take place concurrently with an application for change of the zone of land to CI-2 industrial zone. The commission shall recommend to the supervisors either for or against the granting of a use permit. Upon receipt of the commission's recommendation, the supervisors shall hold a public hearing on the use permit after giving at least 15 days' notice. Notice shall be given by publication once in a newspaper of general circulation in Pinal County, and by posting the property to be used. Upon completion of the public hearing, the supervisors may act upon the application; however, if 20 percent of the owners of property by area and number within 300 feet of the proposed use file a protest to such use, the use permit shall not be granted except by unanimous vote of all members of the board of supervisors. By agreement between the applicant and the board of supervisors, the above procedures may take place concurrently with an application for a change of zone of the land to CI-2 industrial zone.
  - 2. The uses covered by this subsection include but are not limited to:
    - Abattoir (slaughterhouse);
    - Auto wrecking, junkyard, or storage yard, where conducted wholly within an enclosed building or behind

imperforated walls or close boarded fence not less than six feet in height;

- Blast furnace;
- Boiler shop or works;
- Coke oven;
- Commercial cattle feeding yard or sales or auction yard;
- Dirt, soil, clay, sand, rock, stone or gravel pit or yard;
- Fat rendering;
- Hog feeding yard, commercial (where more than three hogs weighing more than 100 pounds each are fed);
- Incineration, reduction or dumping of offal, garbage or refuse on a commercial scale, not operated by the board of supervisors, a municipality or sanitary district;
- Manufacture of: acetylene gas, acid, ammonia, asphalt or products, asbestos, brick, tile of terra cotta, babbitt metal, bleaching powder, carbon, lamp black or graphite, cement, celluloid, chlorine gas, coal tar or products, creosote or products, explosives, fireworks, fertilizer (including open storage on a commercial scale), illuminating gas, gelatine, glucose, glue or size, guncotton or products, gypsum, insulating material (such as rock wool and similar products), lime or products, matches, phenol, pickles, plaster of Paris, poisons, potash, pulp, paper and strawboard, rubber, sulfur and products, sauerkraut, soap except by cold process, tar or asphalt roofing, turpentine, vinegar;
- Meat packing plant;
- Oil reclaiming plant;
- Ore reducing plant, on site of less than 72,000 square feet;
- Petroleum products stored above ground, except in quantities of less than 1,000 barrels;
- Petroleum refinery;
- Racetrack or sports stadium, except for contests between human beings only;
- Rifle range, including pistol range, if not within an enclosed building;
- Rock crusher, aggregate pit, aggregate plant, quarry, concrete or cement products;
- Rolling mill;
- Rubber reclaiming plant;
- Salt works;
- Sandblasting;
- Sewer farm or sewage disposal, not operated under the control of the board of supervisors, a municipality, or a sanitary district;
- Smelting, on site of less than 72,000 square feet;
- Stockyards, commercial;
- Storage or baling of rags or paper, except where conducted wholly within an enclosed building or behind imperforated walls or close board fence not less than six feet in height;
- Tannery;
- Wood or bone distillation;
- Wool pulling or scouring plant.

E. *Initiation of IUP.* Requests for an IUP may be initiated by a property owner or authorized agent of a property owner

filing an application requesting an IUP.

- F. *Application procedure.* An applicant requesting an IUP is subject to the same requirements that are set forth in PCDSC 2.166.040(B) through (E) and PCDSC 2.166.050(A) through (J).
- G. *Rezoning application.* This process can run concurrently with a rezoning application.
- H. *Violation.* A violation of any condition of approval is a violation to this title and will be enforced pursuant to chapter 2.160 PCDSC.
- I. *Issuance of new IUP.* A previously approved IUP shall become null and void upon the issuance of a new IUP for the same property, unless stated otherwise in the new IUP.

(Ord. No. 011812-ZO-PZ-C-007-10, § 9; Ord. No. 61862, § 1801)

#### 2.110.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 35 feet.
- B. Minimum lot area: None.
- C. Minimum lot width: None.
- D. Minimum lot area per dwelling unit: None.
- E. Minimum front yard: 15 feet, except as provided in PCDSC 2.105.030.
- F. Minimum side yards: None, except as provided in PCDSC 2.105.030.
- G. Minimum rear yard: Ten feet, except as provided in PCDSC 2.105.030.
- H. Industrial buffer required: Same as in PCDSC 2.105.030.

(Ord. No. 61862, §§ 1802—1809)

#### 2.110.030. - Detached accessory buildings.

- A. Permitted coverage: 40 percent of the required rear yard and any additional space within the buildable area.
- B. Maximum building height: 20 feet within the required rear yard; 35 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 15 feet, except as provided in PCDSC 2.105.030.
- E. Minimum distance to side lot lines: None, except as provided in PCDSC 2.105.030.
- F. Minimum distance to rear lot line: Four feet, except as provided in PCDSC 2.105.030.

(Ord. No. 61862, § 1810)

### CHAPTER 2.115. - GUEST RANCH REGULATIONS

#### 2.115.010. - Applicability.

In addition to other provisions of this title, the following shall apply to guest ranches in any zone where permitted.

(Ord. No. 61862, Art. 19)

#### 2.115.020. - Accessory uses permitted.

- A. Accessory commercial uses, if located on the premises of the guest ranch not closer than 100 feet to any public

street, having no outside entrance facing the street, and intended, provided, and operated primarily for the convenience of guests, as follows:

1. Restaurant;
2. Beverage service;
3. Incidental retail sales and services;
4. Professional office;
5. Personal services;
6. Horses for the use of occupants and guests, but not for public hire.

B. A guest ranch shall not stable or keep more than one horse for each 10,000 square feet of land area, and no stable or corral shall be closer than 50 feet to any lot line and not closer than 100 feet to a dwelling on an adjoining property or to a school, park, public street or road (excepting an alley).

(Ord. No. 61862, § 1901)

2.115.030. - Site development standards.

Minimum lot area: 144,000 square feet.

(Ord. No. 61862, § 1902)

CHAPTER 2.120. - MH MANUFACTURED HOME ZONE

2.120.010. - Uses permitted.

- A. Public park.
- B. Manufactured home.
- C. Church, providing the minimum off-street parking requirements, in PCDCS 2.140.020(E), are met.
- D. Accessory building or use.
- E. Home occupation.
- F. Manufactured home subdivision, subject to the following:
  1. The number of manufactured homes shall be limited to one on each lot in each subdivision.
  2. The height, yard intensity of use, and parking regulations shall apply to manufactured homes located on lots in such subdivision.
- G. Recreation areas, facilities, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of any such use is service to residents and guests of the subject subdivision.
- H. Lots/parcels of one acre (43,560 square feet) or greater may have not more than two horses, more than six months of age.

(Ord. No. 61862, § 2001)

2.120.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 8,000 square feet.

- C. Minimum lot width: 60 feet.
- D. Minimum lot area per manufactured home: 8,000 square feet.
- E. Minimum front yard: 15 feet.
- F. Minimum side yards: Ten feet each.
- G. Minimum rear yard: Ten feet.
- H. Minimum distance between manufactured homes: 20 feet.
- I. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a manufactured home, or from the patio cover, carport, cabana, ramada or similar appurtenances.

(Ord. No. 61862, §§ 2002—2010)

2.120.030. - Detached accessory buildings.

- A. Permitted coverage: 25 percent of the rear yard plus 50 percent of any additional space in the rear of the principal building.
- B. Maximum height: 20 feet.
- C. Minimum distance to manufactured home: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 61862, § 2011)

CHAPTER 2.125. - RV RECREATIONAL VEHICLE HOMESITE ZONE

2.125.010. - Uses permitted.

- A. Public park.
- B. Church, providing the minimum off-street parking requirements in PCDCS 2.140.020(E) are met.
- C. Accessory building or use.
- D. Home occupation.
- E. Recreational vehicle/travel trailer subdivision, subject to the following:
  - 1. The number of recreational vehicles/travel trailers shall be limited to one on each lot in such subdivision.
  - 2. The height, yard, intensity of use, and parking regulations shall apply to travel trailers/recreational vehicles located on lots in such subdivision.
- F. Recreation areas, facilities, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of any such use is a service to residents and guests of the subject subdivision.

(Ord. No. 61862, § 2025A)

2.125.020. - Site development standards.

- A. Building height: Maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 6,000 square feet.

- C. Minimum lot width: 60 feet.
- D. Minimum lot area per travel trailer/recreational vehicle: 6,000 square feet.
- E. Minimum front yard: 15 feet.
- F. Minimum side yards: Ten feet each.
- G. Minimum rear yard: Ten feet.
- H. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a travel trailer/recreational vehicle, or from the patio covers, carport, cabana, ramada or similar appurtenances.

(Ord. No. 61862, §§ 2026A—2033A)

2.125.030. - Detached accessory buildings.

- A. Permitted coverage: 25 percent of the rear yard plus 50 percent of any additional space in the rear of the principal building.
- B. Maximum height: 20 feet.
- C. Minimum distance to travel trailer/recreational vehicle: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 61862, § 2011)

CHAPTER 2.130. - MHP - MANUFACTURED HOME PARK ZONE

2.130.010. - Uses permitted.

- A. Manufactured home park (MHP) lot or parcel, shall be not less than ten acres inclusive of rights-of-way, easements or dedications.
  - 1. The manufactured home park lot or parcel shall be not less than ten acres, inclusive of rights-of-way, easements or dedications.
  - 2. Each manufactured home space shall have an area of not less than 4,000 square feet and a width of not less than 45 feet.
  - 3. Manufactured homes shall be located on manufactured home spaces so as to provide a minimum setback from the nearest edge of any interior drive or roadway of not less than eight feet and so as to provide a minimum setback from any manufactured home space boundary not in common with the edge of any interior drive or roadway of not less than five feet, except that in the case of manufactured home spaces having boundaries in common with two or more interior drives or roadways; then the minimum setback from the nearest edge of the interior drive or roadway shall be not less than 20 feet on the manufactured home's entry side and not less than five feet on the manufactured home's nonentry side.
  - 4. Recreational vehicles may be located on manufactured home spaces; provided, that:
    - a. All requirements of this chapter are met.
    - b. No more than one RV shall be located on a manufactured home space.
    - c. A special use permit is applied for and granted in accordance with the provisions of PCDCS 2.151.010 to

2.151.020.

5. The minimum distance between manufactured homes in the same manufactured home park shall be ten feet.
  6. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a manufactured home or from the patio cover, carport, cabana, ramada or similar appurtenances.
  7. The manufactured home park shall be screened from adjoining lots or parcels, not in manufactured home park use, by a solid fence or wall of not less than six feet in height. The screening fence or wall shall be constructed within six months from date of approval of the manufactured home park plans. The screening material does not include planting, vegetation, shrubbery and the like.
  8. Recreation areas, facilities, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of any such use is service to residents and guests of the subject park.
- B. Model complex with sales office as detailed on the submitted site plan and approved by the planning and development services department.

(Ord. No. 61862, § 2050B)

2.130.020. - Plan approval required.

Prior to issuance of permits for construction or development of the manufactured home park, at least four copies of the park plans shall be submitted to the planning department and shall include the following:

- A. Name of park, legal description of property to be developed, ownership, name of developer, scale, north arrow, name of civil engineer or surveyor, date of plans and key map showing the location of tract.
- B. All manufactured home spaces on the plan shall be clearly numbered for proper identification.
- C. In addition to the above requirements, no permit shall be issued until the sanitation facilities and water supply have been approved by the Arizona Department of Environmental Quality.

(Ord. No. 61862, § 2051B)

2.130.030. - Streets.

- A. All streets within the manufactured home park shall be private. Installation and maintenance will be responsibility of the owner.
- B. If the manufactured home park is bordered by a potential major thoroughfare, section line, midsection line, collector street, minor street or marginal street, as described in the current Pinal County subdivision regulations and requirements, that portion bordering the manufactured home park shall be dedicated for public use and constructed in accordance with the current uniform standard details and specifications for public works construction, as approved and adopted by the Pinal County board of supervisors.
- C. If it is determined that the dedication and construction of the street will be required, as described in subsection (B) of this section, then construction of the streets shall begin within six months from the date of approval of the park plans and shall be completed within 12 months after approval of the park plans.

(Ord. No. 61862, § 2052B)

2.130.040. - Site development standards.

- A. Height: Maximum height of any structure shall be 30 feet.



- B. Minimum front yard: 15 feet.
- C. Minimum side yards: Ten feet each.
- D. Minimum rear yard: Ten feet.

(Ord. No. 61862, §§ 2053B—2056B)

2.130.050. - Detached accessory buildings.

- A. Maximum height: 30 feet.
- B. Minimum distance to front lot line: 15 feet.
- C. Minimum distance to side lot line: Four feet.
- D. Minimum distance to rear lot line: Four feet.

(Ord. No. 61862, § 2057B)

CHAPTER 2.135. - PARK MODEL (PM) AND RECREATIONAL VEHICLE (RVP) PARK ZONE

2.135.010. - Uses permitted.

- A. Park model (PM) and recreational vehicle (RV) park.
- B. Model complex with sales office as detailed on the submitted site plan and approved by the planning and development department.
- C. Recreation areas, facilities, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of any such use is service to residents and guests of the subject park.
- D. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- E. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.

(Ord. No. PZ-C-005-12, § 2; Ord. No. 61862, § 2075C)

2.135.020. - Plan approval required.

Prior to issuance of permits for construction or development of the PM/RV park, at least four copies of the park development plans shall be submitted to the planning and development department as required by chapter 2.200 PCDSC and shall include the following:

- A. Name of park, legal description of property to be developed, ownership, name of developer, scale, north arrow, name of civil engineer or surveyor, date of plans and key map showing the location of tract.
- B. All PM/RV park spaces on the plan shall be clearly numbered for proper identification.
- C. In addition to the above requirements, no permit shall be issued until the sanitation facilities and water supply have been approved by the Arizona Department of Environmental Quality.

(Ord. No. PZ-C-005-12, § 3; Ord. No. 61862, § 2076C)

2.135.030. - Streets.

All streets within the PM/RV park shall be private. Installation and maintenance will be responsibility of the park owner.

(Ord. No. PZ-C-005-12, § 4; Ord. No. 61862, § 2077C)

2.135.040. - Overall park development standards.

- A. The site of the park model and recreational vehicle park shall be not less than ten acres inclusive of rights-of-way, easements or dedications.
- B. The PM/RV park shall be screened from adjoining lots or parcels, not in PM/RV park use, by a solid fence or wall of not less than six feet in height. The fence or wall shall be constructed within six months from date of approval of the PM/RV park plans.
- C. Height: Maximum height of any structure shall be 30 feet.
- D. Minimum front setback: 15 feet (main building and park perimeter setback).
- E. Minimum side setback: Ten feet (main building and park perimeter setback).
- F. Minimum rear setback: Ten feet (main building and park perimeter setback).
- G. Detached accessory structures.
  - 1. Maximum height: 30 feet.
  - 2. Minimum distance to front lot line: 15 feet.
  - 3. Minimum distance to side lot line: Four feet.
  - 4. Minimum distance to rear lot line: Four feet.

(Ord. No. PZ-C-005-12, § 5; Ord. No. 61862, §§ 2078C—2081C)

2.135.050. - Space development standards.

- A. The minimum setback distance of park models and recreational vehicles from a space boundary shall be as follows:
  - 1. Front setback: Five feet;
  - 2. Rear setback: Five feet;
  - 3. Side setback: Five feet; except approved and permitted awnings on the entry side may be three feet.
- B. Each recreational vehicle space shall have an area of not less than 1,500 square feet and a width of not less than 30 feet.
- C. After December 30, 1992, each park model space shall have an area of not less than 2,000 square feet and a width of 40 feet in all new parks or additions to existing parks.
- D. Spaces having boundaries in common with two or more roads shall have a minimum setback from the nearest edge of the road of 20 feet to the park model/recreational vehicle's entry side and five feet on the nonentry side. (See Figure A.)

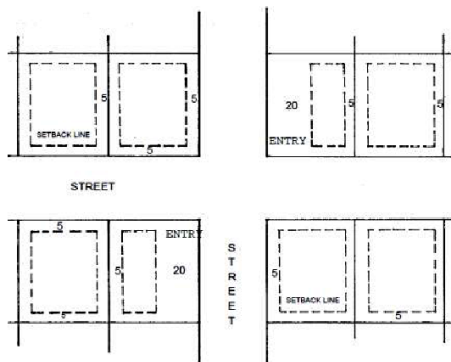


Figure A

E. Detached/attached accessory structures.

1. Maximum height: 20 feet.
2. Minimum distance to front space line: Five feet.
3. Minimum distance to side space line: Five feet.
4. Minimum distance to rear space line: Five feet.
5. Any park model or recreational vehicle awning shall require a building permit and be constructed in compliance with adopted Pinal County building codes.

F. A minimum of one parking space shall be maintained on all spaces within the park. The minimum parking space shall be ten feet in width and 20 feet in length.

(Ord. No. PZ-C-005-12, § 6)

CHAPTER 2.140. - OFF-STREET PARKING AND LOADING - PUBLIC GARAGES AND GAS STATIONS

2.140.010. - Minimum parking space dimensions and circulation.

- A. Each parking space that is perpendicular to an aisle shall be at least ten feet in width and 20 feet in length.
- B. Each parking space that is parallel to an aisle shall be at least ten feet in width and 23 feet in length.
- C. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Req. Aisle Width	Parking Angle		
	45°	60°	90°
One-way traffic	16'	18'	24'
Two-way traffic	24'	24'	24'

- D. Entrances and exits to parking lots and other parking facilities shall be provided only at defined entry and exit locations approved by the Pinal County public works department.
- E. The minimum width of one-way driveways to a street shall be 16 feet. The minimum width of two-way driveways shall be 24 feet.
- F. Passenger drop-off points. Drop-off points separated from street traffic and readily accessible without hazardous maneuvering shall be provided in conjunction with the following uses: hotels, motels, hospitals and clinics, and educational facilities with 50 or more guests, patients or pupils; daycare centers; religious facilities with 100 or more seats; transit terminals, major recreational facilities; commercial airports; public buildings and offices and financial services greater than 5,000 square feet of gross floor area.

(Ord. No. PZ-C-004-10, § 2)

2.140.020. - Parking space requirements.

A. *Minimum number of off-street parking spaces.* The minimum number of off-street motor vehicle parking spaces shall be provided according to the following schedule and subject to the conditions in any zone in which any of the following uses shall hereafter be established:

Uses	Minimum Parking Spaces
Residential	
Single residence	Two per dwelling unit
Multiple residence	
Efficiencies/studios	One per dwelling
One bedroom	1½ per dwelling unit
Two or more bedrooms	Two per dwelling unit
Guest spaces	One per ten dwelling units
Manufactured home park/park model (PM) and recreational vehicle (RV) park	One per dwelling unit; plus one visitor parking space per four dwelling units and parking spaces to meet the needs of any commercial, office or public assembly
Boarding, rooming and lodging houses, fraternities, sororities, dormitories and other student housing	One per three roomers; plus one per two employees on the largest working shift
Bed and breakfast	One per guest unit; plus two for resident family and one per employee
Educational Institutions	
Day care or nursery school	One per employee plus one for every five children
Elementary or middle school	One for every 1.5 employees including administrators, teachers and nonteaching personnel; plus one for every four auditorium seats
High school	One for every two employees including administrators, teachers and nonteaching personnel and one for every five students

College, university, trade or vocation school	One for every two employees including administrators, teachers and nonteaching personnel and for every two students
Professional and semi-professional offices	One per 300 square feet of total indoor floor area
Commercial, sales/services	One per 250 square feet of total indoor floor area; plus one per 5,000 square feet of outside display area
Golf course	One per 250 square feet of total indoor floor area; plus one per 250 square feet of outdoor seating area; plus one for every two employees; and plus three per golf green. Ten percent of required parking spaces may be sized for golf carts
Hotels, motels, resorts and guest ranches	One per room or suite and one for every two employees
Public Assembly Facilities	
Churches	One per four seats
Theaters, stadiums and auditoriums	One per five seats; plus one per two employees on the largest working shift
Commercial roping arenas	One per three seats
Fairgrounds and amusement parks	One per 500 square feet of indoor and outdoor public area
Assembly halls, community centers, clubs, lodges, community service agencies and all other public facilities	One per every 50 square feet of total floor area used for public assembly or one per three seats in the main assembly room, whichever is greater
Jails, prisons, offender rehabilitation facilities	One for every 25 inmates of design capacity plus one per employee in the largest working shift
Hospitals	Two per three beds; plus one for each doctor and one per two employees on the largest working shift
Assisted living facility	One per two bedrooms plus one per employee in the

	largest working shift
Group homes	One parking space for each three roomers that the group home is intended or designed to accommodate; such space shall be provided on the building site on which said building is located or on a lot owned by the same property owner as the building site, immediately adjacent thereto
Mortuary, funeral homes, or crematory	One per 50 square feet of total floor area
Cemetery	One space per employee (minimum six) plus ten spaces if no internal drives exist which can accommodate two passing vehicles
Industrial/Other	
Manufacture, wholesale, warehouse, distribution and storage of goods	One per 1,000 square feet of total floor area or one per three employees in the largest working shift, whichever is greater
Restaurants, cocktail lounge, and bars	One per 150 square feet of total indoor floor area. One per 250 square feet of total outdoor floor area, excluding the first 250 square feet of total outdoor floor area

B. *Location.*

1. Parking spaces required for residential dwelling units shall be located within the same parcel as it serves and shall be within 300 feet from the dwelling unit.
2. Parking spaces shall be located such that each space has access to the use to be served without crossing a public or private street or a railroad right-of-way.

C. *Queuing lanes.* Queuing lanes for all drive-through establishments shall be provided on site. Queuing lanes shall be calculated as a queuing space at a minimum of nine feet in width and 20 feet in length. The queuing lane shall be measured from the front of the stopped vehicle located at the point of service and/or pick-up window to the rear of the queuing lane. One additional queuing space shall also be provided to allow motor vehicles to pull beyond the point of service and/or pick-up window for all uses. Queuing lanes shall be in addition to required off-street parking and shall be designed so as not to interfere with the operation of driveways and maneuvering areas for off-street parking areas. The following requirements are additional requirements:

1. Banks, savings and loan establishments, and other similar financial institutions: Minimum of six queuing spaces

for the first queuing lane plus four queuing spaces per additional queuing lane.

2. Drive-through restaurant: Minimum five queuing spaces measured from pick-up window plus an additional two queuing spaces measured from menu board.
3. All other drive-through establishments not addressed shall have a minimum of five queuing spaces from the point of service and/or pick-up window.
4. Establishments providing multiple points of service shall provide a minimum of two approach lanes.
5. Full service car wash: Minimum three queuing spaces per bay.

D. *Shared parking.* In business and industrial zones, shared parking may be provided subject to the following requirements:

1. Shared parking shall be for two or more uses located on adjacent or contiguous parcels.
2. All shared parking facilities shall be located within 500 feet of the uses served.
3. Submit a site plan with required parking calculations of parking spaces intended for shared parking and legal description of the property boundaries describing all parcels.
4. Submit a pedestrian circulation plan that shows connections and walkways between shared parking areas and uses. Paths should be as direct and short as possible.
5. An association shall be established to manage the shared parking area.
6. The association shall record a shared parking agreement for the described parking areas. The recorded agreement shall provide information on shared access and shared drainage. A copy of the shared parking agreement shall be submitted to the planning and development department upon submittal of all formal site plan applications.
7. The association shall be the responsible party to submit all formal site plans to the county for any new site approvals, amendments to an approved site plan or changes in shared parking. All owners and proposed owners shall be notified of any changes by the association.
8. The county shall be notified by the association of any changes regarding association contact information.

E. *Use not specified.* For a use not specifically listed, requirements shall be the same as those for the most similar use listed as determined by the planning director.

F. *Fractional measurements.* When calculation of parking requirements results in a fractional amount, any fraction of less than one-half shall be disregarded and any fraction of one-half or more shall require an additional parking space.

G. *Accessible parking.*

1. Accessible parking space size shall be a minimum of ten feet in width and 20 feet in length in addition to a five-foot access aisle located on the right side. For a double space, the size shall be 20 feet in width and 20 feet in length in addition to a five-foot access aisle between the spaces.
2. All off-street parking areas shall comply with ADA (American with Disabilities Act) standards for accessible design.
3. Parking spaces shall be functionally located as near as possible to the main entrance of the establishment served, with a barrier-free path.
4. Parking space identification signs shall include the international symbol of accessibility on pavement markings and signs.

H. *Compact parking spaces.*

1. Compact parking spaces shall be at least nine feet in width and 20 feet in length.
2. Parking facilities providing ten or more required off-street parking spaces for a retail use may provide up to 30

percent of the required spaces as compact car parking spaces. Each parking space shall be signed as "COMPACT" on the pavement.

3. Parking spaces shall be located in groups and no more than ten in a row.

I. *Signs.* Signage and markings for parking facilities shall conform to the Manual on Uniform Traffic Control Devices (MUTCD).

(Ord. No. PZ-C-004-10, § 3; Ord. No. 012010-SEO, § 2; Ord. No. 61862, § 2102)

2.140.030. - Development of parking area.

- A. Where parking space is required, the surface of such space shall be paved as specified by the Pinal County public works department.
- B. Where a parking area for a business or industrial use adjoins or is within a residential zone, there shall be a solid wall of masonry or other approved fireproof material, at least four feet in height, along the boundaries adjoining residence lots, except that adjoining the front yard of a residence lot, said wall shall be three feet, six inches in height.
- C. Anywhere a wall is required, a minimum landscaped yard of five feet shall be provided between the wall and the parking area.
- D. Any lights used to illuminate said parking space shall be so arranged as to reflect the light away from adjoining lots in residential zones and be installed in accordance with the county lighting regulations.
- E. All parking spaces shall be designed so that motor vehicles exiting will not be required to back out across any sidewalk or into any street.

(Ord. No. 011812-ZO-PZ-C-007-10, § 10; Ord. No. PZ-C-004-10, § 4; Ord. No. 61862, § 2103)

2.140.040. - Loading space defined.

For the purpose of this chapter, one loading space shall be not less than ten feet in width, 30 feet in length, and 14 feet in height.

(Ord. No. 61862, § 2104)

2.140.050. - Loading space requirements.

On any lot, at least one off-street loading space shall be provided and maintained for every building or part thereof occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, mortuary, hospital, laundry, dry cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles of materials or merchandise; and one additional loading space shall be provided for each 10,000 square feet of gross floor space so used in excess of 10,000 square feet. Such space may occupy all or any part of any required yard. No such space shall be located closer than 50 feet to any other lot in any residential zone unless wholly within a completely enclosed building or enclosed on three sides by a solid fence or wall at least six feet in height.

(Ord. No. PZ-C-004-10, § 6; Ord. No. 61862, § 2105)

2.140.060. - Building over loading space.

Nothing in this chapter shall prevent building over the top of a loading area within the buildable area prescribed in this title, provided a clear height of 14 feet is maintained.



(Ord. No. 61862, § 2106)

2.140.070. - Public garage, parking lots and gas stations.

- A. No gas station, motor vehicle repair shop, public garage or parking lot shall have an entrance or exit for vehicles on the same side of the street within 30 feet of a residence zone, nor shall any part of a gas station, public garage or motor vehicle repair shop be built within 50 feet of the ground of any school, public playground, church, hospital, sanatorium, or public library.
- B. No gas station or public garage shall have any oil draining pit or visible appliance for such purpose, other than filling caps, located within 12 feet of any street lot line or within 50 feet of any residential zone, unless such appliance or pit is within a building and located at least 12 feet from any vehicular entrance or exit of such building.

(Ord. No. PZ-C-004-10, § 8; Ord. No. 61862, § 2107)

CHAPTER 2.145. - SIGNS, BILLBOARDS, NAME PLATES AND OTHER OUTDOOR ADVERTISING

2.145.010. - Purpose.

The uses, locations, types, heights, sizes and illumination of signs are herein regulated in order to protect the attractiveness of the county, to enhance tourism, to promote commerce, to preserve property values, to insulate residential areas from the undue impact of signs, to foster the effectiveness of business signage, to promote traffic and pedestrian safety, and to protect the general welfare.

(Ord. No. 61862, § 2201)

2.145.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-frame* means any portable upright, rigid, self-supporting frame sign in the form of a triangle or the letter "A." (See Figure 1.)



Figure 1

*Advertising* means to call public attention to things, usually to promote sale.

*Aggregate sign area* means the total area in square feet of all signage permitted for a given business.

*Awning* means a shelter or cover projecting from and supported by an exterior wall of a building.

*Banner* means a sign painted or printed on a strip of durable fabric, cloth or plastic.

*Banner, feather*, means a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. (See Figure 2.)



Figure 2

*Canopy*. Same as *Awning*.

*Complex, commercial, industrial or office* means a group of two or more businesses associated by a common agreement or common ownership with common parking facilities.

*Construction (beginning)* means the placement or attachment of sign-related materials (e.g., posts, poles, brackets, standards, bolts, screws, lumber, concrete, block, footings, paint) on the ground or on an existing building or other structure.

*Frontage* means the length of property line of any one premises along a public right-of-way on which it borders.

*Grade* means average elevation of the ground within a radius of 20 feet from the center point of the sign.

*Interstate freeway interchange* means where ingress or egress is obtained to a federal interstate highway; specifically delineated as lying within 300 feet of the right-of-way and between the two points of widening of the interstate highway right-of-way approaching the interchange.

*Lighting, internal-reverse print*, means an internally lighted sign in which the visible lighted area constitutes less than 50 percent of the total sign area, with lighted or visible letters against a dark background.

*Mansard* means a roof with two angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. (See Figure 3.) Also a facade with a slope approaching the vertical which imitates a roof.



Figure 3

*Marquee* means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building, to be considered a canopy for sign allowances.

*Parapet* means the extension of a false front or wall above a roof line.

*Pennant* means a geometric shaped flag made of flexible materials, suspended from one or two corners fastened to a string, which is secured or tethered so as to allow movement and used as an attention-getting form of media.

*Reconstruction, substantial*, means improvement or repair valued in excess of 50 percent of the current value of a sign. The term ""reconstruction does not include merely repainting or changing the copy on the sign if the use and size remain the same.

*Roof line* means the highest point of a structure including parapets, but not to include spires, chimneys or heating or cooling mechanical devices. (See Figures 4 and 5.)

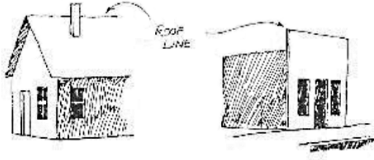


Figure 4 and Figure 5

*Sign* means any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, vehicle, structure, or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution, or business.

*Sign, abandoned*, means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

*Sign, canopy*, means any sign erected directly upon or suspended from a canopy (awning). (See Figure 6.)

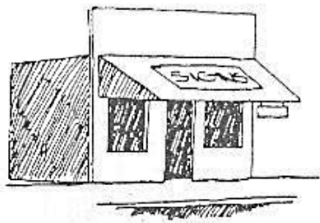


Figure 6

*Sign, directional*, means any sign which is designed solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy. (See Figure 7.)



Figure 7

*Sign, directory*, means any sign listing the names, use, or location of the businesses or activities conducted within a building or group of buildings. (See Figure 8.)

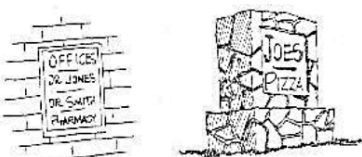


Figure 8

*Sign, freestanding*, means a sign which is erected on its own self-supporting permanent structure, detached from any significant (i.e., weight-bearing) supporting elements of a building (lateral stabilizing support is not considered attachment to the building). (See Figure 9.)



Figure 9

*Sign height* means the distance measured from grade at the base of a sign to the topmost portion of a sign, including decorative embellishments.

*Sign, identification*, means any sign identifying by name, message or symbol, a business, residence, occupant activity, institution, establishment, operation, merchandise, product, or service available at the property on which the sign is displayed.

*Sign, illuminated*, means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

*Sign, inflated*, means a sign held up by helium or blowing air.

*Sign, monument*, means a freestanding sign for a commercial, industrial or office site that displays the names of tenants on the site as well as the complex name. These signs are typically integrated into the landscaping for the complex.

*Sign, nonconforming*, means any sign which is not allowed under this Code, but which, when first constructed, was lawful.

*Sign, off-premises, (billboard, outdoor advertising)* means a sign advertising a business, place, activity, goods, services, or products on a different property from where said sign is located.

*Sign, on-premises*, means a sign advertising a business, place, activity, goods or services or products on the same property on which the sign is located.

*Sign, political*, means a temporary sign used in connection with a local, state, or national election or referendum.

*Sign, portable*, means any sign not permanently affixed to the ground or a structure on the site it occupies.

*Sign, projection*, means any sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the building shall be considered a freestanding sign with reference to square footage allowances. (See Figure 10.)

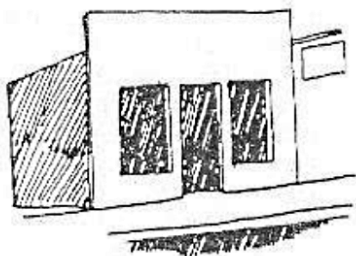


Figure 10

*Sign, roof,* means any sign erected upon the roof of any building which is partially or totally supported by the roof or reroof structure of the building. (See Figure 11.)



Figure 11

*Sign, temporary kiosk,* means a freestanding, non-illuminated structure consisting of a maximum seven directional panels per side, for a total of 14 directional panels per kiosk.

*Sign, temporary promotional,* means banners, streamers, flags, pennants, inflatable structures and other attention-getting media or devices designed to promote a sale or event or for some other short-term promotional purpose.

*Sign, under-canopy,* means a sign suspended beneath a canopy, ceiling, roof, or marquee shall be considered a freestanding sign with reference to square footage allowances.

*Sign, wall-mounted,* means a sign mounted or painted flat against, projecting less than 12 inches or painted on the wall of a building with the exposed face of the sign in a plane parallel to the face of said wall.



Figure 12

(Ord. No. PZ-C-002-12, §§ 1—5; Ord. No. 2010-PZ-C-006-09, § 1; Ord. No. 61862, § 2202)

2.145.030. - General provisions.

Except as may be further restricted in designated zoning districts, all permitted signs shall be subject to the following:

- A. A sign may be illuminated during the hours of operation of the facility being identified or advertised or until 11:00 p.m., whichever is later, but the source of illumination shall not be visible beyond the property lines. No flashing or intermittent illumination shall be used. Internally lighted signs may be "reverse print" or otherwise. No portion of any sign shall consist of mirrors or highly polished reflective surfaces.
- B. No sign (nor any portion of a sign) shall rotate, move, or simulate movement by means of fluttering, spinning, or reflection devices. (Not including temporary promotional signs.) Nor shall it contain an electronic message device except for "time and temperature" signs, nor shall it flash, blink, be audible, or be animated by any means.

- C. Lighted beacons, searchlights, or other lights or lighted devices which attract attention to a property are prohibited.
- D. No sign may encroach upon or overhang adjacent property or public right-of-way. No sign shall be attached to any utility pole, light standard, bridge, or any other public facility located within the public right-of-way. Signs may be located in or project into required yards but no sign nor any support for a sign shall be located in, or project into any private street, alley, easement, driveway, parking area or pedestrian way in such a manner as to obstruct the intended use or to constitute a safety hazard.
- E. Canopy (awning) signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies of nonrigid materials, e.g., canvas, shall only have signs painted on them. Signs attached to a building shall not project above the eave line or parapet. Signs mounted on the lower portion of a mansard roof with a slope exceeding 74 degrees from the horizontal are permitted, provided they do not project above the top of the lower roof.
- F. In no case shall any sign exceed 30 feet in height.
- G. The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.
- H. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
  - I. Signs may be painted directly onto structural surfaces (walls or buildings) but not onto any roof.
  - J. No sign shall be located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersection traffic.
  - K. No sign shall simulate the appearance of an official traffic sign, signal or device, nor the warning or signal device of any emergency vehicle.
  - L. Signs painted on or attached to vehicles which are parked on the public right-of-way or on private premises for a continuous period in excess of 72 hours or repeatedly for three consecutive days for the purpose of intentionally circumventing the intention of this title shall be considered portable signs within the meaning of this title.
- M. In no case shall any sign project above the roof line of the building upon which it is mounted. Roof-mounted signs are permitted (if otherwise in compliance) and shall be considered to be a variety of wall-mounted sign.
- N. Repealed by Ord. No. 012010-AEQ.
- O. New signs exceeding six square feet in area or exceeding eight feet in height shall follow the permitting requirements specified in PCDSC 2.145.140. Relocation or substantial reconstruction (i.e., costing more than 50 percent of the present value) of a sign shall be considered a new sign for building permit purposes.
- P. Signs which identify or advertise uses on other than the property on which they are located shall be permitted only in CB-2, C-2 and C-3 zoning districts and all industrial zoning districts. (See PCDSC 2.145.060, Off-premises signs.)
- Q. Signs which are not permitted in a residential zoning district, but are permitted in the zoning district of the adjacent property, shall be set back a minimum of 20 feet from the residential zone.
- R. Signs located within the triangular area on a corner lot formed by measuring 30 feet along both street lines from their intersection of a public street and a private street or driveway, shall maintain a maximum three-foot top height or minimum eight-foot bottom height and contain a maximum of two supports with a maximum 12-inch diameter each. (See Figure 13.)

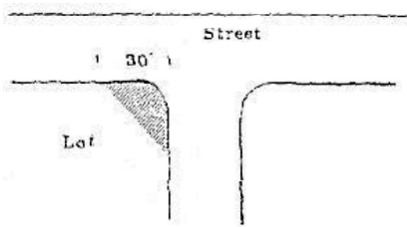


Figure 13

- S. Portable signs are permitted where indicated for zoning districts provided they are planted securely into the ground, weighted, or otherwise anchored to resist rolling, blowing, tipping over or otherwise moving from a safe location and further provided they are not attached to or sitting upon wheels or trailers.
- T. A-frame signs shall not exceed four feet in height and six square feet per face. A-frame signs must be located within 15 feet of the building entrance of the business being advertised. One A-frame sign is allowed per business and shall not be included in the aggregate sign area allowances. Churches located in schools and churches located in multitenant shopping, office or industrial centers, when they are not located next to a street, are allowed to place a maximum of two A-frame signs on private property next to the nearest street. Church A-frame signs can be placed in the allowed locations 24 hours before the start of worship and must be removed three hours after worship has concluded.

(Ord. No. PZ-C-002-13, § 1; Ord. No. PZ-C-002-12, § 6; Ord. No. 012010-AEO, § 1; Ord. No. 61862, § 2203)

2.145.040. - Exempt signs.

The following signs shall be exempt from obtaining permits and other provisions of this title provided they satisfy all requirements or specifications contained within this section:

- A. Official notices authorized by a court, public body, or public safety official.
- B. Directional, warning or information signs authorized by or consistent with federal, state, county, or municipal authority.
- C. Memorial plaques and building cornerstones when cut or carved into masonry surface or when made of incombustible material and made an integral part of the building or structure.
- D. Commemorative symbols, plaques and historical tablets.
- E. Political signs that meet the requirements in PCDSC 2.145.050(E).
- F. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted nonverbal religious symbols attached to a place of religious worship; and temporary displays (maximum of 30 days) of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section; however, if the height exceeds the building height of the zoning district in which it is located, such signs shall be required to go through the comprehensive sign package process prior to their erection. The preceding shall not be construed as to permit the use of such flags, insignias, etc., for the purpose of advertising or identifying a product or business.
- G. Signs located within structures, including inside window signs intended to be seen from outside of the building.

(Ord. No. PZ-C-002-12, § 7; Ord. No. 61862, § 2204)

2.145.050. - Special purpose signs.

- A. *Directional or information signs.*

1. Permanent on-premises directional signs are permitted in all zoning districts (and are in addition to the aggregate area limits specified in each zoning district) subject to the following:
  - a. This sign shall contain no advertising copy.
  - b. This sign shall not exceed four square feet in area per face.
  - c. This sign may be double-faced.
  - d. This sign may be placed flat against a wall of a building or such sign may be freestanding, but shall be no higher than eight feet above grade.
  - e. This sign may be used to designate entrance or exits to or from a parking area, but the number shall be limited to one for each such entrance or exit.
  - f. Off-premises permanent directional or information signs for public service or safety facilities (such as hospitals and clinics) may be permitted through the special use permit process as provided in PCDC 2.151.010. Such signs may be specifically approved up to 24 square feet per sign.
  - g. The total number of directional signs is not limited provided such signs are not located within required setback yards.
  - h. Directional subdivision signs are permitted in any zoning district, and are subject to that zoning district's square footage limitations. Unlighted signs advertising subdivisions containing only the name of the subdivision, the name of the developer and/or agent, an identification emblem and directional message shall be permitted, provided:
    - i. There shall be no more than one such sign for each subdivision vehicular entrance, not to exceed a total of three; and
    - ii. Directional subdivision signs may only be displayed during the two years following the date of recordation of the final plat map.
2. Permanent off-premises directional signs are permitted for certain tourist and recreation-related businesses which by their nature must be located away from arterial highways, such as destination campgrounds and resorts. Such signs shall be:
  - a. Located at the arterial highway and/or intersections of access roads heading directly to the business.
  - b. Limited to six square feet of panel area, not to exceed eight feet in height above grade, unlighted, and no closer than 20 feet to any property line.
  - c. Limited in content to a generic description (one or two words) of the facility (such as "camping"), an arrow or words giving directions (such as "next right"), and a symbol or logo identifying the chain or name of the business.
  - d. Mounted on the same standard where more than one such sign is erected at any one intersection and elsewhere whenever possible.
  - e. Required to obtain an off-premises sign permit (even though under the minimum size otherwise requiring a permit).
  - f. Limited to three such signs providing direction to any one parcel.
  - g. Required to obtain a special use permit (PCDC 2.151.010) for each sign.

B. *Temporary real estate, construction and subdivision signs.*

1. Temporary (including portable) "for sale" or rental signs are permitted in any zoning district. One on-site unlighted sign not exceeding six square feet on each street frontage adjoining a site, plus one "open house" sign not exceeding six square feet are allowed. Open house signs shall not be located in landscaped parkways, street



medians, or bike trails. When affixed to a parcel of two acres or larger which lies contiguous to a major arterial highway with a right-of-way width of at least 150 feet at the location of the sign, a sign shall be permitted not to exceed 12 square feet in area. Freestanding signs shall not exceed six feet in height. All sale and rental signs shall be removed within 30 days from date of sale or rental, or after removal of the property from the active market.

2. Construction signs are permitted, subject to the square footage limitation of the respective zoning district and in no case to exceed a total of 40 square feet in area for the project. On the site of a project actively under construction, unlighted signs to identify each contractor, architect or engineer, etc., engaged in a project are permitted. Freestanding signs shall not exceed eight feet in height. Such signs shall be removed within 30 days after the completion of the project or any cessation of construction activity for a continuous period of six months.
3. On-site signs for subdivisions (including condominium projects), advertising only the subdivision and the sale of lots or units from a recorded plat, shall be permitted provided there shall be no more than 100 square feet of total sign area for each subdivision and a total of five signs. They shall not extend into any required yard nor shall any sign exceed 12 feet in height. Such on-site signs shall be permitted until sales office is abandoned in the subdivision or for a maximum of two years, whichever occurs first; and provided, that such signs are maintained in good condition. Extensions beyond the two-year limitation may be granted in the form of a special use permit (PCDSC 2.151.010) for one-year increments.
4. For the purpose of administering this section, apartment or group housing complexes of 30 units or more shall be considered within the definition and regulations of a "subdivision" in subsection (B)(3) of this section. Apartment complexes may display directional signs for a period of one year following construction completion, subject to the additional regulations of subsection (A)(1) of this section.
5. Office buildings or complexes, shopping centers and industrial parks may display leasing and rental signs for a period of one year following construction completion. These signs shall be limited to one freestanding sign and two building-mounted signs not to exceed a combined total of 100 square feet in area. Freestanding signs shall not exceed eight feet in height. After this one-year period, the regulations of subsection (B)(1) of this section shall apply.

C. *Temporary promotional signs.*

1. *Promotional event types.*
  - a. Grand opening signs are allowed for a permitted business at the business location during one of the following:
    - i. An "arm's length" change of ownership.
    - ii. Opening a new location.
    - iii. An expansion of floor area of at least 25 percent.
  - b. Sale or event signs are signs designed to promote a sale or event or for some other short-term promotional purpose.
2. *Allowed signs.*
  - a. Banners, feather banners, pennants, inflatable structures.
  - b. A-frame signs subject to PCDSC 2.145.030(T).
3. *Approvals required.* A temporary sign permit will be required.
4. *Time limitations.*
  - a. Permits shall be for a maximum of 45 days.
    - i. Grand opening signs shall be permitted no more than once in any 12-month period.
    - ii. Sale or event signs shall be permitted no more than twice in any 12-month period.

5. *Requirements for all temporary promotional signs.*

- a. Located on the property for which the temporary sign permit has been issued.
- b. Cannot be affixed to any utility pole, tree or similar object.
- c. Not permitted in parking aisles.
- d. All sign owners must maintain their signs in a professional manner as to appearance and structure.

6. *Additional banner requirements.*

- a. Maximum size: 20 feet by five feet.
- b. One-sided.
- c. Securely attached to the building for which the temporary sign permit has been issued.

7. *Additional feather banner requirements.*

- a. Maximum size: Ten feet in height measured from the base and a maximum of 30 square feet in area.
- b. Separated from any other sign, driveway or intersection by at least 50 feet; excluding wall-mounted and gasoline pricing signs.
- c. Two feather banners are permitted per tenant up to 20,000 square feet of building area.
- d. Four feather banners are permitted per tenant over 20,000 square feet of building area.

D. *Temporary kiosk sign.*

1. Temporary kiosk signs are approved for the following entities only: Communities, planned area developments, named subdivisions, builders, and governmental entities. There will be no additional advertising outside of the company name, logo, and directional arrow.
2. All temporary kiosk sign structures will be required to get a temporary sign permit and will comply with the size, construction type, and color scheme as set forth by the planning department.
3. All applications shall require a minimum of one contract from an existing community and/or builder within the service area.
4. All applications shall require a written contract from the property owner for which the proposed sign is to be located. If on state land, a permit must be obtained first from the state. The planning department will not hold locations pending approval from any entity, whether private or public. Under no circumstances will signs be permitted in a right-of-way.
5. A temporary kiosk sign located in the vicinity of state highways must obtain a state permit prior to submitting to the planning department.
6. All locations must be approved by the planning department prior to the installation of the sign. These locations will be approved only if the site is beneficial to the surrounding area.
7. Only one temporary kiosk sign shall be allowed per applicant per corner/location until that customer's original kiosk is sold out and displayed. For the purpose of simplicity, a four-way intersection is considered to have four corners; a three-way intersection is considered to have three corners.
8. Off-premises temporary kiosk signs located outside of an intersection must maintain a minimum of 500 feet from closest intersection.
9. Builders shall be allowed to advertise on off-premises temporary kiosks within a three- to five-mile radius of the community.
10. Temporary kiosk signs approved for on-premises road side have the option of replacing the "Pinal County" name and logo with that of the community name and logo only. Under no circumstances will any other names be

allowed, such as builders, etc.

11. All sign owners must maintain their signs in a professional manner as to appearance and structure.
12. Two panels on each side may identify community/public facilities (city hall, library, parks, districts, historic sites, etc.) at the discretion of the planning department.

E. *Political signs.*

1. Political signs can be located on private property or in public rights-of-way that are owned or controlled by the county, if the following conditions are met:
  - a. The sign is erected no more than 90 days prior to a primary election and removed 15 days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends 15 days after the primary election.
  - b. The sign has a maximum area of 16 square feet if the sign is located in an area zoned for residential use, or a maximum area of 32 square feet if the sign is located in any other area.
  - c. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
  - d. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.
2. If the county deems the placement of a political sign constitutes an emergency, the county may immediately relocate the sign and notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.
3. If a sign is placed in violation of subsection (E)(1) of this section, and the placement is not deemed to constitute an emergency, the county may notify the candidate or campaign committee that placed the sign of the violation and provide 24 hours for its removal. If it is not removed 24 hours after the notification, the county may remove the sign and retain it for ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

(Ord. No. PZ-C-002-12, §§ 8—11; Ord. No. 2010-PZ-C-006-09, § 2; Ord. No. 61862, § 2205)

2.145.060. - Off-premises signs.

Off-premises signs (i.e., signs advertising a business, person, place, activity, goods, or products, on a different property from where the sign is located) may be permitted subject to the following conditions and restrictions:

- A. Off-premises signs other than directional signs described in PCDCS 2.145.040(B) shall be permitted only in the CB-2, C-2, C-3 and all industrial zoning districts.
- B. No new, relocated, or reconstructed off-premises sign shall be permitted within 200 feet of a residential zoning district.
- C. No new, relocated, or reconstructed off-premises sign shall be permitted within 1,500 feet of an existing off-premises sign.
- D. Off-premises signs shall be constructed on no more than three supports.
- E. In addition to the general provisions of PCDCS 2.145.030, all off-premises signs shall conform to the following development standards:
  1. Maximum height: 20 feet.
  2. Maximum area: 160 square feet.
  3. Shall not be located closer to a street than any existing building within 100 feet thereof, but in no case closer

to the street right-of-way than 20 feet.

4. Lighting shall be either internal or by indirect source (shielded and directed downward with reference to the horizontal plane of the ground surface in accordance with the Pinal County light ordinance).
- F. A city, town, or unincorporated community with a year-round population of 100 or more, the center of which is within ten miles of an interstate highway, upon petition by at least 51 adult residents, and approval by the Arizona Department of Transportation, and upon compliance with the special use permit application process requirements (PCDSC 2.151.010), may apply for a special use permit for a "community off-premises sign."
1. Such community off-premises sign shall be located in commercial and industrial zoning districts.
  2. Such community off-premises sign shall have a maximum area of 200 square feet.
  3. Such community off-premises sign shall contain only approved copy limited to the following:
    - a. Name of the community.
    - b. A phrase expressing a motto or slogan referring to the community as a whole.
    - c. The direction, route, and distance to the community.
    - d. A list of types of services and amenities available in or reasonably near the community.
    - e. The dates of the next community event or festival.
  4. Each community shall be limited to one such off-premises sign for each off-ramp at the interstate interchange closest to the center of the community by the most usable route between the interchange and the community.
  5. All community off-premises signs shall otherwise comply with all requirements and restrictions for off-premises signs.
- G. Off-premises signs consisting of banners, pennants or other temporary means of advertising annual special community events, festivals, and similar public gatherings of a not-for-profit nature shall be permitted in office, commercial, activity center and industrial zoning districts. Such signs shall obtain temporary sign permits (on a no-fee basis) prior to their erection. Permits for such signs shall be for a specific period, after which such signs shall be removed. Such signs shall otherwise comply with the general provisions, and the provisions of the zoning district in which they are to be placed, except that with proper authorization, such signs may be placed within or across the right-of-way of a public street or road. The number of such signs shall be limited to one per entrance to the community by a county or state arterial highway.
- H. If any off-premises sign contains copy advertising a use, business or product no longer in existence or available; or is left blank or damaged so as to be largely illegible; or is maintained without copy or without "space available" advertising for a period exceeding 180 days (six months), such sign shall be deemed abandoned and such sign shall be removed within 30 days upon written notification.

(Ord. No. PZ-C-002-12, § 12; Ord. No. 61862, § 2206)

2.145.070. - Sign regulations specific to the rural or residential zoning districts.

No sign shall be placed or maintained in any rural, residential or transitional zoning district (when used as residential) except as follows:

A. *Permanent signs.*

1. *Name plate signs.* A name plate sign identifying the name of the occupant of a residence, the occupant's profession, home occupation or title, and the address of the dwelling is permitted subject to the following:

- a. This sign shall not exceed four square feet in area, nor eight feet above grade at the sign.
- b. This sign shall be located on the property to which it pertains and the number of signs shall be limited to one for each dwelling.
- c. This sign may be indirectly illuminated by one light bulb or fluorescent tube not exceeding 15 watts.

2. *Identification signs.*

- a. Signs identifying any allowed use within the zoning district are permitted, subject to the following:
  - i. This sign shall not exceed 24 square feet in area, and may not be double-faced.
  - ii. This sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall extend no higher than ten feet above the grade at the base of the wall. The height of a freestanding sign shall not exceed ten feet above the grade.
  - iii. This sign shall contain no advertising copy.
  - iv. This sign shall be located on the property to which it pertains and the number shall be limited to one for each such use listed in subsection (A)(2)(a) of this section. Two such signs shall be permitted if the parcel exceeds five acres in area and has frontage on more than one publicly dedicated street or road.
- b. Signs identifying multifamily dwellings, apartment developments, boarding or rooming houses shall be allowed one sign per street frontage entrance, not exceeding 16 square feet in area each:
  - i. This sign may be placed flat against a wall of a building or such sign may be freestanding, but placement against a wall of a building shall be no higher than ten feet above grade nor above the roof line. The height of a freestanding sign shall not exceed ten feet above grade.
  - ii. This sign shall be for residential identification purposes only and shall contain no business identification or advertising copy.
  - iii. This sign shall be located on the property to which it pertains.

3. *Subdivision signs.* Permanent subdivision entrance signs are permitted. At the major street entrance to a subdivision or development, not more than two signs, indicating only the name, symbol, logo, or other graphic identification of the subdivision or development, each sign not exceeding six feet in height nor 50 square feet in area, attached to and not extending above a wall or fence, are permitted.

- B. *Temporary signs.* Temporary signs as provided in PCDSC 2.145.050(B) are permitted subject to all regulations contained therein.

(Ord. No. PZ-C-002-12, § 13; Ord. No. 61862, § 2207)

2.145.080. - Sign regulations specific to local business, neighborhood commercial and minor office (CB-1, C-1 and O-1) zoning districts.

No sign shall be placed or maintained in any TR (when used as commercial) or CB-1, C-1 or O-1 zoning district except as follows:

- A. *Identification or advertising.* Signs identifying uses permitted in any TR or CB-1, C-1 or O-1 zoning district and not located in a commercial or industrial complex are permitted subject to the following:
  1. Signs may be wall-mounted, freestanding or portable.
  2. The aggregate sign area on any one property shall not exceed an area of one square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less than 24 square feet, and in no case shall the area exceed 96 square feet.
  3. One freestanding sign is permitted, the area of which may not exceed one-third of the allowable total

aggregate area for the property, except that the area of the sign need not be less than 16 square feet. This sign may be double-faced.

4. Freestanding signs shall not exceed a height of 12 feet, except that freestanding signs at interstate freeway interchanges (see PCDCS 2.145.020, definitions) in the CB-1, C-1 or O-1 zoning districts shall not exceed a height of 30 feet.
  5. Signs shall be located on the property to which they pertain.
  6. A-frame signs, subject to the requirements set forth in PCDCS 2.145.030.
- B. *Temporary signs.* Temporary signs as provided in PCDCS 2.145.030(B), 2.145.050(B) and 2.145.060(H) are permitted, subject to all regulations contained therein.

(Ord. No. PZ-C-002-12, § 14; Ord. No. 61862, § 2208)

2.145.090. - Sign regulations specific to the general business and general office (CB-2, C-2, C-3 and O-2) zoning districts.

No sign shall be placed or maintained in any CB-2, C-2, C-3 or O-2 zoning district except as follows:

- A. *Identification or advertising (on premises).* Signs identifying uses permitted in any commercial and office zoning district and not located in an office, commercial or industrial complex are permitted subject to the following:
1. Signs may be wall-mounted, freestanding, or portable.
  2. The aggregate sign area on any one property shall not exceed an area of one square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less than 24 square feet, and in no case shall the area exceed 128 square feet.
  3. One freestanding sign is permitted, the area of which may not exceed one-half of the allowable total aggregate area for the property, except that the area of the sign need not be less than 24 square feet. This sign may be double-faced.
  4. Freestanding signs shall not exceed a height of 15 feet, except that freestanding signs at interstate freeway interchanges (see PCDCS 2.145.020, definitions) shall not exceed a height of 30 feet.
  5. A-frame signs, subject to the requirements set forth in PCDCS 2.145.030.
- B. *Off-premises signs.* Off-premises signs are permitted, subject to PCDCS 2.145.060(H).
- C. *Temporary signs.* Temporary signs as provided in PCDCS 2.145.030(B) and 2.145.050(B) are permitted, subject to all regulations contained therein.

(Ord. No. PZ-C-002-12, § 15; Ord. No. 61862, § 2209)

2.145.100. - Sign regulations specific to the industrial zoning districts.

No sign shall be placed or maintained in any industrial zoning district except as follows:

- A. *Identification or advertising signs (on-premises).* Signs identifying or advertising uses permitted in any industrial zoning district not located in a commercial or industrial center are permitted subject to the following:
1. Signs may be attached to a wall of a building or such sign may be freestanding or portable.
  2. The aggregate sign area for any one property shall not exceed an area of one square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less than 60 square feet, and in no case shall the area exceed 160 square feet.
  3. One freestanding sign is permitted, the area of which may not exceed one-half of the allowable total aggregate area for the property; except that the area of the sign need not be less than 24 square feet. This

sign may be double-faced.

4. Freestanding signs shall not exceed a height of 15 feet, except that freestanding signs at interstate freeway interchanges (see PCDCSC 2.145.020, definitions) shall not exceed a height of 30 feet.

5. A-frame signs, subject to the requirements set forth in PCDCSC 2.145.030.

B. *Off-premises signs*. Off-premises signs are permitted, subject to all regulations contained in PCDCSC 2.145.060.

C. *Temporary signs*. Temporary signs as provided in PCDCSC 2.145.030(B), 2.145.050(B) and 2.145.060(H) are permitted, subject to all regulations contained therein.

(Ord. No. PZ-C-002-12, § 16; Ord. No. 61862, § 2210)

2.145.110. - Sign regulations, specific to the PAD zoning districts and special use permits.

Permanent and temporary signs are permitted as stipulated in the PAD, or special use permit approval, or (if not stipulated) consistent with the regulations of the underlying zoning district.

(Ord. No. PZ-C-002-12, § 17; Ord. No. 61862, § 2211)

2.145.120. - Sign regulations, specific to manufactured/mobile home, travel trailer-recreational vehicle parks.

A. Signs placed or maintained within any manufactured/mobile home, travel trailer-recreational vehicle parks are subject to all the regulations set forth under PCDCSC 2.145.070(A)(1), name plate signs.

B. Permanent entrance signs shall comply with the regulations set forth under PCDCSC 2.145.070(A)(3), Subdivision Signs.

(Ord. No. 61862, § 2212)

2.145.130. - Sign regulations specific to commercial, industrial and office complexes.

Signs pertaining to a group of two or more businesses associated by a common agreement or common ownership with common parking facilities are permitted subject to the following regulations:

A. Individual business signs shall be in accordance with the following:

1. The total aggregate area of all signs on the site pertaining to any one business shall not exceed 32 square feet. However, if the portion of the building adjacent to its lot's street property line measures more than 40 feet, then the total aggregate area of one face of all such signs on the site may be increased in area at the rate of one square foot of sign area for each foot of building frontage in excess of 40 lineal feet; but the total aggregate area of all such signs on the site shall not exceed 48 square feet for each separate business. For corner buildings, only the main entrance frontage shall be so measured.

2. When two or more businesses occupy one building with common entrances (i.e., without separate entrances), they shall be considered one business for sign computation purposes.

3. Such signs shall be wall-mounted or under canopy signs.

4. Under canopy signs shall be business identification signs and shall be limited to one per business and maximum six square feet in area.

5. A-frame signs, subject to the requirements set forth in PCDCSC 2.145.030.

B. Monument signs are permitted subject to the following:

1. One freestanding monument sign is permitted for any lot or parcel with a minimum of 300 feet of arterial or major collector street frontage; provided, that:

- a. Such signs shall not be counted in the total aggregate sign area for individual business identification.
  - b. The maximum sign area shall not exceed 60 square feet and the maximum height shall not exceed 15 feet.
  - c. Individual tenant signs located on the monument sign shall be no less than four square feet in area.
  - d. The sign face shall be located at least four feet from the back of sidewalk and a minimum 30 feet from a driveway or intersection.
2. One additional freestanding monument sign shall be permitted for each additional 200 feet of arterial or major collector street frontage. Where such additional sign is permitted, it shall be at least 100 feet from any other monument sign. No more than one monument sign per driveway entrance is permitted. Gasoline pricing signs are exempt from the minimum separation between signs.
- C. Directory signs may be provided for direction (with location numbers and/or arrows) to individual businesses in an office complex or commercial/industrial center in accordance with the following:
1. No more than one such sign per tenant business per directory.
  2. Each sign shall not exceed one square foot in area. Such sign's area shall be permitted in addition to the aggregate permitted in subsection (A) of this section.
  3. Such signs shall be placed together in one or more groups at points nearest the pedestrian entrances to the businesses so indicated.
  4. Such signs or groupings of signs shall be wall-mounted or mounted on freestanding monument sign standards.
  5. Such signs or groupings of signs shall not exceed six feet in height.

(Ord. No. PZ-C-002-12, § 18; Ord. No. 61862, § 2213)

2.145.140. - Sign permits.

- A. *Permit required.* A sign permit shall be secured from the Pinal County planning and development services department prior to the erection, relocation, construction, installation or substantial reconstruction (including enlarging a painted sign on the surface of a permitted structure) of any nonexempt sign exceeding six square feet in area, or higher than eight feet above grade at the sign, regardless of value, according to the following:
- B. *Fees.* A uniform fee as provided for in chapter 2.160 PCDC shall be paid for each sign permit application.
- C. *Sign permit applications.* Each application for a sign permit shall be made at a county planning and development services department office on the appropriate form and shall contain the information as required in chapter 2.160 PCDC.
- D. *Sign sticker or tag.* Each permitted sign shall display an official county tag or sticker indicating its assigned permit number affixed to the face or support of the sign on the side facing the street in a visible location.
- E. *Preexisting signs.*
  1. Legal conforming signs and legal nonconforming signs existing prior to the effective date of the ordinance codified in this title shall be permitted to continue subject to PCDC 2.05.080. Continuation shall include the right to repaint or change the message or copy on the sign provided the size and height is not increased and provided the sign is not converted from the on-premises to off-premises use. A change of ownership and/or business name shall not in and of itself alter the right of continued use of a sign.
  2. Preexisting signs shall be inventoried and identified by the county as preexisting. Such signs shall have an identification tag or sticker affixed to its surface by the county denoting its inventoried preexisting status.
- F. *Signs not requiring permits.* Signs not requiring permits by virtue of their height and size must nevertheless comply



with all other requirements and restrictions of this title.

G. *Temporary sign permits.* Signs with a limited duration of use (such as those provided in PCDSC 2.145.030(B), 2.145.040(B), and 2.145.050(B)) shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

1. Temporary sign permits shall be issued for no more than twice a year in 45-day increments. An extension of a temporary sign permit shall be made the subject of application for a special use permit (PCDSC 2.151.010).
2. Temporary signs shall conform to all other requirements of this title.
3. The fee for a temporary sign permit shall be the same as a permanent sign permit except as otherwise noted.

(Ord. No. PZ-C-002-12, § 19; Ord. No. 61862, § 2214)

#### 2.145.150. - Flexibility provisions.

This section sets forth a procedure which provides flexibility in the sign code for signs or sign packages not allowed in PCDSC 2.145.010 through 2.145.140, or as the result of a stipulation to a zoning approval. The procedures include the use of design review to receive additional height and area for signs.

- A. *[Sign review committee (SRC).]* A sign review committee (SRC) consisting of staff from planning and development, public works, county manager's office, and a Pinal County resident not employed by Pinal County shall be appointed to review comprehensive sign packages. Planning and development staff will coordinate the preparation and submission of the comprehensive sign package. The SRC will make a recommendation to the director of planning and development services, who will make the final decision. Any person aggrieved by the determination may appeal that decision to the board of supervisors.
- B. *[Comprehensive sign package; approval.]* Approval of a comprehensive sign package is intended to encourage a flexible procedure to allow signage which is not in strict compliance with the provisions of the zoning district regulations under this chapter, but which is appropriate to the character of the development, provides adequate identification and information, provides a good visual environment, promotes traffic safety and is regulated to the extent necessary to be consistent with the purpose and intent of this chapter as specified in PCDSC 2.145.010.
- C. *[Comprehensive sign package; application.]* Approval of the application may contain such conditions, requirements or standards that may be stipulated by the sign review committee, as approved by the director of planning and development services, to assure that signs covered by the use permit will not be detrimental to persons or property in the vicinity, or to the public welfare in general.
- D. *[Comprehensive sign package; evaluation.]* Comprehensive sign packages approved under this section shall be evaluated based upon the following criteria:
  1. *Placement.* All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers in which some tenants are in locations having little or no street visibility, in order to provide identification, wall signs may be placed on walls of the building in which such tenants are located, even though not a wall of the space occupied by those tenants.
  2. *Quantity.* The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas, and business identification. Factors to be considered shall include

the size of the development, the number of development subareas, and the division or integration of sign functions.

3. *Size.* All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences.
4. *Materials.* Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy.
5. *Context.* The design of all signs should respect the context of the surrounding area and the character established by existing signage. Items to be considered include, but are not limited to, lettering style, sign placement, and architectural style.
6. *Considerations.* In making its determination to approve additional signs, the SRC shall consider the following standards:
  - a. The views of or from adjacent properties are not impaired;
  - b. The signs do not interfere with public utilities, government uses, transportation, landscaping or other factors felt relevant by the SRC;
  - c. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage;
  - d. The signs do not pose a hazard to public safety.
- E. *Amendments.* Applications for amendments to the comprehensive sign package shall be processed in the same way as an original application.
- F. *Minor alterations.* Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the director of planning and development services.
- G. *Submittal package.* A completed application shall be filed with the planning and development department together with an application fee; the application shall include the following:
  1. A justification letter describing the request and how the sign structure, materials, and colors are compatible with the project's building architecture. Include a list in outline form of each sign requested, both freestanding and wall, to include verbiage, area in square feet, and height.
  2. An inventory and photographs of any or all existing freestanding signs.
  3. Preliminary site/landscape plan.
    - a. A vicinity map showing the location of the property in relationship to adjoining properties.
    - b. Provide a north arrow, date of plan preparation, with subsequent revision dates; project title and address; architect and/or consultant's name, address, and telephone number; property owner name, address, and telephone number.
    - c. Provide a data table on the site plan that includes existing zoning and the net site area.
    - d. Show property boundaries and dimensions.
    - e. Show adjacent street right-of-way, existing and proposed; and existing/proposed street and sidewalk improvements noted to center line.
    - f. Show location of conceptual or existing landscape concepts including trees, shrubs, ground covers, berms, and screen walls.
    - g. Show location of proposed freestanding signs including dimensions, height, materials and colors, and

method of illumination.

- h. Include elevations of buildings showing wall sign locations with dimensions.
- i. When more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, a comprehensive sign package shall be submitted demonstrating consistency and uniformity among signs within the project. The requirements of a comprehensive sign package shall apply to all businesses within a related project, even if the properties have been subdivided. Revisions or amendments to the comprehensive sign package shall require documentation from all tenants on the property prior to approval.

See the appendix at the end of this title for sign review committee evaluation sheet.

#### H. *Review process.*

1. *SRC review.* Upon the filing of the completed application, the SRC shall review the application and forward the application together with a recommendation to the director.
  - a. If the application is for a freestanding or wall sign that exceeds any ordinance maximum height standard by 50 percent or less, or exceeds any maximum area standard by 25 percent or less, or is for a directional sign that exceeds the area or height restrictions permitted on the site, the director shall make a decision of approval or denial.
  - b. If the application is for a freestanding or wall sign that will exceed any ordinance maximum height standard by more than 50 percent, or any ordinance maximum area standard by more than 25 percent, or that contains an electronic message device, except for "time and temperature," the director shall transmit the application, along with the SRC's recommendation and the director's recommendation, to the board of supervisors.
2. *Director's decision.* On applications reviewed by the director, notification of his/her decision shall be given in writing to the applicant. Said notice shall also inform applicant of applicant's right to request a review of the director's decision by the board of supervisors and the process for such a request.
3. *Request to review director's decision.* Within 30 calendar days from the mailing date of the director's decision, applicant may file in writing with the clerk of the board of supervisors a request for review of the director's decision by the supervisors. A public hearing shall be set for the supervisors to hear the request for review.
4. *Board of supervisors' process.*
  - a. *Public hearing.* Applications transmitted to the supervisors for their consideration shall be set for a public hearing.
  - b. *Notices.* Notice of the date and time of the public hearing shall be given by:
    - i. *Publication.* At least one publication in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.
    - ii. *Posting.* Posting the area of the site of the proposed location for the sign at least 15 calendar days prior to the date of the public hearing. The posting shall be along perimeter public rights-of-way so that the notice is visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.
    - iii. *Mailings.* By first class mail to each property owner, as shown on the assessment of the property, within 600 feet of the property where the sign will be located.
  - c. *Notice content.* At a minimum, the notice shall include the date, time and place of the public hearing and a general explanation of the matter to be considered and how statements of support or opposition may be

filed on the proposed action.

- d. *Procedure.* This is not a quasi-judicial procedure. Notice of the public hearing on the review request shall be by publication, posting and mailing as set forth in subsection (H)(4)(b) of this section. The supervisors may uphold the director's decision, modify the decision or reject the decision and make a new decision.

(Ord. No. PZ-C-002-13, § 1; Ord. No. PZ-C-002-12, § 20; Ord. No. 61862, § 2215)

## CHAPTER 2.150. - GENERAL PROVISIONS, STANDARDS AND EXCEPTIONS

### 2.150.010. - Utilities.

- A. Transmission lines for the distribution of water, gas, wastewater, electricity, telephone, cable, including meter boxes, pipes, poles, wires, hydrants or similar installations necessary to distribute such utilities; power substations, and pumping and lift stations shall be permitted in any zoning district and shall not be subject to the minimum lot area requirement.
- B. Substations, pumping and lift stations enclosed in a building shall be subject to minimum front yard and side yards of the zoning district where located; and if not enclosed within a building, they shall be surrounded by an eight-foot wall and subject to front yard and side yard requirements of the zoning district where located.
- C. Structures such as power plants, wastewater treatment plants and ancillary offices and buildings which are not performing a governmental function are not exempt and must be located within the appropriate zoning district or obtain an SUP.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

### 2.150.020. - Clay, sand or gravel pits, rock or stone quarries, gas or petroleum drilling permitted.

Clay, sand or gravel pits, rock or stone quarries, and drilling for petroleum or natural gas may be permitted in any zone; provided, that an SUP is obtained prior to the operation of any such use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2304. Formerly § 2.150.070)

### 2.150.030. - Parking lots in residence zones.

Land in a residence zone contiguous to a business or industrial zone and not exceeding 30,000 square feet in area may be used for automobile parking space, provided the conditions of PCDCS 2.140.030 are complied with, that a front yard of 20 feet be provided, planted and maintained in keeping with the residential neighborhood, that side and rear yards of ten feet each be provided and that no entrance be provided from an alley at the rear of said parking lot.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2305. Formerly § 2.150.080)

### 2.150.040. - Reserved.

Reserved for future use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

### 2.150.050. - Height limit exemptions.

The height limits of this title shall not apply to:

- A. Water tanks, chimneys, conveyors, flag poles, spires, radio or television towers, masts and aerials, silos, smokestacks, electric power transmission towers, windmills and power poles.
- B. Fire or hose towers, cooling towers, gas holders, grain elevators, sugar refineries or other structures where the manufacturing process requires a greater height, provided the minimum side and rear yards are increased by an additional foot in width or depth for each foot by which the height of such structures exceed the maximum height permitted in the zone in which such structure is to be located.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.060. - Height limit exceptions.

- A. Hospitals may be erected to a height not exceeding 60 feet and private schools to a height not exceeding 40 feet, provided the minimum side and rear yards are increased by an additional foot in width or depth for each foot by which the height of such buildings exceed the maximum height permitted in the zone in which such building is to be located.
- B. Elevators, cupolas, domes and steeples shall be allowed to exceed the height of the main building by 20 feet if the following criteria are met:
  - 1. They are attached to the main building;
  - 2. The roof area does not exceed ten percent of the roof area of the main building.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.070. - Rear dwelling requirements.

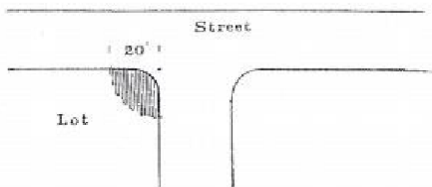
In addition to the requirements of this title, the following shall apply to any dwelling in the rear of a principal building:

- A. There shall be provided an unoccupied and unobstructed accessway to a street, which accessway shall have a width of at least 15 feet for one dwelling unit and at least 20 feet for two or more dwelling units.
- B. For the purpose of determining the front yard for a rear dwelling in any residential zone, the rear line of the rear yard required for the building in the front shall be considered the front lot line for the building in the rear.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2310. Formerly § 2.150.140)

2.150.080. - Structures in the front yard on corner lots.

- A. On any corner lot, no fence, structure, sign or planting shall be erected or maintained within 20 feet of the property corner so as to interfere with traffic visibility across the corner. (See following example.)



**Traffic Visibility Across  
Corner**

- B. On any corner lot, trees are not permitted within the sight-visibility triangle and no temporary or permanent object, structure or landscaping shall exceed 24 inches in height within the sight-visibility triangle.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2311. Formerly § 2.150.150)

2.150.090. - Front yard exceptions.

- A. In any rural or residential zone where a lot adjoins lots having existing front yards less than the minimum required by this title, the minimum front yard on said lot shall be the average of the existing front yards on the two adjoining lots, or if only one of the lots is built upon, such front yard of the adjoining lot and the minimum front yard of the zone; provided no such front yard shall be less than ten feet.
- B. In any zone, any property fronting or abutting on a turnaround at the end of a cul-de-sac, or similarly increased radii of the street property line at the angle in a street, the minimum front yard required shall be one-half of the front yard required in the particular zoning district.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2312. Formerly § 2.150.160)

2.150.100. - Fences.

A. *Setbacks.*

1. On corner lots, fences exceeding 24 inches in height are not permitted within the sight visibility triangle.
2. Other setback requirements of this title shall not apply to fences or walls being used as fences located in front yards (meaning along the front and sides of the front setback area) that are either:
  - a. Open fencing of five feet or less in height; or
  - b. Fencing of five feet or less in height where the portion of fence over three feet is open fencing;
  - c. Fencing of six feet in height consisting of pipe rail or wrought iron. Gate may be no higher than eight feet.
3. The setback requirements of this title shall not apply to fences or wall type fences of six feet or less in height that are being used as fences in side and rear setbacks.
4. On office, commercial and industrial properties, the planning director may exempt fences or wall type fences higher than six feet from the setback requirements of the zone.

B. *Standards.*

1. Fences may consist of wood posts, wood planks, wood or metal rails, wire, chain link, or other customary fencing material approved by the planning director.
2. Fences may not carry an electrical current or charge of electricity intended to render shock, except in rural zones for the enclosure of livestock.
3. Fences may not contain barbed wire, except in rural and industrial zones.
4. Fences may not consist of broken glass, tires, junk, other scrap, hazardous materials or devices.
5. Wall type fences:
  - a. May be constructed of concrete, stone, brick, tile, glass in the form of a mosaic or similar types of materials.
  - b. May not consist of broken glass placed on top of or within the wall to act as a deterrent; tires, junk, other scrap unless surrounded or covered by masonry; hazardous material or devices, or carry an electrical current or charge of electricity intended to render shock except as described above.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.110. - Projections into yards.

- A. An open deck not over three feet high above the natural grade and set back at least five feet from every lot line may project into any minimum front, side or rear yard.
- B. In any business or industrial zone, a marquee, canopy or awning, suspended or cantilevered from a building, either for the purpose of, or giving the appearance of shelter or shade may project not more than ten feet into any minimum front yard.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2314. Formerly § 2.150.180)

2.150.120. - Rear yard adjoining alley.

A minimum rear yard may be measured to the center line of an alley adjoining such rear yard; provided, that the required rear yard shall not be reduced more than ten feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2315. Formerly § 2.150.190)

2.150.130. - Rear yard exception on corner lot.

On any corner lot in a CR-3, CR-4, CR-5, TR, CB-1, R-9, R-7, MD or C-1 zoning district, the minimum rear yard may be reduced to not less than ten feet from the rear property line, provided the minimum side yard on the side street is increased by ten feet, and all off-street parking provisions of this title are complied with.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2316. Formerly § 2.150.200)

2.150.140. - Accessory building attached to main building.

An accessory building attached to the main building shall have at least 50 percent of the length of one of its walls integrated with the main building and such accessory building shall comply in all respects with the requirements for the building.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2317. Formerly § 2.150.210)

2.150.150. - Detached accessory building on corner lot.

On any corner lot, an accessory building shall meet the required minimum side yard requirements of the main building on that lot; provided further, that where the rear of a corner lot adjoins a key lot, no part of an accessory building within ten feet of the rear lot line shall be nearer the street side lot line than the depth of the front yard required on the key lot.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2318. Formerly § 2.150.220)

2.150.160. - Storage and accessory uses.

- A. Mobile homes, manufactured homes and recreational vehicles (RV)/travel trailers are prohibited as storage facilities in any zone.
- B. Mobile homes and manufactured homes are prohibited as a guest house or casita, except where a mobile home or manufactured home is a permitted use in the zone.
- C. Manufactured homes and travel trailers are prohibited as an accessory use, except where permitted by a special density permit.
- D. Containers that are designed to be used for storage and appear to be cargo containers, yet do not meet the

specifications for commercial shipping, packing, or transportation of freight, shall comply with the requirements of this section; except under special circumstances, as determined by the zoning inspector, or natural disasters, such containers may be used for storage on a short-term basis in any zone.

- E. Containers formerly used for transporting sea-going cargo, railroad cars, cabooses, semi-trailers, shipping containers, camper shells, or other units which slide off a chassis or frame including a body, box or unit which is removed from a chassis are not allowed for human occupancy in any zone.
- F. Containers formerly used for transporting sea-going cargo, railroad cars, cabooses, semi-trailers, shipping containers, camper shells, or other units which slide off a chassis or frame including a body, box or unit which is removed from a chassis are prohibited as storage facilities or accessory buildings in the following zones: CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, MH, RV, MHP, PM/RVP, TR, R-43, R-35, R-20, R-12, R-9, R-7, MD, MR, AC-1, AC-2, AC-3, O-1, O-2, C-1, MH-8, MHP-435 and PM/RVP-435.
- G. Containers formerly used for transporting sea-going cargo, railroad cars, cabooses, semi-trailers, shipping containers, or other units which slide off a chassis or frame including a body, box or unit which is removed from a chassis are allowed as storage facilities in CAR, SR, SR-1, SH, GR, RU-10, RU-5, RU-3.3, RU-2 and RU-1.25, subject to the following requirements:
  - 1. Containers may not be stacked;
  - 2. Containers shall be:
    - a. Limited to one per acre, but not to exceed three per parcel;
    - b. Shall not be larger than 400 square feet in size;
    - c. Shall be painted in a mono-color; and
    - d. Shall not be used for advertisements.
- H. Containers formerly used for transporting sea-going cargo, railroad cars, cabooses, semi-trailers, shipping containers, or other units which slide off a chassis or frame including a body, box or unit which is removed from a chassis are allowed as storage facilities in CB-1, CB-2, CI-B, C-2, and C-3, subject to the following requirements:
  - 1. Limited to one per parcel;
  - 2. Shall not be larger than 400 square feet in size;
  - 3. Shall be painted in a mono-color; and
  - 4. Shall not be used for advertisements.
- I. Containers formerly used for transporting sea-going cargo, railroad cars, cabooses, semi-trailers, shipping containers, or other units which slide off a chassis or frame including a body, box or unit which is removed from a chassis are allowed as storage facilities in CI-1, CI-2, I-1, I-2, and I-3, subject to the following requirements:
  - 1. Containers used for storage:
    - a. Shall be painted in a mono-color; and
    - b. Shall not be used for advertisements.
  - 2. Cargo or shipping containers used for cargo purposes in industrial zones are not considered storage facilities and may be stacked.
- J. Cargo containers used by licensed contractors for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a county building permit are allowed in any zone.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.170. - Exception for slope.



Parking spaces or detached garages may be occupied or built to within five feet of the street line on any lot where the slope of the front half of the lot is greater than one-foot rise or fall in a seven-foot run from the established street elevation at the property line or where the elevation of the front half of the lot is more than four feet above or below the established street elevation at the property line.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2320. Formerly § 2.150.240)

2.150.180. - Maintenance of stock-tight fences.

All livestock and poultry kept in any residential, business or industrial zone shall be kept confined by fences or other restraints of sufficient strength and durability to prevent such livestock and poultry from roaming at large.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2321. Formerly § 2.150.250)

2.150.190. - General information, location, and use for factory-built buildings (modular) and manufactured homes.

This title, for the unincorporated area of the county, provides for the residential use of a factory-built building (modular) and manufactured home as follows:

A. Factory-built building (modular).

1. A structure fabricated in a factory and delivered to the building site in one or more sections;
2. The structure shall be designed only for installation on a site-built permanent foundation and not designed to be moved once installed on the foundation. The unit shall include all the plumbing, heating, cooling and electrical systems of the building and shall bear the Arizona insignia of approval pursuant to A.R.S. § 41-2195;
3. A factory-built building shall be considered the same as a building and/or a dwelling unit; and
4. Building permits for these structures may be issued only in those residential zones which allow conventional construction of homes as a permitted use.

B. Manufactured home. A dwelling unit, transportable in one or more sections, manufactured after June 15, 1976, built to HUD standards with a HUD seal affixed, and does not include a recreational vehicle as defined in PCDCS 2.10.010, or a mobile home or factory-built building (modular) as defined in this section, which:

1. In the traveling mode is greater than eight feet in width or 40 feet in length, or when erected on a site, is more than 320 square feet; and
2. Is built on a permanent chassis; and
3. Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, which include the plumbing, heating, cooling and electrical systems therein and subject to all the standards itemized below:
  - a. If a perimeter foundation wall is not installed, all sides of the home shall extend to meet the ground, or a facade with the appearance of a foundation wall shall be used on all sides of the home, or skirting of approved material.
4. Installation permits for these structures may be issued only in accordance with those residential zones in which manufactured homes are a permitted use, pursuant to floodplain regulations.
5. Only manufactured homes completed after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development shall be allowed within the unincorporated areas of the county. The age limit shall apply to manufactured home installation permits issued on or after January 5, 2004. The only

exception will be those mobile homes having been approved for rehab prior to January 5, 2004, which will be issued one installation permit only for the lifetime of the mobile home.

- C. Mobile home. A factory-assembled portable structure exceeding eight feet wide and/or 40 feet long, containing kitchen and bathroom facilities and service connections, built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used without a permanent foundation as a dwelling unit when connected to on-site utilities, except that it does not include a recreational vehicle as defined in PCDSC 2.10.010 or a manufactured home or factory-built home as defined in this section. A mobile home does not comply with the National Manufactured Home Construction and Safety Standards Act of 1974. No installation permits for mobile homes shall be issued on or after January 5, 2004. The only exception will be mobile homes approved for rehabilitation by Pinal County prior to January 5, 2004, and where the rehabilitation is completed by the applicant and approved by Pinal County prior to July 1, 2004. These rehabilitated mobile homes will be issued one installation permit only for the lifetime of the mobile home.
- D. As of the effective date of the ordinance codified in this title, mobile home and manufactured home unit construction and safety standards adopted by the U.S. Department of Housing and Urban Development (HUD), pursuant to section 7(D), Department of Housing and Urban Development Act, 42 USC 3535(D), title VI, Housing and Community Development Act of 1974 (42 USC 5401) and amendments thereto, are hereby adopted as the mobile home and manufactured home unit construction and safety standards for the county. One copy each of 42 USC 5401 is maintained in the office of the clerk of the board of supervisors, in each district office of the supervisors and is hereby adopted by this reference.
- E. As of the effective date of the ordinance codified in this title, the county zoning inspector shall not issue an installation permit for any mobile home or manufactured home within the county unless said mobile home or manufactured home can be proven to comply with those standards set forth in subsection (D) of this section. These regulations shall also apply to any mobile home or manufactured home installation permit sought to be issued for the relocation (i.e., from one location to another location on the same property or different property) of any mobile home or manufactured home within the county, except as provided in subsection (G) of this section.
- F. It shall be the responsibility of the permit applicants to demonstrate to the zoning inspector that the mobile home or manufactured home, for which an installation permit is requested, is in compliance with the standards set forth in subsection (D) of this section. Proof of compliance shall include, but is not necessarily limited to:
1. A decal certifying that the manufactured home has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976; or
  2. A State of Arizona insignia of approval as defined by A.R.S. § 41-2142, and its successor.
- G. Exceptions.
1. The provisions of subsection (E) of this section shall not apply to a recreational vehicle as defined in A.R.S. § 41-2142.
  2. The provisions of subsection (E) of this section shall not apply to a mobile home as defined in subsection (C) of this section, provided the applicant for the installation permit is the owner of the mobile home and that the applicant furnishes proof of compliance with the following conditions and requirements:
    - a. The mobile home has been continuously occupied by the owner/applicant for a period of not less than one year immediately preceding the application date;
    - b. The mobile home continuously, for a period of not less than one year immediately preceding the installation permit application date, has been located on land not owned by the owner of the mobile home

- and the owner of the mobile home has paid rent for the mobile home space during that period of time;
- c. The owner/applicant intends to continue to occupy the mobile home following issuance of the installation permit;
  - d. The owner/applicant shall state in a written affidavit that the above-stated conditions and requirements have been or will be complied with and that the owner/applicant shall continue to occupy the mobile home following issuance of the installation permit; and
  - e. The mobile home is to be moved to and installed upon a mobile home space not owned by the owner of the mobile home and the owner of the mobile home is to pay rent for the mobile home space pursuant to a rental agreement as defined in A.R.S. § 33-1409.
    - i. The planning director or the county manager shall have authority to waive the foregoing requirement and allow installation of an owner occupied mobile home upon property belonging to the owner.
    - ii. The supervisors shall have the authority to review and amend any decision of the planning director or the county manager.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2330. Formerly § 2.150.330)

#### 2.150.200. - Group homes.

To permit the establishment of group homes in residential neighborhoods, while preserving the residential character of the community.

- A. Definition. The term "group home" means a licensed home suitable for accommodating more than six, but fewer than 11 adults or minor children who require special care for physical, mental, or developmental disabilities.
- B. Homes of six or fewer persons receiving care on a 24-hour-per-day basis shall be considered a single-family residence for the purposes of this title. The limitation of six or fewer persons does not include the operator or members of the operator's family or staff.
- C. Group homes shall be permitted in the SR, SR-1, SH, GR, GR-5, GR-10, CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, TR, MH, RU-10, RU-5, RU-3.3, RU-2, RU-1.25, R-43, R-35, R-20, R-12, R-9, R-7, MD, AC-1, AC-2, and AC-3 zoning districts, subject to issuance of a use permit by the zoning inspector showing compliance with the requirements of this subsection.
- D. Requirements.
  1. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be provided to the planning and development department;
  2. The establishment must obtain a certificate of occupancy if required by county building codes;
  3. No such home shall be located on a lot with a property line within 1,200 feet, measured in a straight line in any direction, of the lot line of another such group home;
  4. The establishment must meet the minimum off-street parking requirements as set forth in PCDS 2.140.020; and
  5. There shall be no exterior signage or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans with Disabilities Act.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 61862, § 2331. Formerly § 2.150.340)

#### 2.150.210. - Bed and breakfast.

In addition to the requirements of a specific zone, a bed and breakfast is subject to the following additional requirements:

- A. Structures shall be altered or built in a way that maintains a residential appearance.
- B. For parking requirements, see PCDSC 2.140.020.
- C. No long-term rental of rooms shall be permitted; the maximum length of stay shall be 30 consecutive days.
- D. Other than registered guests, no meals shall be served to the general public.
- E. A specific site plan shall be submitted for review and approval, subject to chapter 2.200 PCDSC.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.220. - Church.

Churches are subject to the following requirements:

- A. The primary access to the site is from an existing or planned arterial or collector street.
- B. Structures must be set back from any residential lot line, one foot for each one foot in height of the tallest part of the structure, other than the steeple.
- C. Maximum height of 40 feet, excluding unoccupied towers or steeples (See PCDSC 2.150.060(B) for height of steeples).
- D. For parking requirements, see PCDSC 2.140.020.
- E. A specific site plan shall be submitted for review and approval, subject to chapter 2.200 PCDSC.
- F. For height limit exceptions, see PCDSC 2.150.060.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.221. - Cluster option for RU-10 and RU-5 zoning districts.

The requirements for the cluster option for the GR zoning district can be found in PCDS 2.40.040. The requirements for the cluster option for RU-10 and RU-5 zoning districts are as follows:

- A. *Intent*. The cluster option provides for:
  - 1. Voluntary, permanent conservation of open space as a product of the subdivision of land.
  - 2. Protection of natural features including riparian areas, rock outcrops and natural topography.
  - 3. Flexibility in designing residential developments while not exceeding standard residential densities in these zones.
- B. *Purpose*. The purpose of the cluster option is to:
  - 1. Preserve significant conservation open space areas without increasing overall residential densities;
  - 2. Encourage and provide incentives for innovative site planning that is harmonious with the natural features and constraints of the property;
  - 3. Support open spaces that are interconnected, continuous, and integrated, particularly when located contiguous to public preserves;
  - 4. Allow for design innovation, flexibility, and more cost effective development due to more efficient servicing of the development with utilities, roads and other services; and
  - 5. Provide additional usable open space.
- C. *Applicability*.

1. These cluster standards may be used to allow development on land containing natural features while permanent substantial amounts of valuable open space.
  2. The cluster option is only to be applied to land that contains natural features such as desert washes, riparian areas, prominent peaks and ridges or natural slopes over 15 percent, and shall not be applied to agricultural lands where natural features have been removed, such as farm fields.
  3. The cluster option can only be used in conjunction with the application for a subdivision plat submitted and processed in accordance with this title and other regulations.
  4. This cluster option shall not be used in conjunction with a planned area development overlay zoning district application. Except as noted in this chapter, all other requirements of this title shall apply.
- D. *Permitted uses.* Unless listed below, a use is not permitted with the cluster option. The uses listed below may be different from the permitted uses in the base zone. The following uses may not be mixed with the permitted uses in the base zone unless approved with a special use permit:
1. One-family dwelling unit, conventional construction.
  2. Child care (no more than ten children) for which compensation is received.
  3. Church, subject to the requirements of PCDSC 2.150.220.
  4. Community service agency, library or museum.
  5. Governmental structures, fire district stations, sheriff's facilities and their accessory uses.
  6. Group home, subject to PCDSC 2.150.200.
  7. Guest house/casitas, subject to the requirements of PCDSC 2.150.240.
  8. Home occupation, subject to the requirements of PCDSC 2.150.260.
  9. Parks.
  10. Private stable for the exclusive use by residents, provided the site contains not less than ten acres and the buildings or structures housing animals are set back from all lot lines a distance of not less than 100 feet.
  11. Public schools.
  12. Detached accessory buildings.
    - a. Maximum height: 20 feet.
    - b. Minimum distance to main buildings: Seven feet.
    - c. Minimum distance to front lot line: 60 feet.
    - d. Minimum distance to side and rear lot lines: Four feet.
    - e. Accessory buildings shall be detached from the main building except they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.
- E. *Development standards.* Development standards shall be in accordance with the zone where the development is located, except as modified herein:
1. Minimum subdivision area: 160 acres.
  2. Maximum density: Determined by dividing the subdivision area by the minimum lot area for the applicable zone without using this cluster option.
  3. Minimum lot size: 5,000 square feet.
  4. Minimum setbacks: front: 20 feet; side: eight feet; rear: 25 feet.
  5. Minimum lot width: 50 feet.

6. Subdivision perimeter. The subdivision perimeter shall consist of a conservation open space buffer a minimum of 200 feet in width. Roadways may not act as a buffer; however, roadways may cross buffer areas and shall do so over the shortest distance feasible, preferably at 90-degree angles and in a manner that minimizes impacts to the conservation open space buffer and existing neighboring residential uses.
  7. Crossings. If approved by the planning director, roads, driveways, utility easements or similar improvements may cross conservation open space areas in alignments that are the least disruptive to the natural features, including topography, of the site.
  8. Fencing. Wildlife friendly fencing shall be used, with the following exceptions:
    - a. Fencing and walls in private living areas on individual lots; and
    - b. Fencing and walls for domestic pet enclosures on portions of lots not restricted by a conservation easement.
  9. Driveways. Widths shall be limited to a maximum of 24 feet with a maximum three-foot graded area on each side of the driveway. In sloped conditions, disturbed areas beyond the maximum three-foot graded area shall be restored. Maneuvering and turnaround areas adjacent to the private living areas of the lot may be wider than 24 feet.
- F. *Open space.* The subdivision's open space shall protect the subdivision's primary conservation features and provide links, as appropriate, between open space areas and important habitat areas. Open space requirements are as follows:
1. A minimum of 30 percent of the subdivision shall be open space.
  2. No more than 50 percent of the required open space shall be recreation area open space as defined in [chapter 2.10](#) PCDC. The remaining required open space shall be conservation open space as defined in [chapter 2.10](#) PCDC.
  3. Open space adjacent to public parks or preserves may be deeded to the county, if approved by the supervisors, or to a nonprofit land trust.
  4. Except where protection of sensitive natural resources is paramount, frequent nonvehicular access points shall be provided to the open space areas of the subdivision making the open space amenities equally accessible to all residents of the subdivision.
  5. To maximize conservation open space benefits, open space areas shall provide connections to public preserves, undisturbed riparian areas and natural areas on adjoining properties where appropriate.
  6. Where possible, conservation open space areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped areas.
  7. Buffers shall be provided adjacent to existing development to mitigate impacts of sound, visibility and traffic. Buffers may include landscaping, walls, fences, pathways, drainage ways, natural features and existing vegetation. Roads shall not be used as buffers.
  8. Ownership and control of conservation open space areas shall be:
    - a. As part of an individual, private lot with recorded covenants running with the land; or
    - b. By a homeowners' association, as specified in this section; or
    - c. By the county, as legally dedicated either in fee simple or as a conservation easement, by form of instrument approved by the county. The county may but is not required to accept conservation open space areas; or
    - d. By a nonprofit organization with perpetual existence that is acceptable to the county and whose principal

purpose is to conserve natural areas and/or natural resources.

9. If the conservation open space areas are to be owned and maintained by the homeowners' association of the subdivision, the subdivider shall record covenants, conditions and restrictions approved by the county including maintenance and preservation standards running with the land. The covenants shall contain the following provisions:
  - a. A clause stating that designated conservation open space on the subdivision plat shall be restricted to conservation open space in perpetuity, and maintained by the homeowners' association; and
  - b. A clause stating that the county is not responsible for maintenance or liability of the conservation open space areas, but that the county may enforce the maintenance and preservation standards and that the clause cannot be amended or repealed without the written consent of the county.
- G. *Grading.* Grading shall be in accordance with county grading and drainage regulations, standards and policies. Additional grading requirements for subdivisions using the cluster option are:
  1. Grading of a subdivision is permitted only for infrastructure including roadways, drainage facilities, utilities, recreation facilities and within the approved development areas.
  2. The maximum grading area on lots smaller than one acre (43,560 square feet) is 16,000 square feet.
  3. The maximum grading area on lots one acre or larger is 20,000 square feet.
  4. Lots with grading area limitations as described in subsections (G)(1) and (2) of this section shall have building envelopes delineated on the subdivision plat indicating the maximum area of the lot to be graded.
  5. The development shall be designed to have the least impact on the primary conservation features.
  6. Cut and fill.
    - a. Cut material may not be pushed, dumped or disposed over any existing 15 percent or greater slope.
    - b. Fill depth may not exceed eight feet and the face of exposed constructed slopes may not exceed eight vertical feet when measured from existing grade to the finished elevation.
    - c. The height of any exposed cut slope shall not exceed 12 vertical feet. Larger cuts are permitted provided they are completely shielded from view from all surrounding areas.
  7. Within washes that have riparian habitat, only that grading for roadways and utilities that is necessary to provide access to approved development areas is permitted. Wash disturbance shall be minimized and all utilities shall be installed within utility easements, except where a utility easement is not a practical location for the utility as confirmed by the planning director, then the utility crossing shall utilize the least intrusive construction methodology. The disturbed wash area is subject to mitigation and revegetation as approved by the planning director.
  8. Graded and disturbed areas outside private living areas and fenced or walled pet runs shall be revegetated with plant material that replicates the understory, mid-story and canopy of adjoining open space areas. Drought tolerant, low water use plants including trees, shrubs, cacti, ground cover, grasses and seed mixes approved by the planning director may also be used.
  9. Except as provided in subsection (G)(8) of this section, revegetation of graded or disturbed areas shall be with indigenous trees, shrubs, and ground cover to simulate understory, mid-story and canopy of adjoining open space areas.
  10. Grading design, including the requirements of this section, will be included on the grading/landscape and restoration plan submitted with the tentative plat.

H. *Infrastructure standards.*

1. Cluster development shall comply with county roadway standards.
  2. Streets shall be laid out in a manner that avoids or minimizes adverse impacts to conservation open space areas to the greatest extent practical.
  3. There is no restriction on cul-de-sac length in a cluster subdivision project, subject to satisfaction of public health and safety concerns including reasonable accommodation for emergency vehicles. No cul-de-sac may serve more than 50 dwellings or any use that would generate 500 or more average daily vehicle trips. The county may require enhanced cul-de-sac street design, including traffic calming devices or additional pavement width, to reasonably offset local traffic impacts and public safety concerns created by additional cul-de-sac length.
- I. *Submittal requirements.* For review purposes, a cluster project submittal will include:
1. Tentative subdivision plat to county standards and application requirements.
  2. Grading, landscaping and restoration/revegetation plans are required for all portions of the site disturbed during development.
  3. Covenants, conditions and restrictions that will apply to the cluster subdivision project.
  4. Application for review of a tentative subdivision plat utilizing the cluster option shall be submitted in writing together with required fees to the planning and development department.
- J. *Procedures.* County subdivision platting procedures shall apply to the processing of cluster subdivision projects. The following additional requirements also apply:
1. A pre-application concept review meeting with the planning and development department is required for all proposals prior to submittal of a tentative plat utilizing the cluster option. The applicant shall prepare for the meeting a preliminary plan that shows:
    - a. Proposed recreation area and conservation open space areas;
    - b. Lot pattern;
    - c. Street layout; and
    - d. All development areas.
  2. The applicant shall consult with other applicable governmental agencies, affected utility companies and property owners within 600 feet of the site and submit a summary report that includes the names, addresses and dates of consultations to the planning director at least 30 calendar days prior to review of the subdivision plat by the commission.
  3. The tentative plat shall be prepared according to the county subdivision regulations. Additionally, the tentative plat shall include the following:
    - a. Determination of density yield shall be determined by the minimum lot area in each applicable zone.
    - b. Identification of open space areas, including primary conservation areas.
    - c. Identification of development areas.
    - d. Approximate location of building sites.
    - e. Grading limits in accordance with subsection (G) of this section.
    - f. The lot lines should, where possible, be located approximately midway between house locations and may include L-shaped or "flag lots" subject to the following requirements:
      - i. Minimum 30-foot width of "pole" portion of flag lot;
      - ii. County drainage requirements are met and drainage conflicts are not created;



- iii. Driveways for flag lots shall be paved; and
- iv. Minimum lot size for flag lots is 20,000 square feet.
- g. The tentative and final plat will include notes specifying the conservation and recreation area open space included on the plat are permanent and are not to be re-subdivided or used for any purposes other than open space as defined herein.
- K. *Review.* The planning and development department shall review the application and plat to determine if they are acceptable for further processing.
  - 1. If rejected, planning staff shall specify the conditions and revisions that must be complied with before the plat can be accepted by staff for further processing.
  - 2. Once accepted, copies of the plat will be transmitted to the applicable county departments for review.
- L. *Applicable county departments review.* Applicable county departments shall review the plat for compliance with the county's subdivision regulations and appropriateness of subdivision layout to the subdivision's primary conservation features and the purposes of this section. Diversity and originality in lot layout are encouraged to achieve the best possible relationship between recreation area and conservation open space areas. To the greatest extent possible and practical, the subdivision layout shall:
  - 1. Protect and conserve riparian areas, slopes greater than 15 percent and significant peaks and ridges from grading, clearing, filling or construction except as necessary for essential infrastructure;
  - 2. Use of buffers to minimize conflicts between residential uses, conservation areas and wildlife habitat;
  - 3. Locate development on the least environmentally sensitive areas of the subdivision;
  - 4. Protect wildlife habitat;
  - 5. Avoid locating dwellings on prominent hilltops or ridges;
  - 6. Preserve sites of historic, archaeological or cultural value, preserving their character and integrity;
  - 7. Provide pedestrian and hiking trails that provide for pedestrian safety and convenience and connectivity between properties and activities or features of the project; make open space areas intended for recreational use easily accessible to pedestrians; and
  - 8. Consolidate and connect open space areas and minimize fragmentation of conservation open space areas within the subdivision.

The commission shall review the tentative plat for conformance with the county subdivision regulations and conformance with the intent, purpose and requirements of this chapter and for design that is compatible with the primary conservation features of the subdivision.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.230. - Golf courses.

Except for miniature golf, and restricted related facilities, such as clubhouse, restaurant, bar or cocktail lounge, rest rooms, pro shop, and buildings for the maintenance and storage of golf course equipment are subject to the following requirements:

- A. The site shall be a minimum of 30 acres.
- B. All buildings shall be a minimum of 200 feet to any boundary of the site.
- C. The course shall have a minimum of nine holes.
- D. Any driving range shall be placed so that flying balls will be directed toward the interior of the site.

- E. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from any adjoin residential zone and shall meet the requirements of chapter 2.195 PCDS.
- F. For parking requirements see PCDS 2.140.020.
- G. A specific site plan shall be submitted for review and approval, subject to chapter 2.200 PCDS.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.240. - Guest house/casita.

In addition to the requirements of a specific zone, guest houses/casitas are subject to the following additional requirements:

- A. Minimum development standards:
  - 1. Shall meet the front and side setbacks of the main building;
  - 2. Minimum rear setback shall be ten feet;
  - 3. Height restriction shall be the same as the main building; and
  - 4. Minimum distance from the main building shall be seven feet or as specified by the building code.
- B. Shall be no larger than 45 percent of the gross livable area of the main dwelling.
- C. Only one guest house/casita per lot shall be allowed.
- D. Shall use the same street access which serves the main dwelling.
- E. The guest house/casita and the main dwelling shall not be served by separate utility meters.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11; Ord. No. 2024-PZ-C-001-24, § 1(Exh. A))

#### 2.150.250. - Guest ranch.

Guest ranches are subject to the following requirements:

- A. Permitted accessory uses are a restaurant, beverage service, incidental retail sales and services, and professional office, if:
  - 1. They are no closer than 100 feet to any public street;
  - 2. Have no outside entrance facing the street; and
  - 3. Are intended, provided and operated primarily for the convenience of guests.
- B. A guest ranch shall not stable or keep more than one horse for each 10,000 square feet of land area.
- C. No stable or corral shall be closer than 50 feet to any lot line and not closer than 100 feet to a dwelling on an adjoining property or to a school, park, public street or road.
- D. The site shall be a minimum of 20 acres.
- E. A specific site plan shall be submitted for review and approval, subject to chapter 2.200 PCDS.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.260. - Home occupation.

Home occupations are subject to the following requirements:

- A. A home occupation permit is required to be obtained from the planning director.
  - 1. The home occupation permit shall apply only to a full-time resident of the dwelling.
  - 2. If there is a change in use, a new home occupation permit shall be required.

3. A home occupation permit is issued to the applicant and does not attach to the land.
- B. The home occupation must be conducted within a dwelling or an accessory building of not more than 400 square feet. Not more than one-fourth of the floor area of one story of the main dwelling shall be used for the home occupation.
- C. There shall be no public display of stock-in-trade upon the premises.
- D. Not more than two nonresidents of the premises is employed in the home occupation.
- E. No equipment or material associated with the home occupation shall be stored outdoors.
- F. The residential character of the dwelling and subject property shall not be changed by said use.
- G. Such occupation shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestion in the immediate neighborhood.
- H. All parking used in conjunction with the home occupation shall be on site and shall not include commercial parking features such as wheel stops, parking lanes or striping.
- I. Home occupations shall not provide overnight accommodations.
- J. Home occupations shall serve no more than five clients in one day and no more than two clients at any one time.
- K. No signs advertising the home occupation are permitted, except a temporary commercial sign on the residential property during business hours, if the sign is not more than 24 inches by 24 inches.
- L. The following uses shall not be permitted as home occupations:
  1. Auto repair and service;
  2. Barbershop;
  3. Beauty salon;
  4. Commercial food preparation;
  5. Mortuary or embalming service;
  6. Tattoo parlor;
  7. Veterinarian service, kennels, and pet grooming;
  8. Welding service;
  9. Any commercial use not customarily associated with home occupations as a secondary use; and
  10. Delivery services related to a commercial use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.270. - Recreational vehicles as temporary dwellings.

Recreational vehicles, as defined in this title, may be permitted as a temporary dwelling during construction. A temporary use permit issued in accordance with PCDSC 2.151.030 is required for such temporary use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

#### 2.150.280. - Schools.

- A. Public schools are permitted in all zoning districts.
- B. Private schools for K—12 are subject to the following requirements:
  1. The minimum site area shall be five acres in all zones.

2. The minimum setback for playgrounds or athletic fields shall be 100 feet from all property lines.
3. A ten-foot-wide landscaped area shall be provided as screening and buffering along all property lines.
4. All driveways and parking lots shall be paved.
5. All outdoor lighting used in conjunction with the school use shall meet the requirements of chapter 2.195 PCDSC.
6. All lighting for outdoor recreational areas shall cease no later than 11:00 p.m.

C. Charter schools are prohibited from operating in an existing single-family residence that is located on property of less than an acre.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.290. - Reserved.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.300. - Reserved.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.310. - Reserved.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

2.150.320. - Activity center development guidelines manual.

The planning and development department shall prepare an activity center development guidelines manual (AC guidelines manual) to provide information and guidelines in planning activity centers for the AC-1, AC-2 and AC-3 zoning districts. The planning and development department may revise the AC guidelines manual as needed. Such revisions are not amendments to this title and shall not effect any change in the title itself. This title governs over the manual.

- A. An activity center development guidelines manual (AC guidelines manual) that provides information and guidelines in planning activity centers for the AC-1, AC-2 and AC-3 zoning districts may be adopted separately by resolution of the Pinal County board of supervisors after 15 days' notice and a public hearing.
- B. The manual may be subsequently amended by a resolution of the Pinal County board of supervisors after 15 days' notice and a public hearing.
- C. The manual will not be printed as part of this title, but shall be printed as a separate document. Copies of the manual will be available for inspection and purchase at the Pinal County development services counter.

(Ord. No. 011812-ZO-PZ-C-007-10, § 11)

CHAPTER 2.151. - PERMITS: SPECIAL USE, SPECIAL DENSITY, TEMPORARY USE AND SPECIAL EVENT

2.151.010. - Special use permit (SUP).

The commission and the supervisors recognize and permit certain uses that because of their inherent nature, extent and external effects require special care in the control of their location, design and methods of operation to ensure that their location in a particular district is appropriate, to ensure the use is made compatible with the permitted uses in a specific zoning district or other adjacent permitted uses which may be adversely affected and to ensure the public health, safety and general

welfare are protected. Such uses are designated as special uses and allowed only with a special use permit (SUP). This section sets forth procedures for submitting, reviewing and approving an application for a special use permit and for the issuance of such permits.

A. *Special uses.*

1. The following list of special uses is for consideration only for the following zoning districts: SR, SH, CAR, GR, CR-1A, CR-2, CR-3, CR-4, CR-5, TR, CB-1, CB-2, CI-B, CI-1, CI-2, MH, RV, MHP, and PM/RV.
  - a. Airport, heliport or landing field.
  - b. Amusement park or outdoor theater.
  - c. Cemetery or mausoleum.
  - d. Circus or carnival grounds.
  - e. Community building or recreation field.
  - f. Hospital, clinic or institution, nursing home, convalescent home, group home of 11 or more residents and assisted living center. An "assisted living center" is defined as a residential care institution that provides or contracts to provide supervisory care services, or directed care services for 11 or more residents. No such nursing home, convalescent home, group home or assisted living center shall be located on a lot with a property line within 1,200 feet, measured in a straight line in any direction, of the lot line of another such facility.
  - g. Medical marijuana dispensary. A medical marijuana dispensary is permitted as a conditional use subject to the conditions as set out in [chapter 2.191 PCDSC](#).
  - h. Privately and commercially operated recreational lake, swimming pool or tennis court.
    - i. Public or governmental buildings.
    - j. Race track.
    - k. Signs.
    - l. Sport arena.
  - m. Stable.
  - n. Zoo, public or private.
  - o. Such other uses as the planning commission may deem appropriate in the public interest.
2. Special uses for zoning districts RU-10, RU-5, RU-3.3, RU-2, RU-1.25, R-43, R-35, R-20, R-12, R-9, R-7, MD, MR, AC-1, AC-2, AC-3, O-1, O-2, C-1, C-2, C-3, I-1, I-2, I-3, MH-8, MHP-435, PM/RVP-435 will be found under the specific zoning district. If a special use is not listed in a specific zoning district, it is prohibited.

B. *SUP general provisions.*

1. A special use permit is granted at the discretion of the supervisors, and nothing in this title shall be construed to require the granting of a special use permit.
2. A special use is not a matter of right and refusal to grant a special use permit is not the denial of a right.
3. An SUP granted prior to February 18, 2012, shall be permitted to continue; provided, that it is operated and maintained in accordance with the conditions prescribed at the time it was granted, if any.
4. An SUP granted under the provisions of this section runs with the land covered by the SUP and shall be binding on the property owner and where applicable also the lessee of the property covered by the SUP.
5. An SUP authorizes a use to be developed in a particular way as specified by the permit and its conditions.
6. An SUP imposes on the applicant the responsibility of ensuring that the authorized special use continues to

comply with the conditions of the permit as long as the permit remains valid.

7. An SUP shall be valid for the duration of the special use, provided the use remains in conformance with the conditions of approval and is not discontinued for 12 consecutive months.
  8. Issuance of an SUP does not relieve the applicant from the responsibility of obtaining site plan approval, a building permit or any other permit or approval required by any other applicable law.
  9. The SUP process cannot be used to eliminate or modify an entire PAD overlay zoning district and/or the uses within the PAD overlay zoning district.
- C. *Conformity with comprehensive plan.* An SUP shall be consistent with and conform to the comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed SUP to the county's comprehensive plan, the proposed SUP shall be construed in a manner that will further the implementation of and not be contrary to the goals, policies and applicable elements of the comprehensive plan. Among the zone classifications listed in PCDSC 2.15.040 which have special uses listed in the individual zoning districts, those special uses with the conditions attached by the supervisors will be considered in conformity with the comprehensive plan as long as the subject zoning district is in conformity with the comprehensive plan.
- D. *Initiation of SUP.* Application for an SUP may be made by:
1. The property owner or the property owner's authorized agent.
  2. The lessee of the property or the lessee's authorized agent.
- E. *Amendment to the comprehensive plan.* An SUP application requiring an amendment to the comprehensive plan shall not be approved until the necessary comprehensive plan amendment has been approved by the supervisors and the referendum period for the comprehensive plan amendment expired; or if a referendum petition is filed, when the comprehensive plan amendment is successfully defended against the referendum.
- F. *Restriction on application.* An SUP application shall not be accepted for processing for any special use where that special use was part of a special use permit application on the same property and for the same or substantially the same special use that was denied by the supervisors in the previous six months.
- G. *Withdrawal of application.* After submittal and acceptance of a completed application, the applicant, without any action by the supervisors, may withdraw the SUP application up to the time the notice of the supervisors' public hearing on the SUP application has been published. After the notice of the public hearing has been published, the applicant may make a request to the supervisors to withdraw the rezoning application. The supervisors, at their discretion, may grant the withdrawal request or hear the SUP application.
- H. *Pre-application meeting.* Prior to filing an application, the applicant or the applicant's authorized agent shall attend a pre-application meeting with the planning and development department and other appropriate county staff to familiarize staff with the proposed special use and identify and discuss any issues related to the proposal and to review the application requirements. The pre-application meeting shall not be interpreted as staff approval for the proposed special use and does not commit the county to approving any proposed special use.
- I. *Pre-application submittal.*
1. An SUP pre-application shall contain all information and documentation that is identified on the application form provided by the county and checklist provided at the concept review meeting and shall:
    - a. Identify the applicant.
    - b. Describe the proposed special use.
    - c. Provide justification of compliance with the comprehensive plan.
  2. An SUP application shall be accompanied by:

- a. A nonrefundable filing fee in accordance with the fee schedule adopted under the authority of PCDSC 2.160.050.
- b. Either a preliminary site plan or specific site plan for the proposed special use or uses as required in chapter 2.200 PCDSC. If the site plan is a preliminary site plan it shall be drawn to scale, showing structures, heights, property lines, lot sizes, setbacks, adjacent roads, yards, parking and traffic flow, drainage, proposed sign location and design, location of leach fields or sewers, and any other information needed to properly evaluate the request.
- c. Building floor plans and elevations of the proposed improvements, in detail.
- d. A written statement accompanied by data demonstrating:
  - i. That there are special circumstances or conditions applicable to the location of the property referred to in the application, which would make the proposed special use appropriate on this property, though not in the zoning district at large.
  - ii. That the specific treatment of the proposed special use will not contribute to a worsening of traffic safety or otherwise have a negative impact on nearby properties or otherwise affect the health and safety of persons residing or working in the area.
- e. Information addressing the factors listed for consideration in subsection (O) of this section.

J. *Application submittal.*

1. An SUP application shall contain all information and documentation that is identified on the application form provided by the county and checklist provided at the concept review meeting and shall:
  - a. Identify the applicant.
  - b. Describe the proposed special use.
  - c. Provide the legal description of the real property where the proposed special use will be located.
  - d. Provide justification of compliance with the comprehensive plan.
2. An SUP application shall be accompanied by:
  - a. A nonrefundable filing fee in accordance with the fee schedule adopted under the authority of PCDSC 2.160.050.
  - b. Either a preliminary site plan or specific site plan for the proposed special use or uses as required in chapter 2.200 PCDSC. If the site plan is a preliminary site plan it shall be drawn to scale, showing structures, heights, property lines, lot sizes, setbacks, adjacent roads, yards, parking and traffic flow, drainage, proposed sign location and design, location of leach fields or sewers, and any other information needed to properly evaluate the request.
  - c. Building floor plans and elevations of the proposed improvements, in detail.
  - d. All information deemed necessary by the planning and development department.
  - e. A written statement accompanied by data demonstrating:
    - i. That there are special circumstances or conditions applicable to the location of the property referred to in the application, which would make the proposed special use appropriate on this property, though not in the zoning district at large.
    - ii. That the specific treatment of the proposed special use will not contribute to a significant worsening of traffic safety or otherwise have an inordinately negative impact on nearby properties or otherwise affect the health and safety of persons residing or working in the area.
  - f. Information addressing the factors listed for consideration in subsection (O) of this section.

3. The SUP application must be complete and signed by all owners of the land where the special use that is the sub is located or by their authorized agents. An application signed by a property owner's authorized agent requires d in a format required by the county of the agent's authorization to sign on behalf of the owner and/or to agree to behalf of the owner.
  4. The applicant may propose conditions for the requested SUP.
- K. *Review for submittal compliance.* The planning and development department staff shall review the application and determine whether the application complies with submittal requirements. An incomplete application will not be processed. If the application does not comply with submittal requirements, the planning and development department staff shall notify the applicant of the submittal deficiencies and provide the applicant the opportunity to revise or correct the application deficiencies. If the applicant does not remedy the deficiencies within 90 calendar days from the date the planning and development staff notifies the applicant of the deficiencies, the file shall be closed and a new application and fee will be required in the future. If the application complies with all submittal requirements, the planning and development department staff shall accept the application as complete and notify the applicant of its acceptance for processing.
- L. *Staff review of application.* Upon acceptance of a completed application, the planning and development department shall review the application and distribute the application for review to the applicable county departments and cities, towns and other public entities contiguous to the property where the special use is proposed. The county case planner shall determine compliance with all applicable plans, regulations and standards, and identify any significant concerns and prepare and submit a report on the SUP application to the commission prior to the commission's public hearing on the SUP application. The report will at a minimum:
1. Discuss and determine the extent to which the proposed special use is consistent with and conforms to the comprehensive plan and applicable adopted land use plans.
  2. Provide a site analysis.
  3. Summarize information obtained during review of the application.
  4. Include the comments and conditions of other county departments and other agencies, if any.
- M. *Citizen review.* An applicant for an SUP is subject to the same citizen review requirements set forth in PCDCS 2.166.050(E).
- N. *SUP notification and hearing process.* Applicant for SUP is subject to the same broadcast notification signs, notification and public hearing requirements and processes set forth in PCDCS 2.166.050(F) through (L).
- O. *Factors for consideration.* The commission and the supervisors may consider the factors listed below in deciding whether or not to recommend or approve a special use permit. No set of factors can totally determine the acceptability of all land use proposals. A property owner may adequately demonstrate compliance with the intent of the goals and policies of the comprehensive plan but receive denial because unusual circumstances exist or because of public protest pertaining to the special use request. The considerations and factors listed below are intended to suggest some of the primary concerns pertinent to reaching a determination or decision. These considerations and factors are not intended to be all-inclusive: Other factors may be considered and individual factors may weigh more heavily than other factors.
1. The proposed special use will not materially affect or endanger the public health, safety or welfare.  
Considerations/factors:
    - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections and sight lines at street intersections and curb cuts.
    - b. Provision of services and utilities including sewer, water, electrical, garbage collection and fire protection.



2. The proposed special use complies with all regulations and standards applicable within the zoning district where is proposed.
3. The proposed special use is or may be made compatible with existing adjacent permitted uses and other uses permitted in the zoning district where it is proposed and will not substantially change or materially affect the adjoining property or the surrounding area. Considerations/factors:
  - a. The relationship of the proposed special use and the character of development to surrounding uses and development, including evaluating possible conflicts between them, if any, and how these conflicts will be resolved or addressed.
  - b. Whether the proposed development is beneficial to the public health, safety and general welfare of the community or county as a whole subject to mitigation of its impact on the adjoining property and surrounding area with additional conditions.
4. Traffic circulation. Considerations/factors:
  - a. Number of access points onto major thoroughfares or arterial streets is limited.
  - b. The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.
  - c. Does not result in the use of any residential street for nonresidential through traffic.
  - d. Future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements.
5. Significant site development standards. The special use adequately addresses the significant applicable site development standards, including drainage and development in or near a floodplain.
6. Off-site impacts. Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or stormwater runoff.
7. Same special use. The number and locations of special uses already established in the zoning district that are the same or substantially the same as the proposed special use.
8. Need. The need for the proposed special use in the neighborhood/community.
9. Public input. If there is public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If there is public support, this may be a factor in favor of the request.

P. *SUP conditions.*

1. Conditions may be imposed to make the special use compatible with permitted uses in the zoning district where the proposed special use is to be located, to make the special use compatible with surrounding uses and to ensure the public health, safety and general welfare. Such conditions may include but are not limited to the following:
  - a. Special yards and spaces.
  - b. Fences and walls.
  - c. Screening.
  - d. Off-street parking and loading specifications and improvements.
  - e. Street dedication and improvements or bonds in lieu of improvements.
  - f. Control of points of vehicular ingress and egress.

- g. On-site and off-site drainage improvements.
  - h. Signs.
  - i. Landscaping and maintenance of grounds.
  - j. Control of noise, vibration, odors, emissions, hazardous materials and other potentially dangerous or objectionable elements or other similar nuisances.
  - k. Site cleanup and/or restoration.
  - l. Outdoor lighting.
  - m. Hours of operation.
  - n. Time limits for the commencement of construction and/or review and further action by the supervisors; or if no time limitations are set, then the conditions shall be fulfilled within a reasonable time.
  - o. Conditions to address public needs arising from the proposed special use, such as but not limited to potentially adverse effects of the proposed special use or public service demands created by the proposed special use.
- Q. *Effective date.* The SUP shall not become effective until after 30 calendar days following approval by the supervisors.
- R. *Dedications.* Dedications for public roadway easements or rights-of-way may be required as part of the SUP approval.
- S. *Changes or modifications.* Requests for changes or modifications of conditions on an approved SUP shall be processed as a new SUP.
- T. *Abandonment.* The discontinuance of a special use for one year shall be considered an abandonment of the special use.
- U. *Null and void.*
1. An SUP shall lapse and shall be null and void one year following the date on which the SUP became effective, unless:
    - a. Prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the property where the special use that is the subject of the SUP is located.
    - b. A final inspection has been completed by the building safety department for the structure in which the special use that is the subject of the SUP is located.
    - c. The property is occupied for the special use which is the subject of the SUP if no building permit or certificate of occupancy is required.
  2. Upon receipt of a written request from the permit holder stating the special use has been discontinued and requesting the SUP be declared null and void and determination by the planning and development department that all conditions concerning the discontinuance of the special use that is the subject of the SUP and the cleanup of the property, if any, have been complied with, the zoning inspector shall issue a certificate of abandonment and declare the SUP null and void.
  3. An SUP shall lapse and be null and void if the special use for which the SUP is approved is discontinued for 12 consecutive months, or is not being used in the manner for which it was approved. A hearing shall be held by the supervisors after notification by certified mail to the permit holder to determine whether the special use

has been discontinued for 12 consecutive months. Upon the determination that the use has been discontinued for 12 consecutive months, the planning and development department shall notify the permit holder that the SUP is null and void.

4. A previously approved SUP shall become null and void upon the issuance of a new SUP for the same property, unless stated otherwise.

V. *SUP revocation.*

1. An action to revoke an SUP shall be initiated by the zoning inspector's determination that the applicable property does not meet or is not in compliance with the conditions of approval for the SUP.
2. A notice shall be sent to the property owner and/or lessee of the property covered by the SUP requiring compliance with the conditions of approval within 15 calendar days.
3. If the permit holder does not comply within the specified time period, the supervisors after notification by certified mail to the property owner and/or the lessee of the property covered by the SUP shall schedule and hold a public hearing to determine if the special use complies with the conditions of approval and for possible action.
4. The supervisors may extend the time for compliance or approve or deny the revocation with or without conditions.

W. *Restarting special use.* To restart a special use, or after the SUP for that special use has lapsed and/or declared null and void or revoked, shall require a new application and fee for a new SUP.

(Ord. No. PZ-C-001-13, § 1; Ord. No. 011812-ZO-PZ-C-007-10, § 12; Ord. No. 022311-PZ-C-008-10, § 2; Ord. No. 012010-AEO, § 1; Ord. No. 61862, §§ 2302—2302-3. Formerly §§ 2.150.020—2.150.050)

2.151.020. - Special density permit (SDP) for assisted living.

The commission and supervisors expressly find there is a need in the county for housing persons with some physical or mental impairment who are able to live within their communities, provided they have personal care, attention and assistance. In order to meet this need, to preserve the dignity of these persons, and to strengthen and protect the role of the family in our communities, a special density permit for a second dwelling unit is hereby created subject to the following requirements and regulations:

- A. An SDP allows one additional dwelling unit to be built or moved onto a parcel/lot for the use:
  1. By an individual with some physical or mental impairment who needs assistance and support from family living in the primary residence;
  2. By a family member who is providing care, assistance and support to the individual with some physical or mental impairment living in the primary residence;
  3. By a health care provider expressly employed for the purpose of providing health care for the individual with some physical or mental impairment living in the primary residence.
- B. An SDP is granted to the property owner and does not adhere to or run with the land. It is not transferable and terminates automatically as soon as the beneficiary or care provider no longer resides on the property 365 days a year or care is no longer needed. The SDP terminates where a lot split separates the main dwelling unit from the second dwelling unit. Only one SDP may exist at any time for one parcel. An SDP is not a substitute for a building or installation permit required for the second dwelling unit.
- C. An SDP may be granted if the beneficiary is incapable of being fully independent without some assistance due to some physical or mental impairment. A letter from a physician on office letterhead must be included with the

application verifying this need.

- D. Neither the applicant, nor any other person shall receive rent or any other valuable consideration for allowing a person to live in a dwelling unit under an SDP. This should not be construed as to prevent a health care provider from receiving remuneration for health care services provided. Once the second dwelling unit ceases to be used as approved, the kitchen must be removed from a site-built second dwelling unit or if a manufactured/mobile home, the second dwelling must be removed from the site. In either instance, the county planning and development department must be contacted so as to make an inspection. An affidavit must be submitted by the applicant indicating a commitment to concur with all the requirements of this section.
- E. An SDP shall be allowed only in the following zones: SR, SH, CAR, GR, RU-3.3, RU-2, RU-C, RU-1.25, CR-1, CR-1A, R-43, and R-35. The second dwelling unit shall be a site-built dwelling unit if located in the CR-1, CR-1A, R-43 or R-35 zones. The second dwelling unit shall be a manufactured home if located in the SR, SH, CAR, GR, RU-3.3, RU-2, RU-C, or RU-1.25 zone.
- F. The second dwelling unit authorized under an SDP shall comply with the same setbacks, height and other requirements imposed on the primary dwelling unit in that zone.
- G. Application. An application for an SDP shall be made to the planning director by the property owner and shall include:
  - 1. An individual site plan in accordance with chapter 2.200 PCDCS, which identifies the location of the proposed second dwelling unit;
  - 2. A legal description and address of the property involved;
  - 3. The name and relationship to the beneficiary;
  - 4. Information on how the sewage from the second dwelling unit will be disposed of;
  - 5. An affidavit by the applicant indicating a commitment to concur with all the requirements of subsection (E) of this section;
  - 6. A nonrefundable filing fee;
  - 7. Any other information deemed necessary by the planning director;
  - 8. The information submitted on sewage disposal shall be sufficient enough for the county environmental health department to determine whether the provisions are adequate; and
  - 9. No SDP may be issued without the written approval of the county environmental health department.
- H. The overall time frame for processing the SDP shall be 25 business days, consisting of the administrative completeness review time frame of five business days and the substantive review time frame of 20 business days. There are events that may occur which will trigger the suspension of these time frames.
- I. Each county department reviewing the application must determine if the application is administratively complete by determining if the application complies with the application submittal requirements of the subject department.
- J. Each reviewing county department must issue a written or electronic notice of administrative completeness or deficiencies. If a reviewing county department determines the application is not administratively complete, it shall include a comprehensive list of the specific deficiencies in the written or electronic notice of administrative deficiencies. The planning and development department shall be responsible for compiling the notices of administrative completeness or deficiencies and transmitting them together to the applicant.
- K. If the notice(s) of deficiencies is/are not issued within the administrative completeness review time frame, the application is deemed administratively complete, and the county shall proceed with its substantive review of the application.

- L. If the notice(s) of deficiencies is/are issued during the administrative completeness review time frame, the application complete until all requested information has been received by the planning and development department, and the administrative completeness review time and overall time frame shall stop on the date the notice(s) is/are issued and will continue to run again on the date the planning and development department receives all the missing information from the applicant.
- M. Each county reviewing department may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submittal of missing information.
- N. Upon the determination by all reviewing county departments that the application is administratively complete, the processing of the application shall proceed. The planning and development department shall review the application and distribute the application for substantive review to the applicable county departments.
- O. During the substantive review time frame, each county reviewing department may make one comprehensive written or electronic request for additional information. The county and applicant may mutually agree in writing or electronically to allow the county to submit supplemental requests for additional information. On the date a reviewing county department issues a comprehensive written or electronic request or a supplemental request by mutual written or electronic agreement for additional information, the substantive review time frame and the overall time frame shall stop running until the date the planning and development department receives the additional information from the applicant.
- P. By mutual written or electronic time frame, the county and the applicant may extend the substantive review time frame and overall time frame by not more than 25 percent of the overall time frame.
- Q. Upon receipt of comments from the county reviewing departments or no later than 20 business days, the planning director shall review and approve, conditionally approve or deny the application.
- R. The planning director shall issue a written or electronic notice granting or denying the application. If the application is denied, the written or electronic notice shall contain justification for the denial with references to the statutes, ordinances, regulations or substantive policy statements on which the denial is based.
- S. If the written or electronic notice granting or denying the application is not issued within the overall time frame or within the mutually agreed upon time frame extension, the county shall refund to the applicant all fees charged for reviewing and acting on the application within 30 working days after the expiration of the overall time frame or the time frame extension from the fund in which the application fees were originally deposited.
- T. If the request for an SDP is approved, notification of the installation of a second dwelling unit shall be sent to all property owners located within 300 feet of the subject property.
- U. All financial or other obligations resulting from approval or conditional approval of an SDP are the sole responsibility of the property owner and/or the owner of the second dwelling.
- V. Upon compliance with the conditions of the approved SDP and installation or construction of the second dwelling and after all required approvals have been obtained, the zoning map shall be updated to reflect the SDP.
- W. To keep the SDP active, the applicant annually from date of approval shall submit to the planning director a renewal fee, as set forth in the planning and zoning fee schedule and a letter from a licensed medical doctor stating the health condition of the beneficiary has not substantially changed and the beneficiary is still in need of home care. Failure to provide this letter and fee by the anniversary date is considered a violation of this title. After notice of such violation by the planning director, if applicant fails to submit the fee and letter within 30 calendar days from the mailing date of the notice, the SDP will be revoked by the planning director and the second dwelling unit must be removed and the septic tank installed for use by the second dwelling unit must be abandoned.

## 2.151.030. - Temporary use permit (TUP).

The commission and the supervisors find that there is a need in the county for the issuance of temporary use permits for those temporary uses which are required for the proper function of the county or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the established economic or social uses and values of adjacent or surrounding properties or to the county. The planning director may issue a TUP for a building or premises in any zoning district for any of the uses set forth in subsection (A) of this section when they are temporary in nature. Issuance of a TUP does not relieve the permit holder of the additional responsibility of obtaining any other permit or approval.

A. *When allowed.* Temporary use permits may be allowed for the following temporary uses:

1. Batch plant;
2. Off-site parking and storage of earth moving or construction equipment;
3. Off-site contractor's equipment yard or warehouse incidental to the carrying on of public works projects or development projects;
4. Real estate sales office in conjunction with a development project;
5. RV for security purposes on the site of an active construction site for development projects during the construction period;
6. RV for on-site occupancy during the construction of a single-family residence under an active building permit;
7. Such other uses as the planning director deems appropriate.

B. *Standards.*

1. Is truly temporary in nature.
2. Does not involve the erection of a permanent structure or building.
3. Is in harmony with the general intent and purposes of this title.
4. Adequate parking shall be provided either on site or off site in a specified parking area, as approved by the county.
5. No permit shall be issued for a use where the location is deemed to be potentially hazardous to the public. This includes, but is not limited to, heavily congested and/or trafficked areas where the use may impede or inconvenience the public.
6. No use shall be permitted in a public right-of-way.
7. All requirements of the county health department and/or other regulatory health authorities shall be met. Provisions for disposal of solid waste shall be required for all uses.
8. A sign permit for temporary signs is not required; however, all signs shall comply with [chapter 2.145](#) PCDSC.
9. All lighting shall comply with [chapter 2.195](#) PCDSC.
10. Other appropriate requirements and standards can be attached to the temporary permit relating to, but not limited to:
  - a. Regulation of hours;
  - b. Required regulatory permits or licenses shall be obtained;
  - c. Cleanup after termination of the temporary use; and
  - d. Such other conditions deemed necessary to carry out the intent and purpose of this section.

C. *Procedure.*

1. The applicant shall consult with the planning department staff concerning the proposed use and potential

- requirements prior to submittal of the application.
2. Application for a TUP on the applicable form provided by the county together with the required information, documentation and nonrefundable filing fee (PCDSC 2.160.050) shall be made to the planning director by:
    - a. Property owner or the property owner's authorized agent;
    - b. Tenant or lessee with the written, notarized consent of the property owner; or
    - c. Promoter of a temporary use with the written, notarized consent of the property owner.
  3. The application packet shall include the following:
    - a. An explanation of the exact use proposed and the reasons for the request;
    - b. Proof of ownership;
    - c. Legal description and address of the subject property;
    - d. A letter of authorization for an agent, if applicable;
    - e. Map of the area and a list of the adjacent property uses;
    - f. Sufficient information on sewage disposal for environmental health to determine whether the provisions are adequate;
    - g. Information on traffic flow and parking;
    - h. Individual site plan as required in chapter 2.200 PCDSC; and
    - i. A notarized affidavit by the applicant stating all financial or other obligations resulting from approval or conditional approval of a TUP are the responsibility of the applicant. Posting of a bond may be required for estimated financial obligations.
  4. The overall time frame for processing the TUP shall be 25 business days, consisting of the administrative completeness review time frame of five business days and the substantive review time frame of 20 business days. There are events that may occur which will trigger the suspension of these time frames.
  5. Each county department reviewing the application must determine if the application is administratively complete by determining if the application complies with the application submittal requirements of the subject department.
  6. Each reviewing county department must issue a written or electronic notice of administrative completeness or deficiencies. If a reviewing county department determines the application is not administratively complete, it shall include a comprehensive list of the specific deficiencies in the written or electronic notice of administrative deficiencies. The planning and development department shall be responsible for compiling the notices of administrative completeness or deficiencies and transmitting them together to the applicant.
  7. If the notice(s) of deficiencies is/are not issued within the administrative completeness review time frame, the application is deemed administratively complete, and the county shall proceed with its substantive review of the application.
  8. If the notice(s) of deficiencies is/are issued during the administrative completeness review time frame, the application is not complete until all requested information has been received by the planning and development department, and the administrative completeness review time and overall time frame shall stop on the date the notice(s) is/are issued and the time will continue to run again on the date the planning and development department receives all the missing information from the applicant.
  9. Each county reviewing department may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submittal of missing information.
  10. Upon the determination by all reviewing county departments that the application is administratively

complete, the processing of the application shall proceed. The planning and development department shall review the application and distribute the application for substantive review to the applicable county departments.

11. During the substantive review time frame, each county reviewing department may make one comprehensive written or electronic request for additional information. The county and applicant may mutually agree in writing or electronically to allow the county to submit supplemental requests for additional information. On the date a reviewing county department issues a comprehensive written or electronic request or a supplemental request by mutual written or election agreement for additional information, the substantive review time frame and the overall time frame shall stop running until the date the planning and development department receives the additional information from the applicant.
12. By mutual written or electronic time frame, the county and the applicant may extend the substantive review time frame and overall time frame by not more than 25 percent of the overall time frame.
13. Upon receipt of comments from the county reviewing departments or no later than 20 business days, the planning director will determine whether to approve or deny the application.
14. The planning director may impose any conditions needed to safeguard the public health, safety, and general welfare.
15. The planning director shall issue a written or electronic notice granting or denying the application. If the application is denied, the written or electronic notice shall contain justification for the denial with references to the statutes, ordinances, regulations or substantive policy statements on which the denial is based.
16. If the written or electronic notice granting or denying the application is not issued within the overall time frame or within the mutually agreed upon time frame extension, the county shall refund to the applicant all fees charged for reviewing and acting on the application within 30 working days after the expiration of the overall time frame or the time frame extension from the fund in which the application fees were originally deposited.
17. A TUP is issued to the applicant and does not attach to the subject property. It is not transferable and terminates automatically on the date specified in the TUP or at such time it is found any other specified condition has not been met or at such time the applicant or consenting property owner changes.
18. A TUP is not a substitute for a compliance review, building permit and/or installation permit that may be required.
19. A TUP may be issued for a period of time not exceeding one year; however, an extension may be granted upon showing a delay was caused beyond the applicant's control.

(Ord. No. 011812-ZO-PZ-C-007-10, § 12; Ord. No. 012010-SEQ, § 3; Ord. No. 61862, § 2329. Formerly § 2.150.320)

#### 2.151.040. - Special event permit.

The commission and the supervisors find that there is a need in Pinal County for the issuance of a special event permit.

A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fireworks exhibition* means an organized event open to the public where pyrotechnics are exploded.

*Large special event* means an event expected to draw 1,000 people or more as participants or exceeds four days in a calendar year and is not exempt from this section in accordance with subsection (B) of this section.



*Participants* include, but are not limited to, vendors, attendees, event workers, entertainers, and spectators.

*Small special event* means a special event that does not meet the large special event criteria and is not exempt from this section in accordance with subsection (B) of this section.

*Special event* means any temporary event or activity to which the public is invited, whether held on public or private property, with or without an admittance fee, and meets any of the following criteria:

1. Differs from the normal usual purpose, or approved use, of the property where the activity is held, and requires approval of two or more county departments by permits or inspections; or
2. Requires approval of three or more county departments by permits or inspections.

(Special event examples may include, but are not limited to, a concert, fireworks exhibition, parade, race, rodeo, and tent revival meeting.)

*Special event committee* means a committee consisting of representative(s) from county departments that include, but are not limited to, public works, planning and development, air quality control, environmental health, sheriff's office, risk management, public health, emergency management, parks, recreation and fairgrounds, and building safety. Outside agencies may include, but are not limited to, Arizona Department of Transportation, Department of Public Safety, railroads, utility companies, police and fire departments in the surrounding area of the event.

*Special event contingency plan* means a document that furnishes information, proof, or supporting documentation, of assigned responsibilities, actions, and procedures to be followed if an emergency situation develops.

*Special event coordinator* means a county staff member that will be the point of contact between applicants and the county departments.

*Special event permit* means a permit required by this section.

*B. Special event permit provisions and exemptions.*

1. Seasonal or specialty sales lots including, but not limited to, Christmas tree and pumpkin sales are subject to the small special event permit process but are limited to no more than 45 days of site occupation per year per event.
2. No person shall conduct a special event within the county in any structure or area where conducting such special event is prohibited by fire or building code regulations.
3. The following shall not be considered a special event and are exempt from the requirements of this section:
  - a. Weddings of the property owner or family and friends;
  - b. Funerals;
  - c. Elections;
  - d. Private yard sales on residential lots;
  - e. Car washes for the sole purpose of fundraising;
  - f. An activity that does not require county services to a degree above what the county routinely provides and that is not otherwise defined as a large special event under this section;
  - g. Any event in which the general law of the state or federal government precludes the county from requiring a special event permit for the event;
  - h. Any event for school purposes that is conducted solely on property owned or leased by a school, to include a school district or a college;

- i. Commercial agricultural: trade shows, demonstrations, yield trials, and exhibits held on private property and otherwise defined as large special events under this section;
  - j. Any special event approved by the supervisors for sponsorship by the county; and
  - k. Any event held at the county fairgrounds or county parks.
4. Any special event listed in subsection (B)(3) of this section is solely exempt from the special event permit process and may be required to obtain additional permits from the county. Examples of additional permits may include, but are not limited to, building safety for structures, portable toilets, and/or electrical issues, environmental health for food, public works for right-of-way (encroachment), air quality for dust control, public health for emergency concerns, risk management for insurance, and sheriff's office for traffic and/or security.

C. *General application requirements.*

1. Every application for a special event permit shall be completed and submitted on forms furnished by planning and development.
2. Applications will be filed with planning and development following the time frames indicated in subsections (F)(1) and (G)(1) of this section.
3. All special event permit applications shall include the following documentation:
  - a. Completed application form;
  - b. A site plan or map of the event area showing a layout of:
    - i. Event functions;
    - ii. Paved and unpaved parking areas allowing ten-foot by 20-foot dimensioned parking stalls for vehicles;
    - iii. Access; and
    - iv. Location of all signage in accordance with chapter 2.145 PCDSC;
  - c. A security plan, along with any specific requested information deemed necessary by the special event committee;
  - d. A dust control plan, at a minimum, describing dust mitigation measures for all ingress, egress, and parking areas;
  - e. A list of all participating vendors and a menu or list of all food for each vendor;
  - f. Events with 500 or more attendees are required to submit a special event contingency plan to include 24-hour contact information for at least two representatives of the event;
  - g. If the applicant requests to provide full hook up overnight accommodations for recreational vehicles and campers, applicant shall include a written proposal adequately justifying reasons for such accommodations and describing a waste disposal plan. If the special event permit allows overnight accommodations for recreational vehicles and campers, applicant shall provide and pay for waste disposal;
  - h. Any additional information which the special event committee finds reasonably necessary to adequately describe or clarify the event or its impact on the county and county services in order to make a fair determination as to whether a special event permit can be issued;
  - i. The special event committee may waive the requirement to provide any information when, in its opinion, the information is not applicable; and
  - j. Special events to be conducted on private property shall obtain authorization from the property owner for the use of the property for such purpose. Applicant shall be required to show proof of the property

owner's consent to use private property.

4. There shall be an application fee in accordance with the Pinal County planning and development fee schedule. Depending on the event, the applicant may be subject to additional fees by other county departments involved in reviewing the special event permit that may include, but not be limited to, the public works, air quality control, environmental health, sheriff, risk management, public health, emergency management, and building safety departments.
5. The special event permit may be one of several permits and/or licenses an event applicant may need to obtain. The information on the application and information packet will assist the special event committee to advise the applicant of other necessary permits, licenses, and approvals needed. It is the applicant's responsibility to obtain all required permits, make arrangements for all licenses, inspections, and approvals prior to the issuance of the special event permit and the date of the special event.
6. If the special event will include sale or service of alcohol, a special event liquor license from the State of Arizona is required and all statutes regarding the serving, sale, and consumption of alcohol must be followed.
7. If the special event will include the sale of food, all applicable laws and regulations shall be complied with.
8. If you are using a public roadway, a right-of-way use permit or road closure permit may be required.

D. *Administration.*

1. Special event permit applications shall be submitted to the one stop shop.
2. Applications requiring a special event permit shall be routed to the special event coordinator.
3. The special event coordinator shall present the application to the special event permit committee for review.
4. The special event committee will review the applications and recommend approval or denial of the special event permit to the appropriate approving authority listed below.
5. The planning director shall review small special event applications for approval or denial according to the criteria set forth in subsection (F) of this section.
6. The supervisors shall review large special event applications for approval or denial according to the criteria set forth in subsection (G) of this section.

E. *Special event committee.*

1. The special event committee is involved in providing services or coordination of the process for the successful execution of a special event.
2. The special event committee shall coordinate with county departments and other governmental or private entities with regard to special events.
3. The county will designate a special event coordinator who is responsible for:
  - a. Maintaining special event committee records;
  - b. Arranging meeting times and places for the committee;
  - c. Coordinating the application process with the applicant;
  - d. Monitoring compliance with the requirements and conditions of the special event permit; and
  - e. Submitting all applications with the applicable supporting documentation for:
    - i. Small special event permit review to the planning director; and
    - ii. Large special event permit review to the supervisors.
4. The committee will inform the applicant of all additional permits that will be required to obtain a special event permit.

5. The committee will provide the approving authority with a recommendation of approval or denial.

F. *Small special event permit process.*

1. Applications are to be submitted at least 60 days prior to the proposed special event date. If the application is submitted less than 60 days prior to the proposed special event date, this will result in a late fee being charged. No applications will be accepted less than one week prior to the special event date.
2. The planning director shall approve or deny a small special event permit within 15 days from the date the special event committee makes a recommendation.
3. The applicant may file an appeal to the board of supervisors within 15 days of the planning director's decision of denial.

G. *Large special event permit process.*

1. Applications are to be submitted at least 120 days prior to the proposed special event date. If the application is submitted less than 120 days prior to the proposed special event date, this will result in a late fee being charged. No applications will be accepted less than four weeks prior to the special event date.
2. The application shall be placed on the supervisors' agenda for approval or denial of the large special event permit. This public meeting will provide an opportunity for public input on the application.
3. Any minor alterations or modifications as determined by the planning director may be authorized by the planning director if they are consistent with the purpose and intent of the submitted special event permit application and this section.

H. *Special event permit.*

1. The issuance of a special event permit is not deemed evidence or proof that the applicant has complied with the provisions of any other county ordinances, policies, or regulations.
2. The special event permit is nontransferable and valid only for the dates, times, and locations on the permit.
3. All special events that require a special event permit shall, as a condition of the special event permit, comply with the requirements of this section and all other applicable ordinances, policies, or regulations of the county and all applicable federal and state laws.
4. Issuance of permit.
  - a. The planning director or the supervisors shall issue a special event permit as provided for herein when, from consideration of the application and from such other information as may otherwise be obtained, the county finds that the event has received approval signatures described in subsection (D) of this section, administration;
  - b. Upon the issuance of a special event permit, the special event coordinator shall send an electronic copy of the permit to the participating department directors and appropriate county staff;
  - c. Each special event permit shall state the following information:
    - i. Name of applicant;
    - ii. Valid permit date(s);
    - iii. Location of event;
    - iv. Hours of operation;
    - v. Time frame in which the event area must be returned to pre-event condition. This time frame shall not exceed 48 hours after the last day of the event unless the time frame extension has been approved by the special event permit approving authority;

- vi. Special conditions or provisions with which the applicant is to comply, if applicable; and
  - vii. Any such information the county finds relevant for the enforcement of this section.
5. Events which last 14 days or more within one calendar year, will result in permanent improvements to the site, or are determined by the planning director to be beyond the scope of a special event shall require a special use permit or a rezone and will not be considered a special event.
- I. *Other certificates or permits required.*
1. Obtaining any license, permit, certificate, or examination required by federal, state, county or local law shall be the sole responsibility of the applicant.
  2. The issuance of a special event permit shall not be evidence that the county knew, or should have known, that another license, permit, certificate, or examination was required or was otherwise improperly issued.
- J. *Special provisions related to fireworks exhibitions.*
1. The applicant or operator of a fireworks exhibition, and its employees, agents, and/or subcontractors, shall strictly comply with all applicable federal, state, county, and local laws, rules, regulations, and ordinances in conducting any fireworks exhibition.
  2. The planning and development department will process special event permit applications for fireworks exhibitions in accordance with the large special event process. However, applications need to be submitted only 30 days prior to the event.
  3. In addition to the special event permit application, an applicant shall be required to submit a completed application for fireworks exhibitions to the clerk of the board.
  4. An applicant shall be required to post a bond in accordance with A.R.S. § 36-1604.
  5. A pyrotechnic company, fire department/fire district, or any other sponsoring entity that is responsible for the fireworks display shall provide a certificate or certificates of insurance in an amount to be determined by the county.
- K. *Denial.*
1. Small special event applications can be modified or denied by the planning director for any of the following causes:
    - a. Fraud, misrepresentation, or false statement contained in the special event application or scope of event;
    - b. Any violation of this section, failure to meet any licensing requirement, including, but not limited to, timely payment of fees;
    - c. A special event permit application for the same time and location has been received and will be granted or a special event permit for the same time and location has already been granted;
    - d. The applicant has previously violated the provisions of this section or the conditions of a permit previously issued pursuant to the provisions of this section;
    - e. The applicant has previously damaged county property and not paid in full for such damages; or
    - f. Recommendation of denial by the special event committee.
  2. Large special event applications can be modified or denied by the supervisors for any, but not limited to, the following causes:
    - a. Fraud, misrepresentation, or false statement contained in the special event application or scope of event;
    - b. Any violation of this section, failure to meet any licensing requirement, including, but not limited to, timely payment of fees;

- c. A special event permit application for the same time and location has been received and will be granted or a permit for the same time and location has already been granted;
  - d. There is history of problems relating to the event in the past or the applicant has not properly managed prior events;
  - e. The applicant has previously violated the provisions of this section or the conditions of a permit previously issued pursuant to the provisions of this section;
  - f. The applicant has previously damaged county property and not paid in full for such damages; or
  - g. Recommendation of denial by the special event committee.
3. For small special event applications, the planning director shall promptly notify the applicant that the application has been denied. The communication with the applicant shall specify the grounds or reasons for the denial.

L. *Right of entry; display.*

1. The appropriate licenses and permits shall be displayed at the location where the participants conduct their activities. Applicants or vendors not in possession of the appropriate licenses and permits will not be allowed to participate in the special event.
2. Zoning inspectors, law enforcement officers, fire department/district personnel, the designated special event coordinator and any other county personnel on official business shall have the power to enter, free of charge, during the special event and to request the exhibition of the special event permit and any other required permits from any person conducting the special event.

M. *Violation of section.*

1. The issuance of a special event permit does not justify the violation of any other county ordinance, policy or regulation. The applicant will be responsible for ensuring their special event complies with all county ordinances, policies or regulations.
2. This section shall be enforced in accordance with chapter 2.160 PCDSC.
3. The following shall apply to all special events:
  - a. It shall be a violation for any person to host or produce a special event without a permit;
  - b. It shall be a violation for any person in charge of, or responsible for the conduct of, a duly permitted special event to fail to comply with any condition of the special event permit or this section; and
  - c. No special event shall intentionally interfere with the movement of police, firefighting or emergency medical equipment en route to a public safety call.

(Ord. No. 011812-ZO-PZ-C-007-10, § 12; Ord. No. 012010-SEQ, § 3; Ord. No. 61862, § 2329a. Formerly § 2.150.325)

## CHAPTER 2.155. - BOARD OF ADJUSTMENT, VARIANCES AND APPEALS

### ARTICLE I. - GENERALLY

#### 2.155.010. - Creation and appointment.

There is hereby created, as provided by law, a board of adjustment of Pinal County. The board shall be composed of five members, each of whom shall be a resident and taxpayer of the unincorporated area of the county. At least one member of the board shall be selected from each supervisory district. The members of such board shall be appointed for terms of four years

each.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13; Ord. No. 61862, § 2401. Formerly § 2.155.020)

2.155.020. - Procedure.

The board shall meet as often as the chairman or a majority of the board deems necessary for the transaction of business. The board shall elect its own officers and establish its own rules. Any finding, ruling or decision of said board relating to the administration of the zoning ordinance shall be an order at either a regular or special meeting of said board, and shall be fully reported in the minutes of the board.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13; Ord. No. 61862, § 2402. Formerly § 2.155.030)

2.155.030. - Powers.

The jurisdiction of the board shall be throughout the unincorporated portions of the county that are under the county's jurisdiction. The board may:

- A. Interpret this title when the meaning of any word, phrase, or section is in doubt, when there is dispute as to such meaning between the appellant and the enforcing officer, or when the location of a zoning district boundary is in doubt.
- B. Allow a reduction of building site area and yard requirements where, in its judgment, the shape of the building site, topography, the location of the existing buildings or other unusual circumstances attaching to the property make a strict compliance with said regulations impossible without practical difficulty or unnecessary hardship; but, in no case, except as hereinafter provided, shall these regulations be reduced in such manner as to violate the intention and purpose of this title.
- C. Allow the construction of commercial buildings with sidewalks, arcades or similar architectural features where such construction requires a variance of front yard regulations and is in conformity with a general architectural plan applicable to the entire frontage of a block or where such construction would permit the widening of the adjacent street or thoroughfare.
- D. Authorize a reduction of the off-street parking and loading requirements of chapter 2.140 PCDCS, if it should find that in the particular case the peculiar nature of the building or premises, or the exceptional situation or condition, would mitigate the need for the parking spaces specified.
- E. Authorize variances from the strict application of the provisions of this title in cases when owing to peculiar conditions a strict application of such provisions would result in the serious impairment of substantial property rights, provided the long-term interests of the community are given full consideration and the general intent and purposes of this title will be preserved. The applicant at the hearing shall present a statement and adequate evidence in such form as the board shall require satisfying, as a minimum, the requirements set forth in PCDCS 2.155.040(C)(4).

It is not intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between private parties, but where the zoning provisions of this title are more restrictive than any existing private restrictive covenant affecting any portion of the unincorporated area of said county, said zoning provisions shall prevail over said private covenant.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13; Ord. No. 61862, § 2403. Formerly § 2.155.040)

## ARTICLE II. - PROCEDURES BEFORE THE BOARD OF ADJUSTMENT

### 2.155.040. - Variance.

An owner of real property located within the unincorporated area of the county may request a variance when, due to unusual circumstances attached to the person's property, an unnecessary hardship is being inflicted on the person.

#### A. *Application for variance.*

1. An individual variance may be requested by the owner of real property or the property owner's authorized agent by submitting an application requesting a variance on a form provided by the planning and development department together with the applicable filing fee in accordance with the fee schedule adopted under the authority of PCDCSC 2.160.050.
2. The application shall include information to facilitate the board's understanding of the variance request, including but not limited to the following:
  - a. The proposed use of the property.
  - b. Legal description of the property.
  - c. Proof of ownership for all ownership interests in the subject property.
  - d. If there is an agent, a signed, notarized authorization for the agent by the property owner.
  - e. Site plan, in accordance with chapter 2.200 PCDCSC.
  - f. Floor plan detail when the request pertains to interior access or use.
  - g. Evidence satisfactory to the board of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within nine months after the granting of the variance.
  - h. An accurate list showing the names and addresses of all persons, firms or corporations appearing of public record as owning property within the area proposed to be affected and within 600 feet of any part of the property for which a variance is requested. The list must be made within the 30 days preceding the filing of the application and be certified as to completeness by the applicant or some person otherwise qualified by knowledge of the public records. The list shall be furnished by applicant at applicant's own expense. The zoning inspector shall satisfy himself/herself of the completeness of the list before accepting it for filing. The list may be rejected for insufficiency.
  - i. Any other information deemed necessary by the planning and development staff or board.

#### B. *Staff review.* The planning and development department shall prepare a written staff report prior to the hearing that contains at a minimum the following:

1. Analysis of the impact of the requested variance on the property and surrounding properties.
2. Comments and proposed conditions from applicable county departments and other public agencies.
3. A recommendation concerning the request.

#### C. *Public hearing.*

1. Upon receipt, in proper form, of the application and after proper notice has been given as required by this section, the board shall proceed to hold a public hearing upon the application not more than 60 days after filing of a complete application, at which all persons whose property is directly affected and the general public shall be given an opportunity to be heard.
2. Not less than 15 calendar days before the date of the public hearing, notice shall be given by:



- a. Publication once in a newspaper of general circulation in the area of the property that is the subject of the variance. If there is no newspaper of general circulation in said area, then in a newspaper of general circulation in the area.
  - b. Postings on and in the vicinity of the property that is the subject of the variance application in locations where the notices will be visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain the posting once erected.
  - c. Notice by first class mail to the applicant and to all real property owners, as shown on the last assessment of the property, within 600 feet of the subject property.
  - d. Notice shall state the date, time and place of the hearing, reasonably identify the parcel of land that is the subject of the variance application, give a brief description of the request and state that anyone residing on or owning adjacent property and wanting to comment on the request may appear at the public hearing and/or provide comment in writing to be received by the planning and development department before the date of the public hearing.
3. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the board for which the notice was given.
  4. At the public hearing on a variance application, the applicant shall present a statement and adequate evidence in such form as the board may require for the purpose of showing:
    - a. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district.
    - b. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
    - c. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
    - d. That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed and are not a matter of mere inconvenience or personal preference.
    - e. That the variance will not allow a use that is not permitted in the zoning district where the property is located.

D. *Board action.*

1. The board may:
  - a. Require additional information be provided by applicant.
  - b. Continue the public hearing to a definite date and time not to exceed three months.
  - c. Request applicant modify the application, including the plans and specifications submitted by applicant.
  - d. Approve the request. To approve a variance request, the board shall make findings on subsection (C)(4) of this section.
  - e. Deny the request.
2. In the event the board denies an application for a variance, no permit shall be issued pending further action thereon by an appeal to the superior court within 30 days from the date said disapproval is officially entered on the minutes of the board. If said court shall overrule the action of the board, then the zoning inspector shall issue the requested permit without further action by the board, unless the court orders the board to hold further hearings to permit the board to fix conditions or require guarantees.

3. In approving any variance, the board may designate such conditions in connection therewith as will, in its opinion substantially the objectives of the regulation or provision to which such variance is granted, to provide adequate maintenance of the integrity and character of the zone in which such permit is granted, and shall provide the zoning ordinance with a copy of the same.
  4. Where necessary, the board may require guarantees, in such form as it may deem proper under the circumstances, to insure that the conditions designated in connection therewith are being or will be complied with.
  5. The board's decision shall be made in writing and transmitted to the applicant and the planning director.
- E. *Violation of conditions.* When any condition of a variance is violated, the variance shall become null and void.
- F. *Time limits.*
1. Applications for necessary permits for use of the property and construction shall be made within nine months of the granting of a variance.
  2. Failure to apply for necessary permits within the time limit shall render the variance null and void.
  3. Without a public hearing, the board may consider a request for a single three-month time extension upon applicant submitting a written request, including the reason for such request, to the county planning and development department.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13; Ord. No. 61862, §§ 2501—2508. Formerly §§ 2.155.050—2.155.120)

2.155.050. - Blanket variance.

- A. *Limited scope.* Upon the request of the planning director, the board may grant a blanket variance for a specified area of land where nonconformance in lot sizes or development standards was created by the county's approval of the zoning district covering the subject area.
- B. *Public hearing.*
1. The board shall consider the variance request at a public hearing at which all interested persons may be heard.
  2. The planning and development department shall present information showing how the nonconformance occurred and why the strict application of the regulations would work an unnecessary hardship on property owners within the subject area.
  3. Not less than 15 calendar days prior to a public hearing, notice shall be given by:
    - a. Publication once in a newspaper of general circulation in the area which is the subject of the variance request. If there is no newspaper of general circulation in said area, then in a newspaper of general circulation in the county seat.
    - b. Postings within the area which is the subject of the variance request in locations along the area boundary so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain the postings once erected.
    - c. First class mail to the real property owners, as shown on the last assessment of the property, within the subject area and to all real property owners, as shown on the last assessment of the property, within 600 feet of the subject area.
    - d. Notice shall state the date, time, and place of the hearing, reasonably identify the parcels of land that are the subject of the application, give a brief description of the action requested and state that anyone residing within the subject area or owning an adjacent property and wanting to comment on the variance request may

appear at the public hearing or provide comment in writing to be received by the planning director before the date of the public hearing.

4. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the board for which the notice was given.

C. *Board action.*

1. The board may require additional information be provided.
2. The board may continue the public hearing to a definite date and time not to exceed three months.
3. The board may deny the request.
4. The board may approve the request. To approve a blanket variance, the board shall make findings as to whether:
  - a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.
  - b. The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.
  - c. The strict application of the regulations would work an unnecessary nonfinancial hardship.
  - d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.
  - e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
  - f. The variance does not allow a use that is not permitted in the zone district where the property is located.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13)

2.155.060. - Appeals on interpretations.

- A. *Appeals.* Appeals may be taken to the board by any person who feels there is error or doubt in the interpretation of this title.
- B. *Filing.* The application for appeal must be filed within 30 calendar days from the date the interpretation is made.
- C. *Application.*
  1. An appeal may be made by submitting an application in a format approved by the planning and development department together with the applicable fee in accordance with the fee schedule adopted under the authority of PCDCS 2.160.050.
  2. The application shall include:
    - a. The specific words, phrases, terms, sections or provisions requiring interpretation.
    - b. The disputed interpretation.
    - c. A statement of the interpretation proposed by the appellant.
    - d. A statement of supporting authority, if any, for the position of the appellant.
    - e. Any other information deemed necessary by the planning and development staff or board.
  3. Incomplete applications shall not be processed.
- D. *Staff review.*
  1. The planning director shall prepare a written response to the appeal application.

2. Before the date of the public hearing, the response shall be submitted to the board and mailed to the appellant.
3. No further written statements by either the appellant or planning director shall be submitted to the board before the public hearing.

E. *Public notice.* Not less than 15 calendar days before the public hearing, notice shall be given by:

1. Publication once in a newspaper of general circulation in the county seat.
2. Mailing notice by first class mail to the appellant.

F. *Public hearing.*

1. The board shall hold a public hearing on the appeal, at which all interested persons may be heard.
2. The board may require that additional information be provided.

G. *Board action.*

1. The board may act on the matter following the public hearing or continue the matter to a definite date and time not to exceed three months.
2. The board's decision shall be made in writing and transmitted to the appellant and the planning director.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13)

#### 2.155.070 - Appeal to superior court.

Any person aggrieved in any manner by an action of the board may within 30 calendar days appeal to the superior court, and the matter shall be heard de novo.

(Ord. No. 011812-ZO-PZ-C-007-10, § 13)

#### CHAPTER 2.160. - ENFORCEMENT

##### 2.160.010. - Zoning inspector.

For the purpose of the enforcement of this title, there is hereby created the position of county zoning inspector and such deputy zoning inspectors as may be required, who shall be appointed by the board of supervisors and shall have the same status as any other employee of the county.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2701)

##### 2.160.020. - Zoning clearance and permits.

- A. It shall be the duty of the county zoning inspector, and all county departments, officials and public employees vested with the duty or authority to issue zoning clearance, permits or licenses, to enforce the provisions of this title and issue no such zoning clearance, license or permit for uses, buildings or purposes where the same would be in conflict with the regulations/provisions of this title and any such zoning clearance, license or permit, if issued in conflict with the provisions of this title, shall be null and void.
- B. From and after the effective date of the ordinance codified in this title, it shall be unlawful to erect, construct, reconstruct, alter or use any building or structure within any portion of the unincorporated area of the county covered by this title without first obtaining a zoning clearance and/or building permit. If a permit is not required, all other regulations/provisions of this title shall be observed.
- C. Obtaining a zoning clearance is part of the county's permitting process and is the first step of the application process

to obtain a building permit (including an installation permit). If a building or installation permit is not required, a zoning clearance is still required for the land use and all other regulations/provisions of this title shall be observed.

D. No building permit shall be required for repairs or improvements of a value not exceeding \$500.00.

E. It is unlawful to use any land within any portion of the unincorporated area of the county without obtaining a zoning clearance.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, §§ 2702, 2703)

#### 2.160.030. - Installation permits.

An installation permit for a manufactured home is considered a type of building permit and an installation permit is required to establish an individual manufactured home on a site with the exception of an unoccupied manufactured home used for display purposes on a manufactured home sales lot. References in this title to building permits include installation permits.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14)

#### 2.160.040. - Application for zoning clearance and permits.

A. The applicant for a zoning clearance and/or county permit dealing with land use shall provide the zoning inspector with sufficient information regarding the proposed construction and/or use for the interpretation and enforcement of the regulations/provisions of this title and for the guidance and assistance of the county officials, county departments, county employees and any other public agency in the discharge of their regularly prescribed duties. Required information shall include a site plan (for nonresidential developments see chapter 2.200 PCDS) and such other information as the zoning inspector may require for the purpose of determining whether said permit may be issued under the terms of this title.

B. The application requirements and any time limits for industrial use permits, special use permits, special density permits, temporary use permits and special event permits are addressed in other chapters of this title.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2704)

#### 2.160.050. - Fees.

A fee schedule may be adopted by the supervisors to cover expenses for issuance of permits to erect, construct, reconstruct, alter or change the use of any building or other structure within any portion of the unincorporated area of the county covered by this title, for any application or process required by this title, and for services provided under this title and for products, such as but not limited to, copies of this title, county manuals, policies and zoning maps. Such a fee schedule will be identified as the Pinal County planning and development services fee schedule. The supervisors may revise the fee schedule as needed to keep current with rising expenses for processing permits and applications required by this title and providing services and products. The adoption or revision of a fee schedule shall not effect any change in the title itself.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2705)

#### 2.160.060. - Compliance review.

As part of the zoning clearance and/or permit application process, the zoning inspector and applicable county departments shall review all land uses and improvements of real property to determine if the proposed land use and/or improvements will be in compliance with this title.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14)

2.160.070. - Incorrect or omitted information.

Incorrect information or statements or information omitted by applicant that might alter the conditions on any zoning clearance, permit, variance, or change that is being considered or that has been approved is sufficient basis for termination of any proceedings in progress or to declare an issued zoning clearance, issued permit or approved variance or change null and void.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14)

2.160.080. - Notice to assessor.

An electronic copy of an issued building permit shall be transmitted to the county assessor and the director of the Arizona Department of Revenue. The permit copy shall contain the permit number, the issue date and the parcel number for which the permit is used. Upon issuance of a certificate of occupancy or issuance of a certificate of completion or upon the expiration or cancellation of the permit, the county assessor and the Arizona Department of Revenue shall be notified in writing, which includes electronic format, of the permit number, parcel number, issue date and completion date or cancellation or expiration date.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2708)

2.160.090. - Validity of zoning clearance or county permit.

- A. The issuance or granting of a zoning clearance and/or building or use permit or approval of plans or specifications under the authority of this title shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this title or the amendments thereto, or of any other ordinance or law.
- B. It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation/provision of this title.
- C. It is unlawful to erect, construct, move, alter or change the use of any building or structure within any portion of the unincorporated area of the county if the permit issued for such use or activity has expired by limitation or been revoked or declared null and void.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2709)

2.160.100. - Enforcement by county officials.

It shall be the duty of the zoning inspector, sheriff of Pinal County and of all officers of said county otherwise charged with the enforcement of the law to enforce this title and all of the regulations/provisions of the same.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2711. Formerly 2.160.110)

2.160.110. - Legal procedure.

This title may be enforced by means of the following:

- A. By withholding a zoning clearance and/or building permit.
- B. By an administrative hearing process or a judicial process pursuant to A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.).
- C. The initiation of either criminal proceedings or civil proceedings.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14)

2.160.120. - Public nuisance.

It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of this title and any such violation constitutes a public nuisance.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2712)

2.160.130. - Criminal penalties.

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this title or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 2 misdemeanor pursuant to A.R.S. § 11-808. Each and every day during which the illegal activity, use or violation continues is a separate offense.

(Ord. No. 61862, § 2713)

2.160.140. - Civil penalties.

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this title shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this title shall be established by separate resolution of the board of supervisors, but shall not exceed \$750.00 for an individual, or \$10,000.00 for an enterprise. "Enterprise" shall be defined pursuant to A.R.S. § 13-105.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2714)

2.160.150. - Remedies.

An alleged violator who is served with notice of violation subject to a civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this chapter, the board of supervisors, the county attorney, the zoning inspector, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this title, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14; Ord. No. 61862, § 2715)

2.160.160. - Hearing officers.

As authorized by A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.), the positions of hearing officers are hereby established to hear and determine violations to this title.

(Ord. No. 011812-ZO-PZ-C-007-10, § 14)

CHAPTER 2.165. - ZONING REGULATIONS AMENDMENTS

2.165.010. - Authority.

The supervisors may from time to time after receiving a report thereupon by the county planning and zoning commission and after public hearings as required by law, amend, supplement or change the zoning regulations.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

2.165.020. - Conformity with comprehensive plan.

All zoning regulations shall be consistent with and conform to the comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed zoning regulations amendment to the county's comprehensive plan, the zoning regulations amendment shall be construed in a manner that will further the implementation of and not be contrary to the goals, policies and applicable elements of the comprehensive plan.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

2.165.030. - Initiation of zoning regulations amendment.

- A. The commission on its own motion may propose an amendment to the zoning regulations and direct the planning and development department to research, study and prepare the amendment.
- B. The supervisors on their own motion may direct county staff to make a request that the commission on its own motion propose a zoning regulation amendment.
- C. A property owner or authorized agent of a property owner desiring a zoning regulations amendment may file an application for the amendment.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

2.165.040. - Application for zoning regulations amendment.

- A. *Contents.* The application shall include:
  - 1. The applicant's name, address and interest in the amendment;
  - 2. State the proposed amendment to the zoning regulations;
  - 3. State justifications or reasons for the amendment;
  - 4. State how the amendment will carry out the goals, objectives and policies of the comprehensive plan;
  - 5. State how the amendment will benefit and promote the public health, safety, convenience and general welfare;
  - 6. A filing fee in accordance with the fee schedule adopted under the authority of PCDCS 2.160.050.
- B. *Amendment to the comprehensive plan.* Any application for a zoning regulations amendment that also requires an amendment to the comprehensive plan shall not be approved until the necessary comprehensive plan amendment has been approved by the supervisors and the referendum period for the comprehensive plan amendment expired; or if a referendum petition is filed, when the comprehensive plan amendment is successfully defended against the referendum.
- C. *Restriction on application.* An application for a zoning regulations amendment shall not be accepted for processing if it was part of an application for a zoning regulations amendment that was denied by the supervisors within the previous six months.



- D. *Withdrawal of application.* After submittal and acceptance of a completed application, applicant, without any action by the commissioner or the supervisors, may withdraw the application up to the time the notice of the supervisors' public hearing on the application has been published. After the notice of the public hearing has been published, the applicant may make a request to the supervisors to withdraw the application. The supervisors, at their discretion, may grant the withdrawal request or hear the application.
- E. *Pre-application meeting.* Prior to filing an application, the property owner and/or property owner's authorized agent shall attend a pre-application meeting with the planning and development department and other appropriate county staff to familiarize staff with the proposed zoning regulations amendment and identify and discuss, if any, potential conflicts with the comprehensive plan, other adopted plans and/or relevant county ordinances and policies concerning land development issues and any other potential issues related to the proposal and to review the application requirements. The pre-application meeting shall not be interpreted as staff approval for the proposed zoning regulations amendment and does not commit the county to approving the proposed zoning regulations amendment.

(Ord. No. PZ-C-001-13, § 2; Ord. No. 011812-ZO-PZ-C-007-10, § 15)

2.165.050. - Commission public hearing and notice requirements.

- A. The commission shall hold at least one public hearing on the proposed zoning regulations amendment.
- B. Notice of the public hearing shall be given by one publication in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing. The following specific notice provisions also apply:
1. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed in subsection (B)(2) of this section:
    - a. A ten percent or more increase or decrease in the number of square feet or units that may be developed;
    - b. A ten percent or more increase or reduction in the allowable heights of buildings;
    - c. An increase or reduction in the allowable number of stories of buildings;
    - d. A ten percent or more increase or decrease in setback or open space requirements; or
    - e. An increase or reduction in permitted uses.
  2. In proceedings governed by subsection (B)(1) of this section, the county shall provide notice to real property owners pursuant to at least one of the following notification procedures:
    - a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes.
    - b. If the county issues utility bills or other mass mailings that periodically include notices or other information or advertising materials, the county shall include notice of such changes with such utility bills or other mailings.
    - c. The county shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the county. The changes shall be published in a display advertisement covering not less than one-eighth of a full page.
  3. If notice is provided pursuant to subsection (B)(2)(b) or (c) of this section, the county shall also send notice by first class mail to persons who register their names and addresses with the county as being interested in receiving such notice. The planning and development department may charge a fee not to exceed \$5.00 per year for providing this service and may adopt procedures to implement this subsection.
  4. Notwithstanding the notice requirements prescribed in subsection (B)(2) of this section, the failure of any person

or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the county for which the notice was given.

C. After holding a public hearing on the proposed zoning regulations amendment, the commission shall transmit the proposed zoning regulations amendment and the commission's recommendation to the board.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

#### 2.165.060. - Supervisors.

After the commission has held a public hearing and upon receipt of the commission's report and recommendation, the supervisors shall hold a public hearing on the proposed zoning regulations amendment after giving notice of the public hearing by one publication in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing. Upon completion of the public hearing, the supervisors may act upon the proposed zoning regulations amendment.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

#### 2.165.070. - Notice of grant or denial.

The county shall issue a written or electronic notice granting or denying approval to the applicant. If the county denies the application, the written or electronic notice shall contain justification for the denial with references to the statutes, ordinances, regulations or substantive policy statements on which the denial is based.

(Ord. No. 011812-ZO-PZ-C-007-10, § 15)

### CHAPTER 2.166. - REZONINGS

#### 2.166.010. - Authority.

The supervisors may from time to time after receiving a report thereupon by the county planning and zoning commission and after public hearings as required by law, change zoning district boundaries set forth herein or subsequently established.

(Ord. No. 011812-ZO-PZ-C-007-10, § 16)

#### 2.166.020. - Conformity with comprehensive plan.

All rezonings shall be consistent with and conform to the comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed rezoning ordinance to the county's comprehensive plan, the rezoning ordinance shall be construed in a manner that will further the implementation of and not be contrary to the goals, policies and applicable elements of the comprehensive plan. A rezoning ordinance conforms with the comprehensive plan if it proposes land uses, densities or intensities with the range of identified uses, densities and intensities of the comprehensive plan.

(Ord. No. 011812-ZO-PZ-C-007-10, § 16)

#### 2.166.030. - Initiation of rezoning.

Rezonings may be initiated by the commission on its own motion or by a property owner or authorized agent of a property owner desiring a rezoning filing an application for the rezoning.

2.166.040. - Application for rezoning.

- A. *Dates.* Applications filed on or after February 18, 2012. Applications for rezonings filed on or after February 18, 2012, must be to a zoning district classification listed in PCDSC 2.15.040, zoning districts on and after February 18, 2012, and must follow the procedures set forth in this chapter.
- B. *Amendment to the comprehensive plan.* Any application for rezoning requiring an amendment to the comprehensive plan shall not be approved until the necessary comprehensive plan amendment has been approved by the supervisors and the referendum period for the comprehensive plan amendment expired; or if a referendum petition is filed, when the comprehensive plan amendment is successfully defended against the referendum.
- C. *Restriction on application.* A rezoning application shall not be accepted for processing on any property that was part of a rezoning application denied by the supervisors within the previous six months.
- D. *Withdrawal of application.* After submittal and acceptance of a completed application, applicant, without any action by the supervisors, may withdraw the rezoning application up to the time the notice of the supervisors' public hearing on the rezoning application has been published. After the notice of the public hearing has been published, the applicant may make a request to the supervisors to withdraw the rezoning application. The supervisors, at their discretion, may grant the withdrawal request or hear the rezoning application.
- E. *Pre-application meeting.* Prior to filing an application, the property owner and/or property owner's authorized agent shall attend a pre-application meeting with the planning and development department and other appropriate county staff to familiarize staff with the proposed rezoning and identify and discuss any issues related to the proposal and to review the application requirements. The pre-application meeting shall not be interpreted as staff approval for the proposed rezoning and does not commit the county to approving the proposed rezoning.

2.166.050. - Application process.

- A. *Pre-application submittal.*
  - 1. The application shall include those forms, maps, plans and other documents prescribed by the planning director as necessary to:
    - a. Identify the applicant(s).
    - b. Identify the property of the proposed rezoning.
    - c. Identify all owners of the property of the proposed rezoning and their authorized agents.
    - d. Describe the nature of the request.
    - e. State justifications or reasons for the request.
    - f. Show compliance with the comprehensive plan.
    - g. Show whether the property that is the subject of the rezoning application is adjacent to a projected regionally significant route (RSR) as identified on the corridor preservation map (figure 9) in the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008. If adjacent to a projected RSR, show how applicant will comply with the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, and the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.
  - 2. The application shall be accompanied by:

- a. A preliminary site plan according to the map requirements and support data prescribed by the planning and dev department.
- b. A nonrefundable filing fee in accordance with the fee schedule adopted under the authority of PCDSC 2.160.050.

B. *Application submittal.*

1. The application shall include those forms, maps, plans and other documents prescribed by the planning director as necessary to:
  - a. Identify the applicant(s).
  - b. Identify the property of the proposed rezoning.
  - c. Identify all owners of the property of the proposed rezoning and their authorized agents.
  - d. Describe the nature of the request.
  - e. State justifications or reasons for the request.
  - f. Show compliance with the comprehensive plan.
  - g. Show whether the property that is the subject of the rezoning application is adjacent to a projected regionally significant route (RSR) as identified on the corridor preservation map (figure 9) in the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008. If adjacent to a projected RSR, show how applicant will comply with the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, and the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.
2. The application shall be accompanied by:
  - a. A preliminary site plan according to the map requirements and support data prescribed by the planning and development department.
  - b. All information deemed necessary by the planning and development department.
  - c. A nonrefundable filing fee in accordance with the fee schedule adopted under the authority of PCDSC 2.160.050.
  - d. A legal description for each zoning district requested in the rezoning application.
3. The application shall be accompanied by the following information about water supply and demand:
  - a. Identify the water service provider.
  - b. Provide an estimated range of water demand and include an explanation of the method used to obtain the estimate.
  - c. Provide information about water supply and source, including renewable and nongroundwater supplies.
4. If a portion of the water supply for the proposed project is groundwater, the application shall be accompanied by the following information that is publicly available from the Arizona Department of Water Resources (ADWR) and/or Arizona Geological Survey, or otherwise available to the land owner:
  - a. Depth to bedrock.
  - b. Depth to groundwater.
  - c. Known fissures or land subsidence in the area.
  - d. Known wells in the area, available information on status and water levels.
  - e. Summary of data-gathering efforts and sources of information.

Please note: Approval of a rezoning is not an approval of water adequacy or water quality. The applicant's ability to develop land included in a rezoning rests upon a demonstration to the ADWR that there is sufficient water to serve the proposed development at the time of final platting.

5. The application must be complete and signed by all owners of the land proposed to be rezoned or by their authorized agents. An application signed by a property owner's authorized agent requires documentation in a format required by the county of the agent's authorization to sign on behalf of the owner and/or to agree to conditions on behalf of the owner.
  6. A property owner may propose a schedule for development for the requested rezoning.
- C. *Review for submittal compliance.* The planning and development department staff shall review the application and determine whether the application complies with submittal requirements. An incomplete application will not be processed. If the application does not comply with submittal requirements, the planning and development department staff shall notify the applicant of the submittal deficiencies and provide the applicant the opportunity to revise or correct the application deficiencies. If the applicant does not remedy the deficiencies within 90 calendar days from the date the planning and development staff notifies the applicant of the deficiencies, the file shall be closed and reapplication will require a new application and fee. If the application complies with all submittal requirements, the planning and development department staff shall accept the application as complete and notify the applicant of its acceptance for processing.
- D. *Staff review of application.* Upon acceptance of a completed application, the planning and development department shall review the application and distribute the application for review to the applicable county departments and cities, towns and other public entities contiguous to the property where the rezoning is proposed. The county case planner shall determine compliance with all applicable plans, regulations and standards, and identify any significant concerns and prepare and submit a report on the rezoning application to the commission prior to the commission's public hearing on the rezoning application. The report will at a minimum:
1. Discuss and determine the extent to which the proposed rezoning is consistent with and conforms to the comprehensive plan and applicable adopted land use plans.
  2. Provide a site analysis.
  3. Summarize information obtained during review of the application.
  4. Include the comments and conditions of other county departments and other agencies, if any.
- E. *Citizen review.*
1. *Purpose.*
    - a. Ensure that applicants pursue early and effective citizen review in conjunction with their applications, giving them the opportunity to understand and to try to mitigate any real or perceived impacts their applications may have on the neighborhood or community.
    - b. Ensure that applicants notify adjacent property owners and other potentially affected citizens of the application and the substance of the proposed rezoning and provide them with an opportunity to express any issues or concerns they may have with the proposed rezoning before any public hearing.
    - c. Facilitate ongoing communication between the applicant and interested citizens and property owners throughout the application review process.
  2. *Intent.* This review is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.
  3. *Process.* Every applicant for a rezoning shall comply with the following:

- a. *Neighborhood/community meeting.* At a minimum and before any public hearing, the applicant shall conduct an one neighborhood/community meeting at a specified date and time for review of the proposed rezoning.
  - i. Notice of the meeting shall be sent to the head of homeowners' or community associations nearest the property proposed for rezoning.
  - ii. Notice shall be sent to all real property owners, as shown on the last assessment of the property, within 1,200 feet of the property proposed for rezoning.
  - iii. Notification shall include the date, time and location of the meeting, a description and location of the project and how verbal and written comments can be submitted.
  - iv. Notwithstanding the notice requirement, the failure of any person or entity to receive notice shall not constitute grounds for preventing any action by the county.
- b. *Other contacts.* The applicant may do other mailings, including letters, newsletters and other publications.
- c. *Report.* A report documenting the citizen contact implemented by the applicant shall be provided to the planning and development department by the applicant at least 30 calendar days prior to the date of the public hearing held by the commission. A public hearing will not be set without the report. At a minimum, this report shall include:
  - i. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.
  - ii. Content, dates mailed, numbers of mailings, including letters, meeting notices, newsletters and other publications, and names and addresses where mailed.
  - iii. Copies of mailings.
  - iv. Copies of sign-in sheets from all public meetings.
  - v. A summary of concerns, issues and problems expressed during the process, including:
    - (A) The substance of the concerns, issues and problems.
    - (B) Statement as to how the applicant has addressed or intends to address concerns, issues and problems expressed during the process.
    - (C) A statement about the concerns, issues and problems the applicant is unwilling or unable to address and why.
- d. *Additional contacts.* The planning and development department, commission or supervisors may require the applicant to hold additional citizen meetings or transmit additional mailings due to the time frame between the last citizen meeting and the date of the application submittal or any substantial changes that have occurred to the proposal since the last citizen meeting was held.

F. *Broadcast notification signs.*

1. Broadcast signs shall meet the size and content requirements prescribed by the planning and development department.
2. Posting requirements are as follows:
  - a. Shall be installed and removed by the applicant;
  - b. Shall be installed 21 calendar days before the commission hearing;
  - c. Shall remain in place until the supervisors have made a decision on the case or applicant has withdrawn the case;
  - d. Shall be removed no later than 30 calendar days after the supervisors have made a decision on the case or applicant has withdrawn the case;

- e. Shall be placed adjacent to each road that borders the property, or as determined by the planning director, in a way that allows clear visibility by the public;
  - f. Can contain more than one case; and
  - g. Provide room for county posting of notice of hearing.
- G. *Commission public hearing and notice requirements.* The commission shall hold at least one public hearing on the proposed rezoning. Notice of the public hearing shall be given by:
1. *Publication.* At least one publication in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.
  2. *Posting.* Posting the area included in the proposed rezoning at least 15 calendar days prior to the date of the public hearing. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.
  3. *Mailings.*
    - a. By first class mail to each property owner, as shown on the assessment of the property, within 600 feet of the proposed rezoning;
    - b. By first class mail to each county and municipality contiguous to the area of the proposed rezoning; and
    - c. In proceedings that are initiated by the commission, by first class mail to each real property owner as shown on the last assessment of the property of the area to be rezoned.
  4. *Notice content.* At a minimum, the notice shall include the following:
    - a. The date, time and place of the public hearing;
    - b. A general explanation of the matter to be considered;
    - c. A general description of the area of the proposed rezoning;
    - d. An explanation of how the property owner within the zoning area may file approval or protest to the proposed rezoning; and
    - e. How the real property owners within the zoning area may file approvals or protests of the proposed rezoning.
- H. *Commission hearing and recommendation.* After the required neighborhood/community meetings have been held and the notices given as required in this chapter, the commission shall hold a public hearing on the rezoning application and forward a recommendation to the supervisors.
- I. *Staff report to the supervisors.* After the commission's public hearing and recommendation, staff shall transmit the report prepared for the commission together with:
1. Any additional information received at the commission's public hearing or after the public hearing.
  2. The commission minutes on the public hearing and the recommendation of the commission.
  3. If staff and commission recommendations differ, staff may transmit alternative recommendations to the supervisors.
- J. *Supervisors' action.*
1. In accordance with A.R.S. title 11, ch. 6 (A.R.S. § 11-801 et seq.), if the commission has held a public hearing, the supervisors through the use of a consent calendar without holding a second public hearing may adopt the commission's recommendations if there is no objection, request for public hearing or other protest.
  2. If there is an objection, protest, or request for a public hearing, or if a supervisor requests the matter be removed from the consent calendar, the supervisors shall hold a public hearing with notice of the public hearing being

given at least 15 calendar days prior to the date of the public hearing by one publication in a newspaper of general circulation in the county seat and by posting the area included in the proposed rezoning. It shall not be the responsibility of the county to maintain such posting once erected. After holding the hearing, the supervisors may act upon the proposed rezoning.

- K. *Conditional zoning.* The supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the supervisors after notification by registered mail to the owner and applicant who requested the rezoning shall schedule a public hearing to grant an extension, determine compliance with the schedule for development or cause the property to revert to its former zoning classification.
- L. *Failure to give notice.* The unintentional failure to give written notice of a public hearing or the unintentional omission of the name of a property owner shall not invalidate an action taken by the commission or the supervisors on the request for a rezoning.
- M. *Plats and/or specific site plans or individual site plans.* A plat and/or specific site plan or individual site plan in substantial compliance with the preliminary site plan shall be filed in accordance with chapter 2.200 PCDSC; the schedule for development, if any; or the county's subdivision regulations.
1. There may be more than one plat, specific site plan or individual site plan within the area covered by the rezoning.
  2. Approval of a specific site plan in accordance with chapter 2.200 PCDSC does not replace the plat process and shall not be used to circumvent the plat process required by the county's subdivision regulations.
  3. Where the plat process is required, no specific site plan, if applicable, may be approved prior to final plat approval.
  4. A plat, specific site plan or individual site plan shall be deemed in substantial compliance with the preliminary site plan; provided, that the plat or specific site plan or individual site plan does not:
    - a. Change the uses or character of the approved rezoning.
    - b. Change the number or make a substantial change in the location of arterial or collector streets.
  5. Dedications may be required with approval of the final plat, specific site plan or individual site plan when substantiated by final studies, which usually are not completed until time for county staff to review the final plat, specific site plan or individual site plan. Studies may be for, but are not limited to, drainage, hydrology, and traffic analysis.
  6. If a plat, specific site plan or individual site plan does not substantially conform to the approved preliminary site plan, the planning and development department or public works department shall notify the applicant of the deficiency, and the review of the plat or site plan by county staff shall terminate until the deficiency is remedied.

(Ord. No. PZ-C-001-13, § 3; Ord. No. PZ-C-001-12, § 1; Ord. No. 011812-ZO-PZ-C-007-10, § 16)

## CHAPTER 2.170. - COMPREHENSIVE PLAN, SPECIFIC LAND USE PLANS AND PLAN AMENDMENTS

### 2.170.010. - Purpose.

- A. The purpose of this chapter is to establish the process for preparation and adoption of a comprehensive plan for Pinal County. The comprehensive plan and subsequent plan amendments will ensure the establishment of a land use policy for future development of the county and will further be detailed through specific land use plans (area, community, village, neighborhood and special area).



B. The comprehensive plan establishes, and the other plans make specific, the goals of Pinal County regarding future development of the county, reflecting public consensus on land use issues. The plans are to serve as official guides for the commission, the supervisors, and all county officials and agencies for accomplishing coordinated physical development consistent with current and anticipated needs of the county. Such plans constitute official notice to the public of county development recommendations and requirements for specific areas.

(Ord. No. PZ-C-002-10, § 2; Ord. No. 61862, § 3201)

#### 2.170.020. - Authority.

Pursuant to A.R.S. § 11-806, the commission may direct the preparation of a comprehensive plan so as to conserve the natural resources of the county, ensure efficient expenditure of public funds and promote the health, safety, convenience and general welfare of the public. The commission shall act in an advisory capacity to the supervisors in reviewing and making recommendations relating to the comprehensive plan.

(Ord. No. PZ-C-002-10, § 3; Ord. No. 61862, § 3202)

#### 2.170.030. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Annual plan program* means a work program prepared by the planning and development department, which identifies and prioritizes the long-range planning activities on an annual basis. The annual plan program will be reviewed by the commission and approved by the supervisors.

*Comprehensive plan* means a plan prepared and adopted pursuant to A.R.S. § 11-806, the purpose being to bring about the coordinated physical development in accordance with the present and future needs of the county.

*Plan policy* means a written statement in a plan which provides:

1. Procedural recommendations; or
2. Development recommendations, which may be imposed as special conditions of rezoning.

*Specific land use plan* means "area plan," "community plan," "village plan," "neighborhood plan," or "special area plan" prepared for a portion or portions of the county that provides a more detailed analysis of the comprehensive plan.

(Ord. No. PZ-C-002-10, § 4; Ord. No. 61862, § 3203)

#### 2.170.040. - Plan types.

A. *Comprehensive plan*. An adopted plan covering the unincorporated area of Pinal County under the county's jurisdiction, which shall be prepared by the county in coordination with municipalities, Indian communities and State of Arizona:

1. The plan shall further the purpose defined in PCDSC 2.170.010 by:
  - a. Establishing the relationship of the various plans to geographic planning sectors and the entire planning area;
  - b. Establishing land use elements which guide planning and coordinate the timing and implementation of capital improvement activities, such as transportation, flood control, and county facilities; and
  - c. Determining the relative suitability of individual geographic sectors for various land use types and development intensities.

2. The comprehensive plan is defined in greater detail by adoption of specific land use plans which apply the intent of the comprehensive plan to small geographic sectors and planning areas. The preparation and update of the comprehensive plan is the responsibility of the county.
  3. Plan elements. This plan shall include, at a minimum:
    - a. The general character and location of major transportation corridors, major infrastructure such as bridges, and transit systems;
    - b. Recognition of the need to plan for community facilities, such as schools, libraries, water delivery and sewage systems, solid waste disposal facilities, police and fire facilities and airports;
    - c. A land use classification system, including general land use types and development intensities;
    - d. Identification of recreational opportunities, such as hiking and riding trails, developed or undeveloped parks, and open space systems;
    - e. The general location and recognition of need for wildlife and natural resource conservation areas such as forest and desert lands;
    - f. Identification of areas of natural constraints, such as hillsides and floodplains;
    - g. Identification of known archaeological and historic resources, and community character and aesthetic issues.
- B. *Area plan.* An adopted plan covering a relatively large area which has been identified as an appropriate planning area because of special geological conditions or development trends.
1. Area plans shall further the intent of the comprehensive plan and shall provide more specific land use recommendations and policies;
  2. Plan elements. Area plans shall include, at a minimum:
    - a. Existing and planned residential density ranges in terms of dwelling units per acre;
    - b. Location of existing and planned commercial and industrial uses, including designation, where appropriate, of enterprise type;
    - c. Existing and proposed overlay zones and special use districts;
    - d. General character and location of major streets and routes;
    - e. Natural or artificial drainage ways;
    - f. General location of community facilities, such as schools and parks;
    - g. Policies relating to development requirements or constraints in a subarea or on an individual land parcel;
    - h. Development or design policies which may be more restrictive than the county zoning ordinance. Examples include policies on the provision of public services and additional height or setback restrictions;
    - i. Designations of additional elements, such as restricted peaks and ridges, and trail access points.
- C. *Community plan.* An adopted plan primarily for the development of a new community or activity center under one main developer or landowner.
1. Community plans provide for more precise site planning than is generally possible on the scale of an area plan, and shall be consistent with the intent of larger plan(s);
  2. Plan elements. Community plans shall include at a minimum all elements required for area plans. Additional elements may be required by the planning and development staff.
- D. *Village plan.* An adopted plan covering a group of neighborhoods that comprises a portion of a community plan.
1. Village plans provide for more precise site planning than is generally possible on the scale of a community plan, and shall be consistent with the intent of larger plan(s);

2. Plan elements. Village plans shall include a minimum of all elements required for community plans. Additional elements required by the planning and development staff.

E. *Neighborhood plan*. An adopted plan covering a relatively small geographic area composed of one or two delineated neighborhoods.

1. Neighborhood plans are intended to address special land use issues in a neighborhood context, while conforming to the broader recommendations of the comprehensive plan and area plans, where applicable;

2. Plan elements. In addition to the elements described for area plans (subsection (B) of this section), neighborhood plans shall include, at a minimum:

a. More precise land use recommendations (e.g., parking areas, dwelling types);

b. Location and function of local streets and other circulation elements;

c. Special design considerations, such as sign restrictions, landscaping and lighting impact mitigation, when appropriate;

d. Other public facilities such as parks, schools and similar facilities.

F. *Special area plan*. An adopted plan for a designated area which requires a detailed analysis and review of proposed, future or existing land uses, and would not be appropriate for an area, community, village or neighborhood plan.

(Ord. No. PZ-C-002-10, § 5; Ord. No. 61862, § 3204)

2.170.050. - Specific land use plan documents and policies.

A. *Documents*. Specific land use plans adopted after the effective date of the ordinance codified in this title shall, at a minimum, consist of a map, defining the extent of area involved, recommendations and policies of the plan and narrative text of the plan's goals and policies.

B. *Plan policies*.

1. Plans shall include written development, design or procedural policies which may be more restrictive than the county zoning ordinance for the entire planning area, subareas within the planning area, or individual land parcels.

2. Adopted or pending policies may recommend that further public hearings be held concerning land within the planning area conditionally rezoned for uses that are in conflict with plan policies or land use recommendations.

3. Adopted plan policies shall apply to properties being rezoned.

(Ord. No. PZ-C-002-10, § 6; Ord. No. 61862, § 3205)

2.170.060. - Annual plan program and plan initiation for specific land use plans.

A. *Annual plan program*.

1. Procedure.

a. The commission shall direct the planning and development department to prepare an annual plan program, consisting of a schedule of plans to be developed or reviewed in the next fiscal year, to be submitted for consideration by the supervisors.

b. The program shall be submitted to the commission at a public hearing for its recommendation to the supervisors, which shall adopt the program as is, or refer it back to the commission with recommended amendments.

c. Amendments to the program during the fiscal year requested by the planning and development department

or the commission shall require the same approval process. The supervisors may amend the program at any time.

B. *Plan initiation.*

1. The commission is responsible for the initiation of plan development or review processes, and may hear requests from private individuals for specific land use plans who have submitted evidence that public benefit would result from such plan, based on departmental plan evaluation criteria.
2. The planning and development department is responsible for the development of, or coordination of development for, new plans or review of existing plans, as required by the annual plan program.

(Ord. No. PZ-C-002-10, § 7; Ord. No. 61862, § 3206)

2.170.070. - Planning and review procedures for specific land use plans.

A. *Planning inventory.*

1. The initial phase of plan development or review shall be a survey and study of present and anticipated conditions in the planning area, which shall be a major factor in determining preferred intensities of development, locations of specific land uses, and other elements, as may be required in PCDSC 2.170.040;
2. Items to be included in the inventory are determined by the planning and development department as set out in A.R.S. § 11-807. These items will be enumerated by planning and development staff in a set of plan preparation guidelines.

B. *Public review.*

1. Public comment shall be actively sought by the planning and development department during the planning process;
2. The planning and development department shall, at a minimum:
  - a. Hold one public meeting, preferably within the planning area, to discuss the results of the planning inventory and solicit land use recommendations; and
  - b. Hold one public meeting, preferably within the planning area, to discuss the proposed land use plan and receive public comment at least two weeks prior to the work session to be held by the commission; and
  - c. Make available to the public a final draft of the plan, including all proposed land uses and policies, at least 15 days prior to the public hearing by the commission.

C. *Commission review.*

1. *Commission work session.*

- a. A work session may be held by the commission to determine the merits of the draft plan;
- b. The commission may remand to staff for a public hearing, remand to staff for further revision, or continue the work session for a definite time period not to exceed three months.

2. *Formal commission review.*

- a. Before making a recommendation on the plan, the commission shall hold a public hearing after giving at least 15 days' notice thereof by one publication in a newspaper of general circulation in the county seat. The notice shall be published in a newspaper of general circulation in the area to be affected or adjacent thereto, if the area is not the county seat. (A.R.S. § 11-807).
- b. The recommendation of the plan shall be by resolution and require the affirmative vote of a majority of the members present.

D. *Supervisors' review.*

1. After review and recommendation of the plan by the commission, the plan shall be submitted to the supervisors for their consideration and official action. The supervisors shall hold at least one public hearing at which residents of the area shall be heard concerning matters contained in the plan. At least 15 days' notice of the hearing shall be given by the publication in a newspaper of general circulation in the county seat. (A.R.S. § 11-807.)
2. The supervisors shall consider protests and objections to the plan and may change or alter any portion. However, before any change is made, that portion of the plan proposed to be changed shall be re-referred to the commission for their recommendation, which may be accepted or rejected by the supervisors.

E. *Specific land use plan amendments.* A specific land use plan may be amended or extended by the same procedure established herein for its adoption.

(Ord. No. PZ-C-002-10, § 8; Ord. No. 61862, § 3207)

2.170.080. - Effect of adopted plans upon zoning changes and subdivision plat approvals.

- A. In amending zoning classifications, changing zoning district boundaries, creating a PAD district or approving subdivision plats for properties included within the county comprehensive plan and applicable specific land use plans adopted by the county (collectively "adopted plans"), the commission and the supervisors may allow minor variations from the adopted plans for zoning district boundaries, exact land use classification, or the exact character, extent and location of major thoroughfares, collector streets, drainage ways, schools, parks and other community facilities. In allowing minor variations, the commission and the supervisors shall not alter the policy set by the adopted plans with regard to basic residential densities, general boundaries of the various land use districts, and the general character, extent and location of major thoroughfares, collector streets, drainage ways, schools, parks, and other community facilities.
- B. In amending zoning classifications, changing zoning district boundaries, or creating a PAD district (collectively "rezoning") for a portion of the land included within the adopted plans, the rezoning shall be deemed to conform with the adopted plans if the rezoning proposes land uses, densities or intensities that are within the range of identified land uses, densities or intensities for that portion of the adopted plans that cover the boundaries of the rezoning request.
- C. The goals, policies, and applicable elements of the adopted plans may be considered by the commission and the supervisors in determining if a rezoning request (as defined in subsection (B) of this section) furthers the implementation of the adopted plans.

(Ord. No. PZ-C-002-10, § 9; Ord. No. 61862, § 3208)

2.170.090. - Legal status.

- A. Sets the general policy of the county regarding future development of the area included in the adopted plans.
- B. Constitutes official guidelines for the commission, supervisors, county officials, county departments and all agencies for guiding and accomplishing a coordinated, adjusted and harmonious development through zoning, subdivision design regulation, setback lines establishment, and other methods provided by law.
- C. Constitutes official notice to the general public and to all agencies of county development recommendations and requirements for specific areas.
- D. In the event the commission and supervisors desire to alter a policy set by the county comprehensive plan, they may amend the comprehensive plan by following the procedure set forth in PCDCS 2.170.110. In the event the commission

and supervisors desire to alter the policy set by a specific land use plan, they may amend the plan by following the same procedure set forth in PCDCS 2.170.070 for adoption. Zoning amendments which conform to adopted plan(s) shall not be considered "spot" zoning.

(Ord. No. PZ-C-002-10, § 10; Ord. No. 61862, § 3209)

2.170.100. - Administrative corrections/adjustments to the comprehensive plan.

- A. Scrivener's errors and typographical errors are neither minor nor major amendments and can be made administratively by the planning director with notice of the corrections to the commission and the supervisors.
- B. Adjustments required due to annexation, incorporation, ownership transfers of government land from one government entity to another government entity or changes in the Federal Emergency Management Agency (FEMA) maps are neither minor nor major amendments and can be made administratively by the planning director with notice of the adjustment to the commission and the supervisors.

(Ord. No. PZ-C-002-10, § 11)

2.170.110. - Process for adoption or readoption of a comprehensive plan and process for amendments to the comprehensive plan.

To determine whether an amendment is a major or nonmajor amendment, refer to chapters 1, 3, 4 and 10 of the county's comprehensive plan.

- A. *Comprehensive plan adoption or readoption.* The commission is responsible for preparing and recommending to the supervisors a comprehensive plan for the county's area of jurisdiction, and the supervisors are responsible for its adoption or readoption.
- B. *Initiation of plan amendments.* Amendments to the county comprehensive plan may be initiated as follows:
  - 1. An interested person or entity or authorized agent of the interested person or entity may propose an amendment through the appropriate application process.
  - 2. The commission on its own motion may propose an amendment.
  - 3. The supervisors may direct the planning staff to request the commission to initiate an amendment.
- C. *Time frames.*
  - 1. *Major amendment applications.* Applications for major amendments to the comprehensive plan shall be accepted from January 1 to the last business day in May of each calendar year. All major amendment requests shall be presented to the supervisors at a single public hearing to be held during the last quarter during the calendar year the proposal is made.
  - 2. *Nonmajor amendment applications.* Applications for nonmajor amendments may be filed and scheduled for public hearing at any time throughout the calendar year.
  - 3. *Simultaneous applications.* Applications for changes in zone district boundaries and/or for a planned area development overlay district may be filed simultaneously with applications for amendments to the comprehensive plan. Notification requirements for these processes are set forth in other chapters of this title.
- D. *Pre-application meeting for plan amendments.* Prior to submitting a formal plan amendment application, an applicant shall participate in a pre-application meeting with the planning staff for the purpose of:
  - 1. Reviewing the application requirements;
  - 2. Reviewing the public participation requirements;
  - 3. Familiarizing staff with the proposed amendment and identify and discuss any issues related to the proposed

amendment; and

4. Determining if the plan amendment boundaries represent a logical plan amendment area.
- E. *Public participation program for the adoption or readoption of a comprehensive plan and for major amendments to the plan.* As required by Arizona Revised Statutes, title 11, chapter 6, this section establishes a public participation program which shall be followed as part of the comprehensive plan and major amendment processes.
1. *Goal.* Create opportunities for meaningful citizen participation in formulating the comprehensive plan and amending the comprehensive plan through major amendments.
  2. *Procedure.*
    - a. *Dissemination.* Information will be distributed by various methods to provide comprehensive plan updates to the public which cover a broad range of interested parties in various geographic areas of the county, by any of the following: public notices, newsletters, flyers, newspaper articles, the Internet or other methods or events.
    - b. *Written and oral input.* Provide methods for public involvement in the formulation of the comprehensive plan and major amendments to the comprehensive plan.
    - c. *Citizen advisory committee.* One citizen advisory committee shall be formed. No more than six members shall be selected for each supervisorial district by the supervisor for the district. The committee will participate in the planning process for the adoption or readoption of a comprehensive plan, and shall hold a public meeting once a year to review applications for major amendments to the comprehensive plan and to make recommendations to the commission.
  3. *Planning staff roles and responsibilities.* The planning department staff shall be responsible for administering the public participation program. Ongoing duties will include, but not be limited to, the following:
    - a. Assist with preparation of public hearings before the commission and the supervisors.
    - b. Assist the citizen advisory committee at the public meeting.
    - c. For the adoption or readoption of a comprehensive plan or for major amendments initiated by the commission, planning staff shall:
      - i. Organize and oversee open houses, public meetings and other communication networks;
      - ii. Maintain an e-mail address and website; and
      - iii. Prepare and disseminate public notices.
  4. *Applicant's responsibility.* For amendments applied for by a person or entity or authorized agent of the person or entity, the applicant shall be responsible for preparing and disseminating information about the applicant's proposal through any of the following methods subject to the planning and development department's approval: public meetings, notices, press releases, letters, advertisements, posters, flyers and any other applicable method. Applicant shall prepare a public participation report to the commission as required in subsection (I) of this section.
- F. *Formal applications.* Applications for amendments to the county's comprehensive plan shall be made to the commission through the planning and development department on a form provided by that department and shall be accompanied by the appropriate fee set forth in the Pinal County planning and development services fee schedule together with supporting documentation for the proposed amendment.
1. An application for a nonmajor amendment shall not be accepted for processing on any property that was part of an application for a nonmajor amendment denied by the supervisors within the previous six months.

2. All amendment applications shall be properly completed and include:
  - a. A legal description of the property and address, if applicable.
  - b. Proof of ownership for all ownership interests in the subject property.
  - c. If an agent is involved, a signed, notarized agency authorization from the property owners in a format approved by the county.
  - d. Applicable filing fee.
  - e. Signature of property owners or their agent.
  - f. Identification of current land use designation.
  - g. Identification of proposed land use designation.
  - h. Written justification for change in the land use designation.
  - i. All other information required in the application form.
  - j. All information deemed necessary by the planning director to assist the commission and the supervisors in their review.
3. Incomplete applications shall not be processed.
4. An incomplete application that is not remedied within three months from notification of the deficiency shall cause the file to be closed.
5. The applicant may withdraw the application for a major amendment at any time.
6. Without any action by the supervisors, the applicant may withdraw the application for a nonmajor amendment up to the time the matter is noticed to be heard by the supervisors. After an application for a nonmajor amendment is noticed to be heard by the supervisors, the applicant may make a request to the supervisors to withdraw the application. The supervisors, at their discretion, may grant the request or hear the nonmajor amendment proposal. If denied by the supervisors, reapplication may not be made on the same or substantially the same proposed nonmajor amendment for at least six months from the date of denial.
- G. *60-day review and comment on adoption or readoption of a comprehensive plan and for major amendments.* At least 60 calendar days prior to notice of any public hearing before the commission on the comprehensive plan or major amendment, the planning and development department on behalf of the commission shall transmit the comprehensive plan or major amendment to the supervisors and submit a copy for review and further comment to other governmental agencies, organizations, persons and entities as required by A.R.S. title 11, chapter 6 (A.R.S. § 11-801 et seq.).
- H. *Broadcast notification signs for nontext plan amendments initiated by a person or entity.*
  1. *Site posting requirements.* Broadcast signs shall meet the following requirements:
    - a. Shall be installed and removed by the applicant;
    - b. Shall be installed 21 calendar days before the commission hearing for nonmajor amendments;
    - c. Shall be installed 21 calendar days before the citizen advisory committee meeting for major amendments;
    - d. Shall be removed no later than 30 calendar days after the supervisors have made a decision on the proposed amendment or applicant has withdrawn the proposed amendment;
    - e. Shall be placed adjacent to each road that borders the property in a location clearly visible by the public, or as determined by the planning director, in a location which allows clear visibility by the public; and
    - f. Shall provide room for county posting of notice of hearing.
  2. *Sign specifications.*



- a. Four feet tall by eight feet wide.
  - b. Top of the sign shall be six feet above the ground.
  - c. Sign shall be made out of laminated plywood or MDO board.
  - d. Sign shall be attached to two four-inch by four-inch wooden poles.
  - e. All surfaces, including edges, shall be painted white.
  - f. Black letters shall be used and shall be sized per the text specifications set forth below.
3. *Sign content and format.* Sign content and format must meet the requirements established by the planning and development department.
- I. *Applicant's public participation report.* At least ten days prior to the commission's public hearing on the applicant's proposal, applicant shall submit to planning staff a public participation report which shall include at a minimum the following:
    1. Copies of notices;
    2. Copies of all information provided to the public;
    3. Letters, advertisements, posters, flyers;
    4. Sign-up sheets from all public meetings;
    5. Any responses received from the public during this process; and
    6. A description of how the applicant responded to the feedback.
- J. *Commission review and recommendation.*
    1. One or more work sessions may be held by the commission on a comprehensive plan or an amendment.
    2. Before making a recommendation on the comprehensive plan or an amendment, the commission shall hold a public hearing after giving at least 15 calendar days' notice of the public hearing by one publication in a newspaper of general circulation in the county seat and in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the county seat.
    3. After the public hearing and recommendation by the commission, the comprehensive plan or amendment shall be submitted to the supervisors for their consideration and official action.
- K. *Supervisors' review and action.*
    1. One or more work sessions may be held by the supervisors on a comprehensive plan or an amendment.
    2. The supervisors shall hold at least one public hearing after giving notice at least 15 calendar days and not more than 30 calendar days before the hearing by one publication in a newspaper of general circulation in the county seat.
    3. For adoption or readoption the supervisors must refer any changes or alterations they wish to make to the comprehensive plan to the commission. The recommendation of the commission may be accepted or rejected by the supervisors.
    4. The adoption or readoption of a comprehensive plan or any amendment to the plan shall be by resolution of the supervisors.
    5. The adoption or readoption of a comprehensive plan and any amendment to the plan shall not be enacted as an emergency measure and is subject to referendum as provided by the state constitution and state law.
    6. An adopted comprehensive plan, with any amendments, is effective for up to ten years from the date the comprehensive plan was initially adopted or until the comprehensive plan is readopted or a new comprehensive plan is adopted and becomes effective.

7. On or before the tenth anniversary of a comprehensive plan's most recent adoption, the supervisors shall either existing comprehensive plan for an additional term of up to ten years or shall adopt a new comprehensive plan.

(Ord. No. PZ-C-001-13, § 4; Ord. No. PZ-C-002-10, § 12)

#### CHAPTER 2.175. - PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT

##### 2.175.010. - Request on or after February 18, 2012.

On or after February 18, 2012, any request for a PAD overlay zoning district or for modification or change in an approved PAD overlay zoning district shall be made pursuant to chapter 2.176 PCDSC.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17)

##### 2.175.020. - Definitions.

The PAD overlay zoning district is an alternative to conventional land use regulations, substituting procedural protections for the requirements in Pinal County's zoning ordinance. The PAD overlay zoning district is an overlay zoning district that shall be used only in conjunction with other zoning districts described in this title, but which will allow flexibility in the requirements of the underlying zoning district and shall require approval by the supervisors of a specific plan of development. For the purpose of this chapter, the following terms apply:

*Open/common space* means an area that is intended to provide light and air, and is designated and designed for resource protection, buffers, drainage ways, environmental, scenic or recreation purposes. Open space may be devoted to but is not limited to landscaping, preservation of natural features, drainage ways, recreational area and facilities. Open space shall not be deemed to include land areas occupied by buildings, structures, required yards, driveways, parking lots, streets, alleys or other surfaces designed or intended for vehicular travel. Open space areas shall remain open and unfenced.

1. *Private*. The areas open to residents, residents' guests and invitees but not the public at large. Open/common space may also be referred to as private.
2. *Public*. The areas open to the people at large, without reference to geographical limits; public roads being those roads that have been dedicated or otherwise permanently appropriated to the public for public use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3301. Formerly 2.175.010)

##### 2.175.030. - Purposes and intents.

Pinal County recognizes that in certain instances the objectives of the zoning ordinance may be best achieved by development of planned areas which may not conform in all respects to the underlying zoning district. Pinal County further has determined that in the best interest of the health, welfare and safety of the citizens of Pinal County, specific planned communities can provide better alternatives for some land development than the conventional zoning districts. The purpose of the PAD district is to encourage imaginative and innovative planning of neighborhoods, particularly with respect to diversification in the use of the land and flexibility in site design with respect to various features, including, but not limited to, spacing, heights, density, open space, circulation, private roadways, preservation of natural features, and innovation in residential development that results in the availability of a variety of housing opportunities, both in terms of affordability and lifestyle to all citizens and guests of Pinal County; and to ensure the establishment of developments consistent with the goals and objectives of the board of supervisors of Pinal County.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3302. Formerly 2.175.020)

2.175.040. - Location.

A PAD overlay zoning district may be established in any zoning district upon a finding by the supervisors, after receiving a recommendation from the planning commission, that such a development would comply with the intent of this section of this title and that the PAD overlay zoning district substantially complies with any previously approved area plans. A PAD overlay zoning district may not be established on any parcel consisting of less than ten gross acres, unless the commission and supervisors find that a tract containing less than ten gross acres is suitable as a PAD overlay zoning district by virtue of its unique character, topography or other features. If a proposed project requires rezoning, a request may be considered by the commission simultaneously with its consideration of the development plan.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3303. Formerly 2.175.030)

2.175.050. - Application requirements.

Each application for approval of a PAD overlay zoning district shall be filed in accordance with the provisions of chapter 2.160 PCDSC. In addition to the filing fee established in chapter 2.160 PCDSC, an additional fee of \$1,000.00 shall be paid by the applicant for processing the PAD request. In addition to the submittal requirements set forth below, the application shall be accompanied by such information and representations required by this title or deemed necessary by the planning director, which together shall comprise the application package. If tentative plat approval is being requested at this time for all or any portion of the specific plan of development, the application shall also meet all requirements for tentative plat approval as described in the Pinal County subdivision regulations and requirements and minimum standards for subdivision street paving, as amended. Because of the need for adequate staff review and public notice, the package shall be filed, complete in all respects, not less than three weeks prior to the public hearing on the project by the planning commission. The planning director may set earlier deadlines for part or all of the package in order to facilitate scheduling public hearings or to allow additional staff review. In addition to the requirements for tentative plat approval, if applicable at this time, the package shall include at least the following:

- A. *Specific plan of development.* The rezoning/PAD application(s) shall be accompanied by a specific plan of development which shall consist of:
  1. The proposed development shall be drawn at sufficient scale so as to not exceed a print size greater than 24 inches by 36 inches. Lettering shall be of sufficient size to be reasonably legible when reduced to an eight-and-one-half-inch by 11-inch clear print.
  2. Title of the project, such as "Planned Area Development for \_\_\_\_\_" in bold-faced letters.
  3. Name of the landowner, developer, applicant and the firm or person who prepared the plan.
  4. North arrow, scale (written and graphic), and dates of plan preparation and subsequent revision dates.
  5. Inset vicinity map showing the relationship of the proposed project to existing area development and surrounding zoning districts.
  6. Existing zoning designation and requested zoning district change, if applicable.
  7. Legal description of the entire property to be subject to the planned area development.
  8. Delineate and dimension by bearing and distance the exact boundaries of the proposed specific plan of development.
  9. Show existing perimeter streets, including centerlines, names, dimensions of existing dedications and proposed dedications.

10. Show the general locations and scheme of proposed interior collector and major arterial streets with proposed rights-of-way. All points of ingress and egress to the site must be shown.
  11. Indicate the general location of the proposed residential area(s) and types of housing proposed for each area(s). Show and label areas of open space, public areas, drainage areas and any proposed facilities such as golf courses, parks, recreation center, sewage treatment plant, school site, etc.
  12. Indicate who will own, control and maintain landscaping, open areas, streets, recreation facilities, refuse disposal and private utility systems.
  13. Show typical lots for each dwelling unit, including typical lots in cul-de-sacs, on corners and in any unusual location. Show the arrangement of units which will be clustered. These typicals should show the building envelope, the proposed minimum setbacks, the minimum lot dimensions and individual fences/walls.
  14. Indicate the location and width of all existing roadway or utility easements on the property.
  15. Show existing contours; contour interval to vary according to grades as follows: grades up to five percent, two feet; five percent to ten percent, five feet; grades over ten percent, ten feet. Indicate the general direction of stormwater runoff.
  16. Identify by note or notes the existing drainage pattern and the proposed drainage plans for handling on-site and off-site stormwater runoff. (A preliminary drainage report will be required.)
  17. Indicate the locations, type, height and material of proposed perimeter fences and/or walls. All proposed signs should also be located, identified and dimensioned.
  18. Note the general location and type of proposed landscaping on the site.
  19. Show phase lines, if applicable.
- B. *Specific plan of development data.*
1. Land use table or tables to include the following:
    - a. Total gross acreage of the site.
    - b. Total area of the streets, public and private.
    - c. Total area of public open space.
    - d. Total net area of all intended uses.
    - e. Total area of open space which is designed for the exclusive use of the residents of the PAD area who receive an undivided ownership of such areas.
    - f. Maximum allowable number of dwelling units permitted under base zoning districting.
    - g. Total number of each type of dwelling unit and the total number of all dwelling units.
    - h. Average lot area per dwelling unit proposed, taking into account all planned dwelling units.
    - i. The overall density proposed.
  2. A table which compares the requirements of the existing zoning, the requirements of the base zoning requested, and the variations proposed under the PAD. The table should include lot area per dwelling unit, setbacks, maximum lot width, maximum building height and parking regulations.
  3. A table which lists the type and source of proposed utilities and services which include sewer, water, electric, telephone, police, fire, schools and solid waste disposal.
  4. A table which compares existing Pinal County subdivision regulation roadway standards with all proposed rights-of-way and pavement widths for each type of private street proposed (arterials, collectors, residential collectors and residential) for the planned area and the perimeter. (Refer to the Pinal County subdivision

regulations and requirements and minimum standards for subdivision street paving, as amended.)

C. *Narrative report.* The following information should be included in a supporting narrative report:

1. *Title page.* The title page should clearly indicate "Planned Area Development for \_\_\_\_\_," the name of the applicant and the date.
2. *Purpose of request.* The first section of the report should explain why the project has been proposed. It is often helpful to discuss why the site has been chosen. The applicant shall state the advantages and benefits of the proposed development to the county in detail.
3. *Description of proposals.* The character and type of development shall be thoroughly explained. All of the proposed nonresidential buildings and structures and their intended uses should be described.
4. *Relationship to surrounding properties.* Surrounding land use and zoning should be described. The impact of the proposal on surrounding properties in each direction should be discussed. The impacts on schools should be explained.
5. *Location and accessibility.* The advantages of the proposed location should be explained. The means of access, distance from major streets and surrounding road conditions should be described. Any proposed interior streets, drives or parking areas and proposed improvements should also be described.
6. *Timing of development.* A section of the report should contain a schedule of development phasing.
7. *Public utilities and services.* The availability and adequacy of proposed utilities and services must be thoroughly discussed.
8. *Appendix.* It is sometimes necessary, depending upon the nature of the request, to attach copies of correspondence with other federal, state, local, semi-private or private agencies or organizations which can substantiate the proposal.
9. *Maintenance of streets and common areas.* The provisions for the maintenance of the private streets, common areas and public area landscaping should be thoroughly discussed. The applicant should approach this portion of the narrative from the position of trying to prove to the planning commission and the board of supervisors that the mechanisms he intends to set up will still be functioning effectively 20 years later.

D. *Covenants.* Draft copies of proposed restrictive covenants that would pertain to each use of the planned area development shall be filed with the Pinal County planning and development services department for review by the county attorney at least three weeks prior to the public hearing by the planning commission. Copies of the proposed restrictive covenants in their final form shall be filed at least three weeks prior to the public hearing on the project by the board of supervisors.

E. *Additional material.* Additional material shall be provided for specific types of uses as follows:

1. For PAD overlay zoning districts or sections thereof in which commercial development is proposed, the specific plan of development shall contain at least the following information:
  - a. The approximate retail sales floor area and total area proposed for commercial development.
  - b. The types of uses proposed to be included in the development, such uses to be consistent with the comparable zoning district.
  - c. The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs and nuisance controls intended for the development.
2. For PAD overlay zoning districts or sections thereof in which industrial development is proposed, the specific plan of development shall contain at least the following information:
  - a. The approximate total area proposed for such use.

- b. The types of uses to be included in the development. (Generally those industrial, office, laboratory and manufacturing shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, odor, heat, or glare and which by reason of value in relation to size and location of merchandise received and shipped, generate a minimum of truck traffic.)
  - c. The anticipated employment in the entire development and in each major section thereof. This may be stated as a range.
  - d. The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
- F. *Waiver of specific submissions.* Any information required under this section may be waived by the planning director on the basis that the information is not necessary to a review of the proposed PAD overlay zoning district. Such waiver shall be in writing, shall specify the reasons for such waiver and shall be included in the materials submitted to the planning commission.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3304. Formerly 2.175.040)

#### 2.175.060. - Public hearings.

After proper application has been made for a PAD overlay zoning district, the planning commission and board of supervisors shall hold public hearings as provided in chapter 2.165 PCDSC.

- A. The planning commission and board of supervisors may approve the plan as submitted, may require the applicant to modify, alter, adjust or amend the plan in such manner and to such extent as it may deem appropriate to the public interest, or disapprove the plan. The board of supervisors may stipulate a time for review of any approved PAD overlay zoning district to assure timely development. Such review shall be made by the planning director and any significant facts affecting the development shall be referred to the planning commission for review.
- B. The planning commission and board of supervisors may approve a plan even though the use of buildings and land, the location and height of buildings to be erected in the area, the nature of ownership, and the yards and open spaces contemplated by the plan do not conform in all respects to the regulations of the zoning district in which it is located or the plan does not conform in other particulars.
- C. Approval of a PAD overlay zoning district application shall constitute approval of the tentative plat if the tentative plat is submitted at the time of the PAD overlay zoning district application and when the plat has been submitted in accordance with PCDSC 2.175.050 and the Pinal County subdivision regulations and requirements and minimum standards for subdivision street paving, as amended. Approval of the tentative plat shall be effective for one year in accordance with the Pinal County subdivision regulations and requirements and minimum standards for subdivision street paving, as amended, but may be extended upon reapplication and review by the commission. The board of supervisors may stipulate or require a time limit which shall apply to the PAD overlay zoning district approval.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3305. Formerly 2.175.050)

#### 2.175.070. - Findings required.

Before approval of an application for a PAD overlay zoning district, the planning commission and the board of supervisors shall find that the development conforms to the following general criteria:

- A. That the location, design and size are such that the development can be well integrated with the surroundings; is

planned and developed with the intention to harmonize with any existing or proposed development in the adjacent neighborhood; or in the case of a departure of character from surrounding uses, that the location and design will adequately reduce the impact of the development so that the project will not be detrimental to the adjacent property.

- B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby and that proper provision for the maintenance of such streets has been provided. If the planning commission and board of supervisors deems in their judgement that private streets are appropriate for a development, construction of streets shall be as determined by the board of supervisors; provided, however, that the board of supervisors shall require the paved portion of the streets to be in accordance with the Pinal County subdivision regulations as to base material, asphalt and seal coat.
- C. That the value of the use of the property adjacent to the area included in the plan will not be adversely affected to a significant extent and to this end, the planning commission may require, in the absence of an appropriate physical barrier, the uses of least intensity be arranged along the boundaries of the project. As further protection to adjacent properties, the planning commission may impose either or both of the following requirements:
  - 1. Structures located on the perimeter of the planned development be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.
  - 2. Structures located on the perimeter of the planned development be permanently screened in a manner sufficient to protect the privacy and amenity of the adjacent existing uses.
- D. That every structure containing residential, commercial or industrial units shall have access to a public street directly or via a court, walkway, private street or other common area owned and maintained as common ground.
- E. Height of all structures shall be appropriate for the use and location of the development. Any buildings exceeding in height the limit normally permitted in the district shall be so located on the parcel so as to obviate the casting of unbroken shadows on adjoining parcels.
- F. That suitable retention and drainage areas have been provided to protect the property and adjoining properties from hazards resulting from water falling on or flowing across the site, and that proper provision for maintenance of such retention and drainage areas has been provided.
- G. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely.
- H. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned public facilities and services.
- I. That adequate and visible refuse disposal has been provided or exists for the development.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3306. Formerly 2.175.060)

#### 2.175.080. - Building permits.

- A. For the purpose of implementing a planned area development, building permits may be issued for buildings and structures in the area covered by the approved specific plan of development if they are in conformity with the plan and with all other applicable ordinances and regulations not specifically modified by the board of supervisors' approval of the plan.
- B. Once a plan has been approved, it can be amended, changed or modified only through the procedure prescribed herein for the initial application for approval. The board of adjustment may not grant any variances for an approved PAD overlay zoning district.

- C. A development schedule for residential uses shall be submitted as part of the project plan and the construction and pro of all the common open spaces and public and recreational facilities which are shown on the specific plan of developme proceed at the same rate as the construction of dwelling units. If the planning and development services director should that the rate of subdivision plat submittals is greater than the rate at which common open areas and public and recreati facilities are being constructed or provided, he shall notify the developer that no subdivision plat applications will be prc until the rate of construction conforms with the development schedule.
- D. The development schedule shall provide for stage construction of the specific plan of development. Building permits will not be issued for any stage of the plan unless the common open space allocated to that stage by the development schedule has been conveyed to the appropriate parties.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3307. Formerly 2.175.070)

#### 2.175.090. - Regulation of planned area developments during development and after completion.

During development and after completion of the project, the use of the land and the construction, modification or alteration of any buildings or structures within the development will be governed by the approved specific plan of development rather than by any other provisions of the zoning code.

##### A. Administrative PAD amendment.

1. Any minor extensions, alterations or modifications of existing buildings, structures or elements of the plan which include but are not limited to elements such as minor shifting of the established development unit lines, location of buildings, proposed private streets, pedestrian ways, utility easements, parks or other public open spaces may be authorized by the planning director if they are consistent with the purposes and intent of the plan. All such approvals shall be considered permanent and become a part of the plan.
2. If the multimodal circulation element of the comprehensive plan or if RSRSM access management manual standards impact approved PADs that exist at the time of the effective date of the 2009 comprehensive plan by specifying street locations and right-of-way widths that were not shown or stipulated to in approved PADs the following changes may be authorized by the planning director if they are consistent with the purposes and intent of the plan and do not impact adjacent properties. All such approvals shall be considered permanent and become part of the plan.
  - a. Any minor extensions, alterations or modifications of existing buildings, structures or elements of the plan which include but are not limited to elements such as shifting of the established development unit lines, location of buildings, proposed streets, pedestrian ways, utility easements, schools, parks or other public open spaces.
  - b. Shifting of the overlay district's underlying zoning district if a corresponding zone change has been approved by the board of supervisors; and provided, that no changes in standards are proposed; for this purpose a change to an equivalent zoning district will not qualify as a major PAD amendment.
3. The planning director may permit dwelling unit density transfers up to ten percent between units within the specific plan of development, provided:
  - a. The procedures for such transfers are explicitly stated within the plan and will be allowed only once per unit;
  - b. Density transfer proposals indicating donor and recipient areas are submitted to the department for administrative review and approval; and
  - c. The overall density of the plan is not exceeded.



- B. Major PAD amendments. All other changes in the specific plan of development must be made by the board of super under the procedures authorized by this code for the amendment of the zoning map. No changes may be made in the plan of development unless they are required for the continued successful function of the planned development, or are required by changes in conditions that have occurred since the plan was approved or by changes in the development of the county.
- C. If the multimodal circulation element of the comprehensive plan or if RSRSM access management manual standards impact approved PADs that exist at the time of the effective date of the 2009 comprehensive plan by specifying street locations and right-of-way widths that were not shown or stipulated to in approved PADs, such changes will still require the specific plan of development to meet the open space requirements in this chapter, but will not require the specific plan of development to meet the open space requirements of chapter 2.176 PCDS; provided, that:
1. The change in location of an individual zoning district does not result in a change in the overall size of the zoning district;
  2. The new zoning categories substantially correspond to the existing approved zoning categories;
  3. The change does not result in increased intensity of uses, as determined by the planning director;
  4. The change does not result in an increase in the total number of dwelling units; and
  5. The total of all changes under this subsection C do not impact more than 25 percent of the total area of the PAD.

This does not eliminate the need for a zone change and/or PAD amendment, if applicable.

- D. If the multimodal circulation element of the comprehensive plan or if RSRSM access management manual standards impact approved PADs that exist at the time of the effective date of the 2009 comprehensive plan by specifying street locations and right-of-way widths that were not shown or stipulated to in approved PADs, an applicant may request a change in zoning to the zoning districts identified in PCDS 2.15.030; provided, that:
1. The zone change is a shift in the boundary of an approved zoning district to accommodate the additional right-of-way identified by RSRSM; and
  2. The area being rezoned is equal in size to the amount of additional right-of-way specified and being provided in accordance with RSRSM along the affected zoning district's boundary.
- E. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the specific plan of development unless an amendment to the plan is approved under subsection C of this section.
- F. Changes in the use of the common open spaces may be authorized by an amendment to the plan under subsection B of this section.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3308. Formerly 2.175.080)

#### 2.175.100. - Floodplain management ordinance.

Notwithstanding any provision contained in this chapter, the floodplain management ordinance shall supersede this chapter in the event of conflict between their provisions and any variance from the floodplain management ordinance shall be obtained as provided therein.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3309. Formerly 2.175.090)

#### 2.175.110. - Minimum planned area development requirements and limits.

The following requirements and limits are mandatory for all planned area developments and may not be waived or modified without amendment of this section by the board of supervisors.

A. *Minimum lot size and minimum common area.*

1. No residential lot for any manufactured/mobile home or travel trailer/recreational vehicle in any PAD overlay zoning district shall have an area of less than 1,800 square feet.
2. No residential PAD overlay zoning district, or the residential portion of any PAD overlay zoning district that includes commercial, industrial or other areas, shall have less than 15 percent of its gross total residential area allocated to open space or other common areas or facilities. Commercial or industrial areas do not require the 15 percent open space allocation. The open space requirement of any PAD overlay zoning district, as approved by the supervisors, must be transferred with any portion of the PAD overlay zoning district which might be sold or reassigned. Buildings, structures, required yards, driveways, parking lots, streets, alleys or other surfaces designed or intended for vehicular travel shall not be included in the 15 percent.
3. Subsection (A)(1) of this section may be waived by the commission and board of supervisors where the density of the underlying zone is preserved. In such a case, no more residential lots shall be permitted than would have been allowed had the entire residential project been developed in accordance with the underlying zoning. The remaining space shall be allocated to open space, parks, recreational facilities or other common area, but it shall not count towards streets, sidewalks and entry areas. PAD overlay zoning districts that include manufactured/mobile home lots or travel trailer/recreational vehicle lots shall have an underlying zone of (MH) manufactured/mobile home zone or (RV) recreational vehicle homesite zone for those purposes respectively.

B. *Minimum standards for private streets.* Any private streets approved by the planning commission and the board of supervisors as part of a PAD shall meet the minimum requirements for composition and thickness of paving contained in the Pinal County subdivision regulations and requirements and minimum standards for subdivision street paving, as amended.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3310. Formerly 2.175.100)

2.175.120. - Effective date of PAD overlay zoning district.

Notwithstanding any provision contained in this chapter, or any other provision of this title, no PAD overlay zoning district approved by the supervisors shall vest any rights in the applicant or affect the underlying zoning district until the restrictive covenants in their final form shall be recorded with the county recorder.

(Ord. No. 011812-ZO-PZ-C-007-10, § 17; Ord. No. 61862, § 3311. Formerly 2.175.110)

CHAPTER 2.176. - PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT ON AND AFTER FEBRUARY 18, 2012

2.176.010. - Application filed on or after February 18, 2012.

Any application filed on or after February 18, 2012, for a planned area development overlay zoning district or for a modification or change to an approved PAD overlay zoning district must be made pursuant to the PAD overlay zoning district classification in PCDSC 2.15.040 and this chapter.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.020. - Purpose and intent.

The purpose of the PAD overlay zoning district is to allow flexibility in development of land consistent with the goals, objectives and policies of the comprehensive plan and this title by permitting flexibility in the development standards of the underlying zones. The PAD overlay zoning district encourages imaginative and innovative planning of neighborhoods; the provision of open space and recreational amenities close to residential use, establishing a unique identity for the development; innovation in residential development that results in the availability of a variety of housing opportunities and innovation in commercial development to be consistent with the theme of the community.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.030. - Flexibility in development.

Flexibility may include, but is not limited to, density, open space, roadway circulation, cul-de-sacs with knuckles, pedestrian circulation, recreation area facilities, trail corridors, and preservation of natural features.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.040. - General provisions.

- A. A PAD overlay zoning district may be used in conjunction with any other zoning district upon a finding that such a development would comply with the goals, objectives and policies of the comprehensive plan and the intent of this title.
- B. Uses permitted within the PAD overlay zoning district shall be limited to those permitted in the zones with which the PAD overlay zoning district is combined, as set forth in the development plan.
- C. The minimum size PAD overlay zoning district for residential development shall not be less than ten acres, unless the commission and supervisors find that a parcel containing less than ten acres is suitable as a PAD overlay zoning district by virtue of its unique character, topography or other features. There is no size limitation on a PAD overlay zoning district for nonresidential development.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.050. - General development standards that may be altered.

The development standards for minimum lot area, lot width, front setback, side setbacks, rear setback, building height and development standards for detached accessory buildings within a PAD overlay zoning district shall be those set by the respective zones covered by the PAD overlay zoning district or as approved by the supervisors through the development plan for the PAD overlay zoning district.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.060. - General development standards that may not be altered.

General development standards that may not be altered shall include, but are not limited to, the following:

- A. *Refuse area.* Each lot shall be developed to allow for a refuse container to be screened by landscaping or fencing from public view.
- B. *Other general standards.* Other general standards set forth throughout this title, including, but not limited to, standards dealing with addressing, naming of streets, outdoor lighting, parking, signs and solar energy devices.

- C. *Other county ordinances and regulations.* General standards and regulations of other applicable county ordinances regulations, including, but not limited to, the county drainage ordinance, floodplain management ordinance and sub regulations.
- D. *Landscaping of individual lots by developer.* Landscaping shall consist primarily of "low water use" ground covers, trees, shrubs, and plants and with sufficient permanent irrigation to properly maintain all vegetation. Retention of on-site stormwater may constitute sufficient irrigation for some native plant species. Decorative design elements such as fountains, pools, benches, sculptures, planters and similar elements may be placed within landscaped areas.
- E. *Landscaping open space.* Landscaping for open space areas shall follow the requirements set forth in this chapter.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.070. - Criteria and elements for consideration.

In reviewing applications for a PAD overlay zoning district, the commission and supervisors shall consider, but are not limited to, the following:

A. *Criteria.*

1. The proposed development is consistent with the goals, objectives and policies of the comprehensive plan and the requirements of this chapter.
2. The arrangement of all uses and improvements reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.
3. The development is compatible with the uses of adjacent properties.
4. Transportation improvements and open space areas are arranged on the site to provide connections throughout the planned neighborhoods.
5. There are adequate facilities planned for water, sewer, stormwater and streets.
6. The project location, design and size are such that the development will be well integrated with the surroundings, is planned and developed with the intention to harmonize with any existing or proposed development in the adjacent neighborhood. If the proposed development departs from the character of surrounding uses, the location and design of the development will adequately reduce the impact of the development so that it will not be detrimental to adjacent properties.
7. The proposed streets and thoroughfares are suitable and adequate to serve the proposed uses and the anticipated traffic has been accommodated through the use of appropriately designed streets and the responsibility for maintenance of such streets has been shown.
8. Every structure containing residential, office, commercial or industrial uses has direct access to a public street or court, walkway or other common area dedicated to public use or owned and maintained as common ground.
9. Open space is provided as required in this chapter.
10. Where applicable, whether the proposed development complies with the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, and the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.

B. *Elements.*

1. *Community.*

- a. Buffer area where development boundaries adjoin lower density development;
  - b. Pedestrian/bicycle access to schools, parks and commercial areas;
  - c. Bicycle lanes along collector streets;
  - d. Sidewalks and related pedestrian facilities;
  - e. Park and ride lots or parking spaces;
  - f. Church sites; and
  - g. Other community facilities.
2. *Public facilities.*
- a. School sites;
  - b. Library sites;
  - c. Fire and sheriff sites; and
  - d. Other governmental facility sites.
3. *Open space element.*
- a. Developed open space; and
  - b. Conservation open space.
4. *Regional transportation.*
- a. Regional routes;
  - b. Access points to perimeter streets including, if applicable, regional routes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.080. - Density calculation.

Commercial and industrial acreage are not included in the calculation of density. The calculation is as follows:

Total acres—commercial and industrial acres = Net acreage

Number of dwelling units ÷ net acreage = Density

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.090. - Open space and recreation area guideline manual (OSRAM).

- A. An open space and recreation area guideline manual (OSRAM) that provides recommended design guidelines for open space and recreation areas, including multi-use path and trail corridors, to assist developers in designing the open space and recreation areas in their planned developments may be adopted separately by resolution of the Pinal County board of supervisors after 15 days' notice and a public hearing.
- B. The manual may be subsequently amended by a resolution of the Pinal County board of supervisor after 15 days' notice and a public hearing.
- C. The manual will not be printed as part of this title, but shall be printed as a separate document. Copies of the manual will be available for inspection and purchase at the Pinal County development services counter.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.100. - Open space standards.

- A. All residential portions of a PAD overlay zoning district shall preserve a required percentage of open space as shown in F 2.176.130. Major recreation areas shall be centralized and remaining open space areas shall be distributed throughout the overlay zoning district, unless natural drainage patterns, significant geographical features and/or hillsides make this impractical.
- B. Convenient, frequent and multiple pedestrian, bicycle and equestrian access points shall be provided to the conservation and developed open space areas of the PAD overlay zoning district for all residents, except where protection of sensitive natural resources is paramount.
- C. All significant natural features including but not limited to steep slopes, rock outcrops and major washes shall be preserved and, where necessary, protected by setbacks of not less than 20 feet from development. Setbacks may be increased or decreased if not prohibited by another county ordinance or regulation, and if approved by the supervisors.
- D. Development shall be designed and sited to preserve and protect natural washes and floodplains as depicted in Federal Emergency Management Agency (FEMA) identification maps or area master drainage studies. Development may include removal of property from the floodplains in accordance with FEMA requirements.
- E. Significant stands of natural vegetation shall be preserved and protected from alteration or destruction, unless a mitigation plan is approved in conjunction with the project.
- F. All undisturbed washes with an average flow rate of 200 cubic feet per second or greater shall be preserved in an undisturbed condition and the habitat value preserved in its original condition unless the disturbance is related to roadway, flood control or other infrastructure related projects and approved by the planning director. When natural washes are preserved they shall provide connectivity to adjacent parcels.
- G. Developed open space except for multi-use paths and trails outside of a designated open space area shall not include parcels that are less than 100 feet wide and 100 feet in depth, measured at the widest point, and one-quarter acre in area. Multi-use paths and trails located outside the designated open space areas may count as developed open space if they meet the criteria in section 5.0 Multi-use Path and Trail Design Guidelines in "OSRAM."

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.110. - Ownership and maintenance of open space.

The applicant for a PAD overlay zoning district may:

- A. Convey open space to be held in common by a homeowners' association. PAD overlay zoning district applications shall include conditions, covenants and restrictions (CC&Rs) regarding permanent maintenance of and access to open space, including provisions addressing maintenance duties of a homeowners' association, the manner in which lot owners will be assessed by the organization and the manner of enforcement by the organization.
- B. Where agricultural land is to be preserved, create an agricultural conservation easement over that portion of the property to be protected.
- C. Donate land to a conservation trust.
- D. Dedicate land to the public, if acceptable by the county. When the county is unwilling to accept the dedication, open space areas shall remain under private ownership and control.
- E. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.120. - Open space calculation.

The equation for calculating PAD overlay zoning district open space is as follows:

The number of the total acres—all commercial and industrial acreage = Net acreage  
x the required percentage shown in PCDSC 2.176.130 below = The acres of open space.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.130. - Minimum requirements for open space.

Residential portions of PAD overlay zoning districts shall provide a minimum percentage of the net acreage as developed or conservation open space as determined by the average slope of the net acreage as follows:

Total Percentage Requirements

Open space requirements	0—5% slope	<5%—10% slope	<10% slope
Conservation open space	0% if disturbed 3% min. if undisturbed	5% min.	9% min.
Developed open space:			
Recreation area open space	7% min.	6% min.	4% min.
Total open space required	18%	18%	18%

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.140. - Uses permitted within open space areas.

The following activities and land uses shall be counted as a part of the required open space categories identified below within a proposed development:

A. *Developed open space.*

1. Recreation areas;
2. Multi-use paths and trails;
3. Retention/detention areas;
4. Entryways and streetscapes;
5. Lakes; and
6. Golf course, subject to the following limitations:
  - a. For a PAD overlay zoning district consisting of more than 1,000 acres, the golf course shall count for no more than 25 percent of the total open space requirement and no more than 25 percent of the total recreation open space requirement unless the golf course is open and viewable at street level throughout

the community as determined by the planning director, in which case the golf course counts for no more than 50 percent of the total open space requirement and no more than 25 percent of the total recreation open space requirement.

- b. For a PAD overlay zoning district consisting of 1,000 acres or less, the golf course shall count towards total open space, but shall count for no more than 50 percent of the recreation open space required pursuant to PCDCS 2.176.130.

B. *Conservation open space.*

1. Conservation/preservation areas;
2. Natural undisturbed landscapes;
3. Natural washes and floodplains;
4. Wildlife and native plant habitat areas;
5. Hillsides, above 15 percent slope;
6. Ridgelines;
7. Geologically hazardous areas;
8. Archeological sites;
9. Historical sites;
10. Cultural sites;
11. Buffers between existing or planned regional or community open space areas;
12. Multi-use paths and trails; and
13. River corridor and/or perennial stream.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.150. - Uses prohibited within open space areas.

The following activities and land uses shall not be counted as a part of any required open space category within a proposed development:

- A. Streets, alleys, and other public or private rights-of-way; vehicular drives; parking, loading, and storage areas;
- B. Required setback areas;
- C. The unbuilt portions of a lot;
- D. Areas reserved for the exclusive use or benefit of an individual owner or tenant;
- E. Small remnant parcels;
- F. Landscape tracts at the end of blocks unless they meet the size and design requirements set forth in PCDCS 2.176.100(G);
- G. Channelized or altered drainage ways unless they meet the size and design requirements set forth in PCDCS 2.176.180; and
- H. Indoor facilities not part of a recreation area.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.160. - Minimum requirements for recreation areas.

- A. A phasing plan for construction of all recreation areas, tied to final plats, must be submitted to and approved by



county staff prior to the approval of the first tentative plat.

- B. Recreation areas shall be located and designed as community amenities. They shall be centrally located within the area they serve, internalized to the neighborhood, with access provided on a minimum of two sides with at least 100 feet of local street frontage for each side and one-quarter acre in area.
- C. Trees with a minimum size of 15 gallons shall be planted at the rate of one tree per 1,000 square feet of surface area provided. A minimum of 25 percent of the required trees shall be 24-inch box tree.
- D. A minimum of 25 percent of each recreation area shall be dry and not used as retention/detention.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.170. - Minimum requirements for multi-use paths and trails.

- A. A multi-use path and trail system shall be developed as part of the pedestrian circulation system for all residential PAD overlay zoning districts.
- B. Where a designated trail corridor, as identified in the comprehensive plan, runs through or is adjacent to a proposed development, it will be the responsibility of the developer to identify and protect the corridor and to provide for appropriate connections, and a continuous interconnected county trail system. A public access easement shall be provided for all public and regional trails.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.180. - Minimum requirements for stormwater retention and detention basins.

- A. The maximum side slopes for retention/detention basins within an open space area is 4:1. At least one access point between the top and bottom of the basin shall have a maximum slope of 20:1 to meet Americans with Disabilities Act (ADA) requirements.
- B. All basins shall have a minimum of 50 feet of street frontage.
- C. All plant material utilized in the development of stormwater retention/detention basins shall be native and drought tolerant unless being used in recreation areas.
- D. A minimum of 50 percent of all retention/detention basin surface area shall be covered with live vegetative plant material.
- E. Trees with a minimum size of 15 gallons shall be planted at the rate of one tree per 1,000 square feet of surface area provided. A minimum of 25 percent of the required trees shall be 24-inch box tree.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.190. - Minimum requirements for streetscapes and entryways.

- A. All plant material utilized in the development of stormwater retention/detention basins shall be native and drought tolerant.
- B. Trees with a minimum size of 15 gallons shall be planted at the rate of one tree per 1,000 square feet of surface area provided. A minimum of 25 percent of the required trees shall be 24-inch box trees.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.200. - Minimum requirements for conservation open space.

- A. Conservation areas shall be an integral part of the larger open space plan for the planned area development.

- B. Landscaping in conservation open space areas is limited to native on-site species only.
- C. Long thin strips of conservation open space are not allowed unless they are designed to protect linear resources.
- D. Conservation open space areas shall not include parcels which are less than 100 feet wide and 100 feet in depth and less than two acres in size.
- E. A minimum 50-foot setback shall be provided between an archaeological site/cultural resources and any structure in the development.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.210. - Conformity with comprehensive plan.

All PAD overlay zoning districts shall be consistent with and conform to the comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed PAD overlay zoning district ordinance to the county's comprehensive plan, the rezoning ordinance shall be construed in a manner that will further the implementation of and not be contrary to the goals, policies and applicable elements of the comprehensive plan. A PAD overlay zoning district ordinance conforms with the comprehensive plan if it proposes land uses, densities or intensities with the range of identified uses, densities and intensities of the comprehensive plan.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.220. - Regionally significant routes (RSR).

- A. When the property of the proposed development is adjacent to a projected regionally significant route as identified on the corridor preservation map (figure 9) in Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, the applicant shall be required to comply with the Regionally Significant Routes for Safety and Mobility, Final Report, December 2008 concerning RSR locations, dedications of rights-of-way/easements and to comply with access requirements in the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.
- B. A cross-access easement on the property which is the subject of the rezoning may be needed to provide necessary access points for adjacent properties in compliance with Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

2.176.230. - Application process.

- A. *Restriction on application.* A PAD application shall not be accepted for processing on any property that was part of a PAD overlay zoning district application denied by the supervisors within the previous six months.
- B. *Amendment to the comprehensive plan.* Any application for a PAD overlay zoning district requiring an amendment to the comprehensive plan shall not be approved until the necessary comprehensive plan amendment has been approved by the supervisors and the referendum period for the comprehensive amendment expired; or if a referendum petition is filed, when the comprehensive plan amendment is successfully defended against the referendum.
- C. *Withdrawal of application.* After submittal and acceptance of a completed application, applicant, without any action by the supervisors, may withdraw the PAD application up to the time the notice of the supervisors' public hearing on the PAD application has been published. After the notice of the public hearing has been published, the applicant may

make a request to the supervisors to withdraw the PAD application. The supervisors, at their discretion, may grant the withdrawal request or hear the PAD application.

- D. *Pre-application meeting.* Prior to filing an application, the property owner and/or property owner's authorized agent shall attend a pre-application meeting with the planning and development department and other appropriate county staff to familiarize staff with the proposed PAD overlay zoning district and identify and discuss any issues related to the proposal and to review the application requirements. The pre-application meeting shall not be interpreted as staff approval for the proposed PAD overlay zoning district and does not commit the county to approving the proposed PAD overlay zoning district.
- E. *Pre-application submittal.* An application form shall be properly completed, signed and include the following:
1. *[Filing fees.]* Applicable filing fees.
  2. *[Development plan; preliminary site plan and narrative report.]* Development plan including:
    - a. *Preliminary site plan (map).* The following elements are required:
      - i. The proposed PAD overlay zoning district shall be drawn at sufficient scale so as to not exceed a paper size greater than 24 inches by 36 inches. Eleven-inch by 17-inch reductions shall be included in the PAD overlay zoning district application and lettering thereon shall be of sufficient size to be readable.
      - ii. Title of the project, as shown in the narrative report, such as "Planned Area Development for [insert name of development]" in bold letters.
      - iii. Name of the landowner, developer, applicant and preparer of the plan.
      - iv. North arrow, scale (written and graphic), dates of plan preparation and subsequent revision dates.
      - v. Inset vicinity map showing the relationship of the proposed project to existing development in the area, surrounding zones, roadways and railroads at a scale of not less than one inch equals 2,000 feet.
      - vi. Existing zone designation of subject property and requested zone change, if applicable.
      - vii. Legal description of the entire property.
      - viii. Delineate the exact boundaries of the proposed PAD overlay zoning district by bearing and distance.
      - ix. Show existing perimeter streets, including center lines, names, dimensions of existing rights-of-way and pavement widths, and proposed dedications.
      - x. Indicate the location and width of all existing roadways on the property, whether the roadways are public or private and whether such roadways will remain or be extinguished.
      - xi. Indicate the location and width of all existing easements and rights-of-way on the property and adjacent to the property; identify the type of easement, i.e., sewer, utility, roadway; whether the easement is public or private; and whether such easements will remain or be abandoned.
      - xii. Show location and size of existing structures and significant natural features.
      - xiii. Show the general locations and scheme of proposed interior collector and major arterial streets with proposed rights-of-way.
      - xiv. Identify nearest regional significant routes to proposed development as projected in Regionally Significant Routes for Safety and Mobility Final Report, December 2008.
      - xv. Show points of ingress and egress to the site.
      - xvi. Show parking areas.
      - xvii. Identify and delineate existing and/or proposed trails as shown on the Pinal County trail system master plan and other available information.

- xviii. Indicate the general location of the proposed residential area(s) and types of housing proposed for each area; areas of open space, recreation areas, drainage areas and any proposed facilities such as sewage treatment etc.
  - xix. Show typical lots for each dwelling unit type, including typical lots in cul-de-sacs, on corners and in any unusual location. These typical lots should show the building envelope, the proposed minimum setbacks, the minimum lot dimensions and individual fences/walls.
  - xx. Show topography with a maximum contour interval of two feet, except where existing ground is on a slope of less than two percent, then either one-foot contours or spot elevation shall be provided where necessary.
  - xxi. Identify by note or notes the existing drainage pattern and the proposed drainage plans for handling on-site and off-site stormwater runoff.
  - xxii. Indicate the locations of proposed perimeter fences, walls and/or screening.
  - xxiii. Show property boundaries and dimensions for each unit.
  - xxiv. Note the general location and type of proposed on-site landscaping.
- b. *Narrative report.* The narrative report is to provide in text format to the county such information about the proposed development plan that cannot be clearly conveyed by a map alone. Only the following information should be included in a supporting narrative report in the following order:
- i. Title page. The title page shall clearly indicate "Planned Area Development for [insert the name of the development]," the name of the applicant and the preparation date and any dates of revisions.
  - ii. Purpose of request. The first section of the report shall give a description of the proposed PAD overlay zoning district, the nature of the proposed development and explain why the development is proposed. Discuss why the site has been chosen. The applicant shall state the advantages and benefits of the proposed development to the county in detail and any disadvantages and how the disadvantages will be addressed.
  - iii. Description of proposals. The character and type of each proposed land use and building types and densities shall be thoroughly explained. All of the proposed nonresidential buildings and structures and their intended uses shall be described.
  - iv. Relationship to surrounding properties. Surrounding land use and zoning should be described. The impact of the proposal on surrounding properties in each direction shall be discussed.
  - v. Schools. The impacts on schools, including the demand for new schools, shall be explained. A school response letter indicating the status of review and method of addressing impacts created by the proposed PAD overlay zoning district shall be provided by the applicant.
  - vi. Public services. Discuss the impact on existing public services and the need for additional services such as fire stations, fire protection systems (fire hydrants), sheriff's facilities and waste disposal systems and how and when the need will be addressed.
  - vii. Community services. Discuss the need for community services such as churches, libraries, museums, community centers, and how the need will be addressed.
  - viii. Location and accessibility. The advantages of the proposed location should be explained. The means of access, distance from major streets, distance from regionally significant route as projected in Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, and surrounding road conditions should be described. Any proposed interior streets, drives and improvements should also be described using cross-section drawings or similar details.

- ix. Access management. If proposed development is adjacent to a projected regionally significant route, describe how the access points to the development site comply with the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.
- x. Utilities and services. The availability and adequacy of proposed utilities and services must be thoroughly discussed.
- xi. Ownership and control. Indicate who will own, control and maintain landscaping, open space, streets, recreation facilities, refuse disposal and utility systems.
- xii. Timing of development (phasing schedule). A section of the report should contain a phasing schedule for timing of construction for each unit and connection to infrastructure necessary to support a specific unit or the whole development including, but not limited to, transportation improvements, public services, utilities and development of common areas and open space amenities. Phasing for recreation area amenities shall follow the requirements set forth in PCDSC 2.176.160(A).
- xiii. Conformance with the comprehensive plan. Discuss the relationship and conformance of the proposed PAD overlay zoning district with the comprehensive plan.
- xiv. Recreation. Discuss recreational amenities and the level of service to be provided to residents of the PAD overlay zoning district.
- xv. Fences, walls and screening. Illustrate the types, height and material of proposed perimeter fences, walls and/or screening.
- xvi. Maintenance of streets and common areas. The provisions for the perpetual maintenance of the private streets, common areas and landscaping should be thoroughly discussed.
- xvii. Total number of dwelling units.
- xviii. Maximum residential density of each planning unit.
- xix. Total number of parking spaces for recreational facilities.
- xx. Type of landscaping.
- xxi. Preliminary hydrologic data. Preliminary hydrologic data and a statement as to whether or not natural drainage courses are to be obstructed or disturbed or if regulatory natural floodplains are to be altered or fitted.
- xxii. Additional information for commercial and industrial uses.
  - (A) The total area in acres proposed for commercial/industrial development.
  - (B) The approximate retail sales floor area of commercial uses.
  - (C) The uses proposed to be included in the development shall be selected from the uses permitted in the base zone. Uses from the base zoning can be deleted but new uses cannot be added.
  - (D) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, outdoor lighting, and nuisance controls intended for the development.
- xxiii. Tables.
  - (A) Land use table or tables to include the following:
    - (1) Total acreage of the site;
    - (2) Total area of arterial and collector streets;
    - (3) Total area and percent of open space;

- (4) Total number of each type of dwelling unit;
- (5) Total number of all dwelling units proposed including the range and mixture of lot sizes within each base zone; and
- (6) The overall proposed density.

(B) Amended development standards table that lists proposed zoning and compares code standards and proposed standards for minimum lot area, minimum lot width, minimum building setbacks, maximum building height, minimum distance between main building and detached accessory buildings, and buildable area. In order to amend a development standard, the proposed amended standard must be listed on this table.

(C) Amended permitted use table showing proposed zoning and uses that will not be permitted in the PAD.

(D) A table which lists the type and source of proposed utilities and services which include sewer, water, electric, telephone, police, fire, schools and solid waste disposal.

F. *Application submittal.* An application form shall be properly completed, signed and include the following:

1. A legal description of the property and address, if applicable.
2. Proof of ownership for all ownership interests in the subject property.
3. If an agent is involved, a signed, notarized agency authorization from the property owners in a format approved by the county (proof of agency).
4. Applicable filing fees.
5. Development plan as set forth in PCDSC 2.176.240.
6. Signature of property owners or their agent.
7. All other information required by the application form.
8. Any other information deemed necessary by the planning director.

G. *Review for submittal compliance.* The planning and development department staff shall review the application and determine whether the application complies with submittal requirements. An incomplete application will not be processed. If the application does not comply with submittal requirements, the planning and development department staff shall notify the applicant of the submittal deficiencies and provide the applicant the opportunity to revise or correct the application deficiencies. If the applicant does not remedy the deficiencies within 90 calendar days from the date the planning and development staff notifies the applicant of the deficiencies, the file shall be closed and reapplication will require a new application and fee. If the application complies with all submittal requirements, the planning and development department staff shall accept the application as complete and notify the applicant of its acceptance for processing.

H. *Staff review of application.* Upon acceptance of a completed application, the planning and development department shall review the application and distribute the application for review to the applicable county departments and cities, towns and other public entities contiguous to the property where the PAD overlay zoning district is proposed. The county case planner shall determine compliance with all applicable plans, regulations and standards, and identify any significant concerns and prepare and submit a report on the PAD overlay zoning district application to the commission prior to the commission's public hearing on the rezoning application. The report will at a minimum:

1. Discuss and determine the extent to which the proposed PAD overlay zoning district is consistent with and conforms to the comprehensive plan and applicable adopted land use plans.
2. Provide a site analysis.

3. Summarize information obtained during review of the application.
4. Include the comments and conditions of other county departments and other agencies, if any.
- I. *Citizen review.* The procedure is the same as set forth in PCDSC 2.166.050(E).
- J. *Notification and hearing processes.* Applicant is subject to the same broadcast notification signs, notification and public hearing requirements and processes set forth in PCDSC 2.166.050(F) through (L).

(Ord. No. PZ-C-001-13, § 5; Ord. No. 011812-ZO-PZ-C-007-10, § 18)

#### 2.176.240. - Development plan.

A development plan shall include the following:

- A. *Preliminary site plan (map).* The following elements are required:
  1. The proposed PAD overlay zoning district shall be drawn at sufficient scale so as to not exceed a paper size greater than 24 inches by 36 inches. Eleven-inch by 17-inch reductions shall be included in the PAD overlay zoning district application and lettering thereon shall be of sufficient size to be readable.
  2. Title of the project, as shown in the narrative report, such as "Planned Area Development for [insert name of development]" in bold letters.
  3. Name of the landowner, developer, applicant and preparer of the plan.
  4. North arrow, scale (written and graphic), dates of plan preparation and subsequent revision dates.
  5. Inset vicinity map showing the relationship of the proposed project to existing development in the area, surrounding zones, roadways and railroads at a scale of not less than one inch equals 2,000 feet.
  6. Existing zone designation of subject property and requested zone change, if applicable.
  7. Legal description of the entire property.
  8. Delineate the exact boundaries of the proposed PAD overlay zoning district by bearing and distance.
  9. Show existing perimeter streets, including center lines, names, dimensions of existing rights-of-way and pavement widths, and proposed dedications.
  10. Indicate the location and width of all existing roadways on the property, whether the roadways are public or private and whether such roadways will remain or be extinguished.
  11. Indicate the location and width of all existing easements and rights-of-way on the property and adjacent to the property; identify the type of easement, i.e., sewer, utility, roadway; whether the easement is public or private; and whether such easements will remain or be abandoned.
  12. Show location and size of existing structures and significant natural features.
  13. Show the general locations and scheme of proposed interior collector and major arterial streets with proposed rights-of-way.
  14. Identify nearest regional significant routes to proposed development as projected in Regionally Significant Routes for Safety and Mobility Final Report, December 2008.
  15. Show points of ingress and egress to the site.
  16. Show parking areas.
  17. Identify and delineate existing and/or proposed trails as shown on the Pinal County trail system master plan and other available information.
  18. Indicate the general location of the proposed residential area and types of housing proposed for each area. Show and label areas of open space, recreation areas, drainage areas and any proposed facilities such as

sewage treatment plant, school sites, etc.

19. Show typical lots for each dwelling unit type, including typical lots in cul-de-sacs, on corners and in any unusual location. These typical lots should show the building envelope, the proposed minimum setbacks, the minimum lot dimensions and individual fences/walls.
  20. Show topography with a maximum contour interval of two feet, except where existing ground is on a slope of less than two percent, then either one-foot contours or spot elevation shall be provided where necessary.
  21. Identify by note or notes the existing drainage pattern and the proposed drainage plans for handling on-site and off-site stormwater runoff.
  22. Indicate the locations of proposed perimeter fences, walls and/or screening.
  23. Show property boundaries and dimensions for each unit.
  24. Note the general location and type of proposed on-site landscaping.
- B. *Narrative report.* The narrative report is to provide in text format to the county such information about the proposed development plan that cannot be clearly conveyed by a map alone. Only the following information should be included in a supporting narrative report in the following order:
1. Title page. The title page shall clearly indicate "Planned Area Development for [insert the name of the development]," the name of the applicant and the preparation date and any dates of revisions.
  2. Purpose of request. The first section of the report shall give a description of the proposed PAD overlay zoning district, the nature of the proposed development and explain why the development is proposed. Discuss why the site has been chosen. The applicant shall state the advantages and benefits of the proposed development to the county in detail and any disadvantages and how the disadvantages will be addressed.
  3. Description of proposals. The character and type of each proposed land use and building types and densities shall be thoroughly explained. All of the proposed nonresidential buildings and structures and their intended uses shall be described.
  4. Relationship to surrounding properties. Surrounding land use and zoning should be described. The impact of the proposal on surrounding properties in each direction shall be discussed.
  5. Schools. The impacts on schools, including the demand for new schools, shall be explained. A school response letter indicating the status of review and method of addressing impacts created by the proposed PAD overlay zoning district shall be provided by the applicant.
  6. Public services. Discuss the impact on existing public services and the need for additional services such as fire stations, fire protection systems (fire hydrants), sheriff's facilities and waste disposal systems and how and when the need will be addressed.
  7. Community services. Discuss the need for community services such as churches, libraries, museums, community centers, and how the need will be addressed.
  8. Location and accessibility. The advantages of the proposed location should be explained. The means of access, distance from major streets, distance from regionally significant route as projected in Regionally Significant Routes for Safety and Mobility, Final Report, December 2008, and surrounding road conditions should be described. Any proposed interior streets, drives and improvements should also be described using cross-section drawings or similar details.
  9. Access points. If proposed development is adjacent to a projected regionally significant route, describe how the access points to the development site comply with the Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008.



10. Utilities and services. The availability and adequacy of proposed utilities and services must be thoroughly discussed.
11. Ownership and control. Indicate who will own, control and maintain landscaping, open space, streets, recreation facilities, refuse disposal and utility systems.
12. Timing of development (phasing schedule). A section of the report should contain a phasing schedule for timing of construction for each unit and connection to infrastructure necessary to support a specific unit or the whole development including, but not limited to, transportation improvements, public services, utilities and development of common areas and open space amenities. Phasing for recreation area amenities shall follow the requirements set forth in PCDSC 2.176.160(A).
13. Conformance with the comprehensive plan. Discuss the relationship and conformance of the proposed PAD overlay zoning district with the comprehensive plan.
14. Recreation. Discuss recreational amenities and the level of service to be provided to residents of the PAD overlay zoning district.
15. Fences, walls and screening. Illustrate the types, height and material of proposed perimeter fences, walls and/or screening.
16. Maintenance of streets and common areas. The provisions for the perpetual maintenance of the private streets, common areas and landscaping should be thoroughly discussed.
17. Total number of dwelling units.
18. Maximum residential density of each planning unit.
19. Total number of parking spaces for recreational facilities.
20. Type of landscaping.
21. Preliminary hydrologic data. Preliminary hydrologic data and a statement as to whether or not natural drainage courses are to be obstructed or disturbed or if regulatory natural floodplains are to be altered or fitted.
22. Additional information for commercial and industrial uses.
  - a. The total area in acres proposed for commercial/industrial development.
  - b. The approximate retail sales floor area of commercial uses.
  - c. The uses proposed to be included in the development shall be selected from the uses permitted in the base zone. Uses from the base zoning can be deleted but new uses cannot be added.
  - d. The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, outdoor lighting, and nuisance controls intended for the development.
23. Tables.
  - a. Land use table or tables to include the following:
    - i. Total acreage of the site;
    - ii. Total area of arterial and collector streets;
    - iii. Total area and percent of open space;
    - iv. Total number of each type of dwelling unit;
    - v. Total number of all dwelling units proposed including the range and mixture of lot sizes within each base zone; and
    - vi. The overall proposed density.
  - b. Amended development standards table that lists proposed zoning and compares code standards and

proposed standards for minimum lot area, minimum lot width, minimum building setbacks, maximum building height, minimum distance between main building and detached accessory buildings, and buildable area. In order to amend a development standard, the proposed amended standard must be listed on this table.

- c. Amended permitted use table showing proposed zoning and uses that will not be permitted in the PAD.
  - d. A table which lists the type and source of proposed utilities and services which include sewer, water, electric, telephone, police, fire, schools and solid waste disposal.
24. Appendix. It is sometimes necessary, depending upon the nature of the request, to attach copies of correspondence with other federal, state, local, semi-private or private agencies or organizations that can substantiate the proposal.
25. OSRP. An open space and recreation plan (OSRP) shall be prepared and submitted for each residential PAD overlay zoning district. The purpose of the OSRP is to describe the layout and features of the open space and recreation area of the proposed PAD overlay zoning district. The OSRP shall be designed in accordance with this chapter. Site-specific details of the proposed development and surrounding areas will determine which open space strategies should be emphasized and the appropriate areas to be preserved and/or developed. Each OSRP is to illustrate how a development is meeting the requirements for on-site open space, park and recreation areas, and multi-use paths and trails development. A site analysis is required with the submittal of an OSRP. The site analysis is a tool to assist in determining areas most suitable for developed and conservation open space. County staff will review the applicant's proposal and recommend modifications, if needed, with regard to the proposed conservation open space areas, recreation areas and multi-use paths and trails within the proposed development. The base for the site analysis shall include a current aerial photo at a maximum scale of one inch equals 100 feet; however, a scale of one inch equals 50 feet is preferred. A proposed development exceeding 150 acres in size may require an additional composite map to illustrate the overall intent of the entire development area on a single map. The site analysis should be produced in an eight-and-one-half-inch by 11-inch format for text and 24-inch by 36-inch format for plans. The site analysis shall contain the following information:
- a. Total acreage of the proposed development.
  - b. Context map showing the proximity and relationship to the county's trails, parks or schools in the area and connectivity to the adjacent neighborhoods, off-site trails, paths, bikeways, and transit areas.
  - c. A concept drawing of the proposed development including the gross site area, the number of proposed lots, proposed arterial and collector street circulation system, the proposed lot size, the proposed retention/detention areas and the proposed development phasing.
  - d. The anticipated target market of the proposed development.
  - e. Existing and proposed developed or conservation open space areas and multi-use path and trail corridors within one mile of the proposed development, if the proposed development is less than 800 gross acres; and within three miles if the proposed development is 800 gross acres or more. A brief narrative describing how the proposed development will integrate into the county's overall open space and trail system as depicted in the plan shall also be included.
  - f. A description of how the requirements for developed and/or conservation open space, recreation areas and multi-use paths and trails are being met.
  - g. A pedestrian circulation system showing a multi-use path and trail system providing linkages to open space, trails, paths, bikeways, schools and commercial parcels within the proposed development as well

as adjacent neighborhoods and communities and, if applicable, the county's trail system. All multi-use paths and trails will need to be identified by the proposed type and include tread and easement widths, if applicable.

- h. A slope analysis identifying the following slope categories: zero percent to five percent, five percent to ten percent, and greater than ten percent.
- i. Identification of wash corridors and preliminary hydrologic information for the contributing watershed (i.e., cubic-feet-per-second flows, on-site and off-site, sheet flow direction, etc.).
- j. Identification of the location of riparian vegetation and biological habitats associated with washes or other areas of water concentrations that have created dense stands of vegetation. Aerial photos should be used to map the limits of notable vegetation.
- k. Identification of potential view corridors to public or private open space, natural wash corridors, and natural features.
- l. Identification of the projected 100-year floodplain and floodway boundary as required by FEMA.
- m. A record check through Arizona State Museum (ASM) for archeological sites and identification of any sites or surveys.
- n. The location and percentage of each proposed development to be permanently preserved as conservation open space and the specific features to be protected, including vegetation, washes, mountain ridges, peaks, archaeological sites, etc., including parcel size and minimum dimensions.
- o. The location and percentage of each proposed development to be permanently preserved as developed open space and the specific recreation areas, including parcel size and minimum dimensions.

C. *Additional data.*

1. A landscape plan. The design objective of the plan must be clear and supported by a written statement. The plan must provide ample quantity and variety of low water use plant species which are regarded suitable for this climate. Plant material selection will be reviewed by the site plan locations. The landscape plans shall include the following:
  - a. A vegetation salvage plan indicating all vegetation that shall remain or be transplanted on site.
  - b. Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
  - c. Extent and location of all plant materials and other landscape features. Plant material must be identified to direct labeling, with minimum size denoted, on the plan and by a clear legend.
  - d. Extent of decorative design elements such as fountains, pools, benches, sculptures, planters and similar elements.
  - e. Location of water outlets. If areas of planting are extensive, plans for an irrigation system will be required.
  - f. Final inspection shall not be conducted for any building within a unit in the PAD until the required landscaping for that unit is in place or improvement security provided.
2. A master sign plan, detailing the location and type of all proposed signage for the project.
3. A preliminary drainage report as defined in the county drainage ordinance.
4. A preliminary traffic impact assessment (TIA) report, prepared in accordance with selected Arizona Department of Transportation guidelines, shall be included in the narrative report.
5. Separate preliminary reports or master plans for stormwater drainage, wastewater, and domestic water service shall be submitted.
6. Reports or studies may be required beyond the preliminary level if such is determined necessary by the

county engineer.

7. Additional information may be required of the applicant by the planning director or county engineer when needed to complete the review of the PAD overlay zoning district application.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

#### 2.176.250. - Plats and specific site plans.

Plats and/or specific site plans or individual site plans in substantial compliance with the approved development plan shall be filed in accordance with chapter 2.200 PCDS, the schedule for development, if any, or the county's subdivision regulations.

- A. There may be more than one plat and/or specific site plan or individual site plan within the PAD overlay zoning district.
- B. Approval of a specific site plan in accordance with chapter 2.200 PCDS does not replace the plat process and shall not be used to circumvent the plat process required by the county's subdivision regulations.
- C. Where the plat process is required, no site plan, if required, may be approved prior to final plat approval.
- D. A plat, specific site plan or individual site plan shall be deemed in substantial compliance with the development plan; provided, that the plat, specific site plan or individual site plan does not:
  1. Change the uses or character of the approved PAD overlay zoning district.
  2. Increase the approved maximum density.
  3. Change the number or make a substantial change in the location of arterial or collector streets.
  4. Contain changes which would normally cause the PAD overlay zoning district to be disqualified under the applicable criteria.
- E. Dedications may be required with approval of the final plat or specific site plan or individual site plan when substantiated by final studies that are not completed until review of the final plat, specific site plan or individual site plan by county staff. Studies may be for, but are not limited to, drainage, hydrology, and traffic analysis.
- F. If a plat, specific site plan or individual site plan does not substantially conform to the approved development plan, the planning and development department or public works department shall notify the applicant of the deficiency, and county staff review shall terminate until the deficiency is remedied.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

#### 2.176.260. - Amendments to the PAD overlay zoning district.

- A. *Major PAD amendment.* An amendment will be deemed major if it involves any of the following:
  1. A request for different type of land use;
  2. A change in zone boundaries;
  3. A request to waive, or a change altering, any condition or stipulation of approval;
  4. Changes in locations of streets that will change the character of the PAD;
  5. Changes in locations or use of open space, excluding minor shifts in size and location and uses that are consistent with the approved OSRP;
  6. Dwelling unit density transfers between residential units which are ten percent or more of the total density;
  7. An increase in the overall density;
  8. A change in location of sewer facilities or change in the sewer system;

9. A deletion or addition of acreage to an approved PAD overlay zoning district;
  10. A severance of a portion of the PAD overlay zoning district;
  11. Abandonment of an existing approved PAD overlay zoning district by approval of a new PAD overlay zoning district over the entire property;
  12. A change in the development phasing schedule;
  13. Any significant change after a final plan has been approved; or
  14. A change that would have a significant impact on the approved PAD overlay zoning district or surrounding properties as determined by the planning director.
- B. *Major PAD amendment procedure.* Requests for major amendments shall follow the same procedure as the initial application for a PAD overlay zoning district approval.
- C. *Minor PAD amendment.* Any request that is not major, as defined in subsection (A) of this section, or is determined by the planning director to be a minor amendment. In general minor PAD amendments are small adjustments to the details of a development plan that do not substantively or materially alter the original character and/or intent of the development plan and approved PAD overlay zoning district.
- D. *Minor PAD amendment procedure.*
1. Requests for minor PAD amendments shall be filed with the planning and development department.
  2. The request will be routed for comment to any affected county departments.
  3. Upon receipt of comments or no later than ten working days, the planning director will determine whether to approve or deny the requested amendment.
  4. Applicant will be notified by letter of the planning director's decision and a copy of the letter will be filed for public record.
- E. *Density transfer.* The planning director may permit dwelling unit density transfers under ten percent between residential units within the development plan, provided:
1. The procedures for such transfers are explicitly stated within the plan and will be allowed only once per residential unit;
  2. Density transfer proposals indicating donor and recipient areas are submitted to the planning director for administrative review and approval; and
  3. The overall density of the plan is not exceeded.
- F. *Reduction or removal.* An approved PAD overlay zoning district may not be reduced or a portion removed or severed unless the remaining portion of the approved PAD overlay zoning district can stand alone without changing the character, circulation or open space as originally approved.
- G. *Variations.* The board of adjustment shall not grant any variations for an approved PAD overlay zoning district.

(Ord. No. 011812-ZO-PZ-C-007-10, § 18)

## CHAPTER 2.180. - DESIGN REVIEW OVERLAY (DRO) ZONING DISTRICT

### 2.180.010. - Applicability.

The DRO zoning district is an overlay zone that shall be used only when there is public consensus for an overlay zone in order to allow for economic and aesthetic concerns. Each specific DRO zoning district and design review plan ("DRP") shall require approval by the Pinal County board of supervisors. DRO areas are subject to the review of additional architectural and environmental impact standards. The review of architectural and site planning standards of this chapter shall apply only to proposed development for community service agencies, multiple dwellings, commercial, churches, office and industrial developments and all signage and lighting for such uses.

- A. All applications for site plan approval that have been accepted as complete prior to the adoption of a DRO zoning district shall not be subject to review by the design review overlay zoning district advisory board for that DRO zoning district. Any proposed amendment to any approved site plan constructed prior to the establishment of the DRO zoning district regarding the design elements listed in PCDSC 2.180.040(D) shall follow the development plan approval procedures enumerated under PCDSC 2.180.070, 2.180.080 and 2.180.090.
- B. A DRO zoning district may be formed over an existing planned area development; provided, that in the opinion of the board of supervisors the adopted DRP is consistent with established architectural character and parameters of the approved planned area development.

(Ord. No. 061610-DROZ, § 1(3330))

#### 2.180.020. - Purpose and objectives.

The purpose of this chapter is to establish the process for creation and adoption of a DRO zoning district and its associated DRP. In order to protect and preserve property values and enhance certain scenic vista areas of the county, the board, upon recommendation by the commission and when there is public consensus for the DRO zoning district, may apply the DRO zoning district, in conjunction with the underlying zone. Additionally, the purpose of this chapter is to accomplish the following objectives:

- A. To help ensure that the development, buildings or structures will assist in the enhancement of the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area.
- B. To help ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to help prevent the construction of structures that would conflict with their environment.
- C. To help ensure that sites, projects, buildings and structures subject to design review are developed with due regard for the environmental qualities of the natural terrain and landscape, and, that native vegetation, scenic vistas and topography are not indiscriminately destroyed.
- D. To help ensure that the design and exterior architecture of proposed buildings and structures will be in harmony with either the design or exterior architecture of the buildings and structures already constructed or being constructed in the immediate neighborhood, as to not cause a substantial depreciation of property values in the neighborhood.
- E. To help ensure that open spaces, drainage ways and landscaping are thoughtfully designed to enhance property values, enhance views into and from the site and to screen and minimize the impacts of deleterious uses and parking areas.
- F. To help ensure that the proposed development complies with all of the provisions of this chapter and applicable goals and policies of the comprehensive plan or any amendment or element thereof or specific plan for the area.

(Ord. No. 061610-DROZ, § 1(3331))

## 2.180.030. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Design review overlay (DRO) zoning district* means an area subject to review of additional architectural and environmental impact standards as outlined in the associated design review plan (DRP).

*Design review overlay zoning district advisory board* or *advisory board* means a seven-member advisory board which is appointed for each DRO zoning district.

*Design review overlay zoning district formation board* or *formation board* means a seven-member formation board which is appointed to initiate a DRO zoning district.

*Design review plan (DRP)* means a plan for the DRO zoning district that will consist of a written narrative text, maps and graphics which shall establish the standards, criteria, goals and policies for the DRO zoning district in accordance with PCDSC 2.180.050(D) in order for proposed structures to be in harmony with the structures already constructed or in the process of construction.

*Developed* means property that has a dwelling unit constructed or installed on the lot.

*Development plan* means a plan filed by the developer for a specific development project within the DRO zoning district showing the location of structures and providing all the information required under PCDSC 2.180.070.

*General welfare*, for the purpose of this chapter, means the preservation of neighborhoods or community character or the attainment of economic objectives such as the preservation of property values or promotion of tourism.

*Lot*, for purposes of this chapter, means a parcel or unit of land described as metes and bounds or shown as a lot on a recorded subdivision plat or shown as a lot on a map of survey for the purpose of minor land division. This does not include common area tracts located within subdivisions.

*Lot owners* means all owners of property within the DRO zoning district. This term is not based upon a certain use or zone classification of the property within the DRO zoning district.

*Proposed development* means any new construction, alteration, expansion or modification to the exterior of any building or structure which requires a building permit as defined in the Pinal County building code.

*Public consensus* means the general agreement of qualifying property owners required to form a DRO zoning district as enumerated under PCDSC 2.180.040(F) and (G).

*Sign package* means a component of the development plan that indicates the general specifications of signage including architectural qualities, size (including proportions), materials, quantity, illumination and location on a development site. The sign package is intended to develop a design theme for on-site attached and detached signage.

(Ord. No. 061610-DROZ, § 1(3332))

## 2.180.040. - Special provisions.

- A. The adoption of a DRO zoning district does not change the permitted uses in the underlying zone.
- B. Upon application for a DRO zoning district to a specific area of the county, the board, upon recommendation of the commission, shall establish design guidelines in the form of a DRP for that specific area which reflect public consensus. Said guidelines may include, but are not limited to, exterior design, materials, textures, colors, signage and means of illumination.

- C. The approved DRP is to serve as the official document for the commission, board, and all county officials and agencies for accomplishing coordinated physical development within the DRO zoning district.
- D. All development described in PCDCS 2.180.010, including buildings, structures, landscaping, drainage ways, site layout and signs, to be located within the DRO zoning district shall be first approved under the provisions of this chapter. Interior construction or remodeling and nonstructural exterior utility alterations (gas, electric, water) are not included.
- E. Any violation of the provisions of this chapter shall be subject to the enforcement provisions of chapter 2.160 PCDCS.
- F. To have a DRO zoning district, a minimum of 75 percent of the land area must be zoned residential, and 50 percent of that residentially zoned property must be developed.
- G. To have a DRO zoning district, there must be public consensus. Lot owners, no matter what type of ownership, are entitled to only one vote per lot. The required number of lot owners for public consensus shall be determined by notarized petitions meeting the following requirements:
  - 1. Petitions must contain signatures of approval of at least 51 percent of all the lot owners by area and number within the proposed DRO zoning district; and
  - 2. If commercial or industrial zoned land is included in the proposed DRO zoning district, the 51 percent of all lot owners signing the petitions must include at least 50 percent of the commercial and/or industrial property owners.
- H. Property in a PAD overlay district where the development plan specifically articulated the elements described in PCDCS 2.180.050(D) and the development plan and PAD overlay district was approved by the BOS prior to the establishment of a DRO zoning district over the subject property shall not be subject to the requirements of the DRO zoning district, unless an amended or new PAD is requested that materially changes the PAD.
- I. If any conflict should arise between this chapter and chapter 2.145 PCDCS which regulates signs, this chapter shall prevail within an approved DRO zoning district. The advisory board may not authorize additional height, area or number of signs than allowed under chapter 2.145 PCDCS.

(Ord. No. 061610-DROZ, § 1(3333))

#### 2.180.050. - Initiation of a DRO zoning district.

The commission shall initiate the formation of a DRO zoning district in conjunction with other existing zones with the following procedures:

- A. Any person or group proposing that the commission initiate the formation of a DRO zoning district shall file with the commission an application for such DRO zoning district on the form provided by the planning department. At minimum the application shall include:
  - 1. A preliminary map depicting the boundaries of the proposed DRO zoning district;
  - 2. A tabulation of the total number of lots and lot area;
  - 3. A preliminary list of names and contact information of seven individuals desirous of being appointed to the seven-member formation board; and
  - 4. A petition indicating that at least 51 percent of lot owners by both area and number agree to the initiation of a DRO zoning district.
- B. After initiation of the formation of the DRO zoning district by the commission, a seven-member formation board will be appointed for the DRO zoning district by the county supervisor in the supervisorial district where the proposed DRO zoning district will be located. Members of the formation board must be lot owners from within



the supervisorial district where the proposed DRO zoning district will be located. At least 51 percent of formation board members must own property within the proposed DRO zoning district.

- C. County staff will assist the seven-member design review overlay zoning district formation board ("formation board") in establishing the DRO zoning district boundary and associated DRP.
- D. DRO zoning districts shall be established by a DRO zoning district boundary map defining the boundaries of the proposed DRO zoning district and the DRP. The DRP shall only address design guidelines for site development, architectural character, building form (excluding height restrictions and architectural massing for churches) and landscaping through criteria related to building placement, circulation, exterior design, materials, textures, colors, means of illumination and signage. Guidelines may include design criteria related to driveways, pedestrian walks, fences and walls, off-street parking areas including entrances and exits, landscaping varieties and sizes of plant materials, architectural drawings or sketch requirements, and grading and drainage plans. The completed DRO zoning district boundary map and the DRP shall be submitted to the commission for review and recommendation to the board. Once the proposed DRO zoning district and its associated DRO zoning district boundary map and DRP have been reviewed by the commission, the documents shall then be forwarded with the commission's recommendation to the board for its consideration. The commission may recommend denial or approval.
- E. The formation board shall meet as they deem necessary with county staff, members of the public and affected business community to determine the DRO zoning district boundary and draft the associated DRP.
- F. The formation board shall circulate a petition with the proposed DRO zoning district boundary map and DRP in an effort to secure public consensus for the proposed DRO zoning district.
- G. Upon receipt by the commission of a completed DRO zoning district boundary map reflecting the boundary of the DRO zoning district in conjunction with a completed DRP and signed petitions of the required number of lot owners within the proposed DRO zoning district, the commission shall hold at least one public hearing.
- H. The DRO zoning district boundary map and the notice of the public hearing shall be published in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.
- I. The area in the proposed DRO zoning district shall be posted at least 15 calendar days prior to the date of the public hearing. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.
- J. The proposed DRO zoning district boundary map and notice of the public hearing shall be mailed to each property owner of record as shown on the assessment of the property within the proposed DRO zoning district and within 600 feet of the proposed DRO zoning district. The DRO zoning district boundary map and the notice shall also be mailed to each county and municipality contiguous to the area of the proposed DRO zoning district.
- K. At a minimum, the notice shall include the following:
  - 1. The date, time and place of the public hearing;
  - 2. A general explanation of the matter to be considered;
  - 3. A general description of the area of the proposed DRO zoning district;
  - 4. An explanation of how the property owner within the zoning area may file approval or protests to the proposed DRO zoning district;
  - 5. Notification that if 20 percent of the property owners by area and number within the zoning area file protests, an affirmative unanimous vote of the board will be required to approve the DRO zoning district; and
  - 6. Locations as to where a copy of the proposed boundary map and DRP can be obtained (two locations minimum).

- L. The commission may recommend approval or denial of the proposed DRO zoning district. The commission may continue the hearing to a definite time and date that is not to exceed six months, on its own initiative or at the request of the advisory board, affected lot owners, or county staff.
- M. The commission shall transmit recommendations on the proposed DRO zoning district to the board for its action. The transmittal shall be made within three months from the date the commission makes the recommendation.
- N. Notice of the public hearing before the board shall be given at least 15 calendar days prior to the date of the public hearing by one publication in a newspaper of general circulation in the county seat and by posting in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.
- O. The board may approve or deny the action establishing the proposed DRO zoning district or continue the public hearing to a definite time and date not to exceed six months, on its own initiative or at the request of the formation board, affected lot owners, or county staff.
- P. If 20 percent of the owners of property by area and number within the proposed DRO zoning district or within 600 feet of the proposed DRO zoning district file a protest to the proposed DRO zoning district, the approval of the proposed DRO zoning district shall not be made except by unanimous vote of the board.
- Q. After the establishment of the DRO zoning district, the formation board shall terminate.
- R. After the termination of the formation board, a DRO zoning district advisory board will be appointed for the DRO zoning district by affirmative vote of the board of supervisors upon recommendation from the supervisor in the supervisorial district where the proposed DRO zoning district will be located. Members of the formation board may be appointed to the advisory board. A majority of members must be lot owners from within the DRO zoning district and reside at a residence within the zone more than six months out of a calendar year. Each member will be appointed for a term of three years and if possible be comprised of at least one member from the building/construction or architectural profession, one member from the business community, to include the real estate profession, two members who own commercial or industrial property within the proposed zone and three members from the community at large. Members may be reappointed for additional terms. Members may serve no more than three consecutive terms.

(Ord. No. 061610-DROZ, § 1(3334))

#### 2.180.060. - Zoning maps update.

The zoning maps shall be updated to reflect the approved DRO zoning district boundary.

(Ord. No. 061610-DROZ, § 1(3335))

#### 2.180.070. - Development applications required.

After establishment of the DRO zoning district, any lot owner or the lot owner's agent of any applicable development, as determined in PCDSC 2.180.010, shall first file a design review application ("application") together with a development plan for consideration. The planning director shall review the development plan for compliance with established application requirements and shall determine whether the application is complete. Said application of the development plan shall contain the following:

- A. A site plan, drawn to scale showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The

development plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking areas and grading and drainage plans;

- B. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and/or proposed to be retained on the site, the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein, and other landscape features including sprinkler and irrigation systems;
- C. Architectural drawings or sketches, drawn to scale, in sufficient detail to permit computation of setback requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;
- D. A sign package containing accurate scale drawings of all signs indicating their size, material, color, and illumination, if any, and design elements (themes) required of any future signage; and
- E. Such other data as may be required by the specific DRP to ensure that the purposes of this chapter are satisfied.

(Ord. No. 061610-DROZ, § 1(3336))

2.180.080. - Review by the advisory board.

The planning director shall, as soon as possible after acceptance of the completed application, transmit one copy of the accepted application to the appropriate advisory board for its review and recommendation. The advisory board shall hold at least one public meeting, in accordance with open meeting law (A.R.S. § 38-431.01), within 30 calendar days of transmittal of the application to consider the submittal and make recommendations to the planning director.

(Ord. No. 061610-DROZ, § 1(3337))

2.180.090. - Decision by the director.

- A. The planning director shall review the proposed application for its compliance with the purpose and intent of the DRO zoning district and DRP and shall approve, subject to conditions, or deny the application within 21 working days of receipt of the recommendation from the advisory board. If the planning director does not make a recommendation within 21 working days after receipt of the recommendation of the advisory board, the application is deemed approved.
- B. The planning director shall provide the applicant, the appropriate advisory board and any other interested persons with a written statement setting forth the reasons supporting his/her decision.

(Ord. No. 061610-DROZ, § 1(3338))

2.180.100. - Appeals procedure.

- A. The decision of the planning director may be appealed to the board of adjustment as provided in chapter 2.155 PCDSC.
- B. Appeals may be made by any of the following:
  - 1. The applicant; or
  - 2. The advisory board.

(Ord. No. 061610-DROZ, § 1(3339))

2.180.110. - Lapse of design review approval.

Design review approval shall lapse and shall be null and void one year following the date upon which the application was approved. Approval will not lapse should a building permit be issued prior to the expiration of the one-year period.

(Ord. No. 061610-DROZ, § 1(3340))

2.180.120. - Amendments to an approved site plan.

Any proposed amendments to any approved site plan regarding the design elements listed in PCDSC 2.180.040(D), except changes in lettering for signs, shall require review by the advisory board and decision by the director following the procedures required for initial plan approval as enumerated under PCDSC 2.180.070, 2.180.080 and 2.180.090.

(Ord. No. 061610-DROZ, § 1(3341))

2.180.130. - Amendments to the DRP.

- A. After written request by the advisory board, amendments to the DRP shall be made by the board of supervisors. The board of supervisors will hold at least one public hearing. Notice of the hearing shall be posted at least 15 calendar days prior to the date of the public hearing. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected. Content of the notice shall meet the specifications outlined in PCDSC 2.180.050(K).
- B. The notice shall be published in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.
- C. Notice of the public hearing shall be mailed to each property owner as shown on the assessment of the property within the DRO zoning district and within 600 feet of the DRO zoning district. The DRO zoning district boundary map and the notice shall also be mailed to each county and municipality contiguous to the area of the proposed DRO zoning district.
- D. The board may approve or deny the action regarding the proposed DRP amendment or continue the public hearing to a definite time and date not to exceed six months, on its own initiative or at the request of the advisory board, affected lot owners, or county staff.

(Ord. No. 061610-DROZ, § 1(3342))

2.180.140. - Dissolution of design review overlay zone and advisory board.

The commission shall initiate the dissolution of a DRO zoning district and advisory board with the following procedures:

- A. Any person or group proposing that the commission initiate the dissolution of a DRO zoning district and advisory board shall file with the commission an application for such dissolution on the form provided by the planning department. The application must contain notarized affidavits from at least 51 percent of lot owners by area and number within the DRO zoning district stating they are in favor of the dissolution. Upon affirmative vote of the board of supervisors, the board of supervisors may resolve to direct the commission to initiate such dissolution.
- B. Upon receipt by the commission of an application to dissolve and signed petitions from at least 51 percent of lot owners by area and number of lot owners within the DRO zoning district, the commission shall hold at least one public hearing. Notice of the hearing shall follow the procedures and content prescribed in PCDSC 2.180.050(H), (I), (J) and (K).
- C. The commission may recommend approval or denial of the proposed dissolution. A recommendation in favor of a

requested dissolution will require a two-thirds affirmative vote of the planning commission members. The commission may continue the hearing to a definite time and date that is not to exceed six months, on its own initiative or at the request of the advisory board, affected lot owners, or county staff. Failure of the commission to act on application within six months of the date of the first hearing or a motion to recommend approval not receiving a two-thirds affirmative vote shall be forwarded to the board of supervisors with a recommendation of denial.

- D. The commission shall transmit recommendations on the proposed DRO zoning district to the board for its action. The transmittal shall be made within three months from the date the commission makes the recommendation.
- E. The board of supervisors shall hold one public hearing. Notice of the hearing shall follow the procedures and content prescribed in PCDCS 2.180.050(N), (O) and (P).
- F. Upon affirmative vote of the board of supervisors on the dissolution, the advisory board shall immediately disband and the DRO overlay zoning district shall no longer apply. The zoning map shall be modified 31 days after the board of supervisors' approval to reflect the change.

(Ord. No. 061610-DROZ, § 1(3343))

## CHAPTER 2.185. - OUTSIDE STORAGE AND PARKING

### 2.185.010. - Outside storage and parking.

- A. It shall be unlawful and a violation of this title for any resident/occupant or owner of record or both to leave or permit to remain outside any objects, scrap, appliances, vehicles, or any other materials, except as provided by this chapter.
- B. It is unlawful for any person to stand, park or store a vehicle in violation of this chapter.
- C. It is unlawful for any resident/occupant to allow a vehicle to stand or be parked or stored in violation of this chapter.

(Ord. No. PZ-C-003-12, § 1; Ord. No. 61862, § 3401)

### 2.185.020. - Accessory use.

Outside storage and parking provided by this chapter is an accessory use and shall not be permitted unless a primary use has been previously established.

(Ord. No. 61862, § 3402)

### 2.185.030. - Application.

This chapter shall apply to outside storage and parking in all residential and rural zones.

(Ord. No. 011812-ZO-PZ-C-007-10, § 19; Ord. No. 61862, § 3403)

### 2.185.040. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial vehicle* means any vehicle that is used for commercial purposes.

*Heavy truck* means any commercial vehicle with a gross vehicle weight of 19,500 pounds GVWR or more; includes the power unit by itself, the combination of the power unit and trailer, or the trailer separately.

*Motor vehicle parts, components, accessories* means any part, component or accessory from any vehicle propelled by means of an electric, gasoline, diesel, propane, or alcohol fueled engine.

*Owner or owners of record* means the person or entity indicated on the records of the county assessor as the owner of the property in question on the date of an alleged violation.

*Person* means any individual, corporation, company, partnership, firm, association, union, society, or any county, city, town, state or any subdivision or agency thereof and includes any trustee, receiver, assignee, or personal representative thereof.

*Recreational vehicle* means any item of personal property driven or hauled for recreational uses including, but not limited to: travel trailers, motorhomes, boats, boat trailers, tent campers, buses or other recreational items.

*Resident/occupant* means a person or persons who are occupying a building or structure and are using it as a place of abode, a place of residence or a place to live on either a temporary or permanent basis.

*Scrap* means any item or substance which in its present condition is not and cannot be used for the original use intended, or that which has been discarded.

*Telecommunications*, for this chapter, means the transmission of information of the user's choosing between or among points specified by the user without change in the form or content of the information as sent and received. The term "telecommunications" does not include commercial mobile radio services.

*Vehicle* means every device by which any person or property is or may be transported on a street or highway that is propelled by means of an electric, gasoline, diesel, propane, or alcohol fueled engine, including, but not limited to, heavy trucks, public safety, public service, and recreational vehicles.

(Ord. No. PZ-C-003-12, § 2; Ord. No. 011812-ZO-PZ-C-007-10, § 19; Ord. No. 61862, § 3404)

#### 2.185.050. - Vehicle parking.

- A. Unless otherwise prohibited or restricted in this chapter, vehicles may be parked on residential or rural property provided said vehicles comply with all the following requirements:
  1. Vehicles must be owned or leased by the current resident/occupant of the parcel.
  2. Vehicles shall not be up on jacks, blocks or other similar equipment.
  3. Vehicles shall not have deflated tires, nor have the chassis, engine, body parts, wheels or tires removed.
  4. Said vehicles shall not be parked in such a manner as to block access to sidewalks or driveways/entrances to any other property.
  5. Vehicles must have a current, valid registration affixed to the license plates. The lack of a current license plate and/or license tag or an expired license tag affixed to a vehicle shall constitute proof that a vehicle does not have a valid and current registration.
  6. No more than two personally owned vehicles may be offered for sale at any one time.
  7. Vehicles must currently be operable.
- B. Public service and public safety vehicles may be parked by a resident in any residential or rural zoning district if the vehicle is required to be available at designated periods at the person's residence as a condition of the person's employment and either of the following applies pursuant to A.R.S. § 11-269.10:

1. The resident is employed by a public service corporation that is regulated by the Corporation Commission, an entity by the Federal Energy Regulatory Commission or a municipal utility and the public service corporation, federally regulated utility or municipal utility is required to prepare for emergency deployments of personnel and equipment for repair maintenance of natural gas, electrical, telecommunications or water infrastructure, the vehicle has a gross vehicle weight of 20,000 pounds or less and is owned or operated by the public service corporation, federally regulated utility or municipal utility and the vehicle bears an official emblem or other visible designation of the public service corporation, federal utility or municipal utility.
2. The resident is employed by a public safety agency, including police or fire service for a federal, state, local or tribal agency or a private fire service provider or an ambulance service provider that is regulated pursuant to A.R.S. title 36, ch. 21.1 (A.R.S. § 36-2201 et seq.), and the vehicle has a gross vehicle weight rating of 10,000 pounds or less and bears an official emblem or other visible designation of that agency.

(Ord. No. PZ-C-003-12, §§ 3, 4; Ord. No. 61862, § 3405)

2.185.055. - Heavy trucks—Standing, parking or storage.

- A. Heavy trucks, standing, parked or stored, are prohibited in the following zoning districts: CR-1, CR-2, CR-3, CR-4, CR-5, CR-1A, MH, MHP, RV, PM/RVP, TR, R-43, R-35, R-20, R-12, R-9, R-7, MD, MR, MH-8, MHP-435, PM/RV-435, AC-1, AC-2, and AC-3 with the following exceptions:
  1. During the process of loading or unloading; or
  2. During the time the truck is used for the routine or emergency maintenance of utilities, transportation facilities or real property; or
  3. During the time such commercial vehicle is used for the construction of utilities, transportation facilities or improvements to real property.
- B. Heavy trucks, standing, parked or stored, are allowed in zoning districts: CAR, GR, SR, SH, RU-10, RU-5, RU-3.3, RU-2, and RU-1.25, subject to the following restrictions:
  1. Restricted to one truck per commercially licensed driver residing in a single-family dwelling on the parcel, with a maximum of two trucks per parcel; or
  2. During the process of loading or unloading; or
  3. During the time the truck is used for the routine or emergency maintenance of utilities, transportation facilities or real property; or
  4. During the time such commercial vehicle is used for the construction of utilities, transportation facilities or improvements to real property.

(Ord. No. PZ-C-003-12, § 5)

2.185.060. - Recreational vehicle storage.

Recreational vehicles may be stored on a parcel provided they conform to the requirements listed in PCDCS 2.185.050 and are not connected to any utility source and not in use for sleeping or living purposes.

(Ord. No. 61862, § 3406)

2.185.070. - Furniture and appliances.

Furniture and appliances may be placed outside on a parcel provided:

- A. All appliances are in operating condition and connected for the private use of the resident/occupant.
- B. Any furniture placed outside is in usable condition and designed for outdoor use.

(Ord. No. 61862, § 3407)

#### 2.185.080. - Construction materials.

Construction materials may be stored on any property provided a valid building permit has been obtained from the appropriate department and following provisions are met:

- A. No building or construction materials or scrap thereof shall be stored or placed within the front yard setback required by the zoning district in which the property is located.
- B. No building or construction materials or scrap thereof shall be stored or placed within ten feet of side or rear property line nor shall it be stacked higher than six feet.
- C. All building or construction materials or scrap thereof shall be removed within 30 days after completion of the construction or prior to the issuance of a certificate of occupancy by the Pinal County building code administrator, whichever occurs first.
- D. All building or construction materials or scrap thereof shall be contained in specific containment areas or dumpsters.

(Ord. No. 011812-ZO-PZ-C-007-10, § 19; Ord. No. 61862, § 3408)

#### 2.185.090. - Firewood.

Any resident/occupant may store firewood outside on any property provided the following requirements are met:

- A. Firewood stored is for personal use on the parcel which it is stored upon.
- B. Firewood stored or placed on the property meets all required yard setbacks for an accessory building in the zoning district in which it is located.
- C. Firewood is not stacked higher than four feet.
- D. All firewood is stacked in an orderly fashion and in such a manner to avoid its movement onto adjacent property, streets, sidewalks, rights-of-way, parking areas, easements or driveways.

(Ord. No. 61862, § 3409)

#### 2.185.100. - Other items.

All other items, objects, material, parts, scrap, motor vehicle components, or any other item of personal property that does not conform to the sections above may be stored provided all of the following requirements are met:

- A. The item or object is currently operable.
- B. The item, object, material or part is for use on the property.
- C. The item, object, material or part is totally screened from view of any contiguous property, public street, right-of-way or easement. Said screening shall be by means of a solid wall or nontransparent fence (not including a chain link fence with slats), landscaping or a combination of the above, achieving the same effect. The wall or fence shall not be more than six feet in height. The stored items, objects, materials or parts shall not be stacked to height exceeding the height of the wall or fence, and in no instance shall be stacked more than six feet high above ground level.



D. The following requirements and setbacks from the nearest property line are complied with:

Distance to the front property line	Distance to the side and rear property lines	Square footage of storage permitted	Maximum height of storage
60 feet	20 feet or less	none	4 feet
60 feet	20.1 feet to 100 feet	100	6 feet
100 feet	100.1 feet to 300 feet	200	6 feet
200 feet	300.1 feet or more	300	6 feet

E. Screened outdoor storage areas shall not be permitted on any parcel of land unless there is a primary use established on the parcel.

(Ord. No. 011812-ZO-PZ-C-007-10, § 19; Ord. No. 61862, § 3410)

2.185.110. - Compliance.

Outside storage not complying with this chapter is hereby deemed a public nuisance and shall not enjoy any right to continuation, restoration, exchange of uses, or expansions as if a lawful nonconforming use, and shall be abated.

(Ord. No. 61862, § 3411)

2.185.120. - Variances.

For the purpose of this section, and for the public health, safety, peace, comfort, convenience and general welfare of the citizens of Pinal County, Arizona, none of the regulations contained in this chapter shall qualify for the variance procedures of chapter 2.155 PCDSC, article II.

(Ord. No. 61862, § 3412)

CHAPTER 2.190. - ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS

2.190.010. - Findings.

Based on public testimony and other evidence before it, including information, studies and court decisions from other jurisdictions, and in accordance with A.R.S. § 11-811, the board makes the following legislative findings:

- A. The board recognizes that some activities which occur in connection with adult oriented businesses are protected as expression under the First Amendment to the United States Constitution. The board is aware, however, that adult oriented businesses may and do generate secondary effects which are detrimental to the public health, safety and welfare. Among those secondary effects are:

1. Prostitution and other sex related offenses;
2. Illegal drug use and sale of illegal drugs;
3. Health risks through the spread of human immunodeficiency virus and acquired immunodeficiency syndrome ("HIV/AIDS") and other sexually transmitted diseases; and
4. Infiltration by organized crime for the purpose of drug and sex related business activities, laundering of money and other illicit conduct.

B. The board finds the foregoing to be true with respect to places where alcohol is served and where it is not.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3501)

#### 2.190.020. - Statement of purpose.

Based on public testimony and other evidence before it, including information, studies and court decisions from other jurisdictions, and in accordance with A.R.S. § 11-811, the board makes the following statement of purpose: The purpose of this chapter is to provide a valid governmental response to the serious problems caused by the secondary effects of adult oriented businesses. This chapter is primarily relegated to regulation of the locations where such activity can conduct business, while satisfying the dictates of the First Amendment, by providing reasonable alternative avenues of communication where such activity can take place. The board recognizes that First Amendment rights are among our most precious and highly protected. This chapter is not intended to interfere with legitimate expression, but to avoid and mitigate the secondary effects by some conduct from adult oriented business activities.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3502)

#### 2.190.030. - Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them below, except when the context clearly indicates a different meaning:

*Adult arcade* means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

*Adult bookstore or adult video store* means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas; or
2. Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

*Adult live entertainment establishment* means an establishment that features either:

1. Persons who appear in a state of nudity or seminude; or
2. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

*Adult motion picture theater* means a commercial establishment in which, for any form of consideration, films, motion pictures, video cassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominately shown.

*Adult oriented business* means adult arcades, adult bookstores, adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, and massage establishments that offer adult service or nude model studios.

*Adult service* means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in an adult oriented business, by a person who is nude or seminude during all or part of the time that the person is providing the service.

*Adult service business* means a business establishment or premises where any adult service is provided to patrons in the regular course of business.

*Adult theater* means a theater, concert hall, auditorium or similar commercial establishment that predominately features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

*Cabaret* means an adult oriented business licensed to provide alcoholic beverages pursuant to A.R.S. title 4, ch. 2, art. 1 (A.R.S. § 4-201 et seq.).

*Compliance review number* means a number issued by a code compliance officer indicating that a proposed building, structure, or use of land meets all of the standards and requirements in this chapter.

*County sheriff* means the elected Pinal County sheriff or the county sheriff's designee.

*Director* means the director of the planning and development department or his/her designee.

*Employee* means any person hired, engaged or authorized to perform any service on the premises of an adult service business, including an adult service provider, whether an employee, independent contractor or otherwise.

*Enterprise* means a corporation, association, labor union or other legal entity, as provided in A.R.S. § 13-105.

*Massage establishment* means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This definition shall not apply to:

1. Physicians licensed pursuant to ARS title 32, ch. 7 (A.R.S. § 32-801 et seq.), 8 (A.R.S. § 32-900 et seq.), 13 (A.R.S. § 32-1401 et seq.), 14 (A.R.S. § 32-1501 et seq.) or 17 (A.R.S. § 32-1800 et seq.);
2. Registered nurses, licensed practical nurses or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. title 32, ch. 13 (A.R.S. § 32-1401 et seq.) or 17 (A.R.S. § 32-1800 et seq.);
3. Persons employed or acting as trainers for any bona fide amateur, semi-professional or professional athlete or athletic team; or
4. Persons who are licensed pursuant to A.R.S. title 32, ch. 42 (A.R.S. § 32-4201 et seq.).

*Nude model studio* means a place in which a person who appears in the state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed, filmed or otherwise depicted by other persons who pay money or other consideration. The term "nude model studio" does not include a proprietary school that is licensed by the State of Arizona or a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains or operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation, or a structure to which the following apply:

1. A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude

person is available for viewing;

2. A student must enroll at least three calendar days in advance of the class in order to participate; and
3. No more than one nude or seminude model is on the premises at any time.

*Nude, nudity or state of nudity* means any of the following:

1. The appearance of a human anus, genitals or female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or part.
2. A state of dress which fails to opaquely cover a human anus, genitals or female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

*Patron* means a person invited or permitted to enter and remain upon the premises of an adult oriented business, whether or not for consideration.

*Principal business purposes* means a commercial establishment that devotes 40 percent or more of its floor space to the sale or rental of items listed in subsections (1) and (2) of the definition of "adult bookstore" or "adult video store."

*Seminude* means a state of dress in which clothing covers no more than the anus, genitals, pubic region and female breast below a horizontal line across the top of the areola at its highest point, as well as portions of the body that are covered by supporting straps or devices. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

*Specific anatomical areas* means any of the following:

1. A human anus, genitals, pubic region or a female breast below a horizontal line across the tip of the areola at its highest point that is less than completely and opaquely covered. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
2. Male genitals in a discernible turgid state even if completely or opaquely covered.

*Specific sexual activities* means intercourse, oral copulation, masturbation or sodomy on the premises of an adult oriented business.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3503)

## 2.190.040. - Establishment and location of adult oriented businesses.

The establishment of an adult oriented business shall be permitted only in the CI-1 light industry and warehouse zoning district, CI-2 industrial zoning district, I-2 light industrial and warehouse zoning district and I-3 industrial zoning district and shall be subject to the following spacing restrictions:

- A. No person shall cause or permit the establishment of any adult oriented business as defined in this chapter, within 1,000 feet of another adult oriented business.
- B. No person shall cause or permit the establishment of any adult oriented business as defined in this chapter,

within 2,000 feet of any religious institution, nursery school, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or properties zoned for residential use or used for residential purposes.

C. Adult oriented business shall be conducted solely within an enclosed structure or building.

(Ord. No. 011812-ZO-PZ-C-007-10, § 20; Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3504)

2.190.050. - Measurement of distance.

For the purpose of measuring separation of distances in this chapter:

- A. The distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest property line of each business.
- B. The distance between any adult oriented business and any religious institution, nursery school, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or properties zoned for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where the adult oriented business is conducted, to the nearest property line of the premises of a religious institution, nursery school, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or properties zoned for residential use or used for residential purposes.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3505)

2.190.060. - Regulations governing existing adult oriented business.

- A. Any adult oriented business lawfully operating on the effective date of the ordinance codified in this chapter that is in violation of this chapter shall be deemed a nonconforming use. Nonconforming uses shall be governed by chapter 2.05 PCDSC. If two or more adult oriented businesses are within 1,000 feet of one another or otherwise in a permissible location, the adult oriented business which was first established and continually operating at a particular location is the conforming use, and the later established business is nonconforming.
- B. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a religious institution, nursery school, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or properties zoned for residential use within 2,000 feet of the adult oriented business.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3506)

2.190.070. - Regulations pertaining to adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters and massage establishments that offer adult service or nude model studios.

A compliance review number shall be required to ensure that the aforementioned adult oriented businesses are in compliance with the zone, location and separation distance requirements.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3507)

2.190.080. - Advertising regulations.

- A. No person shall exhibit, post or display on a sign, wall, or window any statement, symbol or picture of an obscene

nature.

- B. No depiction of specified sexual activities or specified anatomical areas shall be visible from the exterior of the premises.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3508)

2.190.090. - Applicability.

This chapter shall apply to all persons engaging in the activities described herein, whether or not such activities were commenced prior to the effective date of the ordinance codified in this chapter. Persons so engaged as of the effective date of the ordinance codified in this chapter shall be in full compliance with this chapter.

(Ord. No. 012010-AEO, § 2; Ord. No. 61862, § 3509)

CHAPTER 2.191. - MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA ESTABLISHMENTS, OFF-SITE MARIJUANA CULTIVATION LOCATIONS AND TESTING FACILITIES

2.191.010 - Medical marijuana dispensaries, recreational marijuana establishments, off-site marijuana cultivation locations and testing facilities.

- A. *Medical marijuana dispensaries and recreational marijuana establishments.* Medical marijuana dispensaries and recreational marijuana establishments shall be subject to the following conditions:
1. *Minimum notification area.* The minimum notification area for a medical marijuana dispensary or recreational marijuana establishment is 1,500 feet.
  2. *Application requirements.* An applicant for a medical marijuana dispensary or recreational marijuana establishment must complete an application that includes all of the following information:
    - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary and/or recreational marijuana establishment, as applicable.
    - b. The legal name of the medical marijuana dispensary or recreational marijuana establishment.
    - c. The name, address and date of birth of each principal officer and board member and the name, address and date of birth of each agent.
    - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
    - e. A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
      - i. A violent crime as defined in A.R.S. § 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;
      - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the ten years prior to applying for the application for the dispensary or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the State of Arizona.

- f. A notarized certification that none of the principal officers or board members has served as a principal officer or member for a registered medical marijuana dispensary or recreational marijuana establishment that has had its certificate revoked.
        - g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or recreational marijuana establishment will meet the definition of enclosed, locked facility contained in A.R.S. § 36-2801(6) and will be conducted completely within an enclosed, locked building.
3. *Permitted location.* A medical marijuana dispensary or recreational marijuana establishment is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) zoning districts and only with a special use permit that requires reapplication of the permit after five years or less.
4. *Community impacts.* The county may or may not approve a medical marijuana dispensary or recreational marijuana establishment at a site if substantial evidence is presented that locating the dispensary or establishment at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary or establishment at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. *Development standards.*
  - a. A medical marijuana dispensary or recreational marijuana establishment must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
  - b. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of ten miles from all other medical marijuana dispensaries or establishments within unincorporated areas of the county and no less than ten miles from county jurisdictional boundaries measured from the parcel boundaries; however, this does not preclude a dual licensee from operating both a medical marijuana dispensary and a marijuana establishment collectively at a shared location.
  - c. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.
  - d. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a childcare center, measured from the parcel boundaries.
  - e. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a library or public park.
  - f. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a church.
  - g. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
  - h. A medical marijuana dispensary or recreational marijuana establishment may have a drive-through service.
  - i. A medical marijuana dispensary or recreational marijuana establishment may not have outdoor seating areas.
  - j. The permitted hours of operation of a medical marijuana dispensary or recreational marijuana establishment are between the hours of 7:00 a.m. and 10:00 p.m. daily.
  - k. The medical marijuana dispensary or recreational marijuana establishment shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
  - l. The storage facilities for the marijuana stored or grown at the dispensary or establishment shall prevent the

emission of dust, fumes, vapors or odors into the environment.

- m. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary or recreational marijuana establishment is to be located stating that the structure complies with all fire code requirements and supply that certification to the building and safety department.
- n. The medical marijuana dispensary or recreational marijuana establishment is prohibited from permitting anyone to consume marijuana on its premises.
- o. The medical marijuana dispensary or recreational marijuana establishment shall comply with applicable sections of the Pinal County sanitary code.
- p. The medical marijuana dispensary or recreational marijuana establishment may provide off-site delivery of marijuana.

- 6. *Enforcement.* The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.
- 7. *Fees.* The fee for application and hearing is a combination of the existing fees for the special use permit application filing fee, the site analysis submittal fee, and the notice of public hearing fee included in the most current planning and development department fee schedule.

B. *Special conditions for non-dispensary/non-establishment cultivation.*

- 1. An individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a residential zoning district within the unincorporated areas of the county, subject to the limitations imposed by A.R.S. § 36-2801 et seq. (the Arizona Medical Marijuana Act) and A.R.S. § 36-2850 et seq. (the Smart and Safe Arizona Act) and this chapter.
- 2. *Marijuana cultivation location.*
  - a. Allowed as an accessory to a primary residence.
  - b. Must be conducted in a completely enclosed, locked building.
  - c. Must prevent the emission of dust, fumes, vapors or odors into the environment.

C. *Off-site marijuana cultivation locations and testing facilities.* As long as the Arizona Revised Statutes remain in full force and effect to allow marijuana dispensaries and establishments, testing facilities and off-site cultivation and manufacturing locations where marijuana and marijuana products may not be transferred or sold to consumers are permitted as a special use subject to the following conditions:

- 1. *Minimum notification area.* The minimum notification area for off-site marijuana cultivation locations and testing facilities is 1,500 feet.
- 2. *Supplemental application.* In addition to the application required by Chapter 2.150 PCDSC, an applicant for a special use permit for an off-site cultivation location or testing facility shall complete an application that includes all of the following information:
  - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as an off-site marijuana cultivation location or testing facility.
  - b. The legal name and address of the affiliated medical marijuana dispensary and/or recreational marijuana establishment.



- c. The name, address and date of birth of each principal officer and board member affiliated with the off-site cultivation or testing facility and the name, address and date of birth of each agent.
  - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
  - e. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has been convicted of one of the following offenses:
    - i. A violent crime as defined in A.R.S. § 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;
    - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the ten years prior to applying for the application for the off-site cultivation location, or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the State of Arizona.
  - f. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
  - g. A floor plan showing the location, dimensions of and type of security measures demonstrating that the off-site cultivation location or testing facility will meet the definition of "enclosed, locked facility" contained in A.R.S. § 36-2801(6).
  - h. A security plan that meets or exceeds Arizona Department of Health Services requirements, which shall be submitted to the Pinal County Sheriff's Office for review and comment prior to the applicant's special use permit hearing.
3. *Permitted location.* An off-site cultivation location or testing facility is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) zoning districts and only with a special use permit that requires reapplication of the permit after ten years or less. Any valid previously approved special use permit for a marijuana off-site cultivation location on the date of this ordinance is extended to ten years starting from June 30, 2021.
4. *Community impacts.* The board may or may not approve an off-site cultivation location or testing facility at a location if substantial evidence is presented that locating the cultivation location or testing facility at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the cultivation location or testing facility at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. *Development Standards.*
- a. An off-site cultivation location or testing facility must meet the definition of an "enclosed, locked facility" under A.R.S. § 36-2801(6) and the definition of "enclosed area" under Arizona Administrative Code R9-17-101(20) and may not be located in a trailer, cargo container or motor vehicle.
  - b. An off-site cultivation location or testing facility shall be separated a minimum of 2,000 feet from all other off-site cultivation locations or testing facilities measured from the parcel boundaries.
  - c. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

- d. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a childcare center.
  - e. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a library or public park.
  - f. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a church.
  - g. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
  - h. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from any single-family residential zone, multifamily residential zone, mixed dwelling zone and RU-C zone, as measured from the parcel boundaries.
  - i. An off-site cultivation location may not have outdoor seating areas.
  - j. All drying, curing and storage of marijuana at an off-site cultivation location or testing facility must take place inside a completely enclosed permanent building with controlled access and cannot be located in a trailer, cargo container, or motor vehicle.
  - k. An off-site cultivation location must have a legible copy of a valid agent registry identification card, the original of which is issued by the State of Arizona, plainly displayed inside of the doorway at all times.
  - l. An off-site cultivation location must have the address of the medical marijuana dispensary or recreational marijuana establishment that the off-site cultivation location supplies plainly displayed inside of the doorway at all times.
  - m. An off-site cultivation location or testing facility must be accessible by a pavement to pavement roadway.
  - n. The county shall not permit more than one off-site cultivation location and one off-site manufacturing location for each dispensary and establishment located in the county, absent a showing of unnecessary hardship.
  - o. The off-site cultivation location or testing facility shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
  - p. The storage facilities for the marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
  - q. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the off-site cultivation location or testing facility is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the building and safety department.
  - r. The off-site cultivation location or testing facility is prohibited from permitting anyone to consume marijuana on the premises.
  - s. The off-site cultivation location or testing facility shall comply with applicable section of the Pinal County sanitary code.
  - t. The applicant shall provide not less than three days' advance notice to the Pinal County Sheriff's Office when marijuana is to be harvested at the cultivation location and when marijuana is to be transported from the site to a marijuana dispensary and/or establishment.
  - u. The applicant shall submit for review and approval of a specific site plan as required by Chapter 2.200 PCDC prior to operation of an off-site cultivation location or testing facility.
6. *Enforcement.* The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDC 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as

a misdemeanor.

7. *Fees.* The fee for application and hearing is a combination of the existing fees for the special use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current planning and development department fee schedule.

D. *Marijuana food establishments.* A marijuana food establishment shall only be allowed immediately adjacent to or within a medical marijuana dispensary and/or recreational marijuana establishment and shall be subject to the same requirements applicable to marijuana dispensaries and establishments in PCDSC 2.191.010(A).

(Ord. No. PZ-C-001-14, § 1; Ord. No. 011812-ZO-PZ-C-007-10, § 21; Ord. No. 022311-PZ-C-008-10, § 3; Ord. No. 2021-PZ-C-001-21, § 1)

#### 2.191.020 - Prohibition of marijuana on public property.

Except as otherwise provided by state law, the possession, use, sale, cultivation, manufacture, production or distribution of marijuana products is prohibited on property that is occupied, owned, controlled or operated by the county and it is unlawful for an individual to smoke marijuana in a public place or open space in unincorporated areas of Pinal County.

(Ord. No. 022311-PZ-C-008-10, § 4; Ord. No. 2021-PZ-C-001-21, § 1)

### CHAPTER 2.195. - OUTDOOR LIGHTING

#### 2.195.010. - Administration.

- A. *Purpose.* The purpose of this chapter is to establish comprehensive provisions for outdoor lighting within Pinal County. This document intends to achieve a balance between safety and aesthetics, to encourage designs that provide for the proper quality and quantity of nighttime illumination, while managing energy consumption, and minimizing light trespass and negative impacts on the surrounding areas and our night sky. Proper exterior lighting design creates lighting systems that are sensitive to the surrounding areas by confining the illumination as much as possible within the boundaries of the project site. It also provides appropriate quantities and uniformity of both horizontal and vertical illumination on the site while minimizing energy usage. This will involve the use of not only the appropriate fixtures and light sources, but also proper placement and operating schedules. Pinal County recognizes the intent of the International Dark-Sky Association, the Recommended Practices and Design Guidelines put forth by the Illuminating Engineering Society of North America (IESNA), and the requirements and limitations of the International Energy Conservation Code (IECC), and has used these as guiding principles in the development of this chapter. More information can be acquired by obtaining copies of the most recent IESNA and IECC publications.
- B. *Applicability.* This chapter applies to all new and replacement lighting to be installed at all residential and nonresidential facilities/sites, or the existing lighting at a facility/site that is undergoing a change in use. In the event that a lighting renovation affects more than 50 percent of the facility/site lighting, then the entire facility/site shall be brought into compliance with this chapter. Single-family residences, attached and detached, are subject to PCDSC 2.195.040(L) through 2.195.090 only. In the event an attached or detached single-family dwelling family is on the same parcel as a multifamily commercial or industrial use, the requirements for the multifamily commercial or industrial use shall apply.
- C. *Conformance with applicable law.* All outdoor illuminating devices shall be installed in conformance with the provisions of this chapter, Pinal County subdivision regulations, and any building, zoning or energy codes now in effect or which may hereafter be enacted, as applicable. Where any provisions of any of the Arizona Revised Statutes,

federal law, or other Pinal County ordinances or regulations conflict with the requirements of this chapter, the most restrictive shall govern.

D. *Approved material and methods of installation.* The provisions of this chapter are not intended to prevent the use of any material or method of installation not specifically prescribed by this chapter, provided any such alternate has been approved. The planning director may approve any such alternate, provided he or she finds that the proposed design, material or method:

1. Provides approximate equivalence to those specific requirements of this chapter; or
2. Is otherwise satisfactory and complies with the intent of this chapter.

E. *Use of new technology.* As new lighting technology develops which is useful in reducing energy consumption, light pollution, and light trespass, consideration shall be given to use of state of the art technology in keeping with the intent of this chapter.

F. *Lumen requirement.* In certain sections of this chapter a lumen requirement is followed by incandescent equivalent in parenthesis. This is for an example only. The lumen requirement shall apply.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.020. - Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them below, except when the context clearly indicates a different meaning:

*Abandonment* means the discontinuation of use for a period of one year or more.

*Areas, equestrian/roping,* means an improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs that are noncommercial in nature and do not include seating.

*Arenas, equestrian/roping,* means a commercially utilized structure or area, sometimes with tiers of seating rising around an improved area, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

*Bollard, louvered,* means a ground-mounted luminaire that is usually 36 inches to 48 inches in height, is generally used for the lighting of paths and building entries, and possesses a stacked set of external angled visors/louvers that minimize direct view of the light source. In order to qualify as a louvered bollard under this chapter, the stacked visors must be positioned/angled in such a fashion as to prevent any direct view of the light source from viewing angles of 90 degrees and above.

*Fascia* means the vertical element found around the perimeter of a canopy structure.

*Footcandle (FC or VFC)* means a unit of the illumination being produced on a surface, and defined as one lumen per square foot of area illuminated. Footcandle or FC is a general term for all types of illumination, while vertical footcandles (VFC) refers only to illumination being produced on a vertical surface (facade of a building) or passing over a property line (spill light/light trespass).

*General illumination* means outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern.

*Glare* means the sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adjusted, causing discomfort and/or loss in visual performance or visibility.

*House-side shield (HSS)* means a visor or louver that is internal or external to a luminaire, that physically blocks and thereby reduces the amount of illuminance being produced to the rear of the luminaire (usually toward residential properties).

*Illuminance* means the amount of light falling onto a surface area, measured in footcandles (lumens per square foot) or lux (lumens per square meter). For conversion purposes, one footcandle (FC) is equal to 10.76 lux (lx).

*Illuminating Engineering Society of North America (IESNA)* means the nonprofit society established in 1906 whose goal is to improve the lighted environment by bringing together those with lighting knowledge and by translating that knowledge into actions that benefit the public. The IESNA is the primary source of lighting recommended practices in North America.

*Individual* means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

*Installed* means the attaching or assembling in place of any luminaire.

*Kelvin* means the temperature scale utilized in illumination science to describe the hue/color of the light. A lower value such as 2,700 Kelvin is associated with a "warm" colored light source such as incandescent, while a higher value such as 4,000 Kelvin is associated with a "cool" colored light source such as metal halide.

*Lamp, coated*, is the correct term for a light source, such as incandescent or metal halide lamps. "Coated" lamps have an outer coating that minimizes direct view of the arc tube.

*Lighting power density (LPD)* means the watts of exterior lighting per square foot of area ( $\text{watts/ft}^2$ ) for the different sections of the project site (parking lot, walkways, building entries, etc.). This is the metric established by the International Energy Conservation Code (IECC), and will therefore be utilized as one of the factors for determining conformance with the IECC and this chapter.

*Light trespass/spill light* means unwanted light that falls outside of the area intended to be lighted. This chapter places limits on the amount of illumination, in footcandles, that shall be allowed to cross a residential property line.

*Lumen* means the unit used to measure the total amount of light that is produced by a light source/lamp. All light sources reduce in lumen output the longer that they are operated. "Initial lumens" is a term defined as the amount of light output from a lamp when it is new. "Mean lumens" is a term defined as the average lumen output of a lamp over its life, and is the lumen value utilized in the proper design of lighting systems. A lumen is a unit of standard measurement used to describe how much light is contained in a certain area. One lumen is defined as the luminous flux of light produced by a light source that emits one candela of luminous intensity over a solid angle of one steradian.




*Lumen density (LD)* means the initial lumens of the lamps/light sources utilized by the exterior lighting per square foot of area ( $\text{lumens/ft}^2$ ) for the project site. This metric is another factor that will be utilized for determining compliance with this chapter.

*Luminaire* means a complete lighting unit/fixture, including the lamp, ballast, wiring, housing, reflector, lens, and any shielding.

*Luminaire cutoff* is a term established by the IESNA that is associated with four different general classifications of luminaires, each with a different amount of allowed high-angle and upward light: non-cutoff, semi-cutoff, cutoff and full-cutoff. Full-cutoff luminaires, which minimize high-angle light and allow no light above the horizontal, shall be required for most uses. Semi-cutoff and cutoff luminaires, which allow for up to five percent and 2.5 percent uplight respectively, shall be allowed for low-wattage decorative/accent lighting for some uses in lighting zones 2 and 3.



Examples of full-cutoff pole-mounted and building-mounted luminaires. The lamp is completely recessed into the luminaire, and the lens is flat. No light is produced

	above the horizontal.
	Examples of cutoff pole-mounted and building-mounted luminaires. The lamp is completely recessed into the luminaire, but the lens sags/curves downward. Up to 2.5% of the light is produced above the horizontal.
	Examples of semi-cutoff pole-mounted and building-mounted luminaires. The lamp visibly protrudes downward into a sag/curved lens. Up to 5.0% of the light is produced above the horizontal.
	Examples of non-cutoff pole-mounted and building-mounted luminaires (which are not allowed under this chapter). The lamp is substantially exposed. Little or no attempt is made to control the light produced above the horizontal.

*Luminaire, fully shielded*, means a fully shielded fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

*Luminaire, partially shielded*, means a partially shielded fixture that is shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.

*Outdoor lighting* means any lighting not within a completely enclosed building.

*Outdoor luminaires/light fixtures* means outdoor electric illuminating devices, fixtures, lamps and other devices, searchlights, spotlights or floodlights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- A. Parking lots;
- B. Roadways;
- C. Driveways;
- D. Buildings and structures;
- E. Recreational areas and facilities;
- F. Landscaping decorative effects;
- G. Billboards and signs (advertising and other);
- H. Product display areas;
- I. Gas station lighting; and
- J. Automotive dealership lighting.

*Outdoor recreational facility* means an area designed for active recreation, whether publicly or privately owned, including but not limited to: parks, sports fields, sport courts, golf courses, and roping/equestrian arenas.

*Residential lighting* refers to outdoor lighting for single or multiple household dwellings.

*Security lighting* refers to luminaires that operate dusk-to-dawn in order to provide for protection of property and safety for individuals. They shall conform to all sections of this chapter, and shall generate less than 50 percent of the lighting power density or lumen density utilized by the facility/site during normal business hours.

*Skyglow* means the brightening of the sky caused by outdoor lighting, atmospheric factors, and celestial factors. Excessive skyglow interferes with astronomical observations and the enjoyment of the night sky, and this chapter includes several requirements and limitations that help to minimize skyglow.

*Uplighting* means any light source that does not have an opaque covering on top.

*Use, nonresidential*, means the use of land for a purpose other than single-family dwelling units or multiple household dwellings. This definition includes parks with residential zoning.

*Watt* means the unit used to measure the electrical power consumption (not the light output) of a light source/lamp.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.030. - General requirements.

- A. *Lighting zones*. In order to be more responsive to the special needs of different portions of the county, a system of three different "lighting zones" has been established based upon the current and/or planned uses and ambient brightness of the area. Each "lighting zone" will have different development requirements and lighting restrictions.
1. *Lighting zone 1*. Low ambient light areas, found in zoning districts: CAR, CR-1, CR-1A, CR-2, CR-3, GR, GR-5, GR-10, SH, SR, MH, RU-10, RU-5, RU-3.3, RU-2, RU-1.25, RU-C, R-43, R-35, R-20, R-12, R-9, R-7 and MH-8. Outdoor lighting in this lighting zone shall not exceed 50 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of nine lumens per square foot, whichever is less.
  2. *Lighting zone 2*. Medium ambient light areas, found in zoning districts CB-1, CR-4, CR-5, MHP, PM/RVP, RV, TR, MD, MR, O-1, O-2, C-1, MH-435, PM/RV-435. Outdoor lighting in this lighting zone shall not exceed 75 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of 14 lumens per square foot, whichever is less.
  3. *Lighting zone 3*. High ambient light areas, found in zoning districts: CB-2, CI-1, CI-2, CI-B, AC-1, AC-2, AC-3, C-2, C-3, I-1, I-2, I-3. Outdoor lighting in this lighting zone shall not exceed 100 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of 19 lumens per square foot, whichever is less.

Note: In the event that a new lighting zone 3 site, or an existing lighting zone 3 site that is undergoing a renovation (as per PCDSC 2.195.010(B)), is to be located within 150 feet of an existing lighting zone 1 site, then the lighting zone 3 site shall be considered a lighting zone 2 site for the purpose of conformance to this chapter.

- B. *Operating hours*. Every project in all lighting zones shall be encouraged to reduce as much as possible the amount of outdoor lighting that operates after 10:00 p.m., except as permitted in PCDSC 2.195.040. All nonsecurity lighting (except for the illumination of roadways and state and federal flags) shall be turned off by 10:00 p.m. or within one hour after close-of-business, whichever is later. A nighttime reduction of at least 50 percent in overall LD or LPD is required. All non-full cutoff luminaires in lighting zones 1 and 2 shall be included in the fixtures being turned off.

1. Non-full-cutoff and non-fully shielded incandescent luminaires of greater than 150 watts, and all other luminaire types of greater than 70 watts, that were installed prior to the adoption of this chapter are considered to be nonconforming, and shall possess an automatic control device that turns the luminaires off between midnight and sunrise.
2. In addition to turning off these nonconforming luminaires, multifamily housing is only required to reduce the lighting located at common areas such as clubhouses, pool areas and playgrounds.

C. *Light sources and fixture shielding.*

1. New mercury vapor light sources shall not be allowed. Existing installations must be removed or replaced with a conforming light source and luminaire by no later than January 1, 2011.
2. Searchlights and strobe/flashing lights are not allowed in any lighting zone without a separate permit as required in PCDCS 2.195.090, and the duration of the allowed use may be limited by planning staff.
3. Lasers, exposed neon, and other intense linear light sources are not allowed in lighting zone 1, but are allowed in lighting zones 2 and 3 and subject to approval and stipulations by planning staff during the review process. Lasers must be aimed at-or-below the horizontal plane and terminated on an opaque surface within the site.
4. All site perimeter luminaires located within 50 feet of a single-family residential property line, excluding bollards or other luminaires of less than six feet in height, shall possess house-side shielding (HSS) to the satisfaction of planning staff. All such luminaires that will also be operating after 10:00 p.m. shall possess external house-side shielding.
5. The total amount of outdoor lighting that is not full-cutoff, including uplighting, shall not exceed five percent of the outdoor lighting LPD or LD, whichever is less. Uplighting that is covered by solid roof or solid building overhang will not be subject to this chapter if it is:
  - a. Permanently set at 90 degrees; and
  - b. Is pulled back from any edge of the solid roof or solid building overhang by a distance equal to the distance between the top of the uplight (X) and the distance between the outside edge of the uplight and the outside edge of the solid roof or solid building overhang (Y).
6. Lighting zone 1:
  - a. Pole- or wall-mounted luminaires shall be full-cutoff luminaires only. Bollards shall be full-cutoff, or louvered with coated lamps. (See PCDCS 2.195.020, "Bollard, louvered"). All light sources shall have a maintained color temperature of less than or equal to 3,000 degrees Kelvin.
  - b. Wall-mounted luminaires of greater than 800 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield (HSS), to the satisfaction of planning staff, in order to minimize the illuminance "hot spot" on the wall. Uplighting luminaires shall not exceed 800 initial lumens each.
7. Lighting zone 2:
  - a. Pole- or wall-mounted luminaires of less than or equal to 1,800 initial lumens may be semi-cutoff, cutoff, or full-cutoff. All other pole or wall-mounted luminaires shall be full-cutoff. Bollards shall be full-cutoff, or louvered with coated lamps, or of a type where the lamp is recessed and not directly visible.
  - b. Wall-mounted full-cutoff luminaires of greater than 3,500 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield to the satisfaction of planning staff. Uplighting luminaires shall not exceed 1,200 initial lumens each.
8. Lighting zone 3:
  - a. Pole- or wall-mounted luminaires of less than or equal to 3,500 initial lumens may be semi-cutoff, cutoff, or



full-cutoff. All other pole or wall-mounted luminaires shall be full-cutoff. Bollards shall be full-cutoff, or louvered with coated lamps, or of a type where the lamp is shielded and not directly visible.

- b. Wall-mounted fixtures of greater than 6,500 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield to the satisfaction of planning staff. Uplighting fixtures shall not exceed 1,200 initial lumens each.

D. *Luminaire mounting height and equipment finish.* The mounting height of a luminaire is to be measured from finished grade to the fixture lens or luminous opening. The exposed portion of concrete pole bases shall be finished in a fashion other than exposed concrete (brushed finish, painted, etc.). No portion of any luminaire that is attached to a wall that is common with another property shall be allowed to protrude above the top of the wall. In lighting zones 1 and 2, bollards shall not be more than 48 inches in height.

1. *Lighting zone 1.* Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. All others shall not exceed 15 feet in height, and the pole color shall be dark and nonreflective (such as dark bronze or black).
2. *Lighting zone 2.* Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 25 feet. Pole color shall be dark and nonreflective (such as dark bronze or black).
3. *Lighting zone 3.* Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 30 feet in height. Pole color shall be approved by planning staff.

E. *Perimeter (spill light) illuminance levels.* This chapter establishes limits for the amount of light trespass/spill light that is allowed to cross a project site's property line when there is a residential property line located within 150 feet of any of the project site's property line. These limits are based upon initial maximum vertical illuminance values along the appropriate property lines, calculated at no more than ten-foot horizontal increments, and at an elevation of six feet above finished grade. The calculated observation point shall be oriented perpendicular into the project site, and angled at 90 degrees above nadir (perfectly horizontal). The light loss factor (LLF) utilized for the calculations shall be 1.00. The following limits shall not be applied to the permanently exempted uses, or the specific uses in this chapter where alternate spill light limits are expressly defined.

1. *Lighting zone 1.* The maximum initial vertical illuminance at any calculation point shall not exceed 0.30 footcandles during normal business evening hours, and 0.10 footcandles after the facility enters security lighting-only operating mode (in compliance with subsection (B) of this section).
2. *Lighting zone 2.* The maximum initial vertical illuminance at any calculation point shall not exceed 0.80 footcandles during normal business evening hours, and 0.30 footcandles after the facility enters security-lighting-only operating mode.
3. *Lighting zone 3.* The maximum initial vertical illuminance at any calculation point shall not exceed 1.50 footcandles during normal business evening hours, and 0.80 footcandles after the facility enters security-lighting-only operating mode.

F. *Lighting chapter matrix (commercial uses only).*

Lighting zone	Operating hours, LPD limit	Light sources and fixture shielding	Mounting height and pole color	Perimeter illuminance	Uplighting

	and LD limit			levels	
1 Low ambient light areas	<p>Security lighting only after 10:00 p.m. or one hour after close of business</p> <p>LPD = 50% of IECC limit</p> <p><math>\frac{1}{2}</math> LD = 9 lumens/ft</p>	<p>Light sources L.T.E. 3,000K color temperature</p> <p>Full-cutoff fixtures only</p> <p>HSS on perimeter fixtures adjacent to residential</p>	<p>8' height when L.T.E. 30' from residential property line</p> <p>15' height when G.T. 30'</p> <p>Dark and nonreflective colors</p>	<p>0.30 VFC maximum normal business and 0.10 VFC security only, at a residential property line</p>	<p>L.T.E. 800 initial lumens</p> <p>Turn off at 10:00 p.m. or one hour after close of business</p>
2 Medium ambient light areas	<p>Security lighting only after 10:00 p.m. or one hour after close of business</p> <p>LPD = 75% of IECC limit</p> <p><math>\frac{1}{2}</math> LD = 14 lumens/ft</p>	<p>All light sources</p> <p>Semi-cutoff and cutoff fixtures when L.T.E. 1,800 initial lumens</p> <p>Full-cutoff when G.T. 1,800 initial lumens</p> <p>HSS on perimeter fixtures adjacent to residential</p>	<p>8' height when L.T.E. 30' from residential property line</p> <p>15' ht. when G.T. 30' and when L.T.E. 150'</p> <p>25' ht. when G.T. 150'</p> <p>Dark and nonreflective colors</p>	<p>0.80 VFC maximum normal business and 0.30 VFC security only, at a residential property line</p>	<p>L.T.E. 1,200 initial lumens</p> <p>Turn off at 10:00 p.m. or one hour after close of business</p>
3 High ambient light areas	<p>Security lighting only after 10:00 p.m. or one hour after close of business</p> <p>LPD = 100% of IECC limit</p>	<p>All light sources</p> <p>Semi-cutoff and cutoff fixtures when L.T.E. 3,500 initial lumens</p> <p>Full-cutoff when G.T. 3,500 initial lumens</p>	<p>15' height when L.T.E. 150' from residential property line</p> <p>30' ht. when G.T. 150'</p> <p>Dark and</p>	<p>1.50 VFC maximum normal business and 0.80 VFC security only, at a residential property line</p>	<p>L.T.E. 1,200 initial lumens</p> <p>Turn off at 10:00 p.m. or one hour after close of business</p>

	$\frac{1}{2}D = 19 \text{ lumens/ft}$	HSS on perimeter fixtures adjacent to residential  External HSS adjacent to residential after 10:00 p.m.	nonreflective colors		
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Explanation of terms used in the lighting chapter matrix:

***	To be determined by planning staff.
1,800, 3,500 and 6,500 Lumens	1,800 lumens is equivalent to the initial lumen output of a 100-watt incandescent, or a 26-watt compact fluorescent lamp. 3,500 lumens is equivalent to the initial lumen output of a 42-watt compact fluorescent, or a 50-watt metal halide lamp. 6,500 lumens is equivalent to the initial lumen output of a 70-watt high pressure sodium lamp.
G.T.	Greater than.
L.T.E.	Less than or equal to.
L.T.E. 1,800	A light source that produces less than or equal to 1,800 lumens of light when the lamp is new.
Kelvin (K)	The Kelvin temperature scale is utilized to describe the color/hue of a light source.
L.T.E. 3,000K	A light source with a color temperature of less than or equal to 3,000 degrees Kelvin ("warm" color/hue light).
Light source	A type of lamp, such as an incandescent or metal halide lamp.
H.S.S.	House-side shields reduce the amount of rearward illumination produced by a luminaire. Shields on pole-mounted luminaires reduce the amount of spill light/light trespass from the site, while

	shields on wall-mounted fixtures reduce the intense illumination "hot spots" that can be produced underneath the luminaire.
Height (Ht.)	The mounting height of a luminaire, as measured from the fixture lens to the finished grade of the parking lot. 15' HT. L.T.E. 150' means that luminaires located less than or equal to 150 feet from a residential property line cannot exceed 15 feet in mounting height.
Dark color	The required color/finish of a light pole.
Perimeter illuminance levels	The highest allowed initial vertical illuminance at any point around the perimeter of a site.

(Ord. No. 011812-ZO-PZ-C-007-10, § 22; Ord. No. PZ-C-003-09, § 1)

2.195.040. - Specific uses.

- A. *Parking canopies.* All light fixtures shall be full-cutoff, or the fixtures shall be located and all sides of the canopy fascia extended so that no portion of the lamp or lens is visible from beyond any of the property lines. Light fixtures in multifamily housing shall be located at no less than every other parking space, and shall utilize polycarbonate lenses and tamper-proof hardware. This illumination and associated wattage shall be included in the outdoor lighting submittal, and shall not exceed an LPD of 1.08 watts/ft<sup>2</sup>.
- B. *Multilevel parking structures.*
  - 1. *Lighting zones 1 and 2.* Interior fixtures and rooftop fixtures shall be full-cutoff. The interior fixtures shall be attached to the ceiling or mounted no lower than the bottom of the support beams. Rooftop fixtures shall be set back a minimum of 25 feet from the perimeter, and shall not exceed 14 feet in height.
  - 2. *Lighting zone 3.* Interior fixtures visible from any residential property shall be full-cutoff. All others may be semi-cutoff or cutoff, but shall possess diffusing lenses or shielding so the lamp is not directly visible from off site. Roof fixtures shall be full-cutoff, set back a minimum of 25 feet from the edge, and shall not exceed 16 feet in height.
- C. *Gas stations/convenience stores.* Fuel canopy luminaires shall be recessed into the canopy ceiling, with a lens that is flat and flush to the ceiling (the fixture access door can protrude below the ceiling). Metal halide canopy lighting is allowed in all lighting zones. In the event that the canopy is located within 150 feet of a property line that is zoned as residential, the canopy fascia shall be extended to a minimum depth of 12 inches below the canopy ceiling. Exposed light sources (such as neon or fluorescent) on the canopy are not allowed. Areas of fascia that are internally illuminated are not allowed in lighting zones 1 and 2. This does not include any internally or back-lighted signage, which shall continue to be regulated by the county's sign ordinance. The amount of spill light shall not exceed two times the limits in PCDSC 2.195.030(E).
- D. *Drive-throughs.* All fixtures are to be full-cutoff and either recessed into the canopy ceiling, or mounted so that the lowest portion of the fixture is higher than the bottom edge of the canopy fascia. All nonsecurity lighting is to be turned off by 10:00 p.m. or within one hour after close of business, whichever is later.

- E. *Banks/ATMs.* All fixtures for the ATM or teller areas shall be full-cutoff. The fixtures at drive-up canopies shall either be recessed into the canopy ceiling, or mounted so that the lowest portion of the fixture is higher than the bottom edge of the canopy fascia.
- F. *Religious facilities.* Metal halide and other light sources with color temperatures cooler than 3,000 Kelvin are not allowed in lighting zones 1 and 2, and for all facilities in lighting zone 3 that are at or within 300 feet of a residential property line. All nonsecurity lighting shall be turned off within two hours after the completion of the last service/event. Any fixtures located within 30 feet of a residential property line shall be included in those being turned off. In the event that the parking lot is sized for peak usage (holidays, etc.), control of the lighting is to be divided into "tiers," so that the parking lot lighting in the peak-usage areas only operates during those peak times of the year. Uplighting for the illumination of steeples or other towers for religious facilities are not subject to the provisions of this chapter.
- G. *Automotive dealerships.* A minimum of 50 percent of the outdoor illumination shall be turned off within one hour after the close of business. All non-full-cutoff fixtures shall be automatically turned off at this time. All perimeter fixtures shall possess house-side shields. Under-canopy lighting shall be full-cutoff, or the canopy fascia shall be extended on all sides so that it is lower than any portion of the fixture lens. This use is subject to all other applicable sections in this chapter except for the vertical footcandle (VFC) limits in PCDCS [2.195.030\(E\)](#).
- H. *Equestrian arenas.* All new luminaires mounted at a height of 40 feet or less shall be full-cutoff, and others mounted higher than 40 feet may be sports-style floodlights with exceptional internal and external shielding, to the satisfaction of planning staff. All luminaires are to be located, aimed, and/or externally shielded so that none of the light sources are directly visible at any of the property lines. All arena lighting shall be turned off when not in use, and all non-arena lighting shall be reduced at nighttime as per PCDCS [2.195.030\(B\)](#) when not in use.
1. *Lighting zone 1.* If the arena is located within 150 feet of a residential property line, then the calculated spill light at the property line facing the residential property shall not exceed 0.80 initial vertical footcandles at any point, or 2.00 initial vertical footcandles at any point along the other property lines.
  2. *Lighting zone 2.* If the arena is located within 150 feet of a residential property line, the calculated spill light shall not exceed 1.00 initial vertical footcandles (VFC) at any point, or [2.50](#) initial VFC at any point along the other property lines.
  3. *Lighting zone 3.* If the arena is located within 150 feet of a residential property line, the calculated spill light shall not exceed 1.50 initial vertical footcandles (VFC) at any point, or 3.00 initial VFC at any point along the other property lines.
- I. *Flagpole lighting.* Flagpole uplighting is restricted to state and federal flags, and shall be shielded so that the light source is not directly visible from any of the property lines. Uplighting in all lighting zones shall not exceed the equivalent of two fixtures of 3,500 initial lumens each per flagpole. Flagpole lighting may operate all night, but is to be turned off at dusk if the flag is lowered.
- J. *Park and sports lighting for all private and public nonresidential facilities.* All sports, path, parking lot, and playground lighting are to be illuminated in conformance with this chapter, and the most current recommended practices issued by the IESNA. All sports field luminaires shall utilize superior shielding and aiming angles to the satisfaction of planning staff. All sports field luminaires shall possess a gray painted finish, and all poles shall have a painted or "dull" galvanized finish. Sports field poles are to be set back a minimum of 50 feet from any residential property line or right-of-way.
1. All sport courts shall be lighted with full-cutoff luminaires, and are to utilize "on" and "off" user-accessible push-buttons so that the lighting does not operate unless the courts are in actual use. Automatic time-clocks or other programmable controllers are to be used, and shall turn off all nonsecurity lighting at a time in accordance with

the applicable lighting zone, except for sports field lighting, which may stay on to as late as 11:00 p.m. when a formal game is in progress, except as permitted under PCDSC 2.195.090.

2. All park luminaires, such as those located in ramadas, shall be shielded and/or located so that the light source is not directly visible from beyond any of the property lines. Initial vertical illuminance (spill light) shall be calculated in conformance with PCDSC 2.195.030(E), except that the spacing distance between the calculation points may match the spacing used for the sports lighting calculations.
  3. Lighting zone 1. Sports field lighting shall not exceed 80 feet in height. Path, and parking lot lighting shall not exceed 16 feet in height. Playground lighting shall not exceed 20 feet in height. Sport court lighting shall not exceed 25 feet in height, and all fixtures shall possess four-sided shielding/skirting. Sports lighting shall not operate after 10:30 p.m. Perimeter spill light shall not exceed 0.80 footcandles at any point along an adjacent residential property line, or 1.60 footcandles at any point along any property line not adjacent to a residential property.
  4. Lighting zone 2. Sports field lighting shall not exceed 80 feet in height. Path, parking lot, and playground lighting shall not exceed 25 feet in height. Sport court lighting shall not exceed 30 feet in height. Sports lighting shall not operate after 10:30 p.m. Perimeter spill light shall not exceed 1.20 footcandles at any point along an adjacent residential property line, or 2.40 footcandles at any point along any property line not adjacent to a residential property.
  5. Lighting zone 3. Sports field lighting shall not exceed 90 feet in height. Path, parking lot, and playground lighting shall not exceed 30 feet in height. Sport court lighting shall not exceed 50 feet in height. Sports lighting shall not operate after 11:00 p.m. Perimeter spill light shall not exceed 1.50 footcandles at any point along an adjacent residential property line, or 3.00 footcandles at any point along any property line not adjacent to a residential property.
- K. *Signage lighting.* This chapter shall apply to externally illuminated signs only. All such lighting shall comply with the lumen and LPD limits and shielding requirements established in PCDSC 2.195.030(C).
- L. *Single-family residences, attached and detached.*
1. *Lighting zone 1.* All fixtures, except fixtures of 1,800 lumens (100 watts incandescent) or less, shall be shielded and/or located so that the light source is not directly visible from beyond any of the property lines. The mounting height of any building-mounted fixture shall not exceed 15 feet from finished grade to the center of the fixture. Spill light from adjacent properties shall not exceed 0.30 footcandles within eight feet of any single-family residence between the hours of 10:00 p.m. and 6:00 a.m.
  2. *Lighting zones 2 and 3.* All fixtures of greater than 1,800 lumens shall be shielded and/or located so that the light source is not directly visible from any of the property lines. The mounting height of any building-mounted fixture shall not exceed 20 feet from finished grade to the center of the fixture. Spill light at any point on any of the property lines shall not exceed 0.80 footcandles between the hours of 10:00 p.m. and 6:00 a.m. All nonconforming fixtures shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
  3. *Motion sensors.* Motion-sensor-controlled fixtures that are located at least 50 feet apart (measured along the roof lines) and are less than 100 watts (1,800 lumens) per lamp are exempt from subsections (L)(1) and (2) of this section.
  4. *Residential sport courts and equestrian areas in all lighting zones.*
    - a. Existing facilities that were built prior to the adoption of this chapter are exempt from all sections of this chapter, except in the event that any of the existing luminaires needed to be replaced, then they shall be specified, installed, and controlled in compliance with all sections of this chapter. This does not include the

normal maintenance of lamps or ballasts. All new luminaires must be full-cutoff, fully shielded, or partially shielded, to the satisfaction of planning staff.

- b. All equestrian areas and sport court luminaires must be turned off when not in use.
  - c. New facilities shall not exceed a mounting height of 40 feet. New facilities that utilize full-cutoff or fully shielded luminaires shall not exceed a lighting power density of 1.50 watts per square foot. New facilities that utilize cutoff, semi-cutoff, or partially shielded luminaires shall not exceed a lighting power density of 1.00 watt per square foot.
  - d. All applicants shall include in their submittal a completed worksheet, which may be obtained from planning staff, and which will document compliance with this section.
5. *Mercury vapor.* Mercury vapor light sources are not allowed, and any existing installations must be removed prior to January 1, 2011.

(Ord. No. 011812-ZO-PZ-C-007-10, § 22; Ord. No. PZ-C-003-09, § 1)

#### 2.195.050. - Equipment substitutions or alterations.

The outdoor lighting equipment installed at a project site (fixtures, lamps, poles, finishes, controls, etc.) and the locations thereof shall not be substituted or altered in any way from the approved plans (except for the use of alternate manufacturers already listed in the fixture schedule of the approved plans) without first submitting the changes to planning staff and receiving written approval. Failure to comply with this chapter can result in penalty action from the county, including a decline to issue the final certificate of occupancy or final certificate of completion until the project is brought into conformance with the approved plans, to the satisfaction of planning staff.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.060. - Verification.

All outdoor lighting installations are subject to inspection/verification of the lighting equipment, LPD, LD, and illumination levels (adjusted for light loss factors) by county staff or their designee, prior to the issuance of the final certificate of occupancy or final certificate of completion. Installations that are determined by planning staff to not be in compliance with the approved plans shall be corrected and brought into compliance with the approved plans prior to the issuance of the final certificate of occupancy or final certificate of completion. A complete set of the approved planning submittal shall be kept at the site for the duration of the project, and the planning department shall be contacted for an on-site inspection of the outdoor lighting equipment prior to the installation of any luminaire that is to be mounted at a height of more than six feet.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.070. - Permanent exemptions.

- A. *Nonconforming fixtures.* All outdoor fixtures existing and fully installed prior to the effective date of this chapter, except for luminaires with a mercury vapor light source, may remain "nonconforming" indefinitely; provided, however, there shall be no change in use, replacement, structural alteration, or restoration of outdoor light fixtures after not being used for a period of 12 consecutive months unless it thereafter conforms to the provisions of this chapter. This does not include the standard maintenance replacement of lamps and/or ballasts.
- B. *Federal and state facilities.* Those facilities and lands owned and/or operated as protected by the U.S. federal government or the State of Arizona is exempted by law from all requirements of this chapter. In addition, all federal and state detention facilities and other places for lawful confinement shall have the same exemption. Voluntary

compliance with the intent of this chapter at those facilities is encouraged.

- C. *Public and private detention facilities.* All detention facilities and other places for lawful confinement, whether they are public or private, shall have the same exemptions as in subsection (B) of this section. Voluntary compliance with the intent of this chapter at those facilities is encouraged.
- D. *Projects that require unusually high illuminance levels or luminaire mounting height.* Projects that require unusually high illuminance levels and/or mounting height shall be exempt from this chapter. These projects will be reviewed by county staff on an individual basis, and subsequently submitted to the board of supervisors for final approval. These types of projects include, but are not limited to: professional sports stadiums, other public or private sports facilities, and high schools.
- E. *Motion-sensor-controlled lighting.* Motion-sensor controlled fixtures being utilized for security or safety purposes, with a wattage of less than or equal to 100 watts (1,800 lumens) per lamp, are exempt from these provisions.
- F. *Electric utility leased lighting.* Planning staff, at its discretion, may allow the use of electric utility leased lighting that does not exceed a mounting height of 21 feet in lighting zone 1, and 28 feet in lighting zone 2. The light sources utilized in lighting zone 1 shall not exceed a color temperature of 3,500 degrees Kelvin. "Half-night" photocells may be utilized instead of the required 10:00 p.m. timed shutdown. The lighting must meet any of the relevant shielding requirements established in this chapter.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.080. - Procedures for chapter compliance.

##### A. *Applications.*

1. Any individual applying for a compliance review number or building permit under this chapter intending to install outdoor lighting shall, as part of said application, submit evidence that the proposed work will comply with this section.
2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the planning director providing evidence that the proposed work will comply with this section.

##### B. *Contents of application or submission.*

1. The applicant may obtain from planning staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to, the following:
2. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
3. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include but is not limited to manufacturers, catalog cuts, drawings and photometrics (including sections where required).
4. The above required plans and descriptions shall be sufficiently complete to enable the planning director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized lab.

- C. *Issuance of permit.* Upon compliance with the requirements of this chapter, the planning director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as approved. In the event the application is part of the



building application under the zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this chapter as well as the other requirements for issuance under the zoning regulations.

- D. *Amendment to permit.* Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the planning director for approval with adequate information to assure compliance with this chapter.

(Ord. No. PZ-C-003-09, § 1)

#### 2.195.090. - Temporary exemptions.

A. *Request for temporary exemptions.*

1. Any individual as defined in this chapter may submit a written request on a form prepared by the planning department for a "temporary exemption" to the requirements of this chapter. Approval for a temporary exemption is at the discretion of the planning director and shall be valid for 30 calendar days or less, as determined by the planning director. Any renewal is also at the discretion of the planning director. The request for temporary exemption shall contain minimally the following listed information:
  - a. Specific exemptions involved;
  - b. Previous temporary exemptions, if any;
  - c. Duration of time requested exemption;
  - d. Type and use of exterior light involved;
  - e. Type, wattage and initial lumens of proposed lamps;
  - f. A plan with proposed luminaire locations; and
  - g. Manufacturer cut sheets for proposed luminaires.
2. In addition to the above data, the planning director may request any additional information which would enable him or her to make a reasonable evaluation of the request for temporary exemption.

(Ord. No. PZ-C-003-09, § 1)

#### CHAPTER 2.200. - SITE PLANS AND REVIEWS

##### 2.200.010. - Purpose.

To protect the health, safety and welfare of county residents by requiring the developer to provide site design and fully detailed information relating to planning, zoning and civil engineering aspects of proposed development, including but not limited to drainage, stormwaters, soil analysis, fissures and traffic analysis, and sufficient information to ensure that the zoning requirements of this title and other county ordinances, regulations, policies, and manuals related to land use and public health, safety, convenience and general welfare are met.

(Ord. No. PZ-C-001-10, § 1)

##### 2.200.020. - Site plan review coordinator.

The position of site plan review coordinator is hereby established to determine whether a proposed development requires a site plan review, to determine the appropriate review process, and to assist in coordinating the review process.

(Ord. No. PZ-C-001-10, § 1)

2.200.030. - Site plan types.

Site design and detailed information are required for all development in one of three forms:

- A. Preliminary site plan.
- B. Individual site plan.
- C. Specific site plan.

(Ord. No. PZ-C-001-10, § 1)

2.200.040. - Minimum content.

All site plans shall contain:

- A. Sufficient information and detail on any special site constraints. Special constraints or considerations include, but are not limited to, flooding, traffic, slope, fissures, subsidence and soil conditions which may affect development of the site;
- B. Sufficient information to show that all information required in this chapter and other conditions of this title are met;
- C. Sufficient information to show compliance with all applicable county ordinances, regulations, policies, manuals and checklists provided by applicable county departments; and
- D. Explanations of how developer will address impacts of the development on drainage, stormwaters and on-site and off-site traffic.

(Ord. No. PZ-C-001-10, § 1)

2.200.050. - Preliminary site plans.

- A. A preliminary site plan shall accompany applications requesting a zone change, a planned area development overlay district, industrial use permit or a special use permit and shall contain all information required under the individual sections of this title dealing with these request processes or as required by the applicable application form.
- B. Compliance to the preliminary site plan, as approved by the supervisors, is considered a condition of approval and part of the supervisors' action, unless otherwise stated by the supervisors.

(Ord. No. PZ-C-001-10, § 1)

2.200.060. - Individual site plans.

An individual site plan shall accompany applications for a compliance review, a business use permit, mobile home permit, mechanical, plumbing, electrical permit (MPE), group home permit and any other requests as deemed necessary by the county on individual lots. An individual site plan shall contain the following applicable map elements and supporting information.

- A. *Map elements.*
  - 1. Location of parcel boundaries and dimensions.
  - 2. Location and size of all structures.
  - 3. Points of ingress and egress.
  - 4. Adjacent public rights-of-way.
  - 5. Location of public and private easements.

6. Building setbacks.
7. Location of all washes.
8. North arrow and scale accepted to the county.

B. *Additional data.* Additional data may be required under other county ordinances, rules, regulations and policies.

(Ord. No. PZ-C-001-10, § 1)

2.200.070. - Specific site plans.

- A. *Types of developments.* Prior to the issuance of a zoning clearance, building permit, installation permit, or permit or approval for systems, plans or reports regarding sanitation, drainage or flood control, a specific site plan is required for the following types of development:
1. Office.
  2. Commercial.
  3. Industrial.
  4. Multifamily residential.
  5. Churches.
  6. Schools.
  7. Change of use.
  8. Mobile home and RV parks.
- B. *Exceptions.* Specific site plans are subject to a specific site plan review process or a commercial site plan review process, unless:
1. The subject development meets all of the following criteria:
    - a. It does not involve an additional use;
    - b. It does not involve a more intense change in use;
    - c. The structure or addition is 200 square feet or less in size;
    - d. It does not increase occupancy or require additional parking; and
    - e. There are no known fissures, washes, flooding issues, or formerly used defense sites (FUDS).
  2. Developments that meet the above criteria are still required to contact air quality, building safety, environmental health, planning and development and public works departments for additional requirements.
  3. Special event permits and temporary use permits are not subject to the specific site plan review or the commercial site plan review processes.
- C. *Relationship to other process.*
1. A specific site plan does not replace any plans or subdivision plats that may be required as part of another application process.
  2. Approval of a specific site plan shall not be used to circumvent the subdivision plat process required by the county's subdivision regulations.
  3. Where the subdivision plat process is required, no site plan may be approved prior to final plat approval.
- D. *Departmental responsibilities.* Each department within development services (air quality, building safety, environmental health, planning and development, and public works) is responsible for providing a representative at all preapplication meetings and providing any necessary comments and/or information regarding the development

project to the applicant and the site plan review coordinator. These departments are responsible for providing complete and timely reviews according to processing time schedules set forth in the site plan review development guideline manual.

- E. *Site plan review development guideline manual.* The planning and development department shall prepare a manual for the purpose only of providing information and guidelines for review of site plans and displaying the forms for the various county application processes dealing with land use to aid the applicant and the county departments in reducing processing times and streamlining the review processes for multiple applications on a single development project. The planning and development department may revise the forms, guidelines and timelines as needed. Such revisions are not amendments to this title and shall not effect any change in the title itself. This title governs over the manual.
- F. *Specific site plan review process.*
1. *Departmental review criteria.* Criteria for review of site plans are including, but not limited to, the following:
    - a. Conformance with existing zoning and/or planned area development (PAD) overlay district on subject property and conditions and plans or plats that are part of the approved zoning if no zone change and/or PAD overlay district are being requested with the site plan review.
    - b. Conformance with proposed zone change and/or PAD overlay district if such are being requested along with the site plan review.
    - c. Compliance with this title and other applicable county ordinances and regulations.
    - d. Consideration of:
      - i. Compatibility with adjacent uses;
      - ii. Major street or route location;
      - iii. Access to site;
      - iv. Traffic analysis;
      - v. Parking layout;
      - vi. Access to utilities;
      - vii. Grading requirements;
      - viii. Drainage;
      - ix. Floodplains;
      - x. Sanitation;
      - xi. Domestic water availability;
      - xii. Buffers;
      - xiii. Landscaping;
      - xiv. Lighting;
      - xv. Fissures;
      - xvi. Adjacent conditions; and
      - xvii. Any other information deemed necessary by the county.
  2. *Optional conceptual preapplication meeting.* This meeting for the purpose of discussing applicant's development concept is optional and requires minimal submittals which are a completed application and 8½-inch by 11-inch or 11-inch by 17-inch copies of the conceptual site.
  3. *Required preapplication/preliminary review meeting.* At this meeting, applicant and county staff will discuss the

applicant's proposed development and the application requirements of each county department within development services for submittal of a completed formal application for specific site plan review. Submittals required for this meeting are as follows:

- a. Completed application;
  - b. 24-inch by 36-inch copies of the preliminary specific site plan following the submittal requirements and submittal examples provided in the site plan review development guideline manual for nonresidential developments;
  - c. 11-inch by 17-inch copies of the architectural site plan (drawn to an engineer's scale), clearly showing the actual measurements of all four sides of the building(s) to the property line;
  - d. Copies of a traffic impact analysis (with additional copies as specified in the manual); and
  - e. Copies of a drainage report (with additional copies as specified in the manual).
4. *Formal application process.* Prior to submittal of completed applications for building permit, installation permit or permit or approval for systems, plans or reports regarding sanitation, drainage or flood control, submit a formal application for site plan review as follows:
- a. Submittals.
    - i. Completed application;
    - ii. Application fee;
    - iii. Copies of 24-inch by 36-inch specific site plan (with additional copies as specified in the manual) in the format required by the county and on CD in a format as specified in the manual, with the following:
      - (A) 11-inch by 17-inch architectural site plan (drawn to an engineer's scale, clearly showing the actual measurements of all four sides of the building(s) to the property line (with additional copies as specified in the manual);
      - (B) On-site grading and drainage and utility civil sheets;
      - (C) Off-site improvement plans such as paving, water and sewer line extensions;
      - (D) Landscaping sheets; and
      - (E) Lighting plan and photometrics;
    - iv. Studies:
      - (A) Copies of the final drainage report with CD in a format as specified in the manual (with additional copies as specified in the manual);
      - (B) Copies of the final traffic impact analysis with CD in a format as specified in the manual (with additional copies as specified in the manual); and
      - (C) Geotechnical report with CD in a format as specified in the manual;
    - v. A.L.T.A./A.C.S.M. land title survey certified by a registered land surveyor registered in the State of Arizona; and
    - vi. Any other information deemed necessary by the county;
    - vii. Completed association acknowledgement form if site consists of two or more parcels and will have shared access, shared drainage, and/or shared parking.
  - b. Incomplete applications shall not be processed.
  - c. An incomplete application that is not remedied within three months from notification of the deficiency shall cause the file to be closed.

- d. The specific site plan may take more than one review. The specific site plan may be returned to applicant for more information requested from application. If the requested modifications are not made nor requested information within one year from the date of the request, the file will be closed; and any submittal after such closure will require initiation by application of a new process.
- e. Contents of specific site plan. The specific site plan should address the following:
  - i. If no zone change and/or PAD overlay district are being requested simultaneously with the site plan review, whether the development project is in conformance with existing zoning and/or planned area development (PAD) overlay district on the subject property and conditions and plans or plats that are part of the approved zoning.
  - ii. If applicable, conformance with proposed zone change and/or PAD overlay district being requested simultaneously with the site plan review.
  - iii. Compliance with this chapter and other applicable county ordinances and regulations related to land use and/or conserving and promoting public health, safety, convenience and general welfare.
  - iv. Compatibility with adjacent uses.
  - v. Major street or route location.
  - vi. Access to site.
  - vii. Traffic analysis.
  - viii. Parking layout.
  - ix. Access to utilities.
  - x. Grading requirements.
  - xi. Drainage.
  - xii. Floodplains.
  - xiii. Sanitation.
  - xiv. Domestic water availability.
  - xv. Buffers.
  - xvi. Landscaping.
  - xvii. Lighting.
  - xviii. Fissures.
  - xix. Adjacent conditions.

G. *Commercial site plan review process.* This process allows applicant to work with county staff to coordinate multiple application processes on a single development project, such as but not limited to zone change, planned area development overlay district zone, industrial use permit, special use permit, specific site plan review and subdivision platting.

1. *Preapplication meeting.* At this meeting, applicant and county staff will discuss the applicant's proposed development and the multiple application processes required for applicant's development project and the submittal requirements for the multiple applications.
2. *Preapplication submittals.* Prior to scheduling a preapplication meeting, submit the following:
  - a. A completed application for a preapplication meeting on the form provided by the county.
  - b. Scaled site drawings for the proposed project on 8½-inch by 11-inch or 11-inch by 17-inch paper in the format required by the county and providing at the minimum the following information:

- i. Provide name of project, address, zone classification and parcel number;
- ii. Show and label all existing buildings and structures and proposed buildings and structures, including type and use, dimensions and square footage;
- iii. Show pertinent existing structures such as streets, curb, sidewalks, driveways, fire hydrants, power poles, etc., within the subject property and right-of-way;
- iv. Show any existing streets and easements on or adjacent to the subject property:
  - (A) Show setbacks to building(s);
  - (B) Show any existing or proposed septic systems;
  - (C) Show proposed retention basin; and
  - (D) Label adjacent property by use (residential, office, commercial, or industrial).

3. *Formal application process.*

- a. Schedule meeting for review of completed multiple applications pertaining to applicant's development project.
- b. Submittals for multiple applications.
  - i. Completed applications for all application processes pertaining to applicant's development project together with the information required with each application.
  - ii. Completed association acknowledgement form if site consists of two or more parcels and will have shared access, shared drainage, and/or shared parking.
  - iii. Site plan as required under specific site plan review in PCDSC.

H. *Appeal.*

1. Upon final denial of a site plan, applicant may appeal the denial to the supervisors.
2. The appeal shall be made in writing and filed with the planning director within 15 days from the issuance date of the denial of the site plan that is being appealed. The written appeal shall set forth the particulars and reasons for the appeal, accompanied by the appropriate processing fee as set forth in the adopted planning and development services fee schedule.
3. Hearing on the appeal shall be at such times as may be set by the supervisors, and upon not less than 15 days' or more than 30 days' notice to the applicant and appropriate county officials.

(Ord. No. PZ-C-001-10, § 1)

CHAPTER 2.205. - WIRELESS COMMUNICATIONS FACILITIES

2.205.010. - Purpose.

To regulate the placement of wireless communications facilities; to establish zoning standards that will protect the integrity, character and identity of neighborhoods; to encourage co-location, stealth design and camouflaged facilities; to maximize the use of existing communication towers; and to minimize the adverse visual effects of towers through careful design, siting and screening.

(Ord. No. PZ-C-005-10, § 1)

2.205.020. - Applicability.

All wireless communications facilities shall be subject to this section except for commercial radio and TV, amateur radio, wireless communication facilities used by a governmental agency for its governmental functions, wireless communication facilities used exclusively by public educational institutions for its communication purposes, and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV.

(Ord. No. PZ-C-005-10, § 1)

#### 2.205.030. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

*Exempt* means facilities that are not required to obtain a special use permit as required in PCDSC 2.151.010. Such facilities are required to attend the pre-application meeting and meet the requirements set forth in PCDSC 2.205.040 and 2.205.050.

*Tower, communications*, means a structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth tower structures and the like.

*Wireless communications facilities* means any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communications except for commercial radio and TV, amateur radio, wireless communication facilities used by a governmental agency for its governmental functions, wireless communication facilities used exclusively by public educational institutions for its communication purposes and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless Internet and satellite TV.

(Ord. No. PZ-C-001-13, § 6; Ord. No. PZ-C-005-10, § 1)

#### 2.205.040. - General provisions for all wireless communication facilities ("facilities").

- A. *Attachment to existing structure*. The antennas must be attached to an existing pole or structure that has been in existence for at least one year and that otherwise meets applicable provisions of this chapter to be considered a co-location with the exception of antennas located on new utility poles/towers.
- B. *Building permit*. A building permit is required for all facilities, new or co-locations, and accessory structures.
- C. *Certification*. A certification is required from a licensed engineer that the facilities will comply with all Federal Aviation Administration ("FAA"), Federal Communication Commission ("FCC") and other applicable regulations.
- D. *Co-location*. Monopole and lattice tower facilities shall be designed in a manner that will allow for the co-location of at least one additional antenna array on the facility.
- E. *Parking*. One parking space for the maintenance of the facility must be provided on site. Said parking space shall be treated with materials which reduce the emission of dust.
- F. *Removal and restoration*. When the operation of the wireless communications facilities is discontinued for a period of six months or a special use permit expires, the facilities shall be removed and the site shall be restored to its natural state and topography and vegetated consistent with the natural surroundings at the expense of the owner of the



facility.

- G. *Signs*. No advertising is permitted anywhere upon or attached to the facilities. Signage is limited to small nonilluminated warning and identification signs.
- H. *Special use permit*. Facilities that are not a permitted use within a zone or facilities that do not meet the requirements of PCDSC 2.205.050 require a special use permit ("SUP").
- I. *Storage*. Long-term vehicle storage and other outdoor storage are prohibited.
- J. *Structurally engineered*. All communications towers, poles and co-location structures must be structurally engineered to show they are capable of supporting the proposed facilities and will meet the requirements of the county-adopted building code.
- K. *Modification of uses within a PAD overlay zone district*. Notwithstanding PCDSC 2.151.010(B)(9), the special use permit process may be used to modify the uses within a PAD overlay zoning district to permit wireless communications facilities pursuant to this chapter.

(Ord. No. PZ-C-001-15, § 1; Ord. No. PZ-C-005-10, § 1)

#### 2.205.050. - Design standards.

- A. *Color*. The color of wireless communication facilities shall be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors.
- B. *Fencing*. New facilities, other than flagpoles, utility poles, or other camouflaged facilities, shall be enclosed by an eight-foot-tall solid masonry wall to prevent trespass.
- C. *Generators*. All permanent generators associated with any facilities shall be located behind the eight-foot-tall solid masonry wall.
- D. *Ground-mounted equipment*. Ground-mounted equipment shall be located behind an eight-foot-tall solid masonry wall.
- E. *Lighting*. Lighting on any new facility is prohibited unless required by the FAA or by other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.
- F. *Stealth design*. New communication towers located on a parcel adjacent to residential zones shall be stealth design. A stealth facility shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located. Methods of stealth design include:
  - 1. Design that mimics surrounding vegetation such as palm trees (monopalms), pine trees (monopines) and saguaro cacti.
    - a. Setback requirements for monopalm, monopine, and saguaro cactus facilities:
      - i. The facility shall be required to meet setback requirements of primary buildings or structures of the zone in which they are located, unless otherwise specified herein.
      - ii. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in a rural or residential zone by one foot for every one foot in height of the facilities.
      - iii. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in zones other than rural or residential by one foot for

every one foot in height above the maximum height permitted in the zone in which the facility is to be located.

- b. Monopalm facilities shall conform to the following development standards:
  - i. Not to exceed 70 feet in height;
  - ii. Antennas shall be located within the palm frond cluster and painted a green color to match the palm fronds;
  - iii. No antennas shall extend beyond the palm frond coverage;
  - iv. Monopalm shall contain a minimum of 55 palm fronds;
  - v. The trunk of the monopalm shall be clad with faux bark starting at the base (at grade) to the height of the first palm frond;
  - vi. Co-location on a monopalm facility shall be limited to antennas located within the trimmed leaf cluster (often referred to as the "pineapple" or "bulb") of the monopalm trunk, located below the base of the palm fronds;
  - vii. The diameter of the pole shall not exceed 26 inches at its widest point, with the exception of the trimmed leaf cluster;
  - viii. No climbing pegs are permitted on the pole structure; and
  - ix. There shall be no unpainted metal on the monopalm facility.
- c. Monopine facilities shall conform to the following development standards:
  - i. Not to exceed 90 feet in height;
  - ii. Antennas shall be mounted within the foliage of the monopine and all branches at the height of the antennas shall extend beyond the antenna panels and all mounting hardware;
  - iii. All branches shall be arranged in a natural order with the widest branches at the lowest portion of the monopine tapering to the shortest branches at the top of the monopine;
  - iv. Antennas shall have camouflaged foliage covers;
  - v. The monopine branches shall have a density of 2.5 branches for each one vertical foot of pole;
  - vi. The monopine branches shall begin at no greater than 12 feet above finished grade and continue to the top of the pole;
  - vii. The monopine shall be painted a color to match the appearance of the surrounding pine trees;
  - viii. The trunk of the monopine facility shall be constructed to incorporate full bark cladding provided on the tree trunk starting at the base (at grade) to the top of the monopine;
  - ix. The diameter of the pole structure shall not exceed 36 inches at the base and shall taper to no greater than 28 inches at the top of the monopine;
  - x. All cables shall be concealed within the pole structure;
  - xi. No climbing pegs are permitted on the monopine structure; and
  - xii. There shall be no unpainted metal on the monopine facility.
- d. Saguaro cacti facilities shall conform to the following development standards:
  - i. Not to exceed 50 feet in height;
  - ii. The diameter of the pole structure shall not exceed 30 inches at its widest point;
  - iii. The saguaro cactus facility shall be painted and designed to mimic a natural saguaro cactus;
  - iv. Antenna panels and cables shall be entirely concealed within the cactus structure;

- v. No climbing pegs are permitted on the pole structure; and
  - vi. There shall be no unpainted metal on the saguaro cactus facility.
2. Using church steeples, clock towers, bell towers, roof features or other such vertical architectural elements to conceal antennas and equipment.
    - a. All antennas, mounting hardware and cables shall be completely concealed within the structure.
    - b. Equipment cabinets, service panels and service connections shall be screened by a solid wall, painted to match the structure.

(Ord. No. PZ-C-005-10, § 1)

2.205.060. - Permitted use.

- A. *Applicable zones.* Wireless communications facilities are a permitted use in CI-B, industrial buffer zoning district; CI-1, light industry and warehouse zoning district; CI-2, industrial zoning district; C-3, general commercial zoning district; I-1, industrial buffer zoning district; I-2, light industrial and warehouse zoning district; and I-3, industrial zoning district.
- B. *Setback requirements.*
  1. Wireless communication facilities shall be required to meet the setback requirements of primary buildings or structures of the zone in which they are located, unless otherwise specified herein.
  2. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in a rural or residential zone by one foot for every one foot in height of the facilities.
  3. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in zones other than rural or residential by one foot for every one foot in height above the maximum height permitted in the zone in which the facility is to be located.

(Ord. No. 011812-ZO-PZ-C-007-10, § 23; Ord. No. PZ-C-005-10, § 1)

2.205.070. - Exempt facilities.

The following are exempted from obtaining an SUP, but are not exempted from attending the pre-application meeting and the requirements set forth in PCDSC 2.205.040 and 2.205.050:

- A. Building-mounted antennas on nonresidential structures where the equipment does not extend beyond 12 inches from the face of the building and the equipment is painted to match the building.
- B. Rooftop-mounted equipment on nonresidential buildings where the equipment is ten feet or less in height and is fully screened from view.
- C. Co-locations on existing communication poles or towers where the antenna array width is four feet or less or the width of the antenna array does not exceed the width of the largest existing array on the pole or tower.
- D. Co-locations on existing school and park ball field light poles or towers that add no more than 12 feet in height to the pole or tower and the antenna array width is four feet or less.
- E. Co-locations on existing electrical utility poles with a minimum of 69 kilovolts that add no more than 12 feet in height to the pole and the antenna array width is four feet or less.
- F. Co-locations on existing electrical utility lattice towers with a minimum of 69 kilovolts that extend no more than three feet from the tower.
- G. Co-locations on existing flagpoles (stealth) that are no more than 16 inches in diameter, and all pole-mounted

equipment is located inside the pole.

H. Stealth designed facilities in nonresidential zones.

(Ord. No. PZ-C-001-13, § 6; Ord. No. PZ-C-005-10, § 1)

2.205.080. - Application process and requirements.

- A. A pre-application meeting is required except where the facilities are a permitted use.
- B. Pre-application meeting procedure. Schedule a meeting to gather information and review the applicable procedure. The following information is required:
  - 1. Legal description and parcel number of the subject property;
  - 2. A site plan showing the location of the facilities; and
  - 3. Drawings of the equipment and facilities.
- C. When the facility is a permitted use within a zone or an exempt facility, the applicant shall, as part of their building permit, submit:
  - 1. A scaled site plan with sufficient information to show that the facility meets all design criteria in PCDSC 2.205.050 and other conditions of this title are met. The site plan shall also contain:
    - a. Access.
    - b. All appurtenances.
    - c. Antenna diagrams, including the width of the antenna arrays.
    - d. Elevations.
    - e. Equipment area.
    - f. Parking area.
    - g. Screen wall.
    - h. Setbacks.
    - i. Surrounding zoning.
    - j. Any other information deemed necessary by the county.
  - 2. Before and after photo simulations showing the tower and the surrounding area.
  - 3. Descriptions of the proposed colors for the facility.
- D. When the facility is not a permitted use within a zone, or does not meet the criteria described in PCDSC 2.205.050, the applicant shall follow the SUP procedure as set forth in PCDSC 2.150.020. Applicants for an SUP for a wireless communication facility shall be required to submit as part of the SUP application the following:
  - 1. A map that shows all other wireless communications monopoles or towers, regardless of ownership, within two miles of the proposed site;
  - 2. A written narrative which describes any neighborhood opposition, either written or verbal, received by the applicant;
  - 3. A scale elevation drawing which shows the height and configuration of the monopole or tower, including the location of the antennas;
  - 4. A scale site plan which shows the width of the antenna array, access, parking and any ground-based equipment;
  - 5. A description of the proposed color for the antennas and for the monopole or tower;
  - 6. A description of possibilities for camouflage that have been explored, and why the proposed option was chosen;

7. A description of alternative sites that have been explored;
8. A description of the possibility for co-location on existing monopoles, towers, or electrical poles and towers that have been explored;
9. A description of possibilities for using a greater number of shorter monopoles or towers in place of the proposed facility;
10. Information on provisions for removal of the monopole or tower after it is no longer being used;
11. Information on the willingness of the landowner and the service provider to allow other service providers to co-locate on the proposed facility; and
12. A description of potential gaps that could impede the provision of services if this monopole or tower is not approved.

(Ord. No. PZ-C-001-13, § 6; Ord. No. PZ-C-005-10, § 1)

## CHAPTER 2.210. - RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY DEVICES

### 2.210.010. - Scope.

The following requirements shall apply to rural and residential zones which are being used for residences.

(Ord. No. PZ-C-006-10, § 1)

### 2.210.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Photovoltaic* means solar panels that use sunlight to generate electricity.

*Solar array* means a group of solar panels or solar energy devices consisting of a linked series of photovoltaic modules. A solar array is measured in square feet by determining the overall maximum length and width and multiplying the two.

*Solar energy device* means any solar energy collection system, including solar panels, either freestanding (ground-mounted or pole-mounted), wall mounted, or attached to a roof or structure, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for generating electricity.

(Ord. No. PZ-C-006-10, § 1)

### 2.210.030. - General requirements.

- A. Solar energy devices shall not be the primary use of a property.
- B. All freestanding solar energy devices will be treated as detached accessory buildings and shall conform to the requirements for detached accessory buildings in a particular zoning district.
- C. Solar arrays placed on buildings, primary or accessory, may not encroach into the required setbacks for that zone. Roof mounted solar arrays shall not be subject to the maximum height restrictions of the zone. See additional requirements for flat roof and pitched roof installations:
  1. *Flat roofs.* Solar arrays placed on flat rooftops of either a primary or accessory building shall not exceed five feet measured from the roofline, perpendicularly to the highest point of the solar device.

2. *Pitched roofs.* Solar arrays placed on pitched rooftops of either a primary or accessory building shall not exceed two measured from the roofline, perpendicularly to the highest point of the solar device.

D. In residential zones; CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, MH, RV, MHP, PM/RVP and TR:

1. All freestanding solar energy devices shall be restricted to a location in the rear or side yard, meeting rear or side yard setbacks for that zone.

2. Solar devices shall not exceed six feet in height, measured from the undisturbed grade to the highest point of the solar device.

E. An application, site plan, electrical diagrams, major component information, mounting details, and notes concerning installation shall be submitted to development services for review prior to permit issuance.

F. Solar energy devices shall comply with all applicable building and electrical codes.

(Ord. No. PZ-C-006-10, § 1)

## CHAPTER 2.215. - ADDRESSING AND STREET NAMING

### 2.215.010. - Purpose.

This chapter is to provide for the uniform assignment of property numbers on residences, public buildings, and businesses along public and private streets or roads; to provide for the naming and renaming of streets or roads; and to provide addressing for emergency services responding to 911 calls.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

### 2.215.020. - Applicability.

This chapter shall apply to all unincorporated and nonreservation lands within the county.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

### 2.215.030. - Definitions and abbreviations.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them below:

*Addressing baseline* means two imaginary lines, one running north and south, and one running east and west intersecting at a zero point.

*Avenue (Ave.)* means thoroughfares that run in any direction; a common or default suffix.

*Boulevard (Blvd.)* means a broad thoroughfare that acts as a collector and often has a median.

*Circle (Cir.)* means a curvilinear thoroughfare that returns to its starting point.

*Collector* means a street that provides the traffic movement within neighborhoods between major thoroughfares and local thoroughfares, and for direct access to abutting property.

*Court (Ct.)* means a relatively short, uninterrupted dead-end street such as a cul-de-sac.

*Drive (Dr.)* means winding, diagonal, curvilinear, meandering, or other types of thoroughfares not otherwise defined.

*Grid lines* means imaginary lines constructed perpendicular and parallel to addressing baselines used to define address numbers.

*Highway (Hwy.)* means designated county highway, state route, state highway or federal access route.

*Lane (Ln.)* means a local thoroughfare.

*Loop (Loop)* means a thoroughfare that begins and ends on the same side of the originating street but not in the same place.

*Parkway (Pkw.)* means a special scenic route or park drive that is not a local thoroughfare.

*Place (Pl.)* means a cul-de-sac or permanent dead-end road or a local thoroughfare in a subdivision.

*Prefix, directional,* means a one-character compass point preceding a street name that indicates a direction. For example: north (N), south (S), east (E) and west (W). See PCDSC [2.215.050\(D\)](#).

*Road (Rd.)* means thoroughfares that run in any direction; a common or default suffix.

*Street (St.)* means thoroughfares that run in any direction; a common or default suffix.

*Suffix* means a word following a street name that indicates the street type. See PCDSC [2.215.050\(E\)](#).

*Thoroughfare* means a generic term for providing for the movement of traffic and access to various land uses.

*Trail (Trl.)* means a winding thoroughfare.

*Way (Way)* means a local thoroughfare.

(Ord. No. [011812-ZO-PZ-C-007-10](#), § 24)

#### 2.215.040. - Assigning numbers to properties.

- A. Property numbers for dwelling units, places of business, and public and private utilities and other properties along streets as necessary for permitting and/or safety purposes shall be assigned by the planning and development department in accordance with provisions outlined herein.
- B. Property numbering shall be sequential
- C. The county has five addressing grids known as Pinal County, Apache Junction/Gold Canyon, Queen Valley, San Manuel, and Oracle that are hereby established collectively as the Pinal County grid system. Within each addressing grid, except for the San Manuel addressing grid, there is an established zero point and prefix designation. Specific addressing grid and zero points are shown in illustration numbers 1 through 4 and the San Manuel addressing grid is shown in illustration number 5.
- D. In addressing grids with zero points, all streets running north perpendicular to the east-west zero point baselines shall have a north prefix directional. All streets running south perpendicular to the east-west zero point baseline shall have a south prefix directional. All streets running east perpendicular to the north-south zero point baseline shall have an east prefix directional. All streets running west perpendicular to the north-south zero point baseline shall have a west prefix directional.

The Pinal County zero point is located at Eleven Mile Corner Road and Highway 287.

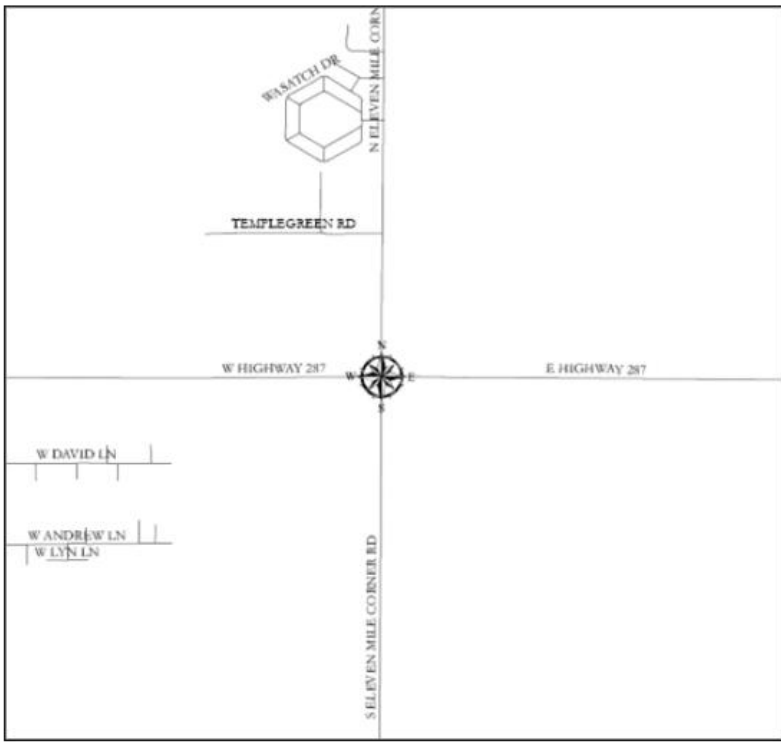


Illustration No. 1

The Apache Junction/Gold Canyon zero point is at Idaho Road and Junction Street.



Illustration No. 2

The Queen Valley zero point is at Kirk Drive and Sharon Drive.



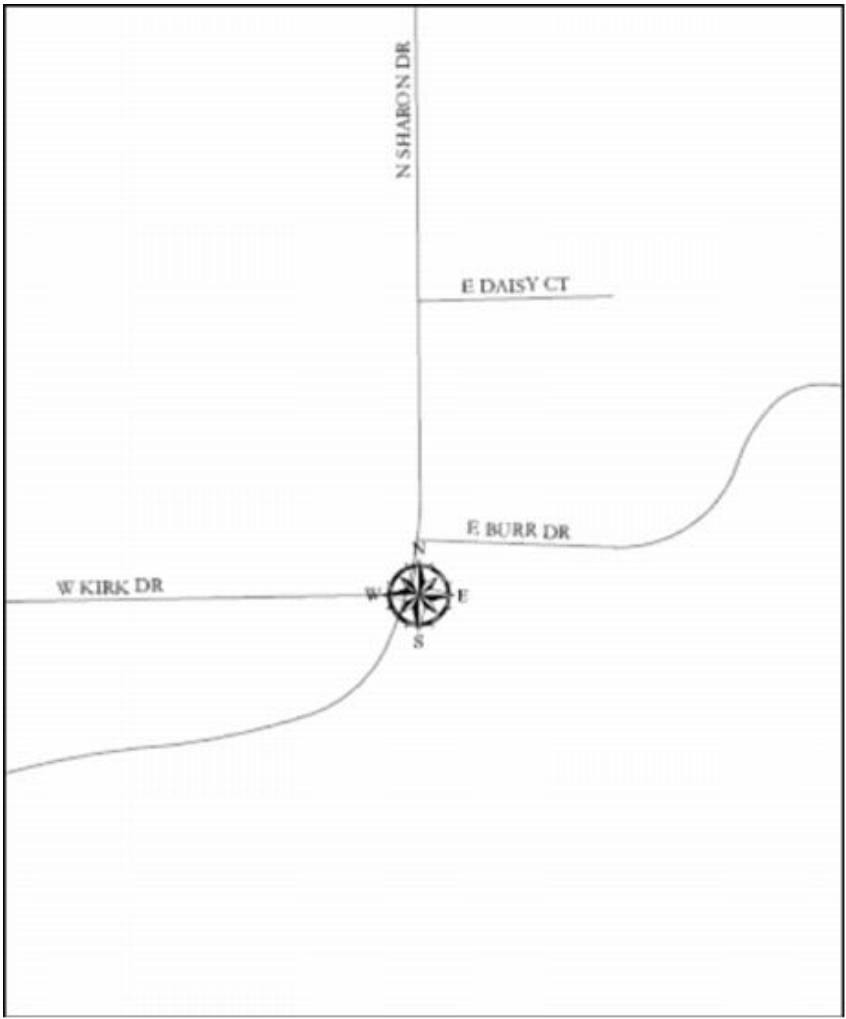
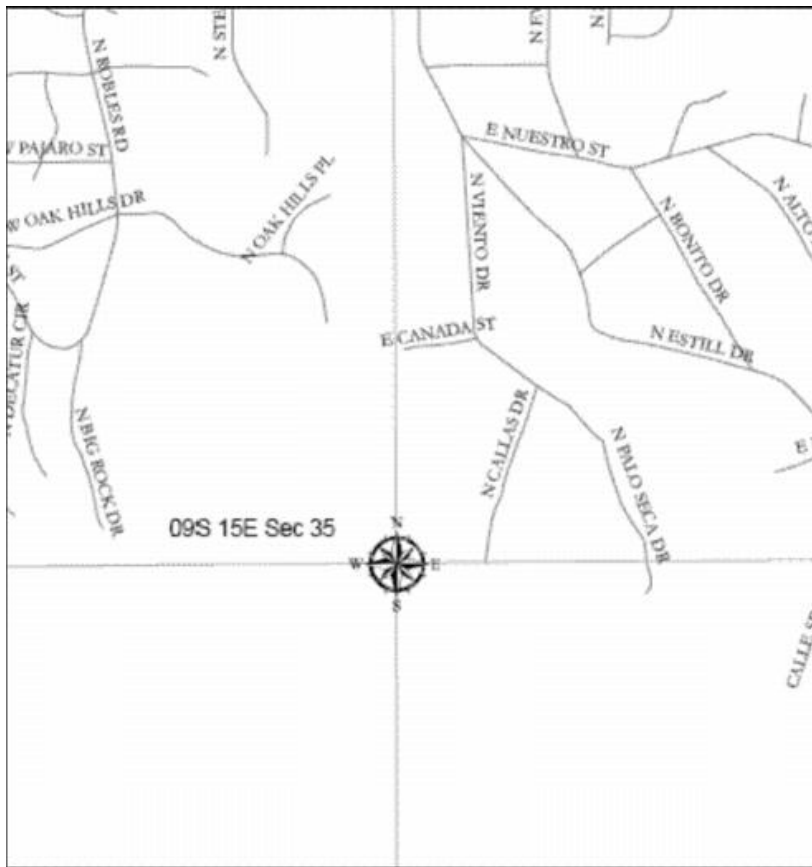


Illustration No. 3

The Oracle zero point is at the southeast corner of section 35, Township 09S, Range 15E.



**Illustration No. 4**

San Manuel does not have a zero point. The existing San Manuel addressing grid remains in place from the west of, but not including, the present Veterans Memorial Boulevard and applies to the established San Manuel townsite.



**Illustration No. 5**

- E. Even numbers shall always be assigned on the north and west sides of streets and odd numbers shall always be assigned on the south and east sides of streets. Once assigned, numbers shall not be arbitrarily changed without the approval of the planning and development department.
- F. The numbering system shall allow for expansion to accommodate future growth in the area.
- G. Numbering shall be according to the applicable Pinal County grid system.
- H. Multiple dwelling units.
  - 1. Numbers shall be assigned to the property where a driveway joins the street; this becomes the street address of all units which face upon that interior court. Separate internal units of condominiums and apartments shall be designated with sub-numbers or letters, not individual property numbers.
  - 2. Mobile home parks shall be treated like other multifamily developments. The property shall be assigned one number, and each mobile home space shall receive numerical designations such as Sp. 1, Sp. 2, Sp. 3, etc. However, if the development is a mobile home subdivision built in conformance with subdivision regulations, the properties shall be addressed as individual residences.
- I. Business addressing. Businesses shall be numbered with the main building receiving one address and each individual office being assigned suite numbers as secondary location indicators. In business condo plats, lots may be addressed per lot, per building or per development with individual suite numbers assigned as secondary location indicators.
- J. Numbering when streets change direction. If a street changes direction drastically and for a substantial length, the numbering may be changed to reflect the orientation with a different prefix directional and/or name.
- K. Diagonal streets. The general principle to apply when numbering diagonal streets is to treat the street as either a

north-south or an east-west street based on the greatest distance covered in any specific direction.

- L. Corner lots. When assigning a number to a building on a corner lot, assign a number from the street upon which the main entrance faces for a business or assign a number from the street from which the driveway enters for a residence. If a corner building has two entrances which both look like main entrances, the decision is based on the general site layout and driveway entrance.
- M. Duplex buildings and houses on interior lots.
  - 1. One number shall be assigned to a duplex building with sub-numbers or letters for each internal unit.
  - 2. Separate numbers shall be assigned for single-family dwellings in the rear of other single-family dwellings.
  - 3. If a commercial enterprise that is part of a residence has a separate entrance from the street, it may also be assigned a separate number. If there is a rear entrance or a hidden structure, a post should display the number on the path leading to the entrance, even if it is reached through another structure.
- N. Numbering on circle streets. Odd-ending digits will be assigned in a consecutive and corresponding manner to the properties on the outside of the circle while even-ending digits will be assigned in a consecutive and corresponding manner to the properties on the inside of the circle.
- O. Annexation. If an area is annexed by a municipality, the existing addresses will then be the responsibility of the municipality.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

#### 2.215.050. - Street names.

The following general principles of street naming shall be used when naming or renaming streets within the unincorporated area of the county:

- A. *Objective.* Names shall be easy to pronounce and easy to spell so the public, and children in particular, can recite the name in an emergency situation.
- B. *Unacceptable street names.* Unacceptable street names are:
  - 1. Numerical names (1st, 2nd, etc.);
  - 2. Letters of the alphabet (A, B, C, etc.);
  - 3. Copyrighted and trademark names;
  - 4. Famous names;
  - 5. Complicated words;
  - 6. Unconventional spellings;
  - 7. Duplicates particularly within the same postal delivery or emergency response area;
  - 8. Street names pronounced similarly;
  - 9. Names with 22 or more letters and spaces including the suffix abbreviation within the full address format (i.e., Spectacular Mountain Views = 26 characters with spaces); and
  - 10. Directional name or street suffix cannot be used in the street name; example (a): E South Haven St. must be E Haven St.; example (b): E Memory Trail Dr. must be E Memory Dr.
- C. *Complete name.* A complete name shall consist of no more than four words, including the appropriate mandatory prefix directional and any optional suffix. Examples:
  - 1. W Twin Butte Road: prefix directional (1 word); primary (2 words); suffix (1 word).
  - 2. S San Mateo Castro: prefix directional (1 word); primary (3 words).

- D. *Prefix, directional.* All street names shall begin with one directional prefix of north, south, east, or west. Abbreviations shall be: N, S, E, or W. Combinations of directions are not acceptable. Example: Northwest Sierra Circle.
- E. *Suffix.* Suffix types should reflect the character of the roadway. Lane, drive, place, and way are minor roadways. Road, drive, street, and avenue may be local thoroughfares. Road, avenue, street, boulevard, and parkway may be major arterial streets. No residential lots shall front a boulevard or parkway.
- F. *Name duplication.* Similar sounding names are considered to be duplications regardless of spelling. No duplication of names for new roadways is permitted within the projected service area of the U.S. Postal Service or of local public agencies such as fire and police departments.
- G. *Continuity.* A continuous street, or one proposed to be continuous, should bear the same name and suffix through its alignment except in the case of a cul-de-sac which might be identified as a court.
- H. *Corrections.*
1. The planning and development department shall correct an address number or street prefix directional not in conformance with this chapter when the change is necessary to prevent confusion for emergency services responding to 911 calls.
  2. Notice of the change shall be mailed by the planning and development department to all owners of the property whose address has changed.
  3. Notice of the change shall also be transmitted by the planning and development department to the U.S. Postal Service and the 911 system.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

#### 2.215.060. - Renaming existing streets.

- A. The proposed renaming of a street may be initiated by:
1. The supervisors; or
  2. A citizen's petition.
    - a. The petition must contain the following:
      - i. Signatures of at least 51 percent of the property owners with frontage on or addresses assigned from the subject street of the proposed name change;
      - ii. A reason why the name change is needed (example: eliminate duplicate name, help improve emergency services to the area);
      - iii. The names, addresses, assessor's parcel numbers and signatures of each property owner signing the petition;
      - iv. Existing name and proposed name with an alternative name;
      - v. Description of the beginning and end of the street subject to the proposed name change; and
      - vi. Identify whether the street is public or private.
    - b. Each parcel of real property is entitled to one vote.
    - c. The petition shall be accompanied by the following:
      - i. The applicable filing fee.
      - ii. A list of names and addresses of property owners with frontage on or addresses assigned from the subject street of the proposed name change and of service and emergency organizations (for example:

fire, police, post office) that service that area.

iii. A statement that the existing street is or is not named after a person, place or event of historical significance.

iv. A statement as to whether the proposed street name is for a person, place or event of historical significance.

d. The petition must be filed with the planning and development department together with any documentation the petitioners can provide as to when and how the road, which is the subject of the proposed name change, was created.

B. For proposed name changes to an existing street or right-of-way, the planning and development department shall originate a map showing the location of the street and the existing name and proposed name change.

C. The supervisors shall hold at least one public hearing on the proposed name change and proposed alternative name change. Notice of the public hearing and the map shall be given as follows:

1. By publication at least once in a newspaper of general circulation in the area of the proposed name change. If the subject area does not have a newspaper of general circulation, then publish in a newspaper of general circulation in the adjacent area or the county seat.

2. By posting at reasonable intervals, as determined by the planning and development department, along the subject street of the proposed name change at least 15 calendar days before the date of the public hearing;

3. By first class mail to each property owner, as shown on the assessment of the property, with frontage property or address assigned from the subject street of the proposed name change.

D. Notice of the public hearing shall include the location of the proposed name change; the existing name; proposed name change; proposed alternative name change; the date, time, place and location of the public hearing; and the time period and location for filing a letter of objection or support.

E. If the supervisors approve the name change, the planning and development department will mail out a written notice to the residents/property owners affected by the name change stating the new address and enclosing a copy of PCDCS 2.215.080, Posting of property numbers.

F. After approval of a name change by the board, a subsequent proposed name change for that specific street shall not be considered for a period of five years from the date of the supervisors' approval.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

#### 2.215.070. - Street name signs.

A. The public works department shall prepare, place and maintain street signs for public streets and at intersections of private ways and public streets outside of subdivisions.

B. The subdivider shall be responsible for purchase and installation of all street name signs within a subdivision, including intersections with perimeter streets. All street name signs shall conform to county standards and shall be furnished and installed at no cost to the county at locations as shown on the approved plans.

C. Purchase of the replacement signs for private streets within a subdivision shall be the responsibility of the homeowner's association.

D. All street name signs, except those specified in subsections (A), (B), and (C) of this section, may be purchased from the public works department by the individual who requested the approved street name. All street name signs and installation of such signs must conform to county standards and requirements. Fees for street name signs purchased from and/or installed by the public works department may be assessed pursuant to A.R.S. § 11-251.08(A).

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

2.215.080. - Posting of property numbers.

Methods and characteristics for posting assigned property numbers are as follows:

- A. Property numbers shall be posted on the lot or parcel at the time of construction and are to be visible from and oriented toward the street from which the address is taken.
- B. When a house or building is some distance from a road, or when the view of the house or building is obstructed, the property number shall be posted in a manner visible from the road.
- C. On a corner lot, the property number shall face the street named in the address.
- D. Numerals indicating the assigned address for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street in which the property is located.
- E. In case a principal building is occupied by more than one business or family dwelling unit (duplex), each separate front entrance shall post a building and unit number, suite or floor number, as applicable.
- F. Owner, occupant or person in charge shall post property numbers. Property numbers must be posted within 60 calendar days after receiving written notification of an assigned number.
- G. It shall be the duty of such owner, occupant or person in charge thereof upon posting the new number to remove any different number which might be mistaken for or confused with the number assigned to the structure by the planning and development department.
- H. If a property number is damaged, lost, or in any way destroyed, the current assigned number shall be replaced immediately by the owner, occupant or person in charge of the residence or building.

(Ord. No. 011812-ZO-PZ-C-007-10, § 24)

CHAPTER 2.220. - RU-10 RURAL ZONING DISTRICT

2.220.010. - Purpose.

The purpose of this chapter is to provide for very low density residential use and to conserve and protect rural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 25)

2.220.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. One dwelling, conventional construction or manufactured home.
- B. Bed and breakfast, subject to the requirements set forth in PCDSC 2.150.210.
- C. Cemetery or crematory; provided, that:
  1. Primary access to the site is from an existing or planned arterial or collector street;
  2. No crematory is erected closer than 100 feet from any site boundary that abuts property in a rural or residential zone; and
  3. The site for a human cemetery is a minimum of 20 acres and for a pet cemetery is a minimum of five acres.

- D. Child care (no more than ten children for whom compensation is received).
- E. Church, subject to PCDSC 2.150.220.
- F. Cluster option, subject to the requirements set forth in PCDSC 2.150.221.
- G. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  - 2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  - 3. The grazing and raising of livestock;
  - 4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line;
  - 5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that any buildings located thereon occupy not more than 30 percent of the site area.
- H. Commercial boarding stable, riding stable or riding school, including accessory uses, such as arenas, corrals and exercise tracks; provided, that:
  - 1. All stables, barns or animal sheds are a minimum of 60 feet from the front property line and 30 feet from side and rear property lines; and
  - 2. A site plan is submitted for review and approval.
- I. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- J. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- K. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- L. Guest ranch, subject to the requirements set forth in PCDSC 2.150.250.
- M. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- N. Livestock sales yard or auction yard; provided, that:
  - 1. The site is a minimum of 20 acres; and
  - 2. Is a minimum of one-half mile from any residential zone or residential use.
  - 3. All stables, barns or animal sheds are a minimum of 60 feet from the front property line and 30 feet from side and rear property lines.
- O. Noncommercial kennel.
- P. Parks.
- Q. Private stables, arenas and corrals.
- R. Public schools.
- S. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- T. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- U. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.



2.220.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than ten children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Commercial kennels.
- E. Fairgrounds.
- F. Golf course, subject to the requirements set forth in PCDCS 2.150.230.
- G. Group home of 11 or more residents or assisted living center.
- H. Pet grooming facility.
  - I. Private heliports and landing strips.
  - J. Private schools.
- K. Retail sales of feed and/or tack.
- L. Veterinary clinic.
- M. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 25)

2.220.040. - Development standards.

- A. Minimum lot area: Ten acres.
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 40 feet.
- D. Minimum side setbacks: 20 feet each.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the required rear and side setbacks;
  - 2. Maximum height:
    - a. 20 feet;
    - b. 25 feet when located in the main building buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 50 feet;
  - 5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or small animals; 20 feet to side and rear lot lines if used to house livestock; and
  - 6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used

exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 25; Ord. No. 2021-PZ-C-003-21, § 1)

## CHAPTER 2.225. - RU-5 RURAL ZONING DISTRICT

### 2.225.010. - Purpose.

The purpose of this chapter is to provide for very low density residential use and to conserve and protect rural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 26)

### 2.225.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction or manufactured home.
- B. Bed and breakfast, subject to the requirements set forth in PCDCSC 2.150.210.
- C. Cemetery or crematory; provided, that:
  - 1. Primary access to the site is from an existing or planned arterial or collector street;
  - 2. No crematory is erected closer than 100 feet from any site boundary that abuts property in a rural or residential zone;
  - 3. The site for a human cemetery is a minimum of 20 acres and for a pet cemetery is a minimum of five acres.
- D. Child care (no more than ten children for whom compensation is received).
- E. Church, subject to the requirements set forth in PCDCSC 2.150.220.
- F. Cluster option, subject to the requirements set forth in PCDCSC 2.150.221.
- G. Commercial agricultural uses:
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  - 2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  - 3. The grazing and raising of livestock;
  - 4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line.
  - 5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that:
    - a. It is located on a site of not less than ten acres; and
    - b. Any buildings located thereon occupy not more than 30 percent of the site area.
- H. Commercial boarding stable, riding stable or riding school, including accessory uses, such as arenas, corrals and exercise tracks; provided, that:

1. All stables, barns or animal sheds are a minimum of 60 feet from the front property line and 30 feet from side and rear property lines;
  2. The site is a minimum of ten acres.
- I. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
  - J. Group home, subject to the requirements set forth in PCDSC 2.150.200.
  - K. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
  - L. Guest ranch, subject to the requirements set forth in PCDSC 2.150.250.
  - M. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
  - N. Livestock sales yard or auction yard; provided, that:
    1. The site is a minimum of 20 acres;
    2. Is a minimum of one-half mile from any residential zone or residential use; and
    3. All stables, barns or animal sheds are a minimum of 60 feet from the front property line and 30 feet from side and rear property lines.
  - O. Noncommercial kennel.
  - P. Parks.
  - Q. Private stables, arenas and corrals.
  - R. Public schools.
  - S. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
  - T. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
  - U. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 26)

#### 2.225.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (ten or more children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Commercial kennels.
- E. Fairgrounds.
- F. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- G. Group home of 11 or more residents or assisted living center.
- H. Pet grooming facility.
  - I. Private heliports and landing strips.
  - J. Private schools.
- K. Retail sales of feed and/or tack.

L. Veterinary clinic.

M. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 26)

2.225.040. - Development standards.

A. Minimum lot area: Five acres.

B. Minimum lot width: 100 feet.

C. Minimum front setback: 40 feet.

D. Minimum side setbacks: 20 feet each.

[E. Reserved.]

F. Minimum rear setback: 40 feet.

G. Maximum building height: 30 feet.

H. Detached accessory buildings.

1. Permitted coverage: 33 percent of the total area of the required rear and side setbacks;

2. Maximum height:

a. 20 feet;

b. 25 feet when located in the main building buildable area;

3. Minimum distance to main building: Seven feet;

4. Minimum distance to front lot line: 50 feet;

5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or small animals; 20 feet to side and rear lot lines if used to house livestock; and

6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 26; Ord. No. 2021-PZ-C-003-21, § 2)

CHAPTER 2.230. - RU-3.3 RURAL ZONING DISTRICT

2.230.010. - Purpose.

The purpose of this chapter is to provide very low density residential use and to conserve and protect rural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 27)

2.230.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDS; parking, signage, and lighting regulations; and the development standards in this chapter.

A. One dwelling, conventional construction or manufactured home.

- B. Bed and breakfast, subject to the requirements set forth in PCDSC 2.150.210.
- C. Cemetery or crematory; provided, that:
  - 1. Primary access to the site is from an existing or planned arterial or collector street;
  - 2. No crematory is erected closer than 100 feet from any site boundary that abuts property in a rural or residential zone;
  - 3. The site for a human cemetery is a minimum of 20 acres and for a pet cemetery is a minimum of five acres.
- D. Child care (no more than five children for whom compensation is received).
- E. Church, subject to the requirements set forth in PCDSC 2.150.220.
- F. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  - 2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  - 3. The grazing and raising of livestock;
  - 4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line;
  - 5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that:
    - a. It is located on a site of not less than ten acres; and
    - b. Any buildings located thereon occupy not more than 30 percent of the site area.
- G. Commercial boarding stable, riding stable, or riding school, including accessory uses, such as arenas, corrals and exercise tracks; provided, that:
  - 1. The site is a minimum of ten acres;
  - 2. All stables, barns, animal sheds, shades, corrals and arenas are a minimum of 60 feet from the front property line and 30 feet from side and rear property lines.
- H. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- I. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- J. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- K. Guest ranch, subject to the requirements set forth in PCDSC 2.150.250.
- L. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- M. Noncommercial kennel.
- N. Parks.
- O. Private stables, arenas and corrals.
- P. Public schools.
- Q. Utility and communication facilities necessary for public service.
- R. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- S. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- T. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a

governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 27)

2.230.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Commercial kennels.
- E. Fairgrounds.
- F. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- G. Group home of 11 or more residents or assisted living center.
- H. Pet grooming facility.
- I. Private schools.
- J. Retail sales of feed and/or tack.
- K. Veterinary clinic.
- L. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 27)

2.230.040. - Development standards.

- A. Minimum lot area: 144,000 square feet (3.30 acres).
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 40 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height:
    - a. 20 feet;
    - b. 25 feet when located in the main building buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 50 feet;
  - 5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or small animals; 20 feet to side and rear lot lines if used to house

livestock; and

6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 27; Ord. No. 2021-PZ-C-003-21, § 3)

#### CHAPTER 2.235. - RU-2 RURAL ZONING DISTRICT

##### 2.235.010. - Purpose.

The purpose of this chapter is to provide for low density residential use and other rural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 28)

##### 2.235.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction or manufactured home.
- B. Bed and breakfast, subject to the requirements set forth in PCDCS 2.150.210.
- C. Cemetery or crematory; provided, that:
  1. Primary access to the site is from an existing or planned arterial or collector street;
  2. No crematory is erected closer than 100 feet from any site boundary that abuts property in a rural or residential zone; and
  3. The site for a human cemetery is a minimum of 20 acres and for a pet cemetery is a minimum of five acres.
- D. Child care (no more than five children for whom compensation is received).
- E. Church, subject to the requirements set forth in PCDCS 2.150.220.
- F. Commercial agricultural uses.
  1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  3. The grazing and raising of livestock;
  4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line;
  5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that:
    - a. It is located on a site of not less than ten acres; and
    - b. Any buildings located thereon occupy not more than 30 percent of the site area.
- G. Commercial boarding stable, riding stable, or riding school, including accessory uses, such as arenas, corrals and

exercise tracks; provided, that:

1. The site is a minimum of ten acres; and
  2. All stables, barns, animal sheds, shades corrals and arenas are a minimum of 60 feet from any property line; and 30 feet from side and rear property lines.
- H. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- I. Group home, subject to the requirements set forth in PCDSC 2.150.200.
  - J. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
  - K. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
  - L. Noncommercial kennel.
- M. Park.
- N. Private stables, arenas and corrals.
- O. Public school.
- P. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- Q. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- R. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 28)

#### 2.235.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Commercial kennel.
- E. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- F. Guest ranch, subject to the requirements set forth in PCDSC 2.150.250.
- G. Group home of 11 or more residents or assisted living center.
- H. Pet grooming facility.
- I. Private schools.
- J. Retail sales of feed and/or tack.
- K. Veterinary clinic.
- L. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 28)

#### 2.235.040. - Development standards.



- A. Minimum lot area: 87,120 square feet (two acres).
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 30 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height:
    - a. 20 feet;
    - b. 25 feet when located in the main building buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 40 feet;
  - 5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or similar small animals; 20 feet to side and rear lot lines if used to house livestock; and
  - 6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 28; Ord. No. 2021-PZ-C-003-21, § 4)

#### CHAPTER 2.240. - RU-1.25 RURAL ZONING DISTRICT

##### 2.240.010. - Purpose.

The purpose of this chapter is to provide for low density residential use and other rural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 29)

##### 2.240.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDS; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction or manufactured home.
- B. Bed and breakfast, subject to the requirements set forth in PCDS 2.150.210.
- C. Cemetery or crematory; provided, that:
  - 1. Primary access to the site is from an existing or planned arterial or collector street;
  - 2. No crematory is erected closer than 100 feet from any site boundary that abuts property in a rural or residential zone; and
  - 3. The site for a human cemetery is a minimum of 20 acres and for a pet cemetery is a minimum of five acres.
- D. Child care (no more than five children for whom compensation is received).

- E. Church, subject to the requirements set forth in PCDSC 2.150.220.
- F. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  - 2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  - 3. The grazing and raising of livestock;
  - 4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line;
  - 5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that:
    - a. It is located on a site of not less than ten acres; and
    - b. Any buildings located thereon occupy not more than 30 percent of the site area.
- G. Commercial boarding stable, riding stable or riding school, including accessory uses, such as arenas, corrals and exercise tracks; provided, that:
  - 1. The site is a minimum of ten acres;
  - 2. All stables, barns or animal sheds are a minimum of 40 feet from any property line; and
  - 3. A site plan is submitted for review and approval.
- H. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
  - I. Group home, subject to the requirements set forth in PCDSC 2.150.200.
  - J. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
  - K. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
  - L. Noncommercial kennel.
- M. Park.
- N. Private stables, arenas and corrals.
- O. Public school.
- P. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- Q. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- R. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 29)

#### 2.240.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.

- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Commercial kennel.
- E. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- F. Group home of 11 or more residents or assisted living center.
- G. Guest ranch, subject to the requirements set forth in PCDSC 2.150.250.
- H. Pet grooming facility.
  - I. Private schools.
  - J. Retail sales of feed and/or tack.
  - K. Veterinary clinic.
  - L. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 29)

2.240.040. - Development standards.

- A. Minimum lot area: 54,450 square feet (1¼ acres).
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 30 feet.
- D. Minimum side setback: Ten feet each.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  2. Maximum height:
    - a. 20 feet;
    - b. 25 feet when located in the main building buildable area;
  3. Minimum distance to main building: Seven feet;
  4. Minimum distance to front lot line: 40 feet;
  5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or similar small animals; 20 feet to side and rear lot lines if used to house livestock; and
  6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 29; Ord. No. 2021-PZ-C-003-21, § 5)

CHAPTER 2.245. - RU-C RURAL COMMERCIAL ZONING DISTRICT

2.245.010. - Purpose.

The rural commercial zone is intended to create opportunities for small scale, low impact, rural commercial uses. It is the intent of this zone to support rural levels of commercial development which have a limited impact on surrounding uses and communities.

(Ord. No. 011812-ZO-PZ-C-007-10, § 30)

2.245.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDS; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. One dwelling, conventional or manufactured home in conjunction with a permitted use; or a dwelling above a commercial structure.
- B. Beauty salon or barbershop.
- C. Bed and breakfast, subject to the requirements set forth in PCDS 2.150.210.
- D. Child care (no more than five children for whom compensation is received).
- E. Church, subject to the requirements set forth in PCDS 2.150.220.
- F. Commercial agricultural uses.
  - 1. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and green houses, orchards, aviaries and apiaries;
  - 2. The raising and marketing of poultry, rabbits and small animals but slaughtering of only those raised on the premises;
  - 3. The grazing and raising of livestock;
  - 4. Roadside stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises; provided, that:
    - a. The stand is not more than ten feet to any street lot line; and
    - b. Is not closer than 20 feet to any other lot line;
  - 5. Packing or processing plant for fruit, vegetables or agricultural products; provided, that:
    - a. It is located on a site of not less than ten acres; and
    - b. Any buildings located thereon occupy not more than 30 percent of the site area.
- G. Commercial boarding stable, riding stable, or riding school, including accessory uses, such as arenas, corrals and exercise tracks; provided, that:
  - 1. All stables, barns, animal sheds, shades, corrals and arenas are a minimum of 60 feet from the front property line and 30 feet from the side and rear property lines; and
  - 2. The site is a minimum of ten acres.
- H. General store or mercantile up to 5,000 square feet in size.
- I. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- J. Grocery store up to 5,000 square feet in size.
- K. Group home, subject to the requirements set forth in PCDS 2.150.200.
- L. Manufacture of handcraft goods for sale on premises only; such as wooden wares, pottery, tile, and jewelry.
- M. Noncommercial kennel.

- N. Nurseries.
- O. Parks.
- P. Pet grooming facility.
- Q. Private stables, arenas and corrals.
- R. Public school.
- S. Restaurant, cafe or delicatessen.
- T. Retail sales of feed and/or tack.
- U. Seed and garden supplies, agricultural supplies and machinery sales store.
- V. Veterinary clinic.
- W. Sporting good sales, including outdoor recreational equipment rental and repair up to 5,000 square feet in size.
- X. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- Y. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- Z. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 30)

#### 2.245.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Automobile service station and repair garages; provided, that greasing and tire repairing are performed completely within an enclosed building.
- B. Child care (more than five children for whom compensation is received).
- C. Commercial kennel.
- D. Farm machinery repair.
- E. Group home of 11 or more residents or assisted living center.
- F. Private schools.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 30)

#### 2.245.040. - Development standards.

- A. Minimum lot area: 43,560 square feet (one acre).
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 30 feet.
- D. Minimum side setbacks: Ten feet.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.

G. Detached accessory buildings.

1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
2. Maximum height: 20 feet;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 40 feet;
5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or small animals; 20 feet to side and rear lot lines if used to house livestock; and
6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 30)

CHAPTER 2.250. - R-43 SINGLE RESIDENCE ZONING DISTRICT

2.250.010. - Purpose.

The purpose of this chapter is to provide for low density single-family residential use with limited agricultural uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 31)

2.250.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One single-family dwelling, conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDC 2.150.260.
- H. Parks.
  - I. Private stables, arenas and corrals.
  - J. Public schools.
- K. Farm use and/or animals, subject to conditions and limitations provided herein:
  1. The total number of livestock, such as cows, horses, sheep or goats allowed on a property shall be limited to two per acre;
  2. No more than 20 chickens and rabbits may be kept on the property;
  3. The raising of swine is not permitted in the R-43 zone.
- L. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDC.

- M. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- N. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 31)

#### 2.250.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Bed and breakfast, subject to the requirements set forth in PCDSC 2.150.210.
- C. Child care (more than five children for whom compensation is received).
- D. Clubs, lodges, and assembly halls.
- E. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- F. Group home of 11 or more residents or assisted living center.
- G. Nursery for the growing, sale and display of trees, shrubs, and flowers.
- H. Pet grooming facility.
- I. Private school.
- J. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 31)

#### 2.250.040. - Development standards.

- A. Minimum lot area: 43,560 square feet (one acre).
- B. Minimum lot width: 100 feet.
- C. Minimum front setback: 30 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 40 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height:
    - a. 20 feet;
    - b. 25 feet when located in the main building buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 40 feet;
  - 5. Minimum distance to side and rear lot lines: Four feet if not used to house poultry or small animals; 15 feet if used to house poultry or small animals; 30 feet if used to house livestock; and

6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner, shall not be a building and shall have a setback of 15 feet from side and rear lot lines.

(Ord. No. 011812-ZO-PZ-C-007-10, § 31; Ord. No. 2021-PZ-C-003-21, § 6; Ord. No. 2021-PZ-C-003-21-SCRIV, § 2, 12-1-2021)

## CHAPTER 2.255. - R-35 SINGLE RESIDENCE ZONING DISTRICT

### 2.255.010. - Purpose.

The purpose of this chapter is to provide for low density single-family residential use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 32)

### 2.255.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction.
- B. Child care (more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDCSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDCSC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDCSC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDCSC 2.150.260.
- H. Park.
- I. Public school.
- J. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDCSC.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCSC.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 32)dwelling unit de

### 2.255.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Bed and breakfast, subject to the requirements set forth in PCDCSC 2.150.210.
- C. Child care (five or more children for whom compensation is received).
- D. Clubs, lodges, and assembly halls.



- E. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- F. Group home of 11 or more residents or assisted living center.
- G. Private school.
- H. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 32)

#### 2.255.040. - Development standards.

- A. Minimum lot area: 35,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front setback: 30 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 32)

#### CHAPTER 2.260. - R-20 SINGLE RESIDENCE ZONING DISTRICT

##### 2.260.010. - Purpose.

The purpose of this chapter is to provide for medium density single-family residential use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 33)

##### 2.260.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.

- H. Parks.
- I. Public schools.
- J. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDCS.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCS.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 33)

#### 2.260.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Golf course, subject to the requirements set forth in PCDCS 2.150.230.
- E. Group home of 11 or more residents or assisted living center.
- F. Private school.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 33)

#### 2.260.040. - Development standards.

- A. Minimum lot area: 20,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front setback: 25 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 33)

#### CHAPTER 2.265. - R-12 SINGLE RESIDENCE ZONING DISTRICT

2.265.010. - Purpose.

The purpose of this chapter is to provide for medium density single-family residential use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 34)

2.265.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- H. Parks.
- I. Public schools.
- J. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 34)

2.265.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- E. Group home of 11 or more residents or assisted living center.
- F. Private school.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 34)

2.265.040. - Development standards.

- A. Minimum lot area: 12,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front setback: 25 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 34)

CHAPTER 2.270. - R-9 SINGLE RESIDENCE ZONING DISTRICT

2.270.010. - Purpose.

The purpose of this chapter is to provide for medium density single-family residential use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 35)

2.270.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- H. Parks.
  - I. Public schools.
  - J. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 35)

2.270.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Golf course, subject to the requirements set forth in PCDCS 2.150.230.
- E. Group home of 11 or more residents or assisted living center.
- F. Private school.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 35)

2.270.040. - Development standards.

- A. Minimum lot area: 9,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front setback: 20 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 30 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 35)

CHAPTER 2.275. - R-7 SINGLE RESIDENCE ZONING DISTRICT

2.275.010. - Purpose.

The purpose of this chapter is to provide for medium density single-family residential use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 36)

2.275.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. One dwelling, conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- G. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- H. Parks.
- I. Public schools.
- J. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 36)

#### 2.275.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Child care (more than five children for whom compensation is received).
- C. Clubs, lodges, and assembly halls.
- D. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- E. Group home of 11 or more residents or assisted living center.
- F. Private school.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 36)

#### 2.275.040. - Development standards.

- A. Minimum lot area: 7,000 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front setback: 20 feet.
- D. Minimum side setbacks: Ten feet each.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 30 feet.

G. Detached accessory buildings.

1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
2. Maximum height: 20 feet;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 60 feet; and
5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 36)

CHAPTER 2.280. - MD MIXED DWELLING ZONING DISTRICT

2.280.010. - Purpose.

The purpose of this chapter is to provide for a wide range of housing types, including single-family detached, single-family attached and limited multifamily dwellings. This zone may serve as a transition between residential and commercial or mixed use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 37)

2.280.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. One dwelling, conventional construction.
- B. Single-family attached (townhouse).
- C. Duplex or triplex dwelling.
- D. Multifamily dwelling for not more than four families.
- E. Child care (no more than five children for whom compensation is received).
- F. Church, subject to the requirements set forth in PCDCS 2.150.220.
- G. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- H. Group home, subject to the requirements set forth in PCDCS 2.150.200.
  - I. Guest house/casita, subject to the requirements set forth in PCDCS 2.150.240.
  - J. Home occupation, subject to the requirements set forth in PCDCS 2.150.260.
- K. Parks.
- L. Public schools.
- M. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDCS.
- N. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCS.
- O. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 37)

2.280.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Bed and breakfast, subject to the requirements set forth in PCDCSC 2.150.210.
- C. Child care (more than five children for whom compensation is received).
- D. Clubs, lodges, and assembly halls.
- E. Golf course, subject to the requirements set forth in PCDCSC 2.150.230.
- F. Group home of 11 or more residents or assisted living center.
- G. Clubs, lodges, sorority/fraternal halls, senior centers and community centers.
- H. Private school.
- I. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 37)

2.280.040. - Development standards.

A. *Single-family detached.*

- 1. Minimum lot area: 7,000 square feet;
- 2. Minimum lot width: 50 feet;
- 3. Minimum front setback: 20 feet;
- 4. Minimum side setbacks: Ten feet each;
- 5. Minimum rear setback: 25 feet; and
- 6. Maximum building height: 30 feet.

B. *Single-family attached.*

- 1. Minimum lot area: 3,500 square feet;
- 2. Minimum lot width: 25 feet;
- 3. Minimum front setback: 20 feet;
- 4. Minimum side setbacks: Zero feet where attached; ten feet unattached side;
- 5. Minimum rear setback: 25 feet;
- 6. Minimum distance between main buildings: 20 feet;
- 7. Maximum building height: 30 feet.

C. *Multiple dwelling.*

- 1. Minimum lot area: 7,000 square feet;
- 2. Minimum area per each individual dwelling: 1,750 square feet;
- 3. Minimum lot width: 50 feet;
- 4. Minimum front setback: 20 feet;
- 5. Minimum side setbacks: Ten feet each;
- 6. Minimum rear setback: 25 feet;



7. Minimum distance between main buildings: 20 feet;
8. Maximum building height: 30 feet.

D. *Detached accessory buildings.*

1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
2. Maximum height: 20 feet;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 60 feet; and
5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 37)

## CHAPTER 2.285. - MR MULTIPLE RESIDENCE ZONING DISTRICT

### 2.285.010. - Purpose.

The purpose of this chapter is to provide for multifamily residential development.

(Ord. No. 011812-ZO-PZ-C-007-10, § 38)

### 2.285.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Multiple dwelling for any number of families.
- B. Assisted living center.
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- G. Parks.
- H. Public schools.
- I. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- J. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- K. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 38)

### 2.285.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Child care.
- B. Clubs, lodges, and assembly halls.
- C. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- D. Private schools.
- E. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 38)

2.285.040. - Development standards.

- A. Minimum lot area: 7,000 square feet.
- B. Minimum land area per individual dwelling: 1,750 square feet.
- C. Minimum lot width: 50 feet.
- D. Minimum front setback: 25 feet.
- E. Minimum side setbacks: Ten feet each.
- F. Minimum rear setback: 25 feet.
- G. Minimum distance between main buildings: 20 feet.
- H. Maximum building height: 36 feet.
- I. Detached accessory buildings.
  - 1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 38)

CHAPTER 2.290. - AC-1 ACTIVITY CENTER ZONING DISTRICT

2.290.010. - Purpose.

This zoning district is to be used in areas with a comprehensive plan designation of high intensity activity center transition, mid intensity activity center transition and low intensity activity center core.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

2.290.020. - Guidelines.

In planning activity centers for this zoning district, refer to the activity center development guidelines manual developed under the authority granted in PCDSC 2.150.320.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

2.290.030. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. Child care (no more than five children for whom compensation is received).
- B. Church, subject to the requirements set forth in PC DSC 2.150.220.
- C. Community service agency, library or museum.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PC DSC 2.150.200.
- F. Health club or fitness center.
- G. Home occupation, subject to the requirements set forth in PC DSC 2.150.260.
- H. Offices.
- I. Parks.
- J. Private club or lodge, fraternal and service organizations (nonprofit).
- K. Public school.
- L. Residences, minimum of five du/ac., unless part of a building with a vertical mix of land uses.
- M. Solar energy device, subject to the requirements set forth in chapter 2.210 PC DSC.
- N. Transit facility.
- O. University, college and art, business, technical, or trade schools.
- P. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PC DSC.
- Q. Some uses are allowed in all zoning districts based on statutory exemptions (see PC DSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

2.290.040. - Uses permitted if all buildings are located a minimum of 100 feet from any existing single-family residence or platted single-family lot.

- A. Cocktail lounge or bar.
- B. Gas station.
- C. Hospital, medical or dental clinic or health care facility.
- D. Light manufacturing in enclosed buildings.
- E. Community service agency, library or museum.
- F. Performing arts center.
- G. Retail sales establishments up to 75,000 gross square feet for any single use.
- H. Resort, motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- I. Restaurant. This allows the following:
  - 1. Indoor and outdoor food service with or without alcoholic beverage service; and
  - 2. Indoor live entertainment.
- J. Service establishments up to 50,000 gross square feet for any single use.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

2.290.050. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Auto repair, mechanical or steam washracks, battery service (no body or fender work, painting or upholstery, except as incidental).
- B. Car wash, automated or full service.
- C. Child care (more than five children for whom compensation is received).
- D. Fire station.
- E. Golf course, subject to the requirements set forth in PCDCS 2.150.230.
- F. Group home of 11 or more residents or assisted living center.
- G. Private school.
- H. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

2.290.060. - Development standards.

A. *Single-family detached residential standards.*

- 1. Minimum lot area: 3,000 square feet.
- 2. Minimum lot width: 40 feet.
- 3. Minimum front setback: Ten feet from back of planned curb for living space unless this will result in structures within the right-of-way or any easement, front porch and/or side entry garage; 20 feet from back of planned curb for front-facing garage.
- 4. Minimum side (interior) setbacks: Five feet.
- 5. Minimum side (to street or common space) setbacks: Ten feet.
- 6. Minimum rear setback: 25 feet; except four feet for rear-facing garage on alley or private driveway.
- 7. Maximum building height: 30 feet.

B. *Non-single-family detached residential standards.*

- 1. Uses can be vertically mixed.
- 2. Minimum lot area: None.
- 3. Minimum lot width: None.
- 4. Minimum front setback: 15 feet from back of planned curb unless this will result in structures within the right-of-way or any easement.
- 5. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 15-foot side setbacks are required.
- 6. Minimum rear setback: None, except as required for off-street loading and trash storage.
- 7. Minimum distance between buildings: None.
- 8. Maximum building height: 40 feet, except shall not exceed 30 feet within 100 feet of any single-family residence or

platted single-family lot.

C. *Detached accessory buildings.*

1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
2. Maximum height: 20 feet within the required rear setback; 30 feet within the buildable area;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 20 feet;
5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and
6. Minimum distance to rear lot line: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 39)

CHAPTER 2.295. - AC-2 ACTIVITY CENTER ZONING DISTRICT

2.295.010. - Purpose.

This zoning district is to be used in areas with a comprehensive plan designation of high intensity activity center core periphery and mid intensity activity center core. It is designed to create a vibrant area, while allowing for some less intense uses in the short term.

(Ord. No. 011812-ZO-PZ-C-007-10, § 40)

2.295.020. - Guidelines.

In planning activity centers for this zoning district, refer to the activity center development guidelines manual developed under the authority granted in PCDSC 2.150.320.

(Ord. No. 011812-ZO-PZ-C-007-10, § 40)

2.295.030. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. Child care center.
- B. Church, subject to the requirements set forth in PCDSC 2.150.220.
- C. Cocktail lounge or bar.
- D. Community service agency, library or museum.
- E. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- F. Garage, storage.
- G. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- H. Health club or fitness center.
- I. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- J. Hospital, medical or dental clinic or health care facility.

- K. Offices.
- L. Parks.
- M. Performing arts center.
- N. Private club or lodge, fraternal and service organizations (nonprofit).
- O. Public school.
- P. Residences, minimum of 15 du/ac., unless part of a building with a vertical mix of land uses.
- Q. Resort, motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- R. Restaurant. This allows the following:
  1. Indoor and outdoor food service with or without alcoholic beverage service;
  2. Indoor live entertainment; and
  3. Outdoor live entertainment.
- S. Retail sales establishments.
- T. Service establishments.
- U. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- V. Transit facility.
- W. University, college and art, business, technical, or trade schools.
- X. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- Y. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 40)

#### 2.295.040. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Auto repair, mechanical or steam washracks, battery services (no body or fender work, painting or upholstery, except as incidental).
- B. Car wash, automated or full service.
- C. Fire station.
- D. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- E. Group home of 11 or more residents or assisted living center.
- F. Gas station.
- G. Private school.
- H. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 40)

#### 2.295.050. - Development standards.

- A. Uses can be vertically mixed.
- B. Minimum lot area: None.
- C. Minimum lot width: None.
- D. Minimum front setback: 15 feet from back of planned curb unless this will result in structures within the right-of-way or any easement.
- E. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 15-foot side setbacks are required.
- F. Minimum rear setback: None, except as required for off-street loading and trash storage.
- G. Minimum distance between buildings: None.
- H. Maximum building height: 65 feet, except shall not exceed 50 feet within 100 feet of any other zoning district except for AC-3.
- I. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet within the required rear setback; 30 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 20 feet;
  - 5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and
  - 6. Minimum distance to rear lot line: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 40)

#### CHAPTER 2.300. - AC-3 ACTIVITY CENTER ZONING DISTRICT

##### 2.300.010. - Purpose.

This zoning district is to be used in areas with a comprehensive plan designation of high intensity activity center core. It is designed to create a vibrant urban center, while allowing for some less intense uses in the short term.

(Ord. No. 011812-ZO-PZ-C-007-10, § 41)

##### 2.300.020. - Guidelines.

In planning activity centers for this zoning district, refer to the activity center development guidelines manual developed under the authority granted in PCDSC 2.150.320.

(Ord. No. 011812-ZO-PZ-C-007-10, § 41)

##### 2.300.030. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. Child care center.

- B. Church, subject to the requirements set forth in PCDSC 2.150.220.
- C. Cocktail lounge or bar.
- D. Community service agency, library or museum.
- E. Garage, storage.
- F. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- G. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- H. Health club or fitness center.
  - I. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- J. Hospital, medical or dental clinic or health care facility.
- K. Offices.
- L. Parks.
- M. Performing arts center.
- N. Private club or lodge, fraternal and service organizations (nonprofit).
- O. Public school.
- P. Residences, minimum of 25 du/ac., unless part of a building with a vertical mix of land uses.
- Q. Resort, motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- R. Restaurant. This allows the following:
  - 1. Indoor and outdoor food service with or without alcoholic beverage service;
  - 2. Indoor live entertainment; and
  - 3. Outdoor live entertainment.
- S. Retail sales establishments.
- T. Service establishments.
- U. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- V. Transit facility.
- W. University, college and art, business, technical, or trade schools.
- X. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- Y. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 41)

#### 2.300.040. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Fire station.
- B. Group home of 11 or more residents or assisted living center.



C. Private school.

D. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 41)

2.300.050. - Development standards.

A. Uses can be vertically mixed.

B. Minimum lot area: None.

C. Minimum lot width: None.

D. Minimum front setback: 15 feet from back of planned curb unless this will result in structures within the right-of-way or any easement.

E. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 15-foot side setbacks are required.

F. Minimum rear setback: None, except as required for off-street loading and trash storage.

G. Minimum distance between buildings: None.

H. Maximum building height: 100 feet, except shall not exceed 75 feet within 100 feet of an AC-2 district, and shall not exceed 50 feet within 100 feet of any other zoning district.

I. Detached accessory buildings.

1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;

2. Maximum height: 20 feet within the required rear setback; 30 feet within the buildable area;

3. Minimum distance to main building: Seven feet;

4. Minimum distance to front lot line: 20 feet;

5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and

6. Minimum distance to rear lot line: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 41)

CHAPTER 2.305. - O-1 MINOR OFFICE ZONING DISTRICT

2.305.010. - Purpose.

The purpose of this chapter is to provide for limited office uses located in close proximity to residential development.

(Ord. No. 011812-ZO-PZ-C-007-10, § 42)

2.305.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDS; parking, signage, and lighting regulations; and the development standards in this chapter:

A. Offices.

B. Child care center.

C. Church, subject to the requirements set forth in PCDS 2.150.220.

- D. College and art, business, technical, or trade schools.
- E. Community service agency, library or museum.
- F. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- G. Parks.
- H. Private club or lodge, fraternal and service organizations (nonprofit).
- I. Private schools.
- J. Public schools.
- K. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCS.
- L. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 42)

2.305.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter.

- A. Bank.
- B. Beauty salon or barbershop.
- C. Laundry and dry cleaning establishment.
- D. Health club or fitness center.
- E. Restaurant with or without drive-through.
  - 1. No larger than 1,000 square feet total interior space;
  - 2. No more than 100 square feet exterior seating;
  - 3. No alcoholic beverage service; and
  - 4. No live entertainment.
- F. Retail sales establishment up to 5,000 gross square feet for any single use.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 42)

2.305.040. - Development standards.

- A. Minimum lot area: None.
- B. Minimum width: None.
- C. Minimum front setback: 20 feet.
- D. Minimum side setbacks.
  - 1. Where development abuts a rural or a residential district: 15 feet; or
  - 2. Where development abuts any other district: Zero feet.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 25 feet.
- G. Detached accessory buildings.

1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
2. Maximum height: 15 feet within the required rear setback; 20 feet within the buildable area;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 20 feet;
5. Minimum distance to side lot lines: Four feet; and
6. Minimum distance to rear lot line: Four feet.

H. Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 42)

## CHAPTER 2.310. - O-2 GENERAL OFFICE ZONING DISTRICT

### 2.310.010. - Purpose.

The purpose of this chapter is to provide for a variety of office uses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 43)

### 2.310.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Offices.
- B. Child care center.
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. College and art, business, technical, or trade schools.
- E. Community service agency, library or museum.
- F. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- G. Health club or fitness center.
- H. Parks.
- I. Private club or lodge, fraternal and service organizations (nonprofit).
- J. Private schools.
- K. Public schools.
- L. Restaurant with or without drive-through:
  1. No larger than 1,000 square feet total interior space;
  2. No more than 100 square feet exterior seating;
  3. No alcoholic beverage service; and
  4. No live entertainment.
- M. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.

- N. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a government entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 43)

#### 2.310.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Bank.
- B. Beauty salon or barbershop.
- C. Laundry and dry cleaning establishment.
- D. Retail sales establishments up to 5,000 gross square feet for any single use.
- E. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 43)

#### 2.310.040. - Development standards.

- A. Minimum lot area: None.
- B. Minimum lot width: None.
- C. Minimum front setback: 20 feet.
- D. Minimum side setbacks.
  - 1. Where development abuts a rural or a residential district: 25 feet; and
  - 2. Where development abuts any other district: Zero feet.
- E. Minimum rear setback: 25 feet.
- F. Maximum building height: 40 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 15 feet within the required rear setback; 20 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 20 feet;
  - 5. Minimum distance to side lot lines: Four feet; and
  - 6. Minimum distance to rear lot line: Four feet.
- H. Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 43)

2.315.010. - Purpose.

The purpose of this chapter is to provide for limited commercial uses in close proximity to residential development and to serve local neighborhood needs.

(Ord. No. 011812-ZO-PZ-C-007-10, § 44)

2.315.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Assisted living center.
- B. Child care center.
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. College and art, business, technical, or trade schools.
- E. Community service agency, library or museum.
- F. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- G. Health club or fitness center.
- H. Offices.
- I. Parks.
- J. Private club or lodge, fraternal and service organizations (nonprofit).
- K. Private schools.
- L. Restaurant. This allows the following:
  - 1. Indoor food service with or without alcoholic beverage service at the table;
  - 2. Outdoor food service without alcoholic beverage service; and
  - 3. Drive-through service for food and nonalcoholic beverages only.
- M. Retail sales establishments up to 75,000 gross square feet for any single use.
- N. Self-storage facility.
  - 1. The maximum site area shall not exceed three acres;
  - 2. All access to the facility shall be from arterial or collector streets;
  - 3. All access lanes within the facility shall be of paved or concrete surface;
  - 4. There shall be a landscaped buffer setback with a minimum six-foot or maximum eight-foot decorative masonry wall;
  - 5. There shall be no razor or barbed wire;
  - 6. The facility shall be single story with a maximum height of 19 feet;
  - 7. The light source of any outdoor security lighting shall not be visible from adjoining residential properties; and
  - 8. All storage shall be in an enclosed building;
- O. Service establishments up to 50,000 gross square feet for any single use.
- P. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- Q. One dwelling unit, conventional construction, as an accessory to an established use.

- R. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a government entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 44)

#### 2.315.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Medical or dental clinic or health care facility.
- B. Motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- C. Retail sales establishments up to 100,000 gross square feet for any single use.
- D. Restaurant. This allows the following:
  - 1. Indoor and outdoor food service with or without alcoholic beverage service at the table;
  - 2. Indoor live entertainment; and
  - 3. Drive-through food service for food and nonalcoholic beverages only.
- E. Service establishments up to 100,000 gross square feet for any single use.
- F. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 44)

#### 2.315.040. - Development standards.

- A. Minimum lot area for commercial without a detached accessory dwelling: None.
- B. Minimum lot area for commercial with a detached accessory dwelling: 3,500 square feet.
- C. Minimum lot width: None.
- D. Minimum front setback: 20 feet.
- E. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 15-foot side setbacks are required; seven feet each for detached accessory dwelling.
- F. Minimum rear setback: 25 feet.
- G. Minimum distance between main buildings: None; 14 feet between detached accessory dwelling and commercial.
- H. Maximum building height: 30 feet.
- I. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet within the required rear setback; 30 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 20 feet;
  - 5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and
  - 6. Minimum distance to rear lot line: Four feet.

- J. Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with m. trees next to any existing homes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 44)

## CHAPTER 2.320. - C-2 COMMUNITY COMMERCIAL ZONING DISTRICT

### 2.320.010. - Purpose.

The purpose of this chapter is to provide for a variety of commercial uses which enhance a community's livability and provide for employment opportunities.

(Ord. No. 011812-ZO-PZ-C-007-10, § 45)

### 2.320.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Assisted living facility.
- B. Child care center.
- C. Church, subject to the requirements set forth in PCDCS 2.150.220.
- D. College and art, business, technical, or trade schools.
- E. Community service agency, library or museum.
- F. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- G. Health club or fitness center.
- H. Hospital, medical or dental clinic or health care facility.
- I. Motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- J. Offices.
- K. Parks.
- L. Private club or lodge, fraternal and service organizations (nonprofit).
- M. Private schools.
- N. Retail sales establishments up to 100,000 gross square feet for any single use.
- O. Restaurant. This allows the following:
  - 1. Indoor and outdoor food service with or without alcoholic beverage service at the table;
  - 2. Indoor live entertainment; and
  - 3. Drive-through food service for food and nonalcoholic beverages only.
- P. Restaurant, including a cocktail lounge or bar.
  - 1. The cocktail lounge or bar shall not have a separate outside entrance; and
  - 2. A dance floor with a maximum of 400 square feet.
- Q. Self-storage facility.

1. All access to the facility shall be from arterial or collector streets;
  2. All access lanes within the facility shall be of paved or concrete surface;
  3. There shall be a landscaped buffer setback with a minimum six-foot or maximum eight-foot decorative masonry wall;
  4. There shall be no razor or barbed wire;
  5. Maximum height shall not exceed 30 feet;
  6. The light source of any outdoor security lighting shall not be visible from adjoining residential properties; and
  7. All storage shall be in an enclosed building.
- R. Service establishments up to 100,000 gross square feet for any single use.
- S. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCS.
- T. One dwelling unit, conventional construction, as an accessory to an established use.
- U. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 45)

#### 2.320.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Amusements such as billiard or pool hall, bowling alley, theater, gymnasium, arcade, skating rink, miniature golf or practice driving or putting range, games of skill or science, swimming pool, or tennis court.
- B. Bar, cocktail lounge, night club, or tavern, not within a restaurant, dance floor permitted.
- C. Light manufacturing or assembling incidental to retail sales by business engaged in manufacturing, processing, assembling, treatment, installation and repair of products.
- D. Retail sales establishments larger than 100,000 gross square feet for any single use.
- E. Sale, rental or display of automobiles, airplanes, boats, trucks, recreational vehicles, travel trailers, motor homes, manufactured homes, motorcycles and accessories, agricultural supplies and machinery.
- F. Service establishments larger than 100,000 gross square feet for any single use.
- G. Veterinary hospitals or kennels, provided no building or structure housing animals is within 40 feet of any site boundary abutting property in a rural or residential zone.
- H. Wireless communications facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 45)

#### 2.320.040. - Development standards.

- A. Minimum lot area for commercial without a detached accessory dwelling: None.
- B. Minimum lot area for commercial with a detached accessory dwelling: 3,500 square feet.
- C. Minimum lot width: None.
- D. Minimum front setback: 20 feet.



- E. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 15-foot side setbacks required; seven feet each for detached accessory dwelling.
- F. Minimum rear setback: 25 feet.
- G. Minimum distance between main buildings: None; 14 feet between detached accessory dwelling and commercial.
- H. Maximum building height: 40 feet.
- I. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet within the required rear setback; 30 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 20 feet;
  - 5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and
  - 6. Minimum distance to rear lot line: Four feet.
- J. Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 45)

#### CHAPTER 2.325. - C-3 GENERAL COMMERCIAL ZONING DISTRICT

##### 2.325.010. - Purpose.

The purpose of this chapter is to provide for a variety of retail and wholesale business allowing for outdoor display of merchandise that is for sale or rent.

(Ord. No. 011812-ZO-PZ-C-007-10, § 46)

##### 2.325.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Amusements such as billiard or pool hall, bowling alley, theaters, gymnasium, arcade, shooting gallery, skating rink, archery range, miniature golf or practice driving or putting range, games of skill or science, swimming pool, or tennis court.
- B. Assisted living facility.
- C. Automotive repair, garages, welding shops, machine shops, outdoor storage or sales.
- D. Bar, cocktail lounge, night club, or tavern, not within a restaurant, dance floor permitted.
- E. Builders' supplies including sales of lumber.
- F. Child care center.
- G. Church, subject to the requirements set forth in PCDSC 2.150.220.
- H. College and arts, business, technical, and trade schools.

- I. Community service agency, library or museum.
- J. Government structures, fire district stations, sheriff's facilities, and their accessory uses.
- K. Health club or fitness center.
- L. Hospital, health care facility or urgent care facility.
- M. Light manufacturing or assembling incidental to retail sales by business engaged in manufacturing, processing, assembling, treatment, installation and repair of products.
- N. Motel or hotel with accessory uses, including restaurant, incidental retail sales and services, personal services and recreational facilities.
- O. Offices.
- P. Parks.
- Q. Private club or lodge, fraternal and service organizations (nonprofit).
- R. Private schools.
- S. Restaurant. This allows the following:
  - 1. Indoor and outdoor food service with or without alcoholic beverage service at the table;
  - 2. Indoor and outdoor live entertainment; and
  - 3. Drive-through food service for food and nonalcoholic beverages only.
- T. Restaurant, including a cocktail lounge or bar; dance floor permitted.
- U. Retail sales establishments.
- V. Sale, rental or display of automobiles, airplanes, boats, trucks, recreational vehicles, travel trailers, motor homes, manufactured homes, motorcycles and accessories, agricultural supplies and machinery.
- W. Service establishments.
- X. Self-storage facility.
  - 1. All access to the facility shall be from arterial or collector streets;
  - 2. All access lanes within the facility shall be of paved or concrete surface;
  - 3. There shall be a landscaped buffer setback with a minimum six-foot or maximum eight-foot decorative masonry wall;
  - 4. There shall be no razor or barbed wire; and
  - 5. The light source of any outdoor security lighting shall not be visible from adjoining residential properties.
- Y. Veterinary hospitals or kennels, provided no building or structure housing animals is within 40 feet of any site boundary abutting property in a rural or residential zone.
- Z. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- AA. One dwelling unit, conventional construction, as an accessory to an established use.
- BB. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 46)

2.325.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Heliport.
- B. Light manufacturing and assembly of products from previously prepared materials.
- C. Medical marijuana dispensary.
- D. Medical marijuana dispensary off-site cultivation location.
- E. Medical marijuana food establishment.
- F. Wholesale activities.
- G. Warehouse.
- H. Wireless communications facility.
- I. Heavy truck parking, staging and point of operation for trucking operations and their accessory equipment.

(Ord. No. PZ-C-003-12, § 7; Ord. No. 011812-ZO-PZ-C-007-10, § 46)

2.325.040. - Development standards.

- A. Minimum lot area for commercial without a detached accessory dwelling: None.
- B. Minimum lot area for commercial with a detached accessory dwelling: 3,500 square feet.
- C. Minimum width: None.
- D. Minimum front setback: 20 feet.
- E. Minimum side setbacks: None except where the commercial use abuts rural or residential zones, then 25-foot side setbacks are required; seven feet each for detached accessory dwelling.
- F. Minimum rear setback: 25 feet; 25 feet for detached accessory dwelling.
- G. Minimum distance between main buildings: None; 14 feet between detached accessory dwelling and commercial.
- H. Maximum building height: 40 feet.
- I. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet within the required rear setback; 35 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 15 feet;
  - 5. Minimum distance to side lot lines: None, except where it abuts rural or residential zones, then 15-foot side setbacks are required; and
  - 6. Minimum distance to rear lot line: Four feet.
- J. Minimum six-foot wall between this zone and a rural or residential zone; minimum ten-foot landscape strip between the wall and any use in this zone, including parking. The landscape strip shall be planted with trees 30 feet on center and with mature trees next to any existing homes.

(Ord. No. 011812-ZO-PZ-C-007-10, § 46)

2.330.010. - Purpose.

The purpose of this chapter is to provide for a wide range of low impact manufacturing and related uses that result in employment opportunities and serve as a buffer area where industry abuts residential property.

(Ord. No. 011812-ZO-PZ-C-007-10, § 47)

2.330.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Church, subject to the requirements set forth in PCDSC 2.150.220.
- B. Child care center.
- C. College and arts, business, or vocational schools.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Light manufacturing and assembly of products from previously prepared materials.
- F. Office.
- G. Private schools.
- H. Restaurant with or without drive-through.
  - 1. No larger than 1,000 square feet total interior space;
  - 2. No more than 100 square feet exterior seating;
  - 3. No alcoholic beverage service; and
  - 4. No live entertainment.
- I. Retail sales establishments up to 10,000 gross square feet for any single use.
- J. Scientific or research laboratories.
- K. Shooting gallery or archery range.
- L. Wholesale activities.
- M. Warehouse.
- N. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- O. One dwelling, conventional construction, as a security/caretaker accessory to an established use in this zone.
- P. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 47)

2.330.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Automobile or trailer assembling, painting, upholstering, rebuilding, reconditioning, sale of used parts, truck repair and overhauling, tire rebuilding or recapping, battery manufacture and the like.
- B. Blacksmith and welding shop or machine shop (excluding punch presses over 20 tons rated capacity, and drop hammer), foundry casting, electroplating and electro-winding lightweight nonferrous metals not causing noxious fumes or odors.
- C. Distribution plant.
- D. Gasoline or flammables bulk station, provided said products, butane, gasoline, petroleum, or propane shall:
  - 1. Not be stored in tanks of more than 10,000 gallons capacity each;
  - 2. Be located not less than 25 feet from building or lot line or similar tanks; be located no closer than 100 feet from any residential zone; and
  - 3. Liquefied petroleum gases (LPG) bulk station shall be designed, constructed and maintained in compliance with provisions of National Fire Protection Association (N.F.P.A.) Standards No. 58.
- E. Heliport.
- F. Laboratories.
- G. Manufactured home and recreational vehicle sales.
- H. Open storage area for commercial storage of personal property such as boats and recreational vehicles.
  - I. Plumbing and sheet metal shops.
  - J. Heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment.

(Ord. No. PZ-C-003-12, § 8; Ord. No. 011812-ZO-PZ-C-007-10, § 47)

2.330.040. - Development standards.

- A. All uses permitted shall be conducted wholly within an enclosed building, except a child care center may have an outdoor playground.
- B. Required setbacks fronting on a public street shall be entirely landscaped except for necessary driveways and walkways.
- C. All loading and service bays shall not front on a public street.
- D. Parking and maneuvering areas shall not be located in any required setback fronting on a public street.
- E. Displays are prohibited in any required setbacks fronting on a public street.
- F. Outdoor storage is prohibited in any required setbacks fronting on a public street.
- G. A minimum of 80 percent of all exterior building wall surfaces that front on public streets, excluding windows and doors, shall be of masonry construction or shall be surfaced with wood, stucco or similar materials.
- H. Minimum lot area: 10,000 square feet.
- I. Minimum lot width: None.
- J. Minimum front setback: 20 feet.
- K. Minimum side setbacks.
  - 1. Where development abuts a rural or a residential district: 25 feet; and
  - 2. Where development abuts any other district: Zero feet.
- L. Minimum rear setback: 25 feet.

M. Maximum building height: 35 feet.

N. Detached accessory buildings.

1. Permitted coverage: 40 percent of the total area of the rear and side setbacks;
2. Maximum height: 20 feet within the required rear setback; 35 feet within the buildable area;
3. Minimum distance to main buildings: Seven feet;
4. Minimum distance to front lot line: 20 feet;
5. Minimum distance to side lot lines: None; except 15 feet on street side; and
6. Minimum distance to rear lot lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 47)

## CHAPTER 2.335. - I-2 LIGHT INDUSTRIAL AND WAREHOUSE ZONING DISTRICT

### 2.335.010. - Purpose.

The purpose of this chapter is to provide for manufacturing and related establishments and commercial uses with limited external impact.

(Ord. No. 011812-ZO-PZ-C-007-10, § 48)

### 2.335.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Adult-oriented businesses and adult service providers, subject to the requirements set forth in chapter 2.190 PCDSC.
- B. Aircraft engine, engine parts and auxiliary equipment manufacturing, if conducted wholly within a completely enclosed building.
- C. Airport or landing strip including airport operations and air traffic control; provided that runways shall be no closer than 600 feet from any boundary of a site of not less than 160 acres.
- D. Automobile or trailer assembling, painting, upholstering, rebuilding, reconditioning, sale of used parts, truck repair or overhauling, tire rebuilding or recapping, battery manufacture and the like.
- E. Blacksmith and welding shop or machine shop (excluding punch presses over 20 tons rated capacity, and drop hammer), foundry casting, electroplating and electro-winding lightweight nonferrous metals not causing noxious fumes or odors.
- F. Distribution plant, ice and cold storage plant, beverage bottling plant.
- G. Heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment.
- H. Gasoline or flammables bulk station, provided said products, butane, gasoline, petroleum, or propane shall:
  1. Not be stored in tanks of more than 10,000 gallons capacity each;
  2. Be located not less than 25 feet from building or lot line or similar tanks; be located no closer than 100 feet from any residential zone; and

3. Liquefied petroleum gases (LPG) bulk station shall be designed, constructed and maintained in compliance with National Fire Protection Association (N.F.P.A.) Standards No. 58.
  - I. Government structures, fire district stations, sheriff's facilities and their accessory uses.
  - J. Laboratories.
  - K. Manufacture, compounding, processing, packaging or treatment of: bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, perfumes, toiletries, soft drinks, and food products (except fish or meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils).
  - L. Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, broom corn, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair or bristles, horn, leather, paper, plastics or plastic products, precious or semi-precious metals or stones, shell textiles, tobacco, wax (paraffin, tallow, etc.), wood (excluding sawmill or planing mill), yarns, paint.
  - M. Manufacture of glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay and kilns fired only by electricity or gas), concrete or cement products, musical instruments, toys, novelties, rubber or metal stamps.
  - N. Manufacture and maintenance of electric and neon signs, commercial advertising structures and displays, sheet metal products, including heating or cooling and ventilating ducts and equipment, cornices, eaves and the like.
  - O. Manufacturing of search, detection, navigation, guidance, aeronautical and nautical systems and instruments if conducted wholly within a completely enclosed building.
  - P. Manufacturing of plastics and resin, semiconductors and related devices, noncorrosive storage batteries, electrical and electronic equipment and components, if conducted wholly within a completely enclosed building.
  - Q. Manufacturing of medical and dental equipment and supplies manufacturing, if conducted wholly within a completely enclosed building.
  - R. Medicinal and botanical manufacturing, excluding medical marijuana dispensaries, food establishments and off-site cultivation locations.
  - S. Missile and space vehicle parts and auxiliary equipment manufacturing, if conducted wholly within a completely enclosed building.
  - T. Manufactured home and recreational vehicle sales.
  - U. Office.
  - V. Open storage area for commercial storage of personal property such as boats and recreational vehicles.
  - W. Plumbing and sheet metal shops.
  - X. Private schools.
  - Y. Restaurant.
    1. No larger than 1,000 square feet total interior space;
    2. No more than 100 square feet exterior seating;
    3. No alcoholic beverage service; and
    4. No live entertainment.
  - Z. Warehouses, storage buildings, and wholesale business.
  - AA. Wireless communication facilities, subject to the requirements set forth in [chapter 2.205 PCDSC](#).
  - BB. One dwelling unit, conventional construction, or manufactured home, as a security/caretaker accessory to an established use in this zone.

CC. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDCS 2.05.050) or because a government entity or governmental agency is performing a governmental function.

(Ord. No. PZ-C-003-12, § 9; Ord. No. 011812-ZO-PZ-C-007-10, § 48)

2.335.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Airport or landing strip.
- B. Gasoline or flammables bulk station, provided said products, butane, gasoline, petroleum, or propane shall:
  - 1. Be located not less than 25 feet from building or lot line or similar tanks; be located no closer than 100 feet from any residential zone; and
  - 2. Liquefied petroleum gases (LPG) bulk station shall be designed, constructed and maintained in compliance with provisions of National Fire Protection Association (N.F.P.A.) Standards No. 58.
- C. Heliport.
- D. Impounded or towed vehicle storage yard; provided, that:
  - 1. The site is enclosed by an eight-foot-tall solid masonry wall;
  - 2. There is no stacking of vehicles.

(Ord. No. 011812-ZO-PZ-C-007-10, § 48)

2.335.040. - Industrial buffer required.

Where industry abuts property zoned rural or residential or arterial or collector streets, such industrial use shall provide a setback of not less than ten percent of the lot depth or width on the side or sides abutting said uses, but such setback need not exceed 50 feet unless a greater depth or width is required by the general setback provisions of this title. Such setback shall be improved with one or more of the following:

- A. Landscaping.
- B. Parking lot, wherein a minimum width of ten feet along the lot line closest to the residential property or arterial or collector streets, shall be landscaped; and a decorative screening device of opaque fencing, walls, landscaped earth berms or any combination thereof, shall be installed between the landscaped area and the parking lot, to a minimum height of three feet.
- C. Recreational space for employees, wherein a minimum width of ten feet along the lot line closest to the residential property or arterial or collector streets shall be landscaped.

(Ord. No. 011812-ZO-PZ-C-007-10, § 48)

2.335.050. - Development standards.

- A. Minimum lot area: None.
- B. Minimum lot width: None.
- C. Minimum front setback: 20 feet, except as provided in PCDCS 2.335.040.



D. Minimum side setbacks.

1. Where development abuts a rural or a residential district: 25 feet; and
2. Where development abuts any other district: Zero feet.

E. Minimum rear setback: Ten feet, except as provided in PCDSC 2.335.040.

F. Minimum distance between main buildings: None for commercial uses; 14 feet between detached accessory dwelling and business.

G. Maximum height: 40 feet.

H. Detached accessory buildings.

1. Permitted coverage: 40 percent of the required rear setback and any additional space within the buildable area;
2. Maximum height: 20 feet within the required rear setback; 35 feet within the buildable area;
3. Minimum distance to main building: Seven feet;
4. Minimum distance to front lot line: 15 feet, except as provided in PCDSC 2.335.040;
5. Minimum distance to side lot line: None, except as provided in PCDSC 2.335.040; and
6. Minimum distance to rear lot line: Four feet, except as provided in PCDSC 2.335.040.

(Ord. No. 011812-ZO-PZ-C-007-10, § 48)

## CHAPTER 2.340. - I-3 INDUSTRIAL ZONING DISTRICT

### 2.340.010. - Purpose.

The purpose of this chapter is to provide, protect and recognize areas suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This zone is intended to be applied generally to those areas that have available highway, rail or other access.

(Ord. No. 011812-ZO-PZ-C-007-10, § 49)

### 2.340.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Adult-oriented businesses and adult service providers, subject to the requirements set forth in chapter 2.190 PCDSC.
- B. Airport or landing strip; provided that:
  1. The site is a minimum of 160 acres; and
  2. The runway is a minimum of 600 feet from any site boundary.
- C. Gasoline or flammables bulk station, provided said products, butane, gasoline, petroleum, or propane shall:
  1. Be located not less than 25 feet from building or lot line or similar tanks; be located no closer than 100 feet from any residential zone; and
  2. Liquefied petroleum gases (LPG) bulk station shall be designed, constructed and maintained in compliance with provisions of National Fire Protection Association (N.F.P.A.) Standards No. 58.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.

- E. Heliport.
- F. Impounded or towed vehicle storage yard; provided, that:
  1. The site is enclosed by an eight-foot-tall solid masonry wall;
  2. There is no stacking of vehicles.
- G. Junk, salvage or auto wrecking yards.
- H. Landfill and transfer stations.
  - I. Manufacture, maintenance, assembling, painting, upholstery, compounding, processing, packaging or treatment operations.
  - J. Power plants, wastewater treatment plants and ancillary offices and buildings.
- K. Prisons, detention facilities and their accessory uses.
- L. Private schools.
- M. Restaurant.
  1. No larger than 1,000 square feet total interior space;
  2. No more than 100 square feet exterior seating;
  3. No alcoholic beverage service; and
  4. No live entertainment.
- N. Sports arena.
- O. Vocational schools.
- P. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- Q. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.
- R. Heavy truck storage, repair, service, staging and point of operation for trucking operations and their accessory equipment.

(Ord. No. PZ-C-003-12, § 10; Ord. No. 011812-ZO-PZ-C-007-10, § 49)

#### 2.340.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. One dwelling unit, conventional construction, or manufactured home, as a security/caretaker accessory to an established use in this zone.

(Ord. No. 011812-ZO-PZ-C-007-10, § 49)

#### 2.340.040. - Industrial buffer required.

Where industry abuts property zoned rural or residential or arterial or collector streets, such industrial use shall provide a setback of not less than ten percent of the lot depth or width on the side or sides abutting said use, but such setback need not exceed 50 feet unless a greater depth or width is required by the general setback provisions of this title. Such setback shall be improved with one or more of the following:

- A. Landscaping.
- B. Parking lot, wherein a minimum width of ten feet along the lot line closest to the residential property or arterial or collector streets shall be landscaped; and a decorative screening device of opaque fencing, walls, landscaped earth berms or any combination thereof shall be installed between the landscaped area and the parking lot, to a minimum height of three feet.
- C. Recreational space for employees, wherein a minimum width of ten feet along the lot line closest to the residential property or arterial or collector streets shall be landscaped.

(Ord. No. 011812-ZO-PZ-C-007-10, § 49)

2.340.050. - Development standards.

- A. Minimum lot area: None.
- B. Minimum lot width: None.
- C. Minimum front setback: 20 feet except as provided in PCDC 2.340.040.
- D. Minimum side setbacks.
  - 1. Where development abuts a rural or a residential district: 25 feet; and
  - 2. Where development abuts any other district: Zero feet.
- E. Minimum rear setback: Ten feet, except when abutting property zoned rural or residential, then 25 feet and subject to PCDC 2.340.040.
- F. Maximum height: 50 feet.
- G. Detached accessory buildings.
  - 1. Permitted coverage: 40 percent of the required rear setback and any additional space within the buildable area;
  - 2. Maximum height: 20 feet within the required rear setback; 35 feet within the buildable area;
  - 3. Minimum distance to main building: Seven feet;
  - 4. Minimum distance to front lot line: 15 feet;
  - 5. Minimum distance to side lot line: None; and
  - 6. Minimum distance to rear lot line: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 49)

CHAPTER 2.345. - MH-8 MANUFACTURED HOME ZONING DISTRICT

2.345.010. - Purpose.

The purpose of this chapter is to provide for needed and planned manufactured home developments with developed open space within a reasonable walking distance and permit a wider latitude of design without increasing existing densities.

(Ord. No. 011812-ZO-PZ-C-007-10, § 50)

2.345.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Manufactured home or conventional construction.
- B. Child care (no more than five children for whom compensation is received).
- C. Church, subject to the requirements set forth in PCDSC 2.150.220.
- D. Government structures, fire district stations, sheriff's facilities and their accessory uses.
- E. Group home, subject to the requirements set forth in PCDSC 2.150.200.
- F. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- G. Horses, subject to the following:
  - 1. Must have one acre (43,560 square feet) or greater;
  - 2. No more than two horses more than six months of age.
- H. Model complex with sales office.
  - I. Public school.
- J. Recreation areas, laundry, rest rooms, offices, and service buildings; provided, that the only purpose of any such use is service to residents and guests of a manufactured home subdivision.
- K. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- L. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- M. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 50)

#### 2.345.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Beauty salon or barbershop.
- B. Bed and breakfast, subject to the requirements set forth in PCDSC 2.150.210.
- C. Child care (more than five children for whom compensation is received).
- D. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- E. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
- F. Private schools.
- G. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 50)

#### 2.345.040. - Development standards.

- A. Minimum lot area: 8,000 square feet.
- B. Minimum lot width: 60 feet.
- C. Minimum front setback: 20 feet.
- D. Minimum side setbacks: Ten feet.

- E. Minimum rear setback: Ten feet.
- F. Minimum distance between manufactured homes: 20 feet.
- G. Maximum building Height: 30 feet.
- H. Detached accessory buildings.
  - 1. Permitted coverage: 25 percent of the total area of the rear and side setbacks;
  - 2. Maximum height: 20 feet;
  - 3. Minimum distance to main buildings: Seven feet;
  - 4. Minimum distance to front lot line: 60 feet; and
  - 5. Minimum distance to side and rear lot lines: Four feet if building is not used to house horses; 50 feet if building is used to house horses.

(Ord. No. 011812-ZO-PZ-C-007-10, § 50)

#### CHAPTER 2.350. - MHP-435 MANUFACTURED HOME PARK ZONING DISTRICT

##### 2.350.010. - Purpose.

The purpose of this chapter is to provide for planned manufactured home parks.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

##### 2.350.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Manufactured home park (MHP), subject to the following:
  - 1. The MHP lot or parcel shall be a minimum of ten acres, inclusive of rights-of-way, easements or dedications; and
  - 2. The MHP shall be screened from adjoining lots or parcels not in manufactured home park use by a solid fence or wall of not less than six feet in height. The screening fence or wall shall be constructed before the first manufactured home installation permit is issued.
- B. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
- C. Model complex with sales office as detailed on the submitted site plan and approved by the planning department.
- D. Recreation areas, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of such use is service to residents and guests of the park.
- E. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDSC.
- F. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDSC.
- G. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

##### 2.350.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Child care.
- B. Golf course, subject to the requirements set forth in PCDCS 2.150.230.
- C. Private schools.
- D. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

2.350.040. - Plan approval required.

- A. Prior to issuance of permits for construction or development of the MHP, at least eight copies of the park plans shall be submitted to the planning department and shall include the following:
  - 1. Name of park, legal description of property to be developed, ownership, name of developer, scale, north arrow, name of civil engineer or surveyor, date of plans and key map showing the location of tract;
  - 2. A chart of square footage per space, a chart of radii and curves and a drawing of typical spaces; and
  - 3. All manufactured home spaces on the plan shall show the dimensions and be clearly numbered for proper identification.
- B. In addition to the above requirements, no permit shall be issued until the sanitation facilities and water supply have been approved by the Arizona Department of Environmental Quality.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

2.350.050. - Streets.

- A. All streets within the MHP shall be private. Installation and maintenance will be the responsibility of the owner.
- B. If the MHP is bordered by a potential arterial or collector street as described in the Pinal County subdivision regulations, that portion bordering the MHP shall be dedicated for public use and constructed to Pinal County road standards.
- C. If it is determined that the dedication and construction of the street will be required, as described in subsection (B) of this section, then construction of the streets shall begin within six months from the date of approval of the park plans and shall be completed within 12 months after approval of the park plans.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

2.350.060. - Development standards.

- A. *Manufactured home park.*
  - 1. Minimum lot area: Ten acres.
  - 2. Minimum front setback: 15 feet.
  - 3. Minimum side setbacks: Ten feet each.
  - 4. Minimum rear setback: Ten feet.
  - 5. Maximum height: 30 feet.

6. Detached accessory buildings.
  - a. Maximum height: 30 feet.
  - b. Minimum distance to front lot line: 15 feet.
  - c. Minimum distance to side lot line: Four feet.
  - d. Minimum distance to rear lot line: Four feet.

B. *Manufactured home space within the park.*

1. Minimum space area: 4,000 square feet.
2. Minimum space width: 45 feet.
3. Minimum front setback: Eight feet.
4. Minimum side and rear setback: Five feet.
5. Maximum height: 30 feet.
6. Minimum distance between manufactured homes in the same manufactured home park: Ten feet.
7. Detached accessory buildings.
  - a. Permitted coverage: 33 percent of the total area of the rear and side setbacks.
  - b. Maximum height: 20 feet.
  - c. Minimum distance to manufactured home: Seven feet.
  - d. Minimum distance to front space line: 15 feet.
  - e. Minimum distance to side and rear space lines: Four feet.

(Ord. No. 011812-ZO-PZ-C-007-10, § 51)

CHAPTER 2.355. - PM/RVP-435 PARK MODEL/RECREATIONAL VEHICLE PARK ZONING DISTRICT

2.355.010. - Purpose.

The purpose of this chapter is to provide for planned park model and recreational vehicle parks.

(Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.355.020. - Uses permitted.

The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter:

- A. Park model and recreational vehicle park (PM/RVP).
- B. Model complex with sales office as detailed on the submitted site plan and approved by the planning and development department.
- C. Recreation areas, laundry, rest rooms, offices, service buildings and storage yards; provided, that the only purpose of such use is service to residents and guests of the subject park.
- D. Solar energy device, subject to the requirements set forth in chapter 2.210 PCDCS.
- E. Wireless communication facilities, subject to the requirements set forth in chapter 2.205 PCDCS.

(Ord. No. PZ-C-005-12, § 7; Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.355.030. - Special uses.

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a special use permit as set forth in PCDSC 2.151.010 and the general regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

- A. Golf course, subject to the requirements set forth in PCDSC 2.150.230.
- B. Private schools.
- C. Wireless communication facility.

(Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.355.040. - Plan approval required.

- A. Prior to issuance of permits for construction or development of the PM/RVP, at least four copies of the park plans shall be submitted to the planning department and shall include the following:
  - 1. Name of park, legal description of property to be developed, ownership, name of developer, scale, north arrow, name of civil engineer or surveyor, date of plans and key map showing the location of tract;
  - 2. All park model and recreational vehicle spaces on the plan shall show the dimensions and be clearly numbered for proper identification.
- B. In addition to the above requirements, no permit shall be issued until the sanitation facilities and water supply have been approved by the Arizona Department of Environmental Quality.

(Ord. No. PZ-C-005-12, § 8; Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.355.050. - Streets.

All streets within the park model and recreational vehicle park shall be private. Installation and maintenance will be responsibility of the owner.

(Ord. No. PZ-C-005-12, § 9; Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.355.060. - Development standards.

- A. *Overall park development standards.*
  - 1. Minimum lot area: Ten acres, inclusive of rights-of-way, easements or dedications.
  - 2. The PM/RVP shall be screened from adjoining lots or parcels not in park model and recreational vehicle park use by a solid fence or wall of not less than six feet in height. The screening fence or wall shall be constructed within six months from the date of approval of the park model and recreational vehicle park plans. The screening material does not include planting, vegetation, shrubbery and the like.
  - 3. Minimum front setback: 15 feet.
  - 4. Minimum side setbacks: Ten feet each.
  - 5. Minimum rear setback: Ten feet.
  - 6. Maximum height: 30 feet.
  - 7. Detached accessory buildings.
    - a. Maximum height: 30 feet.



- b. Minimum distance to front lot line: 15 feet.
- c. Minimum distance to side lot line: Four feet.
- d. Minimum distance to rear lot line: Four feet.

B. *Park space development standards.*

1. Minimum space area:
  - a. 2,000 square feet for park model.
  - b. 1,500 square feet for recreational vehicle.
2. Minimum space width:
  - a. 40 feet for park model.
  - b. 30 feet for recreational vehicle.
3. Minimum front setback: Five feet.
4. Minimum side setback: Five feet; except approved and permitted appurtenances on the entry side may be three feet.
5. Minimum rear setback: Five feet.
6. Maximum height: 20 feet.
7. Spaces having boundaries in common with two or more roads shall have a minimum setback from the nearest edge of the road of 20 feet to the park model/recreational vehicle's entry side and five feet on the nonentry side.

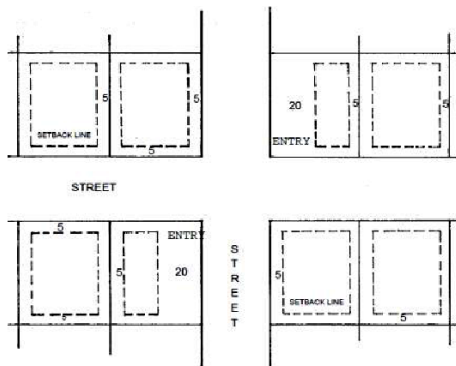


Figure A

8. Detached/attached accessory structures.
  - a. Maximum height: 20 feet.
  - b. Minimum distance to front space line: Five feet.
  - c. Minimum distance to side and rear space lines: Five feet.
  - d. Any park model or recreational vehicle awnings shall require a building permit and be constructed in compliance with adopted Pinal County building codes.
9. A minimum of one parking space shall be maintained on all spaces within the park. The minimum parking space shall be ten feet in width and 20 feet in length.

(Ord. No. PZ-C-005-12, § 10; Ord. No. 011812-ZO-PZ-C-007-10, § 52)

2.360.010. - Legislative intent and purpose.

- A. The MP-CMP zoning district is established to provide an alternative to conventional residential, commercial and industrial zoning districts by promoting imaginative and innovative planning consistent with the goals, objectives and policies of the comprehensive plan and this title by permitting flexibility in the development standards for large multi-purpose developments that possess at least three of the following characteristics:
1. A central component involving a sporting, recreational or open space, entertainment, amusement, cultural, industrial or transportation facility;
  2. Planned multimodal transportation systems;
  3. Coordinated residential, commercial, industrial and public facility uses intended to complement the central component; and
  4. Exemplary examples of thoughtful innovative design construction and agglomeration of land uses.
- B. The MP-CMP zoning district is intended to accomplish the following purposes:
1. Permit and encourage innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
  2. Permit greater flexibility within the development to best utilize the features of the particular site, in exchange for greater public benefits than could otherwise be achieved through standard development under this title;
  3. Ensure that larger, multi-purpose planned developments or employment centers function as integrated communities, with exemplary community amenities and benefits and with enhanced design not required or available in standard subdivision development;
  4. Encourage integrated and unified design and function of the various uses comprising the MP-CMP;
  5. Encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility; and
  6. Foster a strong sense of community based on the distinctive character of the development and a shared physical and economic environment.

(Ord. No. PZ-C-001-16, § 1; Ord. No. 2021-PZ-C-004-21, § 1)

2.360.020. - Applicable existing zoning districts and relationship to comprehensive plan.

- A. An application to rezone to a MP-CMP zoning district may be submitted only for land located within a rural zoning district or combination of rural zoning districts. Approval of a MP-CMP is required prior to development in a MP-CMP zoning district. An approved MP-CMP establishes the location and character of the uses and the unified overall development of individual development areas and phases within the MP-CMP zoning district. The MP-CMP shall be adopted by the county together with an approved development agreement between the county and the applicant/master developer.
- B. Projects developed under a MP-CMP zoning district are only appropriate for, and deemed to be in conformance with, areas designated in the county's comprehensive plan land use plan map as either:
1. Employment; or
  2. Employment combined with primary airport or secondary airport designations, airport reserve, aviation based commerce center, high intensity activity center or general public services and facilities in any combination; provided, that the employment designation is no less than 50 percent of the total project area.

At the time of the approval by the county of the MP-CMP, the land shall be designated on the county's comprehensive plan land use plan map consistent with one of the above land use designations.

(Ord. No. PZ-C-001-16, § 1; Ord. No. 2021-PZ-C-004-21, § 2)

2.360.030. - Minimum land/development requirements.

The minimum land/development requirements for a MP-CMP zoning district are:

- A. The land has not less than 1,000 contiguous acres under the ownership or exclusive control of a single legal entity who shall be the applicant/master developer for the entire project;
- B. The land has direct access to a principal arterial or higher roadway classification and is located within one mile of a proposed or existing high capacity roadway interchange or higher roadway classification;
- C. The development contains a central component comprised of a regional, sporting, recreational or open space, entertainment, amusement, cultural, or industrial or transportation facility;
- D. The development includes planned multimodal transportation systems; and
- E. The development includes at least three of the following elements: coordinated residential, commercial, industrial or public facility uses intended to complement the central component, except that industrial uses must be located at least 660 feet from the property boundary of an existing residential use or platted subdivision exterior to the MP-CMP on the date the zoning district is established, or 1,000 feet if the existing residential use or platted subdivision is zoned for lots less than 20,000 square feet.

(Ord. No. PZ-C-001-16, § 1; Ord. No. 2021-PZ-C-004-21, § 3)

2.360.040. - Application requirements.

An application for a MP-CMP zoning district shall comply with the rezoning process and requirements set forth in chapter 2.166 PCDSC, as amended. A MP-CMP zoning district application shall not be accepted for processing on any property that was part of a PAD overlay or zoning district application denied by the supervisors within the previous six months.

(Ord. No. PZ-C-001-16, § 1)

2.360.050. - Multi-purpose community master plan.

Approval of a MP-CMP is required prior to development in a MP-CMP zoning district. The purpose of the MP-CMP is to establish the location and character of the uses and the unified overall development of individual development areas and phases within the MP-CMP zoning district. The MP-CMP shall include, at a minimum:

- A. *Title page*. Title page that states:
  - 1. Project name.
  - 2. Case number (to be added at the time of filing).
  - 3. Date of filing.
  - 4. Revision dates (with any resubmittals).
- B. *Principals and development team page*. This page will provide the name, address, telephone number and email address for the applicant/master developer and any members of the development team including, but not limited to, all architects, landscape architects, civil engineers, traffic engineers, legal representation and other professionals.

- C. *Table of contents page.*
- D. *Site conditions and location.* This section shall provide information regarding the current condition of the project site, including:
1. Acreage;
  2. Current land use and description of any structures and/or buildings;
  3. Parcel map;
  4. Ownership information for subject property;
  5. An ALTA survey prepared no more than 60 days prior to the date of filing;
  6. Ownership and use information for surrounding properties within one mile; and
  7. Surrounding zoning districts within one mile.
- E. *Comprehensive plan conformance.* This section shall describe how the proposal is in conformance with the county's comprehensive plan.
- F. *Project master plan.* This section will provide a master plan prepared by a design professional for the entire project site identifying, at minimum, the following:
1. Roadway network and classifications thereof;
  2. Development areas;
  3. Drainage, washes or other natural features, either manmade or natural;
  4. Major open space areas including public safety facilities and public services and utilities; and
  5. Trails network plan.
- G. *Project development table.* This section will provide the following:
1. Area of each development area;
  2. Land uses for each development area;
  3. Residential density of each development area;
  4. Total possible dwelling unit count for each residential development area;
  5. Total square footage of commercial and mixed-use land uses for each development area;
  6. Total square footage of office and industrial land uses for each development area;
  7. Minimum area of open space for each development area.
- H. *Zoning districts.* This section shall provide the use, density and intensity classifications that will apply to each development area. Development areas may have more than one possible use, density or intensity classification. The MP-CMP may include existing classifications or may provide custom use classifications as provided therein. If custom use classifications are proposed, each shall include, at minimum, the following standards:
1. Density (if residential) or intensity and total square footage of use (if nonresidential);
  2. Lot coverage;
  3. Building setbacks or build-to lines;
  4. Maximum height;
  5. Landscape setbacks; and
  6. Permitted land uses.

Each custom use classification shall be identified by a specific name to avoid confusion with standard use classifications and used as sparingly as possible.

I. *Master project design character and theming.* This section shall provide the overall project design and character themes, concepts and/or other illustrative guidance. These character and theming concepts shall include, at a minimum:

1. Overall project landscaping theme.
2. Overall project lighting theme.
3. Overall project architectural character theme.

Themes shall include visual examples of theme concepts. Concepts may include specific materials, colors and/or vegetation options. Specific designs shall be required at the time of platting and/or specific site plan processing (PCDSC 2.360.060).

J. *Zoning implementation table.* This section shall provide the total amount of square footage of commercial, mixed-use, office and industrial or other nonresidential land uses as well as the total number of residential dwellings allowed within the overall project area. As each development area, or portion thereof, is platted, the applicant/master developer shall provide an updated zoning implementation table that:

1. Identifies the assigned uses for the specific development area or portions thereof;
2. Identifies the dwelling units and/or square footages assigned to the specific development area or portions thereof; and
3. Updates the total remaining square footages and/or dwelling units for the remaining project-wide unassigned development area.

The zoning implementation table on the last processed approval is the controlling table and all prior tables are void. Any remaining square footages and/or dwelling units remaining after full build-out of the project area shall be forfeited and are deemed no longer available.

K. *Signage standards.* This section may either:

1. Refer to the typical standards of this title; or
2. Provide specific standards for the entire project area or specific development areas.

L. *Infrastructure.* This section will provide basic information about the circulation system, the grading and drainage for the overall site and how water and wastewater will be provided including utility and public safety facilities that can be used to enhance the provision of services to the region surrounding the development site.

M. *Phasing plan.* This section shall provide a phasing plan for the overall project.

N. *Additional information.* Nothing herein shall be construed as limiting what may be included in a MP-CMP. The county may require and/or the applicant/master developer may include additional information, development standards or other materials within the final MP-CMP including, but not limited to, aircraft noise contour studies and archeological reports. Failure to submit the requested additional information, standards or materials will constitute an incomplete application and will not be processed.

(Ord. No. PZ-C-001-16, § 1)

#### 2.360.060. - Plats and specific site plans.

Plats and/or specific site plans or individual site plans in substantial compliance with the approved MP-CMP shall be filed in accordance with chapter 2.200 PCDSC, the schedule for development, if any, or the county's subdivision regulations. Prior to development, the applicant/master developer shall formally subdivide the development area or areas in order to: (1) complete

the required zoning implementation table as per PCDSC 2.360.050(J) and to (2) finalize design requirements as per subsection (F) of this section.

- A. There may be more than one plat and/or specific site plan or individual site plan within the MP-CMP zoning district.
- B. Approval of a specific site plan in accordance with chapter 2.200 PCDSC does not replace the plat process and shall not be used to circumvent the plat process required by the county's subdivision regulations.
- C. Where the plat process is required, no site plan, if required, may be approved prior to final plat approval.
- D. A plat, specific site plan or individual site plan shall be deemed in substantial compliance with the MP-CMP; provided, that the plat, specific site plan or individual site plan does not:
  - 1. Change the uses or character of the approved MP-CMP.
  - 2. Increase the approved maximum density.
  - 3. Change the number or make a substantial change in the location of streets with a collector or higher classification.
  - 4. Contain changes which would normally cause the MP-CMP to be disqualified under the applicable criteria.
- E. Dedications may be required with approval of the final plat or specific site plan or individual site plan when substantiated by final studies that are not completed until review of the final plat, specific site plan or individual site plan by county staff. Studies may be for, but are not limited to, drainage, hydrology, and traffic analysis.
- F. At the time of tentative subdivision plat application for any development areas (or any part thereof), the applicant/master developer shall provide development area specific detailed architectural, lighting and landscaping guidelines that comply with the overall master character and theming provided in PCDSC 2.360.050(I). The community development director shall conduct a design review of any submitted plans to verify compliance with approved specific guidelines prior to issuance of any building permits.
- G. If a plat, specific site plan or individual site plan does not substantially conform to the approved MP-CMP, the community development department or public works department shall notify the applicant/master developer of the deficiency, and county staff review shall be suspended until the deficiency is remedied.
- H. Minor land divisions are prohibited within the boundaries of an approved MP-CMP zoning district. All land divisions shall be processed as a subdivision according to PCDSC title 3. Modifications and appeals of the subdivision provisions under chapter 3.60 PCDSC may only be used to modify the provisions of chapters 3.20 and 3.50 PCDSC.

(Ord. No. PZ-C-001-16, § 1)

2.360.070. - Amendments to the multi-purpose community master plan (MP-CMP).

- A. *Major MP-CMP amendment.* An amendment will be deemed major if it involves any of the following as determined by the community development director:
  - 1. A request for different type of land use not included in the MP-CMP;
  - 2. A greater than ten percent change in development area boundaries when located within 600 feet of the exterior boundaries of the MP-CMP zoning district;
  - 3. A request to waive, or a change altering, any condition or stipulation of approval;
  - 4. Changes in locations of streets classified as a collector or higher roadway classification;
  - 5. Changes in locations or use of open space areas, excluding minor shifts in size, location and/or uses that are

consistent with the approved MP-CMP;

6. Dwelling unit density transfers or nonresidential intensity transfers between development areas which are greater than ten percent of the total density or intensity of the taking or receiving development areas;
  7. An increase in the overall project density or nonresidential intensity;
  8. A change in location of wastewater facilities or change in the wastewater system excluding collection lines;
  9. A deletion or addition of acreage to an approved MP-CMP zoning district;
  10. A severance of a portion of the MP-CMP zoning district;
  11. Abandonment of an existing approved MP-CMP by approval of a new MP-CMP over the entire property;
  12. Any significant change in the development phasing schedule;
  13. Any significant change to the content of the MP-CMP after a final MP-CMP has been approved;
  14. A change that would have a significant impact on surrounding properties;
  15. Changes in signage standards for the entire project area or specific development areas, if the proposed change is not in compliance with the standards set forth in this title, as amended; or
  16. Any change to the approved development agreement that would have a substantial effect on the MP-CMP or stipulations of approval.
- B. *Major MP-CMP amendment procedure.* Requests for major amendments shall follow the same procedure as the initial application for approval of a MP-CMP.
- C. *Minor MP-CMP amendment.* Any request that is not major, as defined in subsection (A) of this section, or is otherwise determined by the community development director to be a minor amendment. In general, minor MP-CMP amendments are small adjustments to the content of the MP-CMP that do not substantively or materially alter the original character and/or intent of the MP-CMP.
- D. *Minor MP-CMP amendment procedure.*
1. Requests for minor MP-CMP amendments shall be filed with the community development department and subject to the applicable fee as specified in the county's fee schedule adopted from time to time.
  2. The request will be routed for comment to any affected county departments.
  3. Upon receipt of comments, but no later than ten working days, the community development director will determine whether to approve, deny or request revisions to the requested amendment.
  4. Applicant/master developer will be notified by letter of the community development director's decision and a copy of the letter will be filed for public record.
- E. *Density/intensity transfers.* The community development director may permit residential unit density and/or nonresidential intensity transfers of ten percent or less between development areas within the MP-CMP, provided:
1. The procedures for such transfers are explicitly stated within the MP-CMP and will be allowed only once per residential development area;
  2. Density transfer proposals indicating donor and recipient areas are submitted to the community development director for administrative review and approval; and
  3. The overall density of the MP-CMP is not exceeded.
- F. *Reduction or removal.* An approved MP-CMP zoning district may not be reduced or a portion removed or severed unless the remaining portion of the approved MP-CMP zoning district can stand alone without changing the character, circulation or open space as originally approved as determined by the community development director.
- G. *Variiances.* The board of adjustment shall not grant any variances for an approved MP-CMP.

H. *Appeals*. Appeals of actions and/or decisions of the community development director shall be made to the board of adju and processed pursuant to chapter 2.155 PCDSC, except for those specific plans required under PCDSC 2.360.060(F), wh shall be appealable to the county manager. The county manager's decision shall be final.

(Ord. No. PZ-C-001-16, § 1)

#### 2.360.080. - Authorization.

The various county officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this chapter.

(Ord. No. PZ-C-001-16, § 1)

#### 2.360.090. - Validity.

Should any provision of this chapter be deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. PZ-C-001-16, § 1)

### CHAPTER 2.365 - LARGE MASTER PLAN COMMUNITY (L-MPC) ZONING DISTRICT

#### 2.365.010 - Legislative intent and purpose.

- A. The L-MPC zoning district is a floating zoning district that encourages creative land development. The intent and purpose of this zoning district is to provide an alternative to conventional zoning districts by promoting innovative land use planning consistent with the goals, objectives and policies of the comprehensive plan and to this title by promoting flexibility for large master planned developments that possess the following characteristics:
1. Predominately residential land uses with supporting non-residential uses.
  2. Property to be comprised of no less than 2,000 gross acres;
  3. Provide uses such as commercial, employment and public facilities and services that complement the residential component; and
  4. Exemplary design and placement of land uses with proper transitions between dissimilar uses, and adequate open space and other appropriate recreational amenities.
- B. The L-MPC zoning district is intended to accomplish the following:
1. Permit and encourage innovative large-scale land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
  2. Permit greater flexibility within a development to best utilize the features of a particular site, in exchange for greater public benefits that otherwise could not be achieved through standard development processes provided under this title;
  3. Ensure that large master planned developments function as integrated communities, with exemplary community amenities and benefits and with enhanced design elements such as but not limited to: community entry features, social clubs, community spaces, and large recreational facilities;
  4. Encourage integrated and unified design and function of the various uses allowed in the accompanying master plan;



5. Encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility; and
6. Foster a strong sense of community based on the distinctive character of the development and a shared physical environment.

(Ord. No. 2021 PZ-C-002-21, § 1)

2.365.020 - Applicable existing zoning districts and relationship to comprehensive plan.

- A. An application to rezone to an L-MPC zoning district may be submitted for properties within any rural or residential zoning district or combination of rural, residential, activity center, office or commercial zoning districts. Approval of a master plan is required prior to development in an L-MPC zoning district. An approved master plan establishes the location and character of the uses and the unified overall development of individual development areas and phases within the zoning district. The master plan shall be adopted by the county together with an approved development agreement between the county and the applicant/master developer.
- B. Projects developed under an L-MPC zoning district are only appropriate for, and deemed to be in conformance with, areas designated in the county's comprehensive plan land use plan map as either:
  1. Residential land use designations (including allowable commercial and employment uses within these designations); or
  2. Residential land uses combined with general commercial, employment, activity center or general public services and facilities land uses in any combination.

At the time of the approval by the county of the L-MPC zoning district, the land shall be designated on the county's comprehensive plan land use plan map consistent with the land use designations that best aligns with the most common zoning district identified within the approved master plan.

(Ord. No. 2021 PZ-C-002-21, § 1)

2.365.030 - Minimum land/development requirements.

The minimum land/development requirements for an L-MPC zoning district are:

- A. The land has a minimum of 2,000 contiguous acres under the ownership or exclusive control of a single legal entity who shall be the applicant/master developer for the entire project;
- B. The land has direct access to an arterial or higher roadway classification and is located within one mile of a proposed or existing high capacity roadway interchange or higher roadway classification
- C. The development includes planned multimodal transportation systems; and
- D. The development includes coordinated residential that is supported by commercial, employment and public facility uses intended to complement the residential component.

(Ord. No. 2021 PZ-C-002-21, § 1)

2.365.040 - Application requirements.

An application for an L-MPC zoning district shall comply with the rezoning process and requirements set forth in chapter 2.166 PCDSC. An L-MPC zoning district application shall not be accepted for processing on any property that was part of a PAD overlay or change in zoning district application denied by the supervisors within the previous six months.

2.365.050 - Development master plan.

Approval of a master plan (MP) is required prior to development in an L-MPC zoning district. The purpose of the L-MPC is to establish the location and character of planned uses and a unified development pattern with regards to balance and application, and phasing of amenities and supporting infrastructure. The L-MPC shall include, at a minimum:

A. *Title page that states:*

1. Project name.
2. Case number (to be added at the time of filing).
3. Date of filing.
4. Revision dates (with any resubmittals).

B. *Principals and development team page.* This page will provide the name, address, telephone number and email address for the applicant/master developer and any members of the development team including, but not limited to, all architects, landscape architects, civil engineers, traffic engineers, legal representation and other professionals.

C. *Table of contents page.*

D. *Site conditions and location.* This section shall provide information regarding the current condition of the project site, including:

1. Acreage;
2. Current land use and description of any structures and/or buildings;
3. Parcel map;
4. Ownership information for subject property;
5. An ALTA survey prepared no more than 60 days prior to the date of filing;
6. Ownership and use information for surrounding properties within one mile;
7. Surrounding zoning districts within one mile; and
8. Access to an arterial or higher roadway classification and proximity to proposed or existing high capacity roadway interchange or higher roadway classification.

E. *Comprehensive plan conformance.* This section shall describe how the proposal is in conformance with the county's comprehensive plan.

F. *Development plan.* This section will provide a development plan prepared by a design professional for the entire project site identifying, at minimum, the following:

1. Roadway network and classifications thereof, for all collector and higher roadway classifications;
2. Development areas;
3. Drainage, washes or other natural features, either manmade or natural;
4. Major open space areas meeting a minimum of 18 percent of the L-MPC zoned area and shall also include public safety facilities and public services and utilities; and
5. Trails network plan.

G. *Project development table.* This section will provide the following:

1. Area of each development area;

2. Land uses for each development area;
3. Residential density of each development area;
4. Total possible dwelling unit count (if applicable) for each residential development area;
5. Total square footage of non-residential land uses for each development area; and
6. Minimum area of open space for each development area.

H. *L-MPC use districts*. This section shall provide the use, density and intensity classifications that will apply to each development area. Development areas may have more than one possible use, density or intensity classification. The L-MPC use districts shall utilize, to the greatest extent possible, existing Pinal County Zoning Classifications. If a development type cannot be achieved within any existing zoning classification, an applicant may propose a custom use classification for consideration as provided herein. If custom use classifications are proposed, each shall include, at minimum, the following standards:

1. Density (if residential) or intensity and total square footage of use (if non-residential);
2. Minimum lot area;
3. Minimum lot width;
4. Lot coverage;
5. Building setbacks or build-to lines;
6. Maximum height;
7. Landscape setbacks; and
8. Permitted land uses.

Each custom use classification shall be identified by a specific name to avoid confusion with standard zoning classifications.

I. *Master project design character and theming*. This section shall provide the overall project design and character themes, concepts and/or other illustrative guidance. These character and theming concepts shall include, at a minimum:

1. Overall project landscaping theme.
2. Overall project lighting theme.
3. Overall project architectural character theme, including entry monuments and streetscape elements.

Themes shall include visual examples of theme concepts. Concepts may include specific materials, colors and/or vegetation options. Specific designs shall be required at the time of platting and/or specific site plan processing (PCDSC 2.365.060).

J. *Zoning implementation table*. This section shall provide the total number of residential dwellings as well as the total amount of square footage of non-residential land uses allowed within each development area and overall L-MPC area. As each development area, or portion thereof, is platted or site planned, the applicant/master developer shall provide an updated zoning implementation table that (1) identifies the assigned uses for the specific development area or portions thereof; (2) identifies the dwelling units and/or square footages assigned to the specific development area or portions thereof; and (3) updates the total remaining square footages and/or dwelling units for the remaining project-wide unassigned development area. The zoning implementation table on the last processed approval is the controlling table and all prior tables are void. Any remaining square footages and/or dwelling units remaining after full build-out of the project area shall be forfeited and are deemed no longer available.

- K. *Signage standards.* This section may either (1) refer to the typical standards of this title, or (2) provide specific standards for the entire project area or specific development areas.
- L. *Infrastructure.* This section will provide a basic analysis for the project's circulation system, grading and drainage system for the overall site and how water and wastewater will be provided including utility and public safety facilities that can be used to enhance the provision of services to the region surrounding the development site.
- M. *Phasing plan.* This section shall provide a phasing plan for the overall project which includes infrastructure.
- N. *Additional information.* The county may require and/or the applicant/master developer may include additional information, development standards or other materials within the final application including, but not limited to, traffic studies and archeological reports. Failure to submit the requested additional information, standards or materials will constitute an incomplete application and will not be processed.

(Ord. No. 2021 PZ-C-002-21, § 1)

#### 2.365.060 - Plats and specific site plans.

Plats and/or specific site plans or individual site plans in substantial compliance with the approved master plan shall be filed in accordance with chapter 2.200 PCDSC, the schedule for development, if any, or the county's subdivision regulations. Prior to development, the applicant/master developer shall formally subdivide the development area or areas in order to (1) complete the required zoning implementation table as per PCDSC 2.365.050(j) and to (2) finalize design requirements as per subsection (F) of this section.

- A. There may be more than one plat and/or specific site plan or individual site plan within the L- MPC zoning district.
- B. Approval of a specific site plan in accordance with chapter 2.200 PCDSC does not replace the plat process and shall not be used to circumvent the plat process required by the county's subdivision regulations.
- C. Where the plat process is required, no site plan, if required, may be approved prior to final plat approval.
- D. A plat, specific site plan or individual site plan shall be deemed in substantial compliance with the master plan and development agreement; provided, that the plat, specific site plan or individual site plan does not:
  1. Change the uses or character of the approved L-MPC, development plan or development areas.
  2. Increase the approved maximum density or intensity of the L-MPC or subject development area.
  3. Change the number or make a substantial change in the location of streets with an arterial or higher classification.
  4. Contain changes which would normally cause the plat or site plan to be disqualified under the applicable criteria.
- E. Dedications may be required with approval of the final plat or specific site plan or individual site plan when substantiated by final studies that are not completed until review of the final plat, specific site plan or individual site plan by county staff. Studies may be for, but are not limited to, water and wastewater, drainage, hydrology, and traffic analysis.
- F. At the time of tentative subdivision plat application for any development areas (or any part thereof), the applicant/master developer shall provide development area specific detailed architectural, lighting and landscaping guidelines that comply with the overall master character and theming provided in PCDSC 2.365.050(l). The community development director (or designee) shall conduct a design review of any submitted plans to verify compliance with approved specific guidelines prior to issuance of any building permits.
- G. If a plat, or site plan does not substantially conform to the approved master plan, the community development department or public works department shall notify the applicant/master developer of the deficiency, and County

staff review shall be suspended until the deficiency is remedied.

- H. Minor land divisions are prohibited within the boundaries of an approved L-MPC zoning district. All land divisions shall be processed as a subdivision according to PCDCS Title 3. Modifications and appeals of the subdivision provisions under chapter 3.60 PCDCS may only be used to modify the provisions of chapters 3.20 and 3.50 PCDCS.

(Ord. No. 2021 PZ-C-002-21, § 1)

2.365.070 - Amendments to the master plan.

- A. *Major amendment.* An amendment will be deemed major if it involves any of the following as determined by the community development director:
1. A request for different type of land use not included in the L-MPC;
  2. A greater than ten percent change in development area boundaries when located within 600 feet of the exterior boundaries of the L-MPC zoning district;
  3. A request to waive, or a change altering, any condition or stipulation of approval;
  4. Changes in locations or classifications of streets identified as a collector or higher roadway classification;
  5. Changes in locations or use of open space areas, excluding minor shifts in size, location and/or uses that are consistent with the approved L-MPC;
  6. Dwelling unit density transfers or non-residential intensity transfers between development areas which are greater than ten percent of the total density or intensity of the taking or receiving development areas;
  7. An increase in the overall project density or non-residential intensity;
  8. A change in location of wastewater facilities or change in the wastewater system excluding collection lines;
  9. A deletion or addition of acreage to an approved L-MPC boundary;
  10. A severance of a portion of the L-MPC zoning district;
  11. Abandonment of an existing approved L-MPC by approval of a new L-MPC over the entire property;
  12. Any change in the development phasing schedule that results in the delay of infrastructure improvements affecting properties beyond the approved L-MPC boundary;
  13. Any significant change to the content of the master plan after a final master plan has been approved;
  14. A change that would have a significant impact on surrounding properties;
  15. Changes in signage standards for the entire project area, if the proposed change is not in compliance with the standards set forth in this title, as amended; or
  16. Any change to the approved development agreement that would have a substantial effect on the master plan or stipulations of approval.
  17. Any change to the master plan roadway access at the perimeter of the L-MPC zoned district.
- B. *Major L-MPC amendment procedure.* Requests for major amendments shall follow the same procedure as the initial application for approval of an L-MPC.
- C. *Minor L-MPC amendments.* Any request that is not major, as defined in subsection A of this section, or is otherwise determined by the community development director to be a minor amendment. In general, minor L-MPC amendments are small adjustments to the content of the L-MPC that do not substantively or materially alter the original character and/or intent of the L- MPC.
- D. *Minor L-MPC amendment procedure.*
1. Requests for minor L-MPC amendments shall be filed with the community development department and subject

to the applicable fee as specified in the county's fee schedule adopted from time to time.

2. The request will be routed for comment to any affected county departments.
3. Upon receipt of comments, but no later than ten working days, the community development director will determine whether to approve, deny or request revisions to the requested amendment.
4. Applicant/master developer will be notified by letter of the community development director's decision and a copy of the letter will be filed for public record.

E. *Density/intensity transfers.* The community development director may permit residential unit density and/or nonresidential intensity transfers of ten percent or less between development areas within the L-MPC, provided:

1. The procedures for such transfers are explicitly stated within the L-MPC and will be allowed only once per residential development area;
2. Density transfer proposals indicating donor and recipient areas are submitted to the community development director for administrative review and approval; and
3. The overall density of the L-MPC is not exceeded.

F. *Reduction or removal.* An approved L-MPC zoning district may not be rezoned unless the remaining portion of the approved L-MPC can stand alone without changing the character, circulation or open space as originally approved as determined by the community development director.

G. *Variances.* The board of adjustment shall not grant any variances for an approved L-MPC.

H. *Appeals.* Appeals of actions and/or decisions of the community development director shall be made to the board of adjustment and processed pursuant to chapter 2.155 PCDSC, except for those specific plans required under PC DSC 2.365.060(F), which shall be appealable to the county manager. The county manager's decision shall be final.

(Ord. No. 2021 PZ-C-002-21, § 1)

#### 2.365.080 - Authorization.

The various county officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this chapter.

(Ord. No. 2021 PZ-C-002-21, § 1)

#### 2.365.090 - Validity.

Should any provision of this chapter be deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 2021 PZ-C-002-21, § 1)

#### APPENDIX. - SIGN REVIEW COMMITTEE EVALUATION SHEET FOR PC DSC 2.145.150

1.	Placement considerations		
	Are sign(s) visible and readable?		
	Purpose of the sign(s)		

	Location relative to:		
	traffic movement		
	access points		
	site features		
	structures		
	Sign orientation relative to:		
	viewing distances		
	viewing angles		
2.	Quantity considerations		
	Size of development		
	No. of subareas		
	Division/integration of sign functions		
3.	Size considerations		
	Topography		
	Volume of traffic		
	Speed of traffic		
	Visibility range		
	Proximity to adjacent uses		
	Amount of sign copy		
	Placement of display		
	Lettering style		
	Presence of distractive influences		

	50% + maximum height allowed requested		
	25% + maximum area allowed requested		
4.	Material considerations		
	Materials for structure and faces		
	Complementary colors		
	Similarity of architectural style		
	Consistent lettering style		
5.	Context		
	Lettering style		
	Sign placement		
	Architectural style		
6.	Additional considerations		
	A.	Ensure views of or from adjacent properties are not impaired.	
	B.	Ensure the signs do not interfere with public utilities, government uses, transportation, landscaping, or other factors felt relevant by the SRC.	
	C.	Ensure the width of the street, traffic volume, and traffic speed warrant the proposed signage.	
	D.	Ensure the signs do not pose a hazard to public safety.	

(Ord. No. 61862, App.)

Title 3 - SUBDIVISIONS

CHAPTER 3.05. - TITLE, PURPOSE AND ADMINISTRATION



3.05.010. - Title.

These regulations may be cited and referred to as the "Pinal County Subdivision Regulations."

(Ord. No. 120606-SR, § 101)

3.05.020. - Authority.

The Pinal County Subdivision Regulations are authorized by A.R.S. §§ 11-802 and 11-806, and are hereby declared to be in accordance with all provisions of these statutes.

(Ord. No. 120606-SR, § 102)

3.05.030. - Jurisdiction.

- A. These regulations shall apply to all subdivisions of land as defined herein, located within the unincorporated areas of Pinal County, Arizona (the "county").
- B. No land shall be considered subdivided within the unincorporated areas of the county until the subdivider or his agent complies with these regulations; obtains approval of the final plat by the board of supervisors (the "board"); and until the final approved plat is filed with and recorded by the office of the county recorder of Pinal County, Arizona.

(Ord. No. 120606-SR, § 103)

3.05.040. - Purpose.

The purpose of these regulations is to provide for the orderly growth and harmonious development of Pinal County; to be in conformance with the intent of the Pinal County comprehensive plan; to preserve, promote and protect the health, safety, convenience and general welfare of the public; to foster healthy and highly livable neighborhoods; to regulate the subdivision of all lands within the unincorporated area of Pinal County; to set minimum requirements and standards for improvements; to secure adequate traffic circulation through coordinated street systems in relation to existing or planned streets, highways or bicycle facilities; to provide for the proper arrangement of hiking and equestrian trails in relation to existing or planned streets; to achieve individual property lots of reasonable utility; to secure adequate provisions for water supply and distribution; to ensure installation of streets, utilities, drainage, flood control and improvements meeting established minimum standards of design and construction; to consider adequate sites for schools, parks and recreation areas, and other public facilities; to promote conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

(Ord. No. 120606-SR, § 104)

3.05.050. - Pending applications.

All applications for subdivision approval that have been accepted as complete, including tentative or final plats, and are under county review on the effective date of the ordinance codified in this title shall be reviewed under county regulations existing at the time of acceptance, except that these regulations will apply if, during plat review, any approvals lapse or processing deadlines expire.

(Ord. No. 120606-SR, § 105)

3.05.060. - Administration.

The planning director is hereby authorized to accept and process tentative plats in accordance with these regulations. The planning and zoning commission (the "commission") is hereby authorized to act on tentative plats in accordance with these regulations. The county planning director shall collect and distribute input from the county engineer, the county public works department, environmental health department and any other county department whose input is deemed necessary by the commission or the board. The planning department is hereby charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.

(Ord. No. 120606-SR, § 106)

3.05.070. - Subdivision and infrastructure design manual.

- A. A companion Pinal County Subdivision and Infrastructure Design Manual, hereinafter referred to as the "design manual" may be adopted separately by resolution of the Pinal County board of supervisors after 15-day notice and a public hearing. The design manual may include standards of uniform application regarding requirements for streets, storm drains, water systems, wastewater systems, traffic signals, signs, hillside development and installation of underground utilities in dedicated right-of-way for subdivision plats within Pinal County's area of jurisdiction.
- B. Upon recommendation by the county engineer, the design manual may be subsequently amended by a resolution of the Pinal County board of supervisors after 15-day notice and a public hearing. The design manual will not be published as part of the Pinal County subdivision regulations, but shall be published as a separate document. Copies of the design manual will be available for inspection and purchase at the Pinal County Development Services Counter.

(Ord. No. 120606-SR, § 107)

3.05.080. - County subdivision processing fees.

The submission of tentative plats, final plats and requests to initiate other procedures under these regulations shall include payment to Pinal County of fees for processing and review services performed by various county departments according to the adopted planning and development services and public works fee schedules.

(Ord. No. 120606-SR, § 108)

3.05.090. - Notice to subdivider.

Reference in these regulations to any type of notice to subdivider means subdivider or subdivider's agent.

(Ord. No. 120606-SR, § 109)

3.05.100. - Interpretation, conflict, and severability.

- A. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum standards and requirements for the promotion of the public health, safety, and general welfare. The planning director is responsible for the interpretation of the intent and application of these regulations. Appeals to the planning director's interpretation may be filed in accordance with chapter 3.60 PCDSC.
- B. *Conflict.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of law, the provision that is more restrictive or imposes higher standards upon the development and use of land shall control.

C. *Severability*. If any section, subsection, sentence, clause, phase, term, part or provision of these regulations or the design manual or application thereof to any person or circumstances is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall be confined in its operation to the section, subsection, sentence, clause, phase, term, part or provision or application directly involved in the controversy and such decision shall not affect or impair the constitutionality or validity of the remaining portions of these regulations or the application thereof to other persons or circumstances.

(Ord. No. 120606-SR, § 110)

#### 3.05.110. - Amendment of subdivision regulations.

For the purpose of providing for the public health, safety and general welfare, the board may from time to time amend the provisions imposed by these regulations in accordance with Arizona Revised Statutes.

(Ord. No. 120606-SR, § 111)

#### 3.05.120. - Permits.

No permits for grading, clearing, building, or installation of improvements shall be issued for property that is the subject of a subdivision application, unless approved by the building official and county engineer as applicable.

(Ord. No. 120606-SR, § 112)

### CHAPTER 3.10. - DEFINITIONS

#### 3.10.010. - General rules.

For the purpose of these regulations, and when not inconsistent with the context:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural.
- C. Words in the plural shall include the singular.
- D. Words in the masculine gender shall include the feminine gender, corporate or other form.
- E. The word "shall" is mandatory and not discretionary.
- F. The word "may" is permissive.
- G. The particular controls the general.
- H. Enumeration is not limited.
- I. The word "herein" means "in these regulations" and the word "regulations" means "these regulations."
- J. The word "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club.
- K. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(Ord. No. 120606-SR, § 201)

#### 3.10.020. - Definitions.

For the purpose of these regulations, certain words, phrases, terms, and abbreviations shall have special meaning as defined herein, unless the context requires otherwise:

*Access, all-weather*, means roadway access that is constructed in conformance with the requirements of the design manual and provides access during certain weather events.

*Access, paved*, means permanent, legal, usable and physical access, including ingress and egress from the subdivision, to any public roadway, that conforms to the design manual.

*Access, permanent*, means perpetual legal, usable and physical access to and from the subdivision to any public roadway.

*ADEQ* means the Arizona Department of Environmental Quality.

*Board* means the board of supervisors of Pinal County.

*Clerk of the board* means the clerk of the Pinal County Board of Supervisors.

*Commission* means the Pinal County Planning and Zoning Commission.

*Common elements* means, in accordance with A.R.S. § 33-1202, all portions of a condominium other than the units.

*Common elements, limited*, means a portion of the common elements specifically designated as a limited common element in the declaration and allocated by the declaration or by operation of A.R.S. § 33-1212, or its successor, for the exclusive use of one or more but fewer than all of the units.

*Contiguous* means lots, parcels or fractional interests that share a common boundary line greater than eight feet in length.

*County* means Pinal County, a political subdivision of the State of Arizona.

*County building code* means the Pinal County Building Code, as amended from time to time.

*County engineer* means the Pinal County Engineer or designee.

*County recorder* means the recorder of Pinal County, Arizona.

*County reviewing departments* means county department of planning and development services, county department of public works, county environmental health department, and any other county department the commission and/or board determine to be applicable.

*County zoning ordinance* means Pinal County Zoning Ordinance as amended.

*Design manual* means the Pinal County Subdivision and Infrastructure Design Manual.

*Engineer of record* means the Arizona-registered engineer who signs and seals plans, taking responsibility for the project's design.

*Engineer's opinion of probable cost* means a certified estimate of construction costs for all required improvements, including a contingency amount.

*Exception* means any parcel of land located within the boundaries of a subdivision that is not included as a part of the plat.

*Fractional interest* means an undivided interest in improved or unimproved land, lots or parcels of any size created for the purpose of sale or lease and evidenced by any receipt, certificate, deed or other document conveying such interest. Undivided interests in land, lots or parcels created in the names of a husband and wife as community property, joint tenant or tenants in common, or in the names of other persons who, acting together as part of a single transaction, acquire such interests without a purpose to divide such interests for present or future sale or lease shall be deemed to constitute only one fractional interest.

*Lot, hillside*, means any lot or portion of a lot where the terrain has a natural cross-slope of greater than 15 percent (for example, 15.1 percent).

*Master drainage report* identifies current and anticipates potential future drainage problems, and generates development guidelines to alleviate potential flooding problems. Flooding solutions will include drainage design policies, standards, and guidelines.

*Owner* means the person or persons holding title by deed to land or condominium unit.

*Person* means any individual, corporation, partnership, or company and any other form of multiple organizations for carrying on business, foreign or domestic.

*Planning department* means Pinal County Department of Planning and Development Services.

*Planning director* means the duly appointed director of the Pinal County Department of Planning and Development Services or his duly authorized representative.

*Planning staff* means the staff of the Pinal County Department of Planning and Development Services.

*Plat* means a map of a subdivision that includes a tentative or final subdivision or replat.

*Plat, final*, means a map of all or part of a subdivision providing substantial conformance to a conditionally approved tentative plat, prepared in accordance with these regulations and approved by the board before recordation.

*Plat, recorded*, means a final plat approved by the board and bearing all of the certificates of approval required in these regulations and duly recorded in the Pinal County Recorder's Office.

*Plat, tentative*, means a preliminary map, including supporting data, of all or part of a proposed subdivision, prepared in accordance with these regulations.

*Public roadway* means a public right-of-way and/or easement owned by, or reserved to, the public for present or future public use.

*Public works department* means the Pinal County Department of Public Works.

*Public works director* means the Pinal County Public Works Director or his designee.

*Regulations* means the Pinal County Subdivision Regulations.

*Replat* means a map indicating the replacement of all or a portion of an existing, recorded subdivision plat with a new and different subdivision plat.

*Resubdivision* is another term for a replat.

*Sight visibility triangle easement (SVTE)* means an easement on private property adjacent to a street intersection that remains clear of any visual obstructions in order to provide reasonable visibility for roadway users.

*State* means the State of Arizona.

*Storm drain* means a constructed conduit necessary, useful or convenient for the collection and carrying of surface waters to a drainage course.

*Street, local service or local access*, means that part of a major street right-of-way, existing or proposed, separated from the main flow of through traffic and designated exclusively or primarily to provide access to abutting properties.

*Street, major*, means such major street, highway, thoroughfare, parkway or boulevard and all section lines so designated on the comprehensive plan.

*Street, perimeter*, means any existing or proposed street to which the land to be subdivided abuts on only one side.

*Subdivider* means the person, firm, corporation, partnership, association, syndicate, trust or other legal entity that makes application and initiates proceedings for the subdivision of land in accordance with these regulations, not including any authorized agent, professional engineers, licensed surveyors, attorneys, planners, or other professionals engaged to perform work for others pursuant to the requirements of law; or a public agency or officer authorized by law to create subdivisions.

*Subdivision* means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests. The term "subdivision" includes a stock cooperative, lands divided or proposed to be divided as part of a common promotional plan and residential condominiums and does not include the exceptions as listed in A.R.S. § 32-2101.

*Subdivision, hillside*, means a subdivision, or any portion of a subdivision, located on natural terrain having a natural cross-slope greater than 15 percent (for example, 15.1 percent).

*Tentative plat, conditionally approved*, means a tentative plat with conditional approval. (See *Plat, tentative*, for definition of a tentative plat).

*Tract* means a defined area of land created during subdivision for a specific purpose such as retention, open space, etc.

*Traffic impact analysis* means a report that assesses the impact of a proposed development on the transportation system.

*Water, nonpotable*, means water that does not meet Federal Environmental Protection Agency drinking water standards for human consumption.

*Water, potable*, means water that meets Federal Environmental Protection Agency drinking water standards for human consumption.

(Ord. No. 120606-SR, § 202)

## CHAPTER 3.15. - GENERAL REQUIREMENTS AND PROCEDURES FOR SUBMITTAL OF PLATS

### 3.15.010. - Purpose.

This chapter establishes general requirements and procedures for the submission of tentative and final plats for subdivisions.

(Ord. No. 120606-SR, § 301)

### 3.15.020. - Approval.

Before any land is subdivided, the subdivider shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations. It is the responsibility of the subdivider to comply with these regulations and other applicable laws and ordinances.

(Ord. No. 120606-SR, § 302)

### 3.15.030. - Compliance with zoning.

All proposed subdivisions shall be designed to meet the requirements for the zoning district within which it is located and all lots shall be consistent with the zoning requirements. Approvals may be required for zoning, rezoning, planned area development, or use permits. Processes for these approvals are separate from these regulations. The commission and the board shall not take any action on a tentative plat or a final plat until action has previously been taken on these issues, unless otherwise stated in these regulations. Action on a tentative or final subdivision plat shall be placed on an agenda subsequent to zoning, planned area development or use permit approval.

(Ord. No. 120606-SR, § 303)

3.15.040. - Preapplication stage.

- A. *Tentative plat preapplication review.* Since compliance with county ordinances and regulations is required for the tentative plat, it is required that the subdivider review the initial design concept for the subdivision with the planning department and the public works department prior to preparation of a tentative plat. A preapplication review meeting will be scheduled at which the subdivider will present to the planning and public works departments a general outline of the subdivider's proposal, which shall include sketch plans and concepts regarding land use, street and lot arrangement, lot sizes, open space and tentative proposals regarding utilities, grading and drainage, stormwater retention and street improvements. At the review meeting, the subdivider must submit copies of all documents relating to any planning and zoning actions including comprehensive plan amendments and planned area developments (PADs), and any development agreements in place for the subject property. The purpose of the preapplication review meeting is to provide to the subdivider general information on the purpose and effect of these regulations, the county comprehensive plan, zoning, and municipal and other county planning, engineering, drainage, sewage, water systems, flood control and similar standards, requirements and plans while the subdivider's plans are still being formulated.
- B. *Subdivision planning.* In addition to the general subdivision design standards contained in chapter 3.35 PCDS, some of the factors to be considered by the subdivider in planning a subdivision are as follows:
1. Need for additional residential sites in the area;
  2. Type of homes to be built;
  3. Lot sizes most adaptable to the use proposed;
  4. Areas to be reserved for nonresidential use;
  5. Special scenic locations or areas of historical or archaeological importance which need to be reserved;
  6. School sites;
  7. Parks, trails and recreation facilities that are needed;
  8. Access features which may be desirable along major arterial and collector streets;
  9. Areas subject to flooding;
  10. Suitability of land for the proposed development;
  11. Water, sanitary sewer, solid waste disposal, storm sewer, electric and gas utility services to be provided;
  12. Fire and police protection; and
  13. Integration of the subdivision with existing and proposed development.

(Ord. No. 120606-SR, § 304)

3.15.050. - Tentative plat.

The tentative plat process for the subdivision of land includes detailed subdivision planning by the subdivider; application submittal; review of the plat by the planning department, other county departments, agencies and interest groups; and conditional approval by the commission.

- A. *Initiation of tentative plat process.* To initiate the tentative plat process, the subdivider shall cause to be filed with the planning department the following:
1. Application for conditional approval of tentative plat, on forms provided by the county. If applicant is not the property owner, application must be accompanied by a notarized statement from the property owner that he consents to the filing of the application and the proposed subdivision of land;
  2. Eight prints of the tentative plat;
  3. It is the responsibility of the subdivider to determine the location of the proposed subdivision relative to municipal boundaries and municipal planning areas and to include such documentation with the plat submittal;
  4. Filing fee, as set forth in the planning and development services and public works fee schedules;
  5. Additional related data, documents or exhibits as specified in chapter 3.20 PCDSC; and
  6. If subdivider is to be represented by an agent, a written, notarized letter of authorization for said agent from the subdivider must be on file with the planning department prior to appearance of subdivider's agent at any commission or board meeting on behalf of the subdivider. The notarized letter of authorization shall state the extent of the agent's authority.
- B. *Acceptance for processing.* The tentative plat application will not be considered accepted for processing until all required information as described in these regulations is provided to the planning director and appropriate fees are paid. If the tentative plat application does not meet the requirements of these regulations, the planning director shall inform, in writing, the subdivider or subdivider's agent of the corrections necessary and return the application and all materials to the subdivider.
- C. *Subdivision coordinating committee.* A subdivision coordinating committee comprised of representatives from county reviewing departments, applicable agencies and utility and service providers is hereby established. Membership of the committee is composed of those departments and agencies listed in PCDSC [3.15.120](#) and [3.15.130](#). The purpose of this committee is to review and resolve with all affected parties technical issues and problems with the proposed subdivision before review and conditional approval by the commission. The subdivider or his representative is required to attend the subdivision coordinating committee meeting. More than one subdivision coordinating committee meeting may be required.
1. County representatives shall provide, at a minimum, written, preliminary review comments and recommendations on tentative plats at the time of the subdivision coordinating committee meeting.
  2. Applicable agencies, and utility and service providers are invited to submit comments and recommendations and requested to send a representative to the subdivision coordinating committee. Comments and recommendations are requested to be submitted five days before the meeting.
- D. *Review.* Upon acceptance of the tentative plat application for processing, the planning director shall assign a case number to the application, forward copies of the tentative plat and supporting documents to the county reviewing departments and applicable agencies and interest groups as set forth in these regulations, and schedule the tentative plat for review at the next available subdivision coordinating committee meeting. The subdivision coordinating committee meeting shall be scheduled no sooner than 14 calendar days after the distribution of



copies of the tentative plat and supporting documents. The planning department, county reviewing departments and applicable agencies shall review the tentative plat and related data, documents and exhibits for conformance to these regulations as it relates to those requirements within their jurisdiction.

E. *Revisions.* If the planning director, based on departmental and agency review comments, finds that the tentative plat or supporting information does not conform to the requirements of these regulations, then notice requesting revisions to the tentative plat or related data, documents or exhibits, shall be sent to the subdivider. Needed revisions shall be made in the form of a revised tentative plat that is submitted to the county for further review. The revised tentative plat will not be scheduled for commission review until the revised plat submittal is reviewed and determined in compliance with these regulations.

1. If tentative plat revisions are initiated by the subdivider, review of the revisions shall be subject to additional plat review fees in accordance with adopted planning and development services and public works fee schedules.
2. All subsequent submittals of a revised tentative plat or related data, documents or exhibits, other than a revised second submittal as requested by the planning director (i.e., third, fourth, etc., reviews), prior to tentative plat conditional approval, must be accompanied by the appropriate fees for processing and review.

F. *Compliance.* The tentative plat will not be scheduled by the planning director for review before the commission unless:

1. It contains all the required information;
2. Written responses have been received from county departments with representatives on the subdivision coordinating committee; and
3. The tentative plat is in satisfactory form.

Scheduling of a tentative plat for commission review will additionally be dependent upon adequacy of information presented and completion of review by all agencies concerned.

G. *Commission meeting.* The planning director shall prepare a comprehensive report, including comments and stipulations from the subdivision coordinating committee, and reviewing departments and agencies, for presentation to the commission. The planning director shall submit the report and tentative plat for review and action at the commission's next regularly scheduled meeting; provided, that at least six days' prior notice has been given to the subdivider or his agent of the date and time of the meeting or the notice time period has been waived in writing by the subdivider or his agent. The planning director shall transmit the report and stipulations to the subdivider at least six days prior to the commission meeting. The subdivider or his agent and his engineer shall be present at the meeting.

H. *Commission action.*

1. *Findings.* The commission shall hear and consider all evidence relating to the tentative plat and make findings as to the conformity of the tentative plat with these regulations. The commission may request changes to the type and extent of improvements to be made. The commission shall consider the following criteria in conditionally approving or denying a tentative plat. The commission may consider other criteria in addition to the criteria listed below, and may deny approval of a tentative plat if conformance is not found with one or more of the following:
  - a. Whether the proposed subdivision is consistent and in conformance with the Pinal County subdivision regulations and other applicable ordinances and regulations.
  - b. Whether the proposed subdivision is consistent with the approved zoning or planned area development (PAD), if applicable.

- c. Whether the design of the proposed subdivision is suitable to the environment or causes substantial environmental damage or presents serious public health problems.
  - d. Whether the design of the proposed subdivision is compatible with the physical features of the site including, but not limited to, natural slopes greater than 15 percent, floodplains and habitat areas.
  - e. Whether the proposed subdivision will have adequate permanent access.
  - f. Whether the proposed subdivision will place an unreasonable burden on the ability of the county or other local governments to provide for streets, water, sewage, fire, police, hospital, solid waste, education, housing, recreation and other services, that is not offset by improvements associated with the proposed subdivision.
  - g. Whether the design of the proposed subdivision promotes the safety, health, and general welfare of the public.
2. *Action by the commission.*
- a. The commission may take any of the following actions on a tentative plat application:
    - i. Continue the matter pending:
      - (A) Specific revisions to the tentative plat, or its supporting documentation; or
      - (B) The provision of additional information deemed relevant to compliance with these regulations and the findings listed herein;
    - ii. Conditionally approve the tentative plat; or
    - iii. Deny the tentative plat.
  - b. If the tentative plat is conditionally approved, a notation of conditional approval shall be stamped on three copies of the tentative plat and the conditions of approval shall be part of the notation. One copy shall be returned to the subdivider, one copy shall be retained by the public works department, and one copy retained in the permanent file of the planning department.
  - c. If the tentative plat is denied, the commission shall state on the record the reasons for denial, including citation of or reference to the provision or regulation with which the plat fails to comply. The planning director shall return a copy of the plat and the commission's findings to the subdivider.
  - d. If the commission is unable to make findings to conditionally approve or deny the tentative plat because additional information is necessary, the commission may continue the review on the tentative plat to the commission's next regularly scheduled meeting or other such meeting as appropriate.

(Ord. No. 120606-SR, § 305)

### 3.15.060. - Appeals.

The subdivider may appeal as provided for in chapter 3.60 PCDSC to the board any action of the commission with respect to the tentative plat.

(Ord. No. 120606-SR, § 306)

### 3.15.070. - Authorization to proceed with preparation of final plat.

The commission's tentative plat conditional approval and completion of conditions as determined by the planning director, constitutes authorization for the subdivider to proceed with the preparation of the final plat and the improvement plans following the layout and specifications of the conditionally approved tentative plat. Conditional approval of a tentative plat does

not constitute approval of the final plat and is not a guarantee that a final plat will be approved.

(Ord. No. 120606-SR, § 307)

3.15.080. - New filing following denial.

In the event a tentative plat is denied, any new filing of a plat for the same parcel, or any part thereof, may be no sooner than six months from the date of denial. A substantially different tentative plat, or one that sufficiently addresses the issue causing denial, as determined by the planning director, may be filed without delay. Any new filing shall follow the normal tentative plat procedure and be subject to the current subdivision regulations at the time of filing and to the required fees.

(Ord. No. 120606-SR, § 308)

3.15.090. - Withdrawal by subdivider.

A subdivider may withdraw the tentative plat at any time prior to and at the time of a commission meeting on the tentative plat, by filing a written statement to such effect with the planning director. Refiling after withdrawal shall follow the aforementioned tentative plat procedure and be subject to the required fees.

(Ord. No. 120606-SR, § 309)

3.15.100. - Conditional approval effective one year; extensions.

Conditional approval of the tentative plat is valid for a period of one year from the date of conditional approval by the commission. If the final plat is not submitted to the county within that period, the conditional approval of the tentative plat shall expire. The subdivider shall then be required to file a new tentative plat subject to the current subdivision regulations and other applicable county ordinances and regulations. Prior to expiration and upon written request for extension by the subdivider filed with the planning director, conditional approval of the tentative plat may be extended for additional one-year periods. The total conditional approval time period, including extensions, shall not exceed four years from the original date of conditional approval by the commission. Such extensions may be granted by the planning director if the subdivider is actively processing the final plat and if, in the opinion of the planning director, there has been no change in conditions within or adjoining the tentative plat that would warrant a revision in the design of the original or extended tentative plat.

(Ord. No. PZ-C-001-17, § 1; Ord. No. 120606-SR, § 310)

3.15.110. - Final plat.

The final stage of land subdivision includes submittal for approval of the final plat to the planning department; review by the appropriate county departments and agencies; board action; and if approved, recording of the final plat with the county recorder.

- A. *Final plat preparation.* Before the issuance of any building permit, the subdivider shall cause to be prepared a final plat as specified in chapter 3.20 PCDS, and in substantial compliance with the conditionally approved tentative plat and in a form for recording, as hereinafter provided in chapter 3.20 PCDS.
- B. *Initiation of final plat process.* To initiate the final plat process, the subdivider shall file with the planning director the following:
  1. Three copies of the final plat;
  2. Related data, documents or exhibits as specified in chapter 3.20 PCDS;

3. Final plat filing fees, as set forth in the planning and development services and public works fee schedules; and
  4. Documentation from the subdivider itemizing the revisions stipulated by the conditionally approved tentative plat and an explanation of how those revisions were addressed by the subdivider.
- C. *Acceptance for processing.* The final plat will not be considered accepted for processing until all required information as described in these regulations is provided to the planning director and appropriate fees are paid. If the final plat is not in complete conformance with the conditionally approved tentative plat, or if the final plat application does not meet the requirements of these regulations, the planning director shall inform in writing the subdivider or subdivider's agent of the corrections necessary and return the final plat and all materials to the subdivider.
- D. *Departmental review.* Upon acceptance of the final plat for processing, the planning director shall immediately transmit copies of the final plat, improvement plans and all submitted documents to the county reviewing departments and applicable agencies. The planning department, county reviewing departments and applicable agencies shall review the final plat and submitted documents for matters within their jurisdictions. Said departments and agencies shall transmit their final plat comments in writing to the planning director for distribution to the subdivider. Comments on improvement plans and other documents under review will be distributed to the subdivider by the public works department.
- E. *Revisions.* If revisions are necessary to the final plat based on reviews by the county department or the applicable agencies, a revised final plat and a transmittal reflecting those changes shall be submitted to the planning director for review.
1. If the final plat revisions are initiated by the subdivider, review of the revisions shall be subject to additional plat review fees in accordance with adopted planning and development services and public works fee schedules.
  2. All subsequent submittals of the revised final plat or related data, documents or exhibits, other than a revised second submittal as requested by the planning director (i.e., third, fourth, etc., reviews), prior to final plat approval must be accompanied by the appropriate planning and development services and public works fees for processing and review.
- F. *Board meeting.*
1. If the final plat conforms in all respects to the conditionally approved tentative plat and, upon receipt of all comments and recommendations from reviewing departments and agencies, the planning director shall prepare a summary report, including said recommendations, on the final plat for presentation to the board. The planning director shall transmit the report and final plat to the board for review and action at its next regularly scheduled meeting; provided, that at least seven days' notice has been given to the subdivider of the date and time of the meeting. The planning director shall transmit the summary report and any stipulations of approval to the subdivider at least five days prior to the board meeting.
  2. The subdivider and his engineer shall be present at the meeting.
- G. *Board action.* The board may approve the final plat, if the board determines the following:
1. The final plat is in compliance with the conditionally approved tentative plat and all conditions related thereto, if any.
  2. The final plat is in conformance with the requirements of these regulations and all other applicable county ordinances and regulations.
  3. The assurances for the improvements have been filed with the county engineer and meets with the board's approval.

4. The subdivision plat promotes the health, safety, and general welfare of the public.
- H. *Board rejection.* If the board determines the final plat is not in conformance with the provisions of subsection G of this section, it shall reject the final plat, express its reasons for the rejection within the minutes of the meeting, and instruct the planning director to attach a copy of that portion of the minutes to the plat and return the plat to the subdivider.
- I. *Signature and recording of final plat.*
  1. Upon approval of the final plat by the board, the chairman of the board shall have the authority to sign the endorsement of approval on the final plat Mylar and the clerk of the board shall attest such action upon the final plat.
  2. After assurances have been received as required in these regulations, the final plat approved by the board and signed by the chairman of the board, will be transmitted by the planning director to the county recorder's office for recording. The subdivider shall be responsible for recording fees.

(Ord. No. 120606-SR, § 311)

3.15.120. - List of county reviewing departments.

The following county departments are included in the distribution and review of tentative and final subdivision plats:

- A. Planning department;
- B. Public works department;
- C. Environmental health department;
- D. Parks and recreation department; and
- E. Any other county department deemed applicable by the planning director, commission or the board.

(Ord. No. 120606-SR, § 312)

3.15.130. - List of reviewing agencies.

Agencies or interest groups that may be determined by the planning director, commission or the board to be "applicable agencies" for review purposes include, but are not limited to, the following:

- A. Pinal County Flood Control District;
- B. All interested utilities;
- C. Any city, county, or incorporated town within a three-mile radius, or, if subdivision is within an established municipal planning area;
- D. Arizona Department of Transportation if subdivision is adjacent to a state highway;
- E. School district in which proposed subdivision is located;
- F. Fire district in which proposed subdivision is located;
- G. U.S. Forest Service if subdivision is adjacent to forest land;
- H. Appropriate homeowners association;
- I. Military bases;
- J. U.S. Army Corps of Engineers;
- K. Federal Bureau of Reclamation;
- L. Natural Resources Conservation Service;

- M. Arizona State Land Department or Federal Bureau of Land Management, if subdivision is adjacent to state or federal lands;
- N. Federal Aviation Administration, if subdivision is in close proximity to an airport;
- O. State Historic Preservation Office (SHPO), if appropriate;
- P. Any special district close to proposed subdivision, i.e., irrigation district;
- Q. Flood protection district;
- R. Any private entity that provides or intends to provide service to the subdivision; and
- S. Any other agency or interest group deemed applicable by the planning director, commission or board.

(Ord. No. 120606-SR, § 313)

#### 3.15.140. - Development of forms, permits.

The county reviewing departments may develop such forms, checklists, guidelines, permits, etc., as needed to carry out the intent of these regulations.

(Ord. No. 120606-SR, § 314)

### CHAPTER 3.20. - SPECIFICATIONS FOR TENTATIVE AND FINAL PLATS

#### 3.20.010. - Design manual.

In addition to the specifications found in this chapter, the required plat information shall be as specified in the design manual. The design manual is adopted and amended in accordance with chapter 3.05 PCDSC.

(Ord. No. 120606-SR, § 401)

#### 3.20.020. - Tentative plat additional data.

Additional related data, documents or exhibits to be submitted with the tentative plat, as applicable, include:

- A. *Zoning and PAD*. Provide a copy of the board resolution and the ordinance that rezoned the property, together with any stipulations for any zoning or rezoning case, including any board-approved planned area development (PAD) that applies to the subject property in whole or in part.
- B. *County comprehensive plan and area plans*. Submit a copy of any adopted comprehensive plan amendments, area, community, village, neighborhood, special area or other land use plans that include the subject property.
- C. *Development agreements*. Submit a copy of any board-adopted development agreements that affect the subject property.
- D. *County action*. Provide a copy of official documentation for any county action connected to the subdivision development.
- E. *Preliminary drainage report*. Three copies of a preliminary drainage report in accordance with current public works requirements and the current version of chapter 8.05 PCDSC, drainage, shall be submitted.
- F. *Preliminary traffic impact analysis (TIA)*. Three copies of a preliminary traffic impact analysis per the Pinal County transportation plan, and completed by an independent traffic engineer registered in the State of Arizona shall be submitted for review. The traffic impact analysis shall be in accordance with the Pinal County Department of

Public Works Regulations and Standards.

- G. *ALTA/ACSM survey*. A current ALTA/ACSM survey shall be submitted.
- H. *Computer disk*. Provide one disk with a digital drawing of the tentative plat in either AutoCAD dwg or dxf format or other format deemed acceptable by the county engineer, to be submitted with the application for tentative plat. Data layers required on the disk include: lot lines, lot numbers, rights-of-way, all dimensions, street names, section lines and subdivision perimeter boundary.
- I. *CC&Rs*. Copy of preliminary draft of protective covenants, conditions, and restrictions (CC&Rs), if any.
- J. *Refuse disposal*. A service agreement letter or tentative service agreement letter from the refuse disposal provider to serve the proposed subdivision.
- K. *Street names*. Proposed street names for all new streets shall be labeled on the tentative plat. Further, a list of the proposed subdivision street names for the final plat shall be submitted. Proposed names will be checked for duplication, correct usage, and compliance with chapter 12.05 PCDSC, street naming and property numbering. Proposed non-English language street names will be checked for correct syntax and appropriate usage.
- L. *Lot numbering*. In numbering lots on the tentative plat, the following rules shall be adhered to:
  - 1. Each lot shall be designated by an Arabic numeral.
  - 2. If block designations are not used, numbering shall be in consecutive sequence beginning with the number "1" and said numbering shall follow in a continuous fashion.
  - 3. When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the number "1" for each block.
  - 4. Tracts shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A."

(Ord. No. 120606-SR, § 402)

### 3.20.030. - Final plat additional data.

Additional and/or related data, documents or exhibits to be submitted with the final plat, unless as otherwise specified below:

- A. *Water source*. A certificate of assured water supply from the Arizona Department of Water Resources or a letter of commitment to supply water to the subdivision from an Arizona Department of Water Resources designated water provider as required by A.R.S. § 45-576.
- B. *Improvement plans*. Two sets of prints of all improvement plans in accordance with required county design standards.
- C. *Off-site improvement plans*. Two sets of prints of all off-site improvement plans in accordance with required county design standards.
- D. *Final drainage report*. Three copies of a final drainage report prepared in accordance with current public works department requirements and the current version of chapter 8.05 PCDSC, drainage, shall be submitted.
- E. *Final traffic impact analysis*. Three copies of a final traffic impact analysis per Pinal County standards, and completed by an independent traffic engineer registered in the State of Arizona shall be submitted. The traffic impact analysis shall be prepared in accordance with Pinal County Department of Public Works Regulations and Standards.
- F. *Geotechnical report*. Two copies of a geotechnical report completed by an independent soils engineer shall be

submitted.

- G. *Stormwater pollution prevention plan.* One copy of a stormwater pollution prevention plan shall be submitted.
- H. *Notarized letter of intent.* Provide a notarized letter of intent addressed to the county engineer as to the tentative date and type of improvements proposed for the subdivision streets.
- I. *Computer boundary closure.* One copy of a computer-based subdivision boundary.
- J. *Assurances.* Assurances, as required in chapter 3.40 PCDSC, shall be posted with the county to assure the installation of specified improvements in compliance with these regulations and other applicable county, state and federal ordinances and regulations, and plans approved by the county engineer.
- K. *Title report.* Title report no more than three months old. The title report will provide a legal description of the property to be subdivided or developed. Copies of all existing right-of-way and easement documents will be attached.
- L. *Street names.* A list of the proposed subdivision street names for the final plat shall be submitted. Previously reviewed and any new proposed names will be confirmed for compliance with chapter 12.05 PCDSC, street naming and property numbering. Proposed non-English language street names will be checked for correct syntax and appropriate usage.
- M. *CC&Rs.* A copy of covenants, conditions and restrictions (CC&Rs) in form for recording shall be provided with the final plat.
- N. *Engineer's opinion of probable cost.* Provide an original sealed, signed and dated estimate of the construction costs for all required improvements including a 30 percent contingency.
- O. *Approved improvement plans and Mylars.* Upon approval by the county engineer, the subdivider shall submit three copies and one Mylar of the approved improvement plans.
- P. *Recording fee.* At the time of recording, the fee for recording the final plat in the form of a check made payable to the Pinal County Recorder.

(Ord. No. 120606-SR, § 403)

#### 3.20.040. - Additional requirements.

All other tentative and final plat specifications and requirements for additional data, documents and exhibits are found in the design manual.

(Ord. No. 120606-SR, § 404)

### CHAPTER 3.25. - HILLSIDE SUBDIVISION REQUIREMENTS

#### 3.25.010. - Purpose and applicability.

The purpose of hillside subdivision requirements is to allow reasonable and beneficial use of private property within areas with a natural cross-slope greater than 15 percent, as identified in the Pinal County Comprehensive Plan, while promoting the public health, safety and general welfare of citizens of Pinal County and maintaining the character, identity and image, such as preserving ridgelines of hillside areas which are seen as valuable scenic resources. The regulations of this chapter shall apply to all parcels or lots where grading is proposed on natural cross-slopes greater than 15 percent. When the parcel of land to be subdivided includes, in whole or in part, terrain having a natural cross-slope greater than 15 percent, design and development of that sloped area shall comply with the provisions of this chapter.



(Ord. No. 120606-SR, § 501)

3.25.020. - Hillside subdivision design.

Planning, platting, and development of hillside portions of subdivisions involve unique conditions that require special design responses by the subdivider. Subdivision design in hillside areas shall include preservation of existing ridgelines and scenic vistas and safe construction of public and private improvements.

(Ord. No. 120606-SR, § 502)

3.25.030. - Hillside plat requirements.

The requirements of this section apply to subdivision plats that contain hillside areas, as defined in PCDCS 3.25.010, and are in addition to the requirements for tentative and final plats set forth in chapters 3.15 and 3.20 PCDCS.

A. *Additional tentative plat requirements.*

1. Topography with a two-foot contour interval showing location of all major and minor washes. The county engineer may determine a one-foot contour interval shall be provided for certain plats. A separate sheet showing proposed contours may also be required if extensive regrading is proposed.
2. All areas with natural cross-slopes greater than 15 percent shall be indicated on the tentative plat.

B. *Additional final plat requirements.*

1. Topography with a two-foot contour interval showing location of all major and minor washes. The county engineer may determine a one-foot contour interval shall be provided for certain plats. A separate sheet showing proposed contours may also be required if extensive regrading is proposed.
2. All areas with natural cross-slopes greater than 15 percent shall be indicated on the final plat.
3. Street profiles, existing and proposed, for all streets.

C. *Special requirements.* In addition to the requirements above, hillside subdivisions are also subject to the special design standards and special construction standards in chapter 7 of the design manual.

D. *Plat processing time.* Due to the unique character of hillside areas, special field and office review by the planning department and the county reviewing departments may be necessary. The subdivider should expect processing time for hillside subdivision plats to exceed that of nonhillside plats.

(Ord. No. 120606-SR, § 503)

CHAPTER 3.30. - CONDOMINIUM SUBDIVISION PLATS

3.30.010. - Additional plat requirements.

The requirements for condominiums set forth in this chapter are in addition to the requirements for tentative and final plats set forth in these regulations.

(Ord. No. 120606-SR, § 601)

3.30.020. - Additional requirements for tentative and final plats for condominiums.

The following information is required on all condominium plat submittals:

- A. Name of the condominium.
- B. The boundaries of the condominium and a legal description of the real estate included in the condominium.
- C. The extent and character of all encroachments onto and from any portion of the condominium.
- D. The location and dimensions of all easements serving or burdening any portion of the condominium.
- E. The location and dimensions of the vertical and horizontal boundaries of each unit with reference to an established datum and each unit's identifying number.
- F. The location and dimensions of all units where the right has been reserved to create additional units or common elements.
- G. The location and dimensions of all real estate subject to the development right of withdrawal identified as such.
- H. The location and dimensions of all units held as a "leasehold condominium."
  - I. The distance between noncontiguous parcels of real estate comprising the condominium.
  - J. The location and dimensions of limited common elements, including porches, balconies, patios and entryways, other than the limited common elements described in A.R.S. § 33-1212(2) and (4) or as may hereafter be amended.
- K. Warranty of title and condominium dedication.

(I/We, the undersigned, hereby warrant that I am the only party/we are all the parties) having any record title interest in the land shown on the plat; and in compliance with the Arizona Condominium Act, A.R.S. title 33, ch. 9 (A.R.S. § 33-1201 et seq.), as amended from time to time, have divided as a condominium: [name of condominium], as shown and platted hereon and hereby publish this plat as and for the plat of [name of condominium]. I/we hereby declare that each unit shall be known by the number given each respectively on this plat and hereby declare that this plat sets forth the boundaries of the condominium and the location and dimensions of the units and of the patios, garages, driveways and garden areas allocated to the exclusive use of one or more units, parking and the common area, as shown on this plat and included in the described premises.

In Witness Whereof, [name of owners of record] have hereunto signed their names this \_\_\_\_ day of \_\_\_\_\_, [year].

_____ [signature]	_____ [date]
_____ [notarization]	

- L. A ratification of condominium subdivision plat and dedications by all other holders of property interest in said subdivision (i.e., trustee, mortgagee, etc.)
- M. Any other matters deemed appropriate by the planning director or county engineer.

(Ord. No. 120606-SR, § 602)

### 3.35.010. - Applicability and purpose.

This chapter establishes the minimum required standards governing the design of subdivisions proposed for property in the unincorporated areas of the county. The purpose of the design standards is to enhance public safety, livability, efficiency and overall quality of residential areas through the application of sound design principles.

(Ord. No. 120606-SR, § 701)

### 3.35.020. - General.

- A. Every subdivision shall conform to the purposes and provisions of the county comprehensive plan, the county zoning ordinance and to all other applicable ordinances and regulations.
- B. These design standards are intended to be used in conjunction with the specifications of the zoning, floodplain, drainage, and other appropriate ordinances of Pinal County and such other agencies as may have jurisdiction.
- C. All subdivisions shall conform to the standards of subdivision design set forth in these regulations.
- D. These standards are the minimum standards required for the subdivision of land.
- E. The planning director, county engineer, commission and the board shall ensure that appropriate provision is made for the harmonious development of the county by requiring:
  - 1. The coordination of proposed streets and circulation systems with existing or planned streets and circulation systems or with other features of the county comprehensive plan;
  - 2. Coordination of travel demand with roadway and circulation system capacity and the timing of planned improvements which creates conditions favorable to public health, safety, welfare and convenience; and
  - 3. Adequate spaces for resident needs such as parks, schools, recreational areas, trails, rights-of-way, etc.
- F. Paved, all-weather, public access shall be provided to and from the subdivision. A minimum of two permanent access points shall be provided for ingress and egress from the subdivision to existing public roads. Approval of adequate access by the county engineer shall be a condition of approval of the plat by the board.
- G. Portions of any contiguous property under the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for any traffic, drainage, recreational open space or flood control facility pertinent to said subdivision.
- H. Portions of property under the ownership of the subdivider, contiguous to the subdivided property but not included within the boundaries of the subdivision, shall be of such size or shape that they conform to existing county zoning standards and could be used for some purpose compatible to surrounding development and meet the specifications of other county ordinances or regulations.
- I. Sustainability of design. The subdivider shall preserve significant and/or unique natural features of the land in the design and layout of a subdivision. Lots and buildings should be oriented to make advantageous use of topographic features, solar access, and scenic vistas.

(Ord. No. 120606-SR, § 702)

### 3.35.030. - Lot design requirements.

This section establishes the general design requirements for subdivision lots.

- A. *Arrangement.* The lot area, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall be

consistent with the zoning requirements, including any applicable planned area development requirements and conform to these regulations and all other applicable county ordinances and regulations.

- B. *Side lot lines.* To the greatest extent practical, side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines.
- C. *Accessibility.* Each lot shall be accessible to the street on which it fronts.
- D. *Minimum size.* Each lot shall be suitable for the purpose for which it is intended and shall contain a usable building site. The area of a lot shall be the area inside the lot boundary line, and shall not include any area designated for street right-of-way.
- E. *Large tracts or parcels.* When the land is subdivided into larger tracts or parcels than ordinary building lots, such tracts or parcels shall be arranged so as to allow for the location of future streets and logical further resubdivision.
- F. *Lot depth and width.* The depth and width of lots shall be adequate to provide for off-street parking.
- G. *Garage setback.* For all lots with street-facing garages, the minimum distance from the back of sidewalk to the face of the garage shall be 20 feet. Side-entry garages may be set back less than 20 feet from the back of sidewalk, if permitted by zoning.
- H. *District/agency boundaries.* No lot shall be designed so as to be split by city, county, school district or other taxing agency boundary lines.

(Ord. No. 120606-SR, § 703)

#### 3.35.040. - Residential design requirements.

The purpose of the residential design standards is to foster the establishment of neighborhoods that avoid the appearance of "mass production," leading to greater diversity, livability and quality of residential development in Pinal County. It is required for new subdivisions in which any lot is 12,000 square feet or smaller.

- A. The front yard setback shall be staggered by a minimum of three feet on every third lot so that the front setback will not be the same for three consecutive homes. Covered porches that extend at least five feet closer to the street than the livable area of the dwelling shall serve to satisfy this requirement.
- B. No more than 75 percent of the homes within each recorded subdivision plat shall be two-story.
- C. No more than three lots in a row or more than 50 percent of the lots along a single side of a street from one intersection to the next shall have street-facing garages flush with or that project in front of the livable space of the dwelling. A cul-de-sac or "eyebrow" shall be considered an intersection. Where a front porch, livable space or courtyard extends five feet or more in front of a street facing garage, the garage shall not be considered to be flush or projecting.

(Ord. No. 120606-SR, § 704)

#### CHAPTER 3.40. - REQUIRED IMPROVEMENTS, FINANCIAL ASSURANCES AND ACCEPTANCE OF IMPROVEMENTS

##### 3.40.010. - Required improvements.

The subdivider shall cause to be installed, without expense to the county, improvements in accordance with the standards and specifications of design and construction of these regulations and all other applicable federal, county, state and local standards, specifications, ordinances, codes and regulations, which improvements include but are not limited to the following:

- A. Street pavement;
- B. Sidewalks;
- C. Curbs;
- D. Gutters;
- E. Traffic signs and pavement markings;
- F. Culverts;
- G. Bridges;
- H. Landscaping;
- I. Water mains, fire hydrants and appurtenances;
- J. Sewers and appurtenances;
- K. Drainage improvements in accordance with the drainage plan approved by the county engineer;
- L. Flood control improvements in accordance with plans approved by the Pinal County flood control engineer;
- M. Electric lines (underground);
- N. Natural gas lines (underground);
- O. Sanitary sewage disposal system; and
- P. Any of the above listed improvements located off the subdivision site.

(Ord. No. 120606-SR, § 801)

3.40.020. - Improvement plans and specifications.

- A. *Submittal.* Prior to the installation of the improvements and before submittal of the final plat to the board, the subdivider shall prepare and submit to the county engineer for review two complete sets of all improvement plans and specifications for all the required improvements within the subdivision. Such plans and drawings shall show the type and location of all proposed and existing improvements and utilities.
- B. *Review fee.* Concurrently with the submission of the improvement plans, the subdivider shall pay to the county a fee, as set forth in the adopted public works fee schedule for the review of all improvement plans and all associated studies, reports and investigations.
- C. *Supplementary engineering studies and tests.* All required supplementary engineering studies, reports and investigations as required by the county engineer shall be submitted for review.
- D. *Engineer's opinion of probable cost.* The opinion of probable costs of the improvements shall include construction costs associated with the improvement plans. It shall be detailed as to quantity and installed unit price per item. The estimate shall include a 30 percent contingency cost component. The estimate shall be reviewed by the county engineer.
- E. *Approval.* The county engineer will review all improvement plans and all associated reports, studies and investigations and may require revisions therein to comply with standards and specifications of these regulations and other applicable laws and county ordinances. After the completion of revisions, if any, the county engineer may require that the engineer's opinion of probable cost be increased to reflect such revisions. The county engineer shall only approve said plans and drawings if the improvements indicated are found to be in conformance with the standards and specifications of these regulations and other applicable laws and ordinances. Submittal of final improvement plans and specifications shall include one Mylar cover sheet and three bond sets for each set of improvement plans. Said approval shall be demonstrated by the signature of the county engineer.

- F. *Qualified registrants.* All required studies, reports, investigations, plans and exhibits shall be prepared, sealed, signed and dated by qualified individuals registered or licensed by the Arizona Board of Technical Registration.
- G. *Modifications or revisions.* In the event it should become necessary for the subdivider to make modifications or revisions to the approved improvement plans or engineering drawings, the subdivider shall submit a set of revised improvement plans for review and reapproval of such modifications. A fee for additional review, as set forth in the adopted public works fee schedule, shall be paid. The county engineer may require that the engineer's opinion of probable cost be increased to reflect the modifications.

(Ord. No. 120606-SR, § 802)

3.40.030. - Completion of improvements.

- A. *County permits.* Prior to performance of any work within any county rights-of-way, subdivider shall obtain the necessary county permits for such work. Building permits will not be issued until a final subdivision plat and improvement plans for all required infrastructure improvements are completed, approved and the final plat is recorded with the Pinal County recorder. Exceptions may be made at the discretion of the building official and planning director for sales offices, model homes and related uses that may be requested by the subdivider prior to final plat approval. Issuance of such exceptional permits, and subsequent investments based on such permits, in no way assures the final plat will be approved.
- B. *State highway, adjacent county or municipality rights-of-way.* Improvements proposed or required on other agencies' rights-of-way shall be included in the improvement plans and engineered and designed to the appropriate agency standards. Prior to approval by the county engineer, the subdivider's engineer shall acquire the agencies' approval of such improvements. Said approval shall be demonstrated by the signature of the approving agency.
- C. *Registered contractors.* Contractors engaged by the subdivider to install the improvements shall be licensed, bonded, insured, and registered as required by the State of Arizona.
- D. *Construction in compliance with specifications.* The obligation of the subdivider to provide the improvements shall include, without limitation, the furnishing of all necessary surveys, engineering drawings, working drawings, inspections and testing, communications with contractors, review and approval of periodic payment estimates and all other services customarily performed by a registered civil engineer providing general supervision of such work. The county shall have no liability or responsibility for any such services. At all times during the progress of construction of the improvements, the subdivider shall permit the county engineer or his duly authorized representatives to inspect any portion thereof. If the county engineer determines that the improvements, or any portion thereof, are not being constructed in accordance with the approved plans and specifications, then the county engineer shall have the right, with or without notice to the subdivider, to stop the work of any contractor until such contractor receives authorization from the county engineer for the resumption of such work.
- E. *Grading and erosion control.* Grading and implementation of measures to control erosion and the ponding of water shall be accomplished at the subdivider's expense, in accordance with the county-approved stormwater pollution prevention plan (SWPPP) and other plans and specifications. Erosion control shall be provided on all undeveloped lots within the subdivision, prior to filing with the county engineer the certificate of completion required in this chapter or the expiration of the time period for installation of the improvements, whichever occurs earlier.
- F. *Maintenance by subdivider.* During the construction phases of development of the subdivision, and prior to acceptance by the county of the improvements, the subdivider shall maintain in good condition and restore all existing improvements to prevent material deterioration thereof, and to ensure that no imminent hazard to life or property exists within the subdivision or areas adjacent thereto.

- G. *Certificate of completion.* Upon completion of the improvements required under this chapter, the subdivider shall file with the county engineer a certificate of completion for each phase of construction. Subsections (H)(1), (2) and (4) of this section shall be certified by a civil engineer, licensed and registered in Arizona, to the effect that all the improvements have been completed in accordance with the requirements, standards and specifications of these regulations and all other applicable laws and ordinances, approved final plat and conditions thereto, if any, and the construction and engineering plans approved by the county engineer upon which the final plat approval was based. Subsection (H)(3) of this section may be certified by a third party (such as a materials testing company). The subdivider shall also furnish to the county engineer one sealed Mylar set of "as-built" engineering plans and one electronic copy of "as-built" engineering plans in a format approved by the county engineer.
- H. *Inspections.* The list of construction phases requiring a separate certificate of completion are as follows:
1. Mass grading;
  2. Underground utilities;
  3. Subgrade under pavement, curb and gutter and sidewalk sections, base course material; and
  4. Concrete structures, sidewalks, curb and gutter, and ADA ramps, drainage structures, asphalt concrete.

The county engineer shall cause an inspection to be performed on the improvements once he receives the certificates of completion and one sealed Mylar set of "as-built" engineering plans. After confirmation that the improvements have been completed or in accordance with the requirements, standards and specifications of these regulations and all other applicable laws and ordinances, approved final plat and conditions thereto, if any, and the construction and engineering plans approved by the county engineer upon which the final plat approval was based, the county engineer shall make a written report on the condition of the improvements to assist the board in its determination concerning the release of assurances and the acceptance of certain improvements into the county maintenance system.

(Ord. No. 120606-SR, § 803)

#### 3.40.040. - Assurances.

- A. *Improvements.* In order to ensure the proper installation of all required improvements by the subdivider, assurances are required for street, sewer, electric and water utilities, drainage, flood control and other improvements meeting established minimum standards of design and construction.
- B. *Types of assurances.* Pinal County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the county attorney and acceptable to the board:
1. Cash or certified check; or
  2. A surety (performance) bond executed by a company authorized and licensed to do business in the State of Arizona and acceptable to the board; or
  3. An irrevocable letter of credit from a financial institution authorized and licensed to do business in the State of Arizona and acceptable to the board; or
  4. Third party trust agreement as long as it meets all the requirements listed below:
    - a. The title to the subdivided property is placed in trust with a third party escrow agency authorized and licensed to do business in the State of Arizona along with an agreement between the subdivider, the trustee and the county that title to any lot or parcel within the subdivision shall not be transferred until written approval is given by the county for the release or partial release of property held in trust. The agreement shall be for an initial term of two years. The board at its sole discretion may grant extensions for additional two-year terms.

The applicant for an extension of the term of the agreement will also be required to seek a waiver from the board of the requirements of subsection (C)(3) of this section which mandate that all required improvements be completed within two years of plat approval.

- b. A maximum of three partial releases may be allowed for each recorded final plat. Each release must be for a minimum of 25 percent of the total number of lots in the subdivision. The board shall not authorize any release until the required improvements, as determined by the board, have been completed. The agreement shall contain a condition authorizing the county to abandon or replat all or a portion of the subdivided property should the required improvements fail to be installed in compliance with the county's subdivision regulations and design manual within the time periods required by the county.
- c. After final plat approval, building permits for up to eight model homes may be issued to the developer prior to completion of all required improvements for each release. A total of 24 model home building permits may be issued per final plat approval. These homes shall not be sold to individual property owners or occupied for residential use until they are in compliance with all county codes and released for sale by the county. Additional model home building permits shall not be issued for subsequent releases until improvements are completed in the previous release.
- d. The subdivider shall record the approved third party trust agreement at the time of plat recordation and note the recording information on the face of the final plat.
- e. A third party trust agreement may be substituted for an existing assurance where no lots have been sold in the subdivision.
- f. A third party trust agreement may also be substituted for an existing assurance where lots have been sold in the subdivision if the subdivision meets the following requirements:
  - i. No lots that have been sold to individual property owners, except bulk sales, are placed in the third party trust.
  - ii. The county engineer approves a sealed opinion from an Arizona-licensed engineer, that all necessary infrastructure for the portion of the subdivision where lots have been sold, including, but not limited to, improvements related to flood control, grading, drainage, roadway and utilities, are in place prior to approval of the third party trust agreement.
  - iii. The planning director determines that all amenities to support the portion of the subdivision where lots have been sold, including but not limited to trails, tot lots, baseball fields and landscaping, have been completed prior to the approval of the third party trust agreement.
  - iv. The board shall hold a public hearing to consider approval of the third party trust agreement.
  - v. The subdivider shall hold a neighborhood meeting, at a location within a five-mile radius of the subdivision, for all lot owners in the subdivision to inform them of the proposed third party trust agreement. The meeting shall be between 5:00 p.m. and 9:00 p.m. on a weeknight or between 8:00 a.m. and 5:00 p.m. on a Saturday. The subdivider shall send mailed written notice at least 15 days before the meeting and it must be held at least 15 days prior to the public hearing at the board. The subdivider shall keep minutes of the meeting and provide an attendance sign-up sheet for the names and addresses of all attendees.
  - vi. When the subdivider commences construction on the infrastructure in order to develop at least 25 percent of the lots in the third party trust, these lots will be removed from the third party trust and cash, bond or letter of credit will be placed as an assurance for these lots.

C. *Documents.* The documents creating such assurances shall, in each case, expressly provide as follows:



1. *Beneficiary.* Pinal County shall be named as a beneficiary of the assurances.
  2. *Allocation.* Shall provide that such funds in the stated amount have been specifically allocated for installation or guarantee against damage of the required improvements.
  3. *Term.* Period within which the required improvements must be completed shall be incorporated into the documents creating the assurances and shall not in any event exceed two years from the date of final plat approval by the board.
  4. *Security amount.* The amount of the appropriate assurances shall be 100 percent of the engineer's opinion of probable cost, including the 30 percent contingency amount, as approved by the county engineer. A later bond or assurance (known as the "ten percent guarantee bond") in an amount of ten percent of the engineer's opinion of probable cost, excluding water, sewer and utility costs, as approved by the county engineer, will be deposited to guarantee against damage by on-site construction for a period of one year after acceptance of the improvements by the board. After completion of one year, satisfactory correction of any damages, and upon inspection by the county engineer, the ten percent guarantee bond may be released.
  5. *Submittal to county engineer.* The assurances shall be submitted to the county engineer and be approved by the county engineer prior to final plat approval by the board.
  6. *Forfeiture.* Provide for its forfeiture in the event the subdivider fails to install the required improvements within the subdivision or off-site improvements in accordance with these regulations and other applicable ordinances and regulations and plans approved by the county engineer within the specified time period approved by the board. The amount of the forfeiture shall be the cost to the county to complete the installation of the improvements to established minimum standards of design and construction in accordance with these regulations.
- D. *Held for safekeeping.* The assurances documents will be held for safekeeping by the public works department until such time when the assurances may be released, or in cases of default, utilized to complete the installation of the required improvements.
- E. *Pavement finishing fee.* The subdivider shall pay to the county a pavement finishing fee (per square yard) as set forth in the public works fee schedule for the purposes of applying a postconstruction, finishing sealant, such as slurry seal, to subdivision streets.
- F. *Release of assurances.*
1. Assurances deposited to ensure installation of required improvements may be released, by the board, upon the completion of all improvements, submittal and acceptance of certified as-built Mylars, acceptance of the pavement finishing fee, posting of the ten percent guarantee bond and acceptance of the improvements by board action.
  2. Assurances deposited to guarantee against damage by on-site construction may be released one year after acceptance of the improvements by the board.
  3. A one-time partial release of assurances will be permitted at not less than 50 percent and no greater than 75 percent of completion of the improvements. There will be an additional administrative charge, as set forth in the public works fee schedule, associated with this partial release.

(Ord. No. 062409-TPTA, §§ 1, 2; Ord. No. 073008-SR.1; Ord. No. 120606-SR, § 804)

#### 3.40.050. - Default.

- A. Subdivider shall be in default if subdivider fails to install the required improvements within the subdivision or off-site improvements in accordance with these regulations and other applicable ordinances, regulations and plans approved

by the county engineer within the specified time period approved by the board.

- B. Upon subdivider's default, the board may, after reasonable notice to the subdivider of said default, declare the assurances forfeited and take whatever steps are within its power to require that compliance is met, and/or make claim to the forfeited securities the subdivider has provided for the improvements. The county may cause the installation of the required improvements, using the proceeds collected from the assurances to defray the expense thereof.
- C. If the assurances are not of an amount sufficient to cover installation of the required improvements, the subdivider shall be responsible for the deficit.
- D. The public works director shall notify the Arizona Real Estate Department of the default.

(Ord. No. 120606-SR, § 805)

#### 3.40.060. - Acceptance of certain dedicated improvements.

##### A. *Board action.*

1. Within one year, which commences from the date of approval of the completed improvements by the county engineer, if it is determined that the streets, bicycle facilities or other ways within the subdivision are still in compliance with the requirements, standards and specifications of these regulations; all other applicable ordinances and regulations; approved final plat and conditions thereto, if any; and construction and engineering plans approved by the county engineer upon which final plat approval was based, and such improvements have not been damaged by construction operations; or if damaged, satisfactorily repaired, the board will accept the streets, bicycle facilities or other ways into the county's maintenance system.
2. Subdivision streets are to be accepted in their entirety as platted for the entire subdivision.
3. The board may approve or deny acceptance of streets, bicycle facilities or other ways within the subdivision into the county's maintenance system.

B. *County maintenance system.* The acceptance of the streets into the county maintenance system does not establish such streets as county highways. Maintenance means maintaining these streets in the same condition as they existed at the time of their acceptance into the county maintenance system. It does not include improvements to these streets.

[C. *Acceptance.*] Acceptance will be by board resolution, and the resolution shall be recorded in the office of the county recorder.

(Ord. No. 120606-SR, § 806)

#### 3.40.070. - Project approval.

The project will not be considered ready for final inspection until all drainage items, grading, and backfill are complete and pavement, curbs and sidewalks swept clean of all dirt and debris. Curbs shall be totally backfilled and neatly dressed to a maximum 4:1 slope. The corrected plans as called for in this chapter must be submitted before final project approval.

(Ord. No. 120606-SR, § 807)

### CHAPTER 3.45. - PLAT AMENDMENTS

#### 3.45.010. - Minor amendments to conditionally approved tentative plats.

At any time after tentative plat conditional approval and before submission of a final plat, the subdivider may request minor amendments be made to the conditionally approved tentative plat.

- A. Minor amendments include but are not limited to corrections of any error in course or distance or other necessary item that was omitted from the conditionally approved tentative plat, corrections to drafting, graphic, technical and similar type errors. The minor amendment process shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the conditionally approved tentative plat. These and all other amendments to the conditionally approved tentative plat shall require the submittal of a revised tentative plat in accordance with chapter 3.15 PCDSC. The planning director shall determine if requested amendments are minor or will require a new tentative plat submittal.
- B. An application to complete minor tentative plat amendments shall be submitted to the planning department together with the amended tentative plat. All amendments or revisions shall be clearly highlighted on the amended plat. The number of copies to be submitted and other submittal requirements shall be determined by the planning director. A processing fee as set forth in the approved planning and development services and public works fee schedules, shall be assessed for all tentative plat amendments initiated by the subdivider.
- C. The planning director shall distribute the minor plat amendments to the appropriate reviewing departments and agencies. After receipt of the department's or agency's comments and recommendations on the amendments, the planning director may approve minor amendments. Such amendments shall be clearly highlighted on the conditionally approved, amended, tentative plat. Such approval shall not be construed as extending the original time frame of the original tentative plat conditional approval or the time within which the final plat must be filed.

(Ord. No. 120606-SR, § 901)

#### 3.45.020. - Minor amendments to recorded plats.

An affidavit of corrections that corrects, amends or modifies a recorded plat shall be recorded as part of the plat.

- A. *Technical changes.* Any plat of a subdivision that has been recorded may be amended to correct a drafting, graphic, technical or similar error, or an error in any course, distance or other necessary item that was omitted from the approved final plat in the following manner:
  - 1. The planning director and county engineer shall review such affidavit of corrections.
  - 2. Two copies of the recorded affidavit of corrections shall be filed with the planning director and one copy with the county engineer.
  - 3. The minor amendment process shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the approved final plat. Such actions necessitate the processing of a replat in accordance with chapter 3.50 PCDSC, replat.

(Ord. No. 120606-SR, § 902)

#### CHAPTER 3.50. - REPLAT

#### 3.50.010. - Replat of recorded subdivisions.

A replat of a recorded subdivision is the resubdivision of a recorded plat.

- A. Any changes in lot lines in a recorded subdivision where there is no change in the location or size of streets, dedicated public lands, reserved school sites, locations or types of open space or the size or arrangement of all or

part of the recorded subdivision shall be processed in accordance with final plat procedures and specifications of these regulations. The subdivider shall submit a final plat drawing with the lot arrangement revised. A preapplication review meeting with the planning and public works staff is required. The plat for the subdivided area is referred to as a minor replat.

- B. Any changes such as, but not limited to, location or size of streets, dedicated public lands, reserved school sites, locations or types of open space or the size or arrangement of all or part of the recorded subdivision shall be processed in accordance with tentative and final plat procedures. The subdivider shall submit a tentative plat drawing for the replatted area. A preapplication review meeting with the planning and public works staff is required. The plat for the resubdivided area is referred to as a major replat.

(Ord. No. 073008-SR.1; Ord. No. 120606-SR, § 1001)

#### 3.50.020. - Abandonment of streets, alleys, or other public areas during replat.

The abandonment of a street, alley, easement, or roadway dedicated in a previously recorded plat shall follow the procedure set forth in chapter 7.10 PCDSC, roadway disposition. The board shall not take any final action on the replat until the abandonment proceeding is completed and recording data noted on the replat.

(Ord. No. 120606-SR, § 1002)

### CHAPTER 3.55. - ABANDONMENT OF SUBDIVISION

#### 3.55.010. - General.

In accordance with Arizona Revised Statutes, all or parts of a recorded subdivision plat may be abandoned. Three types of abandonments may occur: public rights-of-way, subdivisions with prior lot sales, and subdivisions where no lots have been sold.

(Ord. No. 120606-SR, § 1101)

#### 3.55.020. - Abandonment of streets, alleys, easements or roadways.

The abandonment of a street, alley, easement, roadway dedicated in a subdivision plat of record shall follow the procedure set forth in chapter 7.10 PCDSC, roadway disposition.

(Ord. No. 120606-SR, § 1102)

#### 3.55.030. - Recorded subdivision with prior lot sales.

In a recorded subdivision where lots have been sold, no abandonment of the recorded plat shall occur unless written, notarized consents to the abandonment are received from all property owners within the subject subdivision and adjacent property owners are provided access to a public roadway.

(Ord. No. 120606-SR, § 1103)

#### 3.55.040. - Procedure for abandonment.

Procedure for abandonment of a subdivision is subject to the following requirements and considerations:

- A. *Filing and review.* To initiate the procedure, an application for abandonment of a subdivision, describing thereon

the reasons and future use of the affected property, must be filed with the planning director together with a map of the abandonment, letter from utilities consenting to the abandonment, consents of applicable property owners, copy of the previously recorded subdivision plat, a current title report and all other related documents required by the county, and the appropriate processing fees as set forth in the adopted planning and development services and public works fee schedules. Upon acceptance of application for abandonment, the planning department, public works department and other applicable county departments shall review the proposed abandonment. The planning director shall correlate the findings of all applicable departments.

- B. *Map of abandonment (MOA)*. The map of abandonment shall include, at a minimum, the following information:
1. The title "Map of Abandonment of \_\_\_\_\_" shall appear on each sheet that is to be filed for recordation.
  2. All basic criteria in the preparation of a MOA shall apply and all subdivision plat information shall be included.
  3. Indicate those streets, alleys, easements or roadways previously dedicated that will be retained and remain separate from the abandonment.
  4. All necessary acknowledgments and ratifications, and a certification by an Arizona-licensed and registered land surveyor preparing the MOA, including his registration number and seal.
  5. Signature lines for the chairman of the board and the attestation of the clerk of the board.
- C. *Board of supervisors action*.
1. Prior to any board final action on the proposed MOA, the street abandonment procedure shall be completed.
  2. Provision shall be made to retain existing utility easements and necessary roadways, easements and dedication as deemed appropriate by the board or as required by the Arizona Revised Statutes.
  3. No property owner within the subject subdivision or adjacent property owner shall be denied access, totally or partially, by the MOA.

(Ord. No. 120606-SR, § 1104)

## CHAPTER 3.60. - APPEALS, MODIFICATIONS AND WAIVERS

### 3.60.010. - Purpose.

In order to ensure that the application of the requirements contained in these regulations does not prevent reasonable subdivision development that is consistent with the county comprehensive plan, zoning ordinance, and other adopted plans and goals of Pinal County, this chapter provides for appeals, modifications and waivers procedures that may grant relief to the subdivider.

(Ord. No. 120606-SR, § 1201)

### 3.60.020. - Appeals.

- A. The board shall hear and decide appeals taken from any order, requirement, decision, grant or refusal made by the planning director, commission or any official in administration of these regulations.
- B. Appeals shall be made in writing and filed with the planning director within 15 days from the issuance date of the order, requirement, decision, grant or refusal that is being appealed. The written appeal shall set forth the particulars and reasons for the appeal, accompanied by the appropriate processing fee as set forth in the adopted planning and development services fee schedule.
- C. Hearing on such cases shall be at such times as may be set by the board, and upon not less than 15 days' or more

than 30 days' notice to the subdivider, the commission or officials concerned.

(Ord. No. 120606-SR, § 1202)

### 3.60.030. - Modifications and waivers.

- A. Request for modification or waiver to the requirements of these regulations may be made by the subdivider in writing to the planning director. Requests related to public works requirements will be forwarded by the planning director to the county engineer for review and recommendation.
- B. The request shall cite the specific sections to be varied or waived, the exceptional or extraordinary situation or condition for each and every modification or waiver requested and the proposed substitution, if any. When the request is submitted by the subdivider, it must be accompanied by the appropriate processing fee as set forth in the adopted planning and development services and public works fee schedules.
- C. The planning director or the county engineer and other appropriate county reviewing departments shall make a recommendation to the board on requests submitted by the subdivider. The request shall be heard by the board prior to final plat approval by the board. Board action on any modification or waiver request shall be noted in the meeting minutes.
- D. Recommendations by the planning director or the county engineer for either approval or denial of a modification or waiver request shall not suspend review or other recommendations by appropriate agencies.
- E. Upon receipt of the planning director's or the county engineer's recommendation, the board may approve or deny the request for modification or waiver. In approving a modification or waiver, the board may make one of the following findings, or may make other findings as deemed reasonable and consistent with the intent of these regulations:
  1. There are exceptional or extraordinary circumstances or conditions affecting said property whereby the strict application of the regulation enacted herein would result in peculiar and exceptional practical difficulties to the subdivider.
  2. The granting of the modification or waiver will not be detrimental to the public welfare or injurious to other property in the area.
  3. The granting of the modification or waiver will not impair or nullify the intent and purposes of these regulations, the county zoning ordinance or comprehensive plan.

(Ord. No. 120606-SR, § 1203)

## CHAPTER 3.65. - ENFORCEMENT, VIOLATIONS AND REMEDIES

### 3.65.010. - Purpose.

The purpose of this chapter is to set out the procedures and parties responsible for enforcement of these regulations, along with the penalties and remedies for violations.

(Ord. No. 120606-SR, § 1301)

### 3.65.020. - Enforcement.

- A. The board of supervisors, county attorney, county sheriff, planning director, county building official, county recorder and all officials charged with the issuance of licenses or permits shall enforce the provisions of these regulations. Any

permit, certificate or license issued in conflict with the provisions of these regulations shall be void.

- B. Any apparent violations of these regulations shall be brought to the attention of the county attorney for appropriate legal action.

(Ord. No. 120606-SR, § 1302)

#### 3.65.030. - Violations.

- A. No person, firm, corporation, or other legal entity shall, for the purpose of circumventing any of these regulations, or otherwise, hereafter transfer, sell, offer to sell, or divide any lot, piece, or parcel of land which constitutes a subdivision or part thereof, as defined herein, or file a record of survey, map or plat for recording without first having a final plat thereof approved by the board and recorded in accordance with these regulations. Nothing contained in these regulations shall be construed as releasing a subdivider from full compliance with the Arizona Revised Statutes and the rules and regulations of the Arizona Real Estate Department pertaining to the establishment of subdivisions.
- B. No person, firm, corporation, or other legal entity shall take any action regarding a subdivision, developed under these regulations, that violates any provision of these regulations.

(Ord. No. 120606-SR, § 1303)

#### 3.65.040. - Penalty.

Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the board shall be guilty of a Class 2 misdemeanor. In addition, notification of the violation shall be transmitted to the State Real Estate Department by the planning director. Any person, firm, corporation, or other legal entity who violates any provision of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$750.00 or by imprisonment in the county jail for not more than 120 days, or by both such fine and imprisonment, for each offense. Each and every day during which the violation continues is a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations.

(Ord. No. 120606-SR, § 1304)

#### 3.65.050. - Remedies.

- A. If any land is subdivided in violation of these regulations, the board, the county attorney, the planning director or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent such violation or attempted violation and to restrain, correct or abate such violation or attempted violation, or to prevent or abate or remove any such unlawful action, construction, alteration, or use which constitutes a violation.
- B. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or prohibit the enforcement, correction or removal thereof.

(Ord. No. 120606-SR, § 1305)

#### 3.65.060. - Legal procedures.

Any use or development of property contrary to the provisions of these regulations is hereby declared to be unlawful, against the public safety and welfare, and a public nuisance and the county attorney shall, upon order of the board of supervisors, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, injunction and removal thereof in the manner provided by law, shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting up, developing, erecting, building, moving, or maintaining any such building or using any property contrary to the provisions of these subdivision regulations, or otherwise violating these regulations.

(Ord. No. 120606-SR, § 1306)

#### Title 4 - MINOR LAND DIVISIONS

#### CHAPTER 4.05. - MINOR LAND DIVISIONS

##### 4.05.010. - Title.

This chapter shall be known and cited as the "Pinal County Minor Land Division Ordinance."

(Ord. No. 120606-RMLD, § 101)

##### 4.05.020. - Authority.

This chapter is hereby adopted under the authority granted the board of supervisors of Pinal County in A.R.S. § 11-809 and all of A.R.S. title 11, ch. 5, art. 4 (A.R.S. § 11-831 et seq.).

(Ord. No. 120606-RMLD, § 102)

##### 4.05.030. - Purpose.

The purpose of this chapter is to protect public health, safety and welfare by establishing a ministerial review to determine that the division of land into five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size, does not constitute a subdivision and provides for the following:

- A. Minimum applicable zoning requirements;
- B. Legal access;
- C. Physical access that corresponds with the legal access;
- D. Utility easements; and
- E. Identification of site constraints.

(Ord. No. 120606-RMLD, § 103)

##### 4.05.040. - Severability.

Should any article, section or regulation of this chapter be judicially declared unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof, other than the article, section or regulation so declared to be unconstitutional or invalid.



(Ord. No. 120606-RMLD, § 104)

4.05.050. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Access by emergency vehicles* means legal and physical access wide enough for ingress, turnaround and egress by emergency vehicles.

*Board* means the Pinal County Board of Supervisors.

*County* means Pinal County.

*Owner* means the vested fee owner of the property to be divided or the vested fee owner's agent.

*Parent parcel* means the parcel being divided into five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size and is the parcel to be surveyed for the minor land division review by the county.

*Physical access* means an access traversable by a two-wheel-drive passenger motor vehicle.

*Planning department* means the Pinal County Planning and Development Services Department.

*Planning director* means the director of Pinal County Planning and Development Services Department or his designee.

(Ord. No. 120606-RMLD, §§ 201—208)

4.05.060. - Jurisdiction and applicability.

- A. The provisions of this chapter apply to all land divisions of five or fewer lots, parcels or fractional interests, any of which is ten acres or smaller in size, within the unincorporated areas of Pinal County, excluding land governed by tribal authority and lands outside the authority of Pinal County.
- B. This chapter is not intended to prohibit or limit the division of land as authorized and permitted by Arizona Revised Statutes and the Pinal County zoning ordinance and subdivision regulations.
- C. County approval of a land division application under this chapter is not a representation that the division complies with state laws or applicable county ordinances regarding the subdivision of land and does not guarantee issuance of county permits.
- D. Nothing in this chapter eliminates the requirements for an affidavit of disclosure pursuant to A.R.S. § 33-422.

(Ord. No. 120606-RMLD, §§ 301—304)

4.05.070. - General requirements.

- A. Unless otherwise excepted by this chapter, no parcel of land may be divided into five or fewer separate parcels of land any of which is ten acres or less either by recordation of a contract of sale or deed of conveyance or by requesting a split of a tax assessor parcel unless a land division application therefor has been approved by the planning director.
- B. Lots, parcels and fractional interests created by the division must comply with county zoning requirements, unless provided otherwise in this chapter.
- C. All improvements to and development of land divided pursuant to this chapter must comply with all applicable county ordinances, policies, codes and regulations.

- D. Legal access and corresponding physical access are required to the parent parcel and to each lot, parcel or fractional interest created by the land division.
- E. Reserve utility easements of not less than eight feet in width to serve each lot, parcel or fractional interest created by the land division.
- F. A use or building permit shall not be issued for development on any lot, parcel or fractional interest that does not comply with the provisions of this chapter.
- G. The granting or issuance of any certificate, permit, registration or other approval pursuant to this chapter requires compliance with all applicable county ordinances, policies, codes and regulations.

(Ord. No. 120606-RMLD, §§ 401—407)

#### 4.05.080. - Application submittals.

To initiate a minor land division review, the owner shall submit or cause to be submitted to the planning department by hand-delivery, not by mail, fax or email, the following:

- A. A properly completed land division application that is signed by the owner on forms provided by the planning department.
- B. The tax assessor parcel number for the lot, parcel or fractional interest to be divided. This parcel number must be unique to the subject lot, parcel or fractional interest and not part of another parcel number.
- C. Application fee as set forth in the Pinal County Planning and Development Fee Schedule. Upon filing a completed application, the fee is nonrefundable and is to cover the costs of processing the application.
- D. Legal description of the parent parcel and proposed lots, parcels or fractional interests including access and utility easements, prepared by a registered professional land surveyor or registered professional engineer.
- E. A standard preliminary title report prepared by a title insurance company and signed by an authorized title officer with an effective date of not more than 30 calendar days prior to the filing of the application, unless this time period is extended by the planning director, and showing at the minimum:
  - 1. Legal description of the parent parcel;
  - 2. The names of all the vested fee owners in the parent parcel;
  - 3. The name and telephone number of the person who prepared the title report; and
  - 4. A statement affirming that legal access exists to the lots, parcels or fractional interests to be divided.
- F. A signed, sealed or notarized statement by an Arizona-registered professional engineer or an Arizona-registered licensed surveyor on the survey map or by separate document stating whether each resulting lot, parcel or fractional interest created by the division has physical access within the boundaries of the legal access that is traversable by a two-wheel drive passenger motor vehicle.
- G. A map of survey prepared by an Arizona-registered land surveyor in compliance with the provisions of A.R.S. § 11-481 and the county's layout format. The survey map shall be either 18 inches by 24 inches or 24 inches by 36 inches and shall show at the minimum the information required under Section 5 of the 2005 Minimum Standard Detail Requirements for ALTA/ACSM land title surveys as adopted by American Land Title Association and National Society of Professional Surveyors, including, but not limited to, the following:
  - 1. A north arrow, oriented with the north toward the top of the sheet;
  - 2. The boundaries of the section (or portion thereof) within which the minor land division lies;
  - 3. The boundary lines of the minor land division and the lots, parcels or fractional interests within it, including

their bearings and distances;

4. Showing a design, shape, size and orientation of lots, parcels or fractional interests that are appropriate for the use for which the division is intended and as to the character of the area in which they are located;
5. A note identifying the zone district in which the resulting lots, parcels or fractional interests are located and a statement as to whether the resulting lots meet the minimum requirements of the zone district;
6. Locations of existing structures and visible improvements, including but not limited to buildings, wells, and wastewater disposal systems;
7. Lot, area, resulting acreage and dimension for each lot, parcel or fractional interest created by the division;
8. Location of the legal and physical access to the parent parcel and to each lot, parcel or fractional interest created by the division, including the dimensions of the access, and the docket number of the recorded document establishing the legal access;
9. Location and width of all roads and easements within and bordering the minor land division, the docket number of the recorded documents establishing such roads and easements, and type of easements;
10. Location and width of utility easements to each lot, parcel or fractional interest;
11. Identification of flood zones; and
12. Direction of the drainage flows.

H. To meet the requirements of subsection G of this section, the owner may use existing information that is readily available, including information from FEMA, the U.S. Geological Survey and ALTA surveys. An independent study is not required to demonstrate hydrology, drainage or floodplain boundaries.

(Amended during 2009 codification; Ord. No. 120606-RMLD, § 501)

#### 4.05.090. - Access and utility requirements.

- A. Any on-site ingress or egress created for public use as a result of the division shall be a minimum of 24 feet in width to each lot, parcel or fraction interest created by the division.
- B. Driveway, easements or rights-of-way that access a public road under the county's jurisdiction require permits from the county's department of public works for access onto the public road.
- C. Alignment of any road created in a minor land division shall be designed with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety and the use of the land being divided.
- D. The owner shall dedicate to the general public utility easements, separate from the access easement and no less than eight feet wide, to serve each lot, parcel or fractional interest created by the land division for the installation, maintenance and access of sewer, electric, gas and water utilities.

(Ord. No. 120606-RMLD, § 502)

#### 4.05.100. - Review of application.

- A. Upon receipt of the submitted documents, the planning department shall review them to determine their completeness. A request for approval of a land division is officially received by the county upon the filing of a properly completed and signed application with the planning department. The application is considered filed when a properly completed and signed application by the owner together with all required, accompanying documentation and fees are submitted to the planning department.

- B. Upon the filing of a properly completed application, the planning department shall:
1. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the planning director.
  2. Review the submitted application to determine compliance with this chapter and comments received from other departments.
- C. A completed application shall be reviewed in 30 calendar days. The 30-day time period shall start once the application is determined to be complete by the planning department. At the end of 30 calendar days from the receipt of the completed application or sooner, if applicable, the owner shall be notified as to whether the application has been approved or denied. The denial shall be in writing and shall set forth the reason or reasons for the denial.
- D. If review is not completed within 30 days from receipt of the properly completed application, the land division shall be deemed approved.
- E. Upon denial of the application for land division, the property owner has 180 days to remedy the reasons of denial.

(Ord. No. 120606-RMLD, § 503)

4.05.110. - Access and zoning deficiencies.

- A. Where the lots, parcels or fractional interests created by the division do not meet minimum county zoning requirements, or there is no legal or physical access or where the legal or physical access does not allow access by emergency vehicles or the legal and physical access are not the same, an application may be approved by the planning director upon:
1. The deficiencies are noted in the deed and the map of survey, in such a manner that it becomes a matter of public record related to the parcels, lots or fractions interests created by the division; and/or
  2. The granting of a waiver on the minimum lot size, pursuant to PCDSC 4.05.120.
- B. If the legal access does not allow access to the lots, parcels or fractional interests by emergency vehicles, neither the county nor its agents or employees are liable for damages resulting from the failure of emergency vehicles to reach such lot, parcel or fractional interest.
- C. Noticing of deficiencies in the deed and the map of survey shall consist of a detailed description of the deficiency. For zoning deficiencies, the zoning ordinance sections and the nature of the deficiencies shall be included. The deficiency notice shall include a signed, notarized statement by the property owner that no building permit or use permit will be issued on the lot, parcel or fractional interest until the deficiencies have been removed from such lot parcel or fractional interest. Pinal County assumes no liability with the required noticing of deficiencies.
- D. If deficiencies are removed after they have been recorded, it shall be the responsibility of the owner to remove the deficiencies from the recorded documents. Such removal shall be subject to approval of the planning director prior to recordation of any documentation effecting the removal.

(Ord. No. 120606-RMLD, § 504)

4.05.120. - Waivers on deviation of minimum lot size.

- A. The planning director may approve waivers to allow the creation of a lot that is not more than one percent below the required minimum lot size. The deviation is not for the purpose of creating more than one lot below the minimum lot size in a minor land division. This waiver shall apply only to areas that are zoned for a minimum lot size of one acre or

more. This waiver is on minimum lot size only and does not waive any other requirement. Approval of the waiver does not relieve the permit holder of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

- B. The request for a waiver must be filed with the planning director on forms provided by the planning department. The request must provide the name and address of the owner and owner's agent, if applicable; the address and legal description of the property; and the reason for deviation in the lot size.

(Ord. No. 120606-RMLD, § 505)

#### 4.05.130. - Recording.

After approval of a land division application, the owner shall record the approval of the land division application and any notice of deficiencies at the county recorder's office for Pinal County, Arizona, along with any attached supplementary information. Recordation must occur within six months of approval by the planning department or the approval shall lapse and become void.

(Ord. No. 120606-RMLD, § 506)

#### 4.05.140. - Exceptions.

The following are excepted from the requirements of this chapter:

- A. Creation or realignment of a public right-of-way by a public agency;
- B. Creation or realignment of a conservation easement, public easement or private easement;
- C. Creation or realignment of a special assessment district;
- D. Compliance with a court order to divide the land;
- E. Cemetery lots;
- F. Subdivisions created under the authority of A.R.S. titles 11 and 32 and the county subdivision regulations;
- G. The division of land into lots or parcels each of which is, or will be, 36 acres or more in area; or
- H. Adjustment of the boundary line between two abutting parcels or lots or transfer of land between two owners of abutting parcels or lots which does not result in the creation of any additional parcel or lot.

(Ord. No. 120606-RMLD, § 601)

#### 4.05.150. - Violations, penalties and enforcement.

- A. It shall be unlawful to create minor land divisions within the unincorporated areas of Pinal County in violation of the terms of this chapter.
- B. It shall be unlawful for a person or group of persons acting in concert to attempt to avoid the subdivision laws by acting in concert to divide a parcel of land into six or more lots or to sell or lease six or more lots by using a series of owners or conveyances.
- C. Failure to comply with the terms of this chapter shall result in the withholding of any Pinal County permits for development until such time as deficiencies relative to the lots, parcels or fractional interests created by the minor land division are corrected.

(Ord. No. 120606-RMLD, §§ 701—703)

## CHAPTER 5.05. - DEVELOPMENT FEES

### 5.05.010. - Legislative intent and purpose.

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the residents of Pinal County by:

- A. Requiring new development to pay its proportionate share of the capital costs to Pinal County associated with providing streets, parks and public safety facilities necessary to serve new development by paying development fees related to those facilities.
- B. Setting forth standards and procedures for assessing development fees and administering the development fee program.

(Ord. No. 033016-DF, § 1)

### 5.05.020. - Applicability.

This chapter applies to all new development within Pinal County.

(Ord. No. 033016-DF, § 1)

### 5.05.030. - Adoption and assessment procedure.

- A. If a capital improvements plan has been adopted, the county may assess development fees within the covered planning area in order to offset the capital costs for streets, parks and public safety facilities determined by the plan to be necessary for public services provided by the county to a development in the planning area.
- B. Prior to the assessment of a development fee, a development fee study shall be prepared, which shall include all appropriate documentation that supports the assessment of the new or increased development fees.
- C. The development fee study shall demonstrate that the development fees result in a beneficial use to new development and that the amount of the development fees bears a reasonable relationship to the burden of capital costs imposed on the county to provide the improvements that serve new development. In determining the extent of the burden imposed by new development, consideration shall be given to, among other things, the contribution made or to be made in the future by taxes, fees or assessments by the property owner toward the capital costs of the necessary public service covered by the development fee.
- D. Development fees shall be assessed in a nondiscriminatory manner.
- E. In determining and assessing development fees applying to land in a community facilities district established pursuant to A.R.S. title 48, ch. 4, art. 6 (A.R.S. § 48-701 et seq.), the board of supervisors shall take into account all public infrastructure provided by the district and capital costs paid by the district for necessary public services and shall not assess the applicable portion of the development fee based on the infrastructure or costs on that land or infrastructure included in the county's capital improvements plan for which development fees are assessed.
- F. Monies received from development fees shall be placed in a separate fund and accounted for separately and may only be used for the purposes authorized pursuant to A.R.S. § 11-1102. Interest earned on monies in the separate fund shall be credited to the fund.
- G. Development fees shall not be assessed or collected from a school district or charter school, other than fees assessed

or collected for streets and water and sewer utility functions.

H. Prior to assessing or increasing development fees, the county shall:

1. Give at least 120 days' advance notice of intention to assess new or increased development fees.
2. Release to the public a written report including all documentation that supports the assessment of new or increased development fees.
3. Conduct a public hearing on the proposed new or increased development fee at any time after the expiration of the 120-day notice of intention to assess a new or increased development fee and at least 14 days before the scheduled date of adoption of the new or increased development fee.

I. Development fees, development fee studies and capital improvements plans may be updated and adopted from time to time as determined necessary by the board of supervisors.

(Ord. No. 033016-DF, § 1)

5.05.040. - Schedule for payment.

Development fees shall be paid prior to the issuance of a construction permit. For purposes of this section, the term "construction permit" includes any building or structure installation permit required by the county but does not include a permit required for reconstruction of a structure if the reconstruction does not cause a change in the number of dwelling units or increase the square footage for nonresidential uses associated with the development, and does not include any temporary structures allowed by a valid temporary use permit, or pursuant to a special density permit for handicapped or disabled care dwelling units.

(Ord. No. 033016-DF, § 1)

5.05.050. - Nonbinding estimate.

An applicant may request a nonbinding estimate of development fees due for a particular new development at any time by filing a request on a form provided for such purpose by the county; provided, however, that such estimate may be subject to change when a formal application for a construction permit for new development is made. Such nonbinding estimate is solely for the benefit of the prospective applicant and in no way binds the county nor precludes it from making amendments or revisions to any provisions of this chapter.

(Ord. No. 033016-DF, § 1)

5.05.060. - Option to pursue alternative fee determination.

- A. A development may request an alternative development fee calculation or change in category of development that appears on an adopted development fee schedule and submit any information it deems relevant in support of its request. Such alternative calculation or change in category may be approved where a development is of a type that: (A) has not been contemplated by the county's adopted development fee schedule; or (B) does not closely fit within a particular category of development appearing on such development fee schedule; or (C) has unique characteristics; and the projected actual burdens and costs associated with the county's provision of necessary public services to such development that are to be paid by development fees will differ substantially from those costs projected by the county or will be substantially less than the amount projected to be paid by development fees.
- B. The county may require the applicant to provide the county manager or authorized designee with an alternative development fee report. Such report shall be commissioned by the county and paid for by the applicant. Based on a

projection of the actual burdens and costs that will be associated with the provision of necessary public services to the development, the alternative development fee report may propose a unique fee for the development, or may propose that the development be covered under the development fee schedule governing a different and more analogous category of development. The county manager or authorized designee shall review the alternative development fee report along with any other information provided by the applicant and shall make a determination as to the development fee to be charged. Such decision shall be appealable pursuant to PCDCS 3.60.020. The county manager or authorized designee may require the applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

(Ord. No. 033016-DF, § 1)

#### 5.05.070. - Credits.

- A. *Eligibility.* The county shall provide a credit toward the payment of development fees for the required dedication of public land and/or infrastructure provided by a developer or property owner for which that fee is assessed. Public land and/or infrastructure provided by a developer or property owner related to a project being assessed development fees which is included in and conforms to the adopted capital improvements plan is eligible for credits against the applicable development fees. Credits may not exceed the total amount of fees which are imposed.
- B. *Application form and development credit agreement.* Application for a credit shall be made on a form provided by the county for such purposes. A development credit agreement is also required as part of any credit granted under this section.
- C. *Requirements.* In order to be eligible for development fee credits, the infrastructure and/or land provided must be a component of the development fee against which the credit is sought and either included in the county's current capital improvements plan, or determined by resolution of the board of supervisors for inclusion in an immediately subsequent update to the capital improvements plan.
- D. *Procedure.* Upon receipt of an application and proposed development credit agreement and any additional information deemed necessary by the county, the county will review the application, agreement and information and, if acceptable, forward the proposed development credit agreement to the board of supervisors for its consideration and approval.
- E. *Calculation of the value of infrastructure.* The amount of credit for infrastructure provided shall be the lesser of the following:
  - 1. The amount of the applicable development fees assessed;
  - 2. The value of the infrastructure (or its costs to acquire) assumed in the county's capital improvements plan; or
  - 3. The actual verified cost of the infrastructure provided. The actual verified cost shall be calculated based on contract documents, invoices, and any additional documentation the county deems necessary to determine the actual infrastructure cost.
- F. *Calculation of the value of land.* The amount of credit for land dedicated shall be the lesser of the following:
  - 1. The amount of the applicable development fees assessed; or
  - 2. The value of the land (or its costs to acquire) assumed in the county's capital improvements plan.
- G. *Development credit agreement.* No infrastructure or land under this section may be accepted in exchange for a credit except pursuant to an executed development credit agreement between the county and the provider of the infrastructure or land, which shall include the following where applicable:
  - 1. A schedule providing for the initiation and completion of the construction and installation of any infrastructure



provided;

2. The amount of the development fees, by category, against which a credit is being applied;
3. The eligibility for and the method of the application of any available credit associated with infrastructure provided or land dedicated by the property owner to the county, that may be applied to a subsequent applicant or property owner of the project;
4. The amount of such credits;
5. A provision that all construction and installation of infrastructure shall be in accordance with applicable county laws, rules, regulations and specifications set forth in the county's zoning ordinance, subdivision ordinance, procurement and building codes; and
6. Such other terms and conditions as deemed necessary by the county.

(Ord. No. 033016-DF, § 1)

5.05.080. - Administration of development fees.

- A. The development fee program shall be administered by the county manager through the applicable county departments.
- B. The county shall submit an annual report accounting for the collection and use of the fees, which shall include the following:
  1. The amount assessed by the county for each type of development fee.
  2. The balance of each fund maintained for each type of development fee assessed as of the beginning and end of the fiscal year.
  3. The amount of interest or other earnings on the monies in each fund as of the end of the fiscal year.
  4. The amount of development fee monies used to repay:
    - a. Bonds issued by the county to pay the cost of a capital improvement project that is the subject of a development fee assessment.
    - b. Monies advanced by the county from funds other than the funds established for development fees in order to pay the cost of a capital improvement project that is the subject of a development fee assessment.
  5. The amount of development fee monies spent on each capital improvement project that is the subject of a development fee assessment and the physical location of each capital improvement project.
  6. The amount of development fee monies spent for each purpose other than a capital improvement project that is the subject of a development fee assessment.
- C. Within 90 days following the end of each fiscal year, the county shall submit a copy of the annual report to the clerk of the board of supervisors. Copies shall be made available to the public on request. The annual report may contain financial information that has not been audited.
- D. The board of supervisors may adopt an administrative fee schedule to cover county expenses associated with the process of applications pursuant to this chapter.

(Ord. No. 033016-DF, § 1)

5.05.090. - Infrastructure not included in the capital improvements plan.

The board of supervisors retains its legislative authority such that this chapter shall not affect any legal authority the county may have to disapprove a new development or to approve new development conditioned upon the developer providing dedication of land, infrastructure, and improvements necessary to serve the new development.

(Ord. No. 033016-DF, § 1)

#### 5.05.100. - Development fee study review.

Every five years, starting from the effective date of the ordinance codified in this chapter, the board of supervisors will review the development fees in effect in the county. If it deems necessary, the board of supervisors at its discretion may require by board resolution a review and update of the development fees in less than five years.

(Ord. No. 033016-DF, § 1)

#### 5.05.110. - Authorization.

The various county officers and employees are hereby authorized and directed to perform all acts necessary and desirable to give effect to this chapter.

(Ord. No. 033016-DF, § 1)

#### 5.05.120. - Validity.

Should any provision of this chapter be deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 033016-DF, § 1)

### Title 6 - BUILDING CODE

#### CHAPTER 6.05. - BUILDING CODE

##### 6.05.010. - Short title.

This chapter may be cited and referred to as the "Pinal County Building Code."

(Ord. No. 091912-BCO, art. 1)

##### 6.05.020. - Application.

- A. This chapter shall apply to the construction of all buildings and installation of structures appurtenant thereto within the unincorporated areas of Pinal County, except as otherwise provided by statute, regulation or ordinance.
- B. The board of supervisors may enter into intergovernmental agreements pursuant to A.R.S. § 11-863 for code enforcement within cities and towns.

(Ord. No. 091912-BCO, art. 2)

##### 6.05.030. - Building code.

- A. The code documents described hereinafter, as published, or as specifically amended by the board of supervisors, are hereby adopted by reference as if fully set out herein, as the Pinal County building code, pursuant to A.R.S. § 11-861 et seq.
1. International Building Code, 2018 Edition, as amended in Exhibit A, attached hereto, published by the International Code Council hereinafter described as Attachment No. 1, or ICC, including the following listed Appendix Chapters with amendments attached hereto in Exhibit A:
    - a. Appendix I - Patio Covers.
    - b. Appendix J - Grading.
    - c. Appendix K - ICC Electrical Code.
  2. International Residential Code, 2018 Edition, as amended in Exhibit B, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 2 or IRC, including the following listed Appendix Chapters with amendments attached hereto in Exhibit B:
    - a. Appendix A - Sizing and Capacities of Gas Piping.
    - b. Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents.
    - c. Appendix C - Exit Terminal of Mechanical Draft and Direct-Vent Venting Systems.
    - d. Appendix H - Patio Covers.
    - e. Appendix J - Existing Buildings and Structures.
    - f. Appendix N - Venting Methods.
    - g. Appendix P - Sizing Water Piping.
    - h. Appendix S - Straw Bale Construction.
  3. International Property Maintenance Code, 2018 Edition, as amended in Exhibit C, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 3 or IPMC.
  4. International Mechanical Code, 2018 Edition, as amended in Exhibit D, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 4, or IMC.
  5. International Plumbing Code, 2018 Edition, as amended in Exhibit E, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 5, or IPC.
  6. National Electric Code 2017 Edition, as amended in Exhibit F, attached hereto, published by the National Fire Protection Association (NFPA), hereinafter described as Attachment No. 6, or NEC, including the following listed Annex Chapter with amendments attached hereto in Exhibit F:
    - a. Annex H - Administration and Enforcement.
  7. International Swimming Pool and Spa Code, 2018 Edition, as amended in Exhibit J, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 7, or ISPSC.
  8. International Energy Conservation Code, 2018 Edition, as amended by Exhibit I, attached hereto, published by the International Code Council, hereinafter described as Attachment No. 8, or IECC.
  9. International Fuel Gas Code, 2018 Edition, as amended in Exhibit G, attached hereto, published by the International Code Council hereinafter described as Attachment No. 9 or IFGC.
  10. International Fire Code, 2018 Edition, as amended in Exhibit H, attached hereto, published by International Code Council, hereinafter described as Attachment 10 or IFC:
    - a. Appendix B - Fire Flow Requirements.
    - b. Appendix D - Fire Apparatus Access

B. Copies of attachments described in subsection A of this section are to be available for public reference and inspection as follows:

1. One copy of Attachments Nos. 1 through 10 shall be kept on file in the office of the Clerk of the Board of Supervisors.
2. One copy of Attachments Nos. 1 through 10 shall be kept on file in each district office of the Board of Supervisors.
3. Two copies each of Attachments Nos. 1 through 10 shall be kept on file in the departmental library of the Department of Building Safety.

(Ord. No. 091912-BCO, art. 3; Ord. No. 121819-BCO, § 1)

6.05.040. - Rules and definitions.

A. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative authority* means the Pinal County building official, or director of the department of building safety.

*Board of appeals* means the Pinal County building code advisory board which shall determine the suitability of alternative materials and construction and to permit interpretations of the provisions of the codes, but not administrative portions of the building code.

*Building codes* means attachments listed and described in PCDCS 6.05.030(A)(1) through (10).

*Building official* means the functional title of the director of the department of building safety, or his duly authorized representative, charged with the administration and enforcement of this code.

*Commercial* refers to the use of a building, addition or structure for business, educational, religious, institutional, recreational, industrial or any other nonresidential purpose.

*Jurisdiction* means the unincorporated areas of Pinal County, and the incorporated cities and towns with whom the county has entered into intergovernmental agreements.

*Noncommercial* refers to the use of a building, structure or addition for a residential purpose.

B. *References.* References to chapters, articles, sections, subsections, paragraphs, subparagraphs and tables, unless otherwise specified, refer to the building code documents listed in PCDCS 6.05.030.

(Ord. No. 091912-BCO, art. 4)

6.05.050. - Building code administration.

A. The position of building official/building code administrator, which may also carry the title of building safety director, is an administrative position and shall be an exempt position in the Pinal County merit system pursuant to A.R.S. § 11-352(B)(8). Said administrator shall be responsible for the administration and enforcement of this code and shall be appointed by the county manager with the approval of the board of supervisors.

B. The building official shall appoint and remove such deputies, inspectors and employees as he/she deems appropriate within the requirements of the county personnel rules and regulations with the consent of the county manager.

C. The building official shall keep careful and comprehensive records of applications for permits, of permits issued, of inspections made, of revenue received, of reports rendered and of notices or orders issued. The building official shall further retain on file copies of all documents in connection with building work for the minimum time period required by this code, or for such additional time as he/she deems necessary.

- D. The building official shall be responsible for the administration of the terms of this chapter.
- E. The building official may adopt such rules and regulations as he/she deems necessary to secure the public health, safety and general welfare; to implement the provisions of this chapter and to carry out the intent of this chapter. All such rules and regulations shall require the approval of the county manager and the board of supervisors. No rules or regulations adopted pursuant to this section shall have the effect of waiving technical requirements specifically stipulated in the building code or of violating accepted engineering practice involving public safety.

(Ord. No. 091912-BCO, art. 5)

6.05.060. - Compliance review.

No building permit shall be issued to any person unless a compliance review number has been issued by the Pinal County department of planning and development services to the building official. Exceptions to this requirement are permits for mechanical, electrical, plumbing, building, and remodeling that do not involve a change of use or additional area which may affect required setbacks.

(Ord. No. 091912-BCO, art. 6)

6.05.070. - Application for permit.

The building official may require with an application for a building permit whatever data and information is deemed necessary to reasonably determine that the proposed work is in compliance with the requirements of this code and other pertinent laws and ordinances.

(Ord. No. 091912-BCO, art. 7)

6.05.080. - Penalties.

A. *Criminal penalties.*

1. Any person, as defined in Attachment No. 1, Section 202, who violates any provision of this chapter shall be guilty of a Class 2 misdemeanor.
2. Any person convicted of a Class 2 misdemeanor for violation of this chapter may be sentenced to the county jail for a period not to exceed four months and/or fined an amount not to exceed \$750.00.
3. Each failure to obtain a required permit clearance, compliance review approval or inspections shall constitute a separate violation of this chapter.

B. *Civil penalties.*

1. Any person, as defined in Attachment No. 1, Section 202, who violates any provision of this chapter shall be subject to a civil penalty, as an alternative method of enforcing this chapter pursuant to A.R.S. § 11-866 or 11-815(D) or as provided in Pinal County Resolution No. 4302-CP.
2. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provisions of this section.
3. The board of supervisors shall establish a schedule of penalties for violations of this chapter. Said penalties shall not exceed the amount of \$750.00 for an individual, or \$10,000.00 for an enterprise. The term "enterprise" shall be defined pursuant to A.R.S. § 13-105.
4. Any person alleged to be subject to a civil penalty for a violation of this chapter shall be entitled to an administrative hearing on their liability, and a review by the board of supervisors pursuant to A.R.S. § 11-815(G).

The administrative hearing shall be before the Pinal County hearing officer, subject to the rules of procedure for same as adopted by the Pinal County board of supervisors.

- C. *Other methods of enforcement.* The board of supervisors, the county attorney, the building official, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this chapter, may initiate other remedies provided by law, e.g., an injunction, writ of mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent, abate or remove such violation of the ordinance.
- D. *Separate offenses.* Pursuant to A.R.S. §§ 11-866 and 11-815(C), any person, firm, or corporation violating this chapter shall be deemed guilty of a separate offense for each and every day during which a violation of the provisions of this chapter is committed, continued or permitted.

(Ord. No. 091912-BCO, art. 8)

#### 6.05.090. - Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter, or any part of Attachments Nos. 1 through 11, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 091912-BCO, art. 9)

### CHAPTER 6.10. - RESIDENTIAL FIREPLACE RESTRICTIONS

#### 6.10.010. - General.

- A. *Purpose.* The purpose of this chapter is to regulate residential woodburning in fireplaces, woodstoves, and other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter.
- B. *Applicability.* This chapter applies to any residential woodburning device in any part of "Area A" as defined in A.R.S. § 49-541. In Pinal County the area is delineated as follows:
1. Township 1 north, range 8 east and range 9 east;
  2. Township 1 south, range 8 east and range 9 east;
  3. Township 2 south, range 8 east and range 9 east;
  4. Township 3 south, range 7 east through range 9 east.

(Ord. No. 122000-BS, § 1)

#### 6.10.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Control officer* means the director and executive head of the Pinal County Air Quality Control District responsible for performing duties and exercising powers prescribed by law.

*Fireplace* means a built-in-place masonry hearth and fire chamber or a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating or industrial processes.

*Inappropriate fuel* includes but is not limited to leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphaltic products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 30 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.

*Residential woodburning device* means a device designed for solid-fuel combustion so that usable heat is derived for the interior of a residence. Residential woodburning devices do not include barbecue devices, fire pits, or mesquite grills.

*Sole source of heat* means one or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of fuel for cooking for a residence. No residential woodburning device shall be considered the sole source of heat if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether such furnace or heating system is connected to or disconnected from its energy source.

*Solid fuel* includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Pinal County building official as "inappropriate fuel to burn in residential woodburning devices.

*Woodstove* means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

(Ord. No. 122000-BS, § 2)

#### 6.10.030. - Installation restrictions.

On or after the effective date of the ordinance codified in this chapter, no person, firm or corporation shall construct or install a fireplace or a woodstove, and the building official shall not approve or issue a permit to construct or install a fireplace or a woodstove, unless the fireplace or woodstove complies with one of the following:

- A. A fireplace which has a permanently installed gas or electric log insert.
- B. A fireplace, woodstove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- C. A fireplace, woodstove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance articles equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- D. A fireplace, woodstove or other solid-fuel burning appliance which has been determined by the building official to meet performance articles equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- E. A fireplace which has a permanently installed woodstove insert which complies with subsection B, C or D of this section.

(Ord. No. 122000-BS, § 3)

#### 6.10.040. - Exemptions.

The following installations are not regulated or prohibited by this regulation:

- A. Furnaces, boilers, incinerators, kilns and other similar space heating or industrial process equipment.
- B. Cookstoves, barbecue grills, and similar appliances designed primarily for cooking.
- C. Fire pits, barbecue grills and other outdoor fireplaces.
- D. A residential sole source of heat as described in PCDSC 6.10.020, definitions.

(Ord. No. 122000-BS, § 4)

6.10.050. - Fireplace or woodstove alterations prohibited.

- A. On or after the effective date of the ordinance codified in this chapter, no person, firm or corporation shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.
- B. On or after the effective date of the ordinance codified in this chapter, no person, firm or corporation shall alter a fireplace, woodstove or other solid-fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this chapter.

(Ord. No. 122000-BS, § 5)

6.10.060. - Permits required.

In addition to the provisions and restrictions of this chapter, construction, installation or alteration of all fireplaces, woodstoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of Chapter 6.05 PCDSC, Building Code, and shall be subject to the permits and inspections required by the building code.

(Ord. No. 122000-BS, § 6)

6.10.070. - Penalties.

- A. The control officer or a designated representative from building safety may issue citations to persons in violation of this chapter.
- B. Any person who violates this chapter is subject to:
  - 1. A warning for the first violation.
  - 2. The imposition of a civil penalty of \$50.00 for the second violation.
  - 3. The imposition of a civil penalty of \$100.00 for a third or any subsequent violation.
- C. For violations of this chapter, the control officer or a designated representative shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Arizona State Supreme Court.

(Ord. No. 122000-BS, § 7)

Title 7 - ROADWAYS AND RIGHTS-OF-WAY

CHAPTER 7.10. - ROADWAY DISPOSITION

ARTICLE I. - AUTHORITY AND PURPOSE, SHORT TITLE AND SEVERABILITY



7.10.010. - Authority and purpose.

This chapter is hereby adopted under the authority granted the board of supervisors in A.R.S. § 11-251.05 to adopt and amend ordinances necessary or proper to carry out the duties, responsibilities and functions of the county and is adopted for the purpose of implementing a process to carry out the statutory authority, requirements and procedures for the disposition of public roadways within the jurisdiction, as set forth in A.R.S. §§ 28-6701, 28-6709, 28-7201 through 28-725 [28-7215], and any other applicable statute.

(Ord. No. 90998-RDO, § 100)

7.10.020. - Short title.

This chapter may be referred to as the "Pinal County Roadway Disposition Ordinance."

(Ord. No. 90998-RDO, § 101)

7.10.030. - Severability.

Should any article, section or regulation of this chapter be judicially declared unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof, other than the article, section or regulation so declared to be unconstitutional or invalid.

(Ord. No. 90998-RDO, § 102)

ARTICLE II. - APPLICATION OF CHAPTER

7.10.040. - Types of disposition.

When a public roadway, as a whole or a portion thereof, to which the county owns title, is not necessary for public use as a roadway or anticipated to be necessary for public use in the future, said public roadway may be disposed of by exchange with abutting landowners, by sale or by vacation, subject to statutory requirements. If the county does not own title to the roadway but holds right-of-way easements, then the easement or portion thereof may be extinguished by board resolution.

(Ord. No. 90998-RDO, § 200)

7.10.050. - Reservation of certain rights-of-way/easements.

The disposition of a public roadway is subject to the statutory reservation of rights-of-way or easements of existing sewer, gas, water or similar pipe lines and appurtenances; canals, laterals or ditches and appurtenances; and electric, telephone and similar lines and appurtenances, as they existed before the disposition.

(Ord. No. 90998-RDO, § 201)

7.10.060. - Access to public roadway.

A public roadway shall not be disposed of if any adjoining land is left without an established public roadway connecting the land with another established public roadway, unless there is expressly reserved in the conveying instrument the roadway rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land.

(Ord. No. 90998-RDO, § 202)

7.10.070. - Roadway located on boundary line between counties.

The disposition of a public roadway that is the boundary line between two counties requires joint action of the boards of supervisors of both counties.

(Ord. No. 90998-RDO, § 203)

7.10.080. - Roadway located on boundary line of incorporated city or town or within incorporated city or town.

The disposition of a public roadway that is a boundary line of an incorporated city or town or that is located within an incorporated city or town requires joint action of the governing bodies of the city or town and the county. Notwithstanding this section but subject to the obligations of the contract, the board may abandon a county highway within an incorporated city or town by resolution.

(Ord. No. 90998-RDO, § 204)

7.10.090. - No guarantee of disposition.

Compliance with this chapter does not guarantee the disposition of the roadways proposed for disposition. The board may consider, among other things, whether the road is necessary for public use, the impact on properties abutting the roadway and the impact upon surrounding areas that may not be abutting the roadway.

(Ord. No. 90998-RDO, § 205)

### ARTICLE III. - DEFINITIONS

7.10.100. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the board of supervisors of Pinal County, Arizona.

*Commercial property* means real property taxed as commercial property.

*County* means Pinal County, a political subdivision of the State of Arizona.

*Evaluating official* means a county employee designated by the county manager of Pinal County, Arizona, to hold evaluation meetings.

*Evaluation meeting* means a meeting between evaluating official and petitioner, prospective purchaser or party representing petitioners or prospective purchaser to evaluate the petition for disposition and to determine impact area.

*Impact area* means area consisting of properties which do not abut the roadway proposed for disposition but which may be affected by the disposition.

*Owner or owners of record* includes a person, firm, partnership, association or corporation.

*Owners association* means a nonprofit corporation authorized to do business in this state.

*Recordable Mylar* means:

1. A map drawn on polyester by a silver imaging process.
2. Requirements: 18 inches by 24 inches, two-inch left margin, scale not to exceed 400 feet equals one inch.

*Roadway* includes all or part of a platted or designated public street, highway, alley, lane, parkway, avenue, road, sidewalk, easement or other public way, whether or not it has been used as such.

(Ord. No. 90998-RDO, § 300)

#### ARTICLE IV. - FEES

##### 7.10.110. - Fee schedule.

A fee schedule may be adopted by the board to cover expenses for processing roadway disposition matters. The following fee schedule is adopted by the board to cover expenses for processing roadway disposition matters:

- I. Fee for processing request for exchange of public roadways with abutting property owner or vacation/extinguishment of public roadways outside planned development, \$300.00
- II. Fee for processing request for vacation of public roadways within a planned development and actual costs incurred for first class mailings of notices of public hearings and public meetings, \$300.00 plus postage costs for first class mailings of notices of public hearings and public meetings.

Fee may be waived at Board's discretion.

(Ord. No. 90998-RDO, § 400; Ord. No. 90998-RDO, 11-9-1998)

##### 7.10.120. - Title of fee schedule.

Such fee schedule will be identified as the "Roadway Disposition Process Fee Schedule."

(Ord. No. 90998-RDO, § 401)

##### 7.10.130. - Adoption/revision.

The board may revise the fee schedule as needed to keep current with rising expenses for processing roadway disposition matters. The adoption or revision of a fee schedule shall not effect any change in the chapter itself.

(Ord. No. 90998-RDO, § 402)

#### ARTICLE V. - INITIATION BY BOARD OF SUPERVISORS

##### 7.10.140. - Disposition process initiated by the board.

The board may elect to initiate the disposition of a public roadway by board action without the filing of a petition.

(Ord. No. 90998-RDO, § 500)

##### 7.10.150. - Evaluation of impact area.

Prior to publication and notice of the hearing, the evaluation officer will determine the impact area, if any.

(Ord. No. 90998-RDO, § 501)

## ARTICLE VI. - EXCHANGE OF PUBLIC ROADWAYS WITH ABUTTING PROPERTY OWNER, AND VACATION/EXTINGUISHMENT OF PUBLIC ROADWAYS OUTSIDE PLANNED DEVELOPMENTS

### 7.10.160. - Disposition process initiated by petition.

The process for disposition by exchange with abutting property owners or by vacation of public roadways located outside a planned development, where the county owns title, or by extinguishment, where the county holds right-of-way easements, may be initiated by the filing of a petition requesting said action, in a format provided by county, containing the signatures, mailing addresses and tax parcel numbers of at least 51 percent by area and number of the property owners of land abutting the roadway proposed for vacation and 100 percent by area and number of the property owners of land abutting the roadways proposed for exchange. Each subject roadway shall require a separate petition and process fee, unless waived by board action.

(Ord. No. 90998-RDO, § 600)

### 7.10.170. - Required documentation.

A petition shall be accompanied by the following (without cost to the county):

- A. *Written statement.* A written statement stating good and sufficient reasons why the requested action would be in the best interests of the public.
- B. *Legal description.* Legal description of all public roadways which are the subject of the requested action.
- C. *Survey map.* Properly surveyed map in triplicate (an assessor's map is not acceptable) of the area showing the location of the proposed disposition. The map shall be of an adequate scale to show all existing features within the area to be considered, such as ingress and egress of affected properties, utilities, buildings, fences, ditches, arroyos, etc. This map shall be prepared under the direction of a land surveyor registered in the State of Arizona.
- D. *Mailing list for owners of abutting properties.* List of names, mailing addresses and tax parcel numbers of each property owner abutting the subject public roadway and those who may be deprived of reasonable access to their properties by the disposition.
- E. *Mailing list for property owners within the impact area.* List of names, mailing addresses and tax parcel numbers on properties within the impact area when determined necessary by the evaluating officer.
- F. *Process fee.* A process fee as set forth in the roadway disposition process fee schedule.
- G. *Statement of consideration.* State consideration offered to be paid to county for vacation of public roadway where title is owned by the county.
- H. *Statement of detrimental or adverse effects.* When deemed necessary by the evaluation official, written statement of any detrimental or adverse effects that the proposed action may have on property owners in the impact area.

(Ord. No. 90998-RDO, § 601)

### 7.10.180. - Additional documentation.

Without cost to the county, additional documentation may be required by county, including, but not limited to, the following:

- A. *Appraisal.* At any time prior to completion of the requested action, county may require that an appraisal be provided
- B. *Recordable Mylar.* Recordable Mylar, when determined necessary by the county engineer.
  - 1. A map drawn on polyester by a silver imaging process.
  - 2. Requirements: 18 inches by 24 inches, two-inch left margin, scale not to exceed 400 feet equals one inch.
- C. *Title policy.* At any time prior to completion of the requested action, county may require, without cost to the county, a title policy guaranteeing county's property interest and/or proving ownership of abutting properties.

(Ord. No. 90998-RDO, § 602)

7.10.190. - Evaluation meeting.

Prior to filing of the petition and required documents, an evaluation meeting will be held by the evaluation official with the petitioner or party representing the petitioners to evaluate the petition for disposition and to determine the impact area, if any.

(Ord. No. 90998-RDO, § 603)

7.10.200. - Filing of petition.

Petition and required documentation shall be filed with the clerk of the board for transmittal to the appropriate county department for processing.

- A. *Incomplete documentation.* Upon failure to file a complete petition or any of the required documentation, the petition together with the process fee, if filed, will be returned to the circulating petitioner.
- B. *Requests for recommendations.* Upon determination that the petition is complete and accompanied by the required documentation, requests may be made to the applicable county departments for recommendations on the requested action.
- C. *Public hearing date set.* When all requirements have been met and departmental recommendations received, a date shall be set for a public hearing on the requested action.
- D. *Notice of public hearing.* At least 14 days prior to the date of the public hearing on the proposed disposition, a notice stating the date, time and place of the public hearing and stating that all persons interested may attend and will be given an opportunity to be heard shall be:
  - 1. Published in a paper of general circulation in the area of the roadway proposed for disposition;
  - 2. Mailed by first class mail to abutting owners of record along the roadway proposed for disposition;
  - 3. Mailed by first class mail to property owners in the impact area, if any;
  - 4. Mailed by first class mail to utilities serving the subject area and to franchise holders who have been granted the right to use public roadways;
  - 5. Mailed by first class mail to special taxing districts which have the right to use the public roadways for their facilities and which serve the area in which the roadway is located; and
  - 6. Posted at intervals of no more than one mile and in at least two places on or along the roadway proposed for disposition.
- E. *Submittal of written statement for or against proposed action.* Any citizen may submit a written statement or appear at the hearing and be heard for or against the requested action. Once the petition has been submitted, any person signing the petition may protest the action, but no signature may be withdrawn.
- F. *Board action.* The board may grant the requested action by board resolution, deny the requested action, elect to dispose of the roadway, where county owns title, in any other fashion consistent with A.R.S. title 28, ch. 20, art. 8

(A.R.S. § 28-7201 et seq.), or continue the matter until a stated time and date for further consideration.

- G. *Board resolution.* The board resolution shall describe the roadway, its disposition or use. The resolution shall take effect when recorded in the office of the county recorder of the county in which the roadway is located.

(Ord. No. 90998-RDO, § 604)

#### 7.10.210. - Consideration.

Under vacation, vesting of title is subject to consideration from the owners of abutting properties to Pinal County. The consideration is to be commensurate with the value of the roadway or portion thereof to be vacated, taking into account the degree of fragmentation, marketability and any other public benefit to be received by Pinal County in return for the vacated roadway. Consideration to be given does not have to be cash monies but may be the public benefits received by the county. The county manager may designate the county official, employee or appraiser to determine the value of the roadway or may require petitioner to provide an appraisal, without cost to the county, from an appraiser acceptable to the county. No consideration is required where the roadway is disposed of by extinguishment of right-of-way easement and no consideration, other than the actual exchange of public roadways, is required for the disposition of public roadways by exchange.

(Ord. No. 90998-RDO, § 605)

#### 7.10.220. - Vesting of title.

A title vests as follows:

- A. *By exchange.* When an exchange is made, title vests in the grantee. The board may cause quitclaim deeds to be executed and exchanged to vest title to the land within the public roadways or portions thereof. The exchange is made when the board resolution granting the exchange and/or conveyance documents are recorded in the office of the county recorder of the county in which the public roadway is located.
- B. *By vacation.* Upon the making of the board resolution for vacating a public roadway, title to the vacated roadway or portion thereof vests, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, as follows:
  1. If a roadway that is the exterior boundary of a subdivision or other tract of land is vacated, title to the roadway vests in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.
  2. If less than the entire width of the roadway is vacated, title to the vacated portion vests in the owners of the land abutting the vacated portion.
  3. If a roadway bounded by straight lines is vacated, title to the vacated roadway vests in the owners of the abutting land and each abutting owner takes to the center of the roadway except as provided in subsections (B)(1) and (2) of this section. If the boundary lines of abutting lands do not intersect the roadway at a right angle, the land included within the roadway vests as provided in subsection (B)(4) of this section.
  4. In all instances not specifically provided for, title to the vacated roadway vests in the owners of the abutting land, and each abutting owner takes that portion of the vacated roadway to which the abutting owner's land or any part of the abutting owner's land is nearest in proximity.
  5. On vacation of a roadway, no portion accrues to an abutting roadway.

(Ord. No. 90998-RDO, § 606)

7.10.230. - Extinguishment of easement.

When the county does not own title to a roadway but holds right-of-way easements, the easements may be extinguished by board resolution, which shall take effect when recorded in the office of the county recorder of the county in which the right-of-way easement is located.

(Ord. No. 90998-RDO, § 607)

ARTICLE VII. - SALE OF PUBLIC ROADWAYS WHERE TITLE IS OWNED BY THE COUNTY

7.10.240. - Initiation of sale procedure by offer of purchase.

Sale procedure may be initiated by filing an offer of purchase which shall include, but not be limited to, terms of the offer, brief legal description of public roadway proposed for purchase, amount of consideration, and name and address of prospective purchaser.

(Ord. No. 90998-RDO, § 700)

7.10.250. - Required documentation.

Offer of purchase shall be accompanied by (without cost to the county):

- A. *Deposit.* Deposit in an amount agreed upon by the county and the purchaser.
- B. *Statement of best interests.* A written statement stating good and sufficient reasons why the sale would be in the best interests of the public.
- C. *Legal description.* Complete legal description of all land within the public roadway proposed for sale.
- D. *Survey map.* Properly surveyed map in triplicate (an assessor's map is not acceptable) of the area showing the location of the proposed disposition. The map shall be of an adequate scale to show all existing features within the area to be considered, such as ingress and egress of affected properties, utilities, buildings, fences, ditches, arroyos, etc. This map shall be prepared under the direction of a land surveyor registered in the State of Arizona.
- E. *Mailing list for owners of abutting properties.* List of names, mailing addresses and tax parcel numbers of each property owner abutting the public road proposed for sale and those who may be deprived of reasonable access to their property by the sale.
- F. *Mailing list of property owners within the impact area.* List of names, mailing addresses and tax parcel numbers on properties within the impact area when determined necessary by the evaluating officer.
- G. *Process fee.* A process fee as set forth in the roadway disposition process fee schedule.
- H. *Statement of detrimental or adverse effects.* When deemed necessary by the evaluation official, written statement of any detrimental or adverse effects that the proposed action may have on property owners in the impact area.
- I. *Title policy.* Title policy proving ownership of adjacent properties.

(Ord. No. 90998-RDO, § 701)

7.10.260. - Additional documentation.

Without cost to the county, additional documentation may be required by county, including, but not limited to, the following:

- A. Recordable Mylar. Recordable Mylar, when determined necessary by the county engineer.

1. A map drawn on polyester by a silver imaging process.
2. Requirements: 18 inches by 24 inches, two-inch left margin, scale not to exceed 400 feet equals one inch.

(Ord. No. 90998-RDO, § 702)

7.10.270. - Evaluation meeting.

Prior to filing an offer of purchase, an evaluation meeting will be held by the evaluation official with the prospective purchaser to evaluate the offer and to determine the impact area, if any.

(Ord. No. 90998-RDO, § 703)

7.10.280. - Filing of offer of purchase.

Offer of purchase and required documentation shall be filed with the clerk of the board for transmittal to the appropriate county department for processing.

(Ord. No. 90998-RDO, § 704)

7.10.290. - Presentation to the board.

After receipt of the offer of purchase and required documentation, the offer shall be presented to the board.

- A. *Board action.* The board may reject the offer or authorize the commencement of the sale procedure and set the date of sale. The date of sale shall set at least 60 days from the notice of proposed sale.

(Ord. No. 90998-RDO, § 705)

7.10.300. - Notice of sale requirements.

- A. *Content of notice.* Notice of sale shall consist of description of roadway or portion thereof to be sold; reference to the statutory section setting forth authority for such sale; statement that a person may submit purchase offers and that abutting owners have preference rights pursuant to A.R.S. title 28, ch. 20, art. 8 (A.R.S. § 28-7201 et seq.); date, time and place of sale.
- B. *Time period and method of notice.* At least 60 days before the date of sale, notice of sale shall be:
  1. Posted at intervals of no more than one mile and in at least three places on or along the side of the roadway;
  2. Delivered or mailed to abutting owners of record if their addresses are known or can be readily discovered; and
  3. Delivered or mailed to property owners of the impact area if their addresses are known or can be readily discovered.

(Ord. No. 90998-RDO, § 706)

7.10.310. - Preferred offer.

Abutting owners of record in whom title to a portion of the roadway would vest if said roadway was statutorily vacated may deliver, at the sale or any time before the sale, to the clerk of the board a written offer to purchase the portion or a part of the portion for the consideration paid for the land by the city, town, county or state, whichever first acquired the land within the roadway for public use. Such offer shall be preferred over other offers if submitted in a timely manner.

(Ord. No. 90998-RDO, § 707)



7.10.320. - Definition of abutting owner.

The term "abutting owner," for the purposes of this article, means the original owner of the vacated roadway or the original owner's heirs who have previously had a portion of the property acquired for roadway purposes and were left with an abutting remainder of property over which they still retain direct ownership.

(Ord. No. 90998-RDO, § 708)

7.10.330. - Absence of preferred offer.

In the absence of a preferred offer, the board may sell the roadway or portion thereof for an amount of consideration it deems advisable.

(Ord. No. 90998-RDO, § 709)

7.10.340. - Board action.

At the sale, the board may sell the public roadway as allowed by state statute, reject the sale, or elect to dispose of the roadway in any other fashion consistent with A.R.S. title 28, ch. 20, art. 8 (A.R.S. § 28-7201 et seq.), or continue the matter until a stated time and date for further consideration. The board may authorize conveyance to the land within the roadway or portion thereof by quitclaim deed.

(Ord. No. 90998-RDO, § 710)

7.10.350. - Conveyance of title.

Upon conveyance, the roadway or portion thereof is deemed vacated and title vests in the grantee. If grantee is an abutting owner, title vests subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the grantee's abutting land. Conveyance is made when quitclaim deed is recorded in the office of the county recorder in the county where the roadway is located. The quitclaim deed shall not be recorded until consideration for the sale has been paid in full to the county.

(Ord. No. 90998-RDO, § 711)

ARTICLE VIII. - VACATION OF PUBLIC ROADWAYS WITHIN A PLANNED DEVELOPMENT WHERE TITLE IS OWNED BY THE COUNTY

7.10.360. - Process for vacation.

The process for vacation of public roadways within a planned development, where title is owned by the county in fee, may be initiated by the filing of a petition, completed in a format provided by county, containing the signatures, mailing addresses and parcel or lot numbers of two-thirds of the members of the owners association of the planned development and a majority of the owners of commercial property abutting the public roadway or portion thereof proposed to be vacated, and stating their approval of the vesting of title thereto in the association, and the association must meet the following conditions:

- A. *Owners association membership.* The owners association is to include the owners of the land abutting the county highway or public roadway or portion thereof to be vacated.
- B. *Rights and remedies for maintenance and assessment.* The owners association must have rights and remedies under the covenants, conditions or restrictions of title to maintain the vacated public roadway and to assess all members of the association for such maintenance.

- C. *Calculation of two-thirds members vote.* For the purpose of calculating the two-thirds members vote of the owners of said owners shall have one vote per tax parcel.
- D. *Calculation of commercial property owners' vote.* For the purpose of calculating the majority vote of the owners of commercial property abutting the roadway or portion of the roadway to be vacated, said owners shall have one vote per tax parcel.

(Ord. No. 90998-RDO, § 800)

7.10.370. - Required documentation.

Petition shall be accompanied by the following (without cost to the county):

- A. *Articles of incorporation.* Certified copy of the owners association's Articles of Incorporation as a nonprofit corporation authorized to do business in the State of Arizona.
- B. *Covenants, conditions and restrictions.* Certified copy of covenants, conditions and restrictions of title granting rights and remedies to maintain the vacated public roadways in the planned development and to assess all members of the association for such maintenance.
- C. *Mailing list of owners of abutting properties.* Listing of names, current addresses, identification of lot or parcel by lot number or Pinal County tax parcel number when lot numbers are not assigned, and type of ownership (i.e., residential or commercial) of all owners of record of land abutting the public roadway or portion thereof proposed to be vacated, from a qualified title insurance company within the State of Arizona and approved by the county.
- D. *Mailing list of property owners within the impact area.* List of names, mailing addresses and tax parcel numbers of impact area when determined necessary by the evaluating officer.
- E. *Mailing list of owners association membership.* List of names, addresses and lot numbers, or Pinal County tax parcel number when lot numbers are not assigned, of all members of the owners association of the planned development, certified by an official of the owners association.
- F. *Legal description.* Legal description of all public roadways or portions proposed to be vacated.
- G. *Process fee.* A process fee as set forth in the roadway disposition process fee schedule.
- H. *Subdivision plat.* Copy of recorded subdivision plat.
  - I. *Statement of consideration.* State consideration offered to be paid to county for vacation of public roadway.
  - J. *Statement of detrimental or adverse effects.* When deemed necessary by the evaluation official, written statement of any detrimental or adverse effects that the proposed action may have on property owners in the impact area.

(Ord. No. 90998-RDO, § 801)

7.10.380. - Additional documentation.

At any time prior to vacating the roadways or the conveyance of the roadway property, and without cost to the county, additional documentation may be required by county, including, but not limited to, the following:

- A. *Appraisal.* An appraisal on the public roadways proposed to be vacated.
- B. *Recordable Mylar.* Recordable Mylar, when determined necessary by the county engineer.
  - 1. A map drawn on polyester by a silver imaging process.
  - 2. Requirements: 18 inches by 24 inches, two-inch left margin, scale not to exceed 400 feet equals one inch.
- C. *Title insurance policy or title search report.* Title insurance policy or title search report by a title company

approved by the county.

(Ord. No. 90998-RDO, § 802)

7.10.390. - Evaluation meeting.

Prior to filing of the petition and the required documentation, an evaluation meeting will be held by the evaluation official with the representatives of the owners association to evaluate the petition for disposition and to determine the impact area, if any.

(Ord. No. 90998-RDO, § 803)

7.10.400. - Filing of petition.

Petition and required documentation shall be filed with the clerk of the board for transmittal to the appropriate county department for processing.

- A. *Incomplete documentation.* Upon failure to file a complete petition or any of the required documentation, the petition together with the fee, if filed, will be returned to the owners association.
- B. *Requests for recommendations.* Upon determination that the petition is complete and accompanied by the required documentation, requests will be made to the applicable county departments for recommendations on said vacation.
- C. *Public hearing date set.* When all requirements have been met and departmental recommendations received, a date shall be set for a public hearing on the requested action.
- D. *Notice of public hearing.* At least 14 days prior to the date of the public hearing on the proposed disposition, a notice stating the date, time and place of the public hearing before the board and stating that all persons interested may attend and will be given an opportunity to be heard, shall be:
  - 1. Published in a paper of general circulation in the area of the roadway proposed for disposition;
  - 2. Mailed by first class mail to abutting owners of record along the roadway proposed for disposition;
  - 3. Mailed by first class mail to property owners in the impact area, if any;
  - 4. Mailed by first class mail to utilities serving the subject area and to franchise holders who have been granted the right to use public roadways;
  - 5. Mailed by first class mail to special taxing districts which have the right to use the public roadways for their facilities and which serve the area in which the roadway is located; and
  - 6. Posted at intervals of no more than one mile and in at least two places on or along the roadway proposed for disposition.
- E. *Submittal of written statement or appearance for or against proposed action.* Any citizen may submit written statement or appear at the hearing and be heard for or against the requested action. Once the petition has been submitted, any person signing the petition may protest the action, but no signature may be withdrawn.

(Ord. No. 90998-RDO, § 804)

7.10.410. - Board action.

The board may grant the requested action by board resolution, deny the requested action, or continue the matter until a stated time and date for further consideration. The grant of the request and/or conveyance of roadway property may be subject to the fulfillment of certain conditions as set forth in PCDCS 7.10.380.

(Ord. No. 90998-RDO, § 805)

7.10.420. - Consideration.

Vesting of title requires consideration to be given from the owners of abutting properties to Pinal County. The consideration is to be commensurate with the value of the roadway or portion thereof to be vacated, taking into account the degree of fragmentation, marketability and any other public benefit to be received by Pinal County in return for the vacated roadway. Consideration to be given does not have to be cash monies but may be the public benefit received by the county. The county manager may designate the county official, employee or appraiser to determine the value of the roadway or may require petitioner to provide an appraisal, without cost to the county, from an appraiser acceptable to the county.

(Ord. No. 90998-RDO, § 806)

7.10.430. - Board resolution.

The board resolution granting the request shall describe the roadways and their disposition. The board resolution shall be effective when all money consideration, if any is required by the board, is paid in full to the county; when all conditions, if any are required by the board, are fulfilled; and when the resolution is recorded in the office of the county recorder of the county in which the public roadways are located. The resolution shall not be recorded until all money consideration, if any is required by the board, is paid in full to county and all conditions, if any are required by the board, are fulfilled.

(Ord. No. 90998-RDO, § 807)

CHAPTER 7.20. - WEIGHT LIMITS

7.20.010. - Authority.

In accordance with the provisions of Pinal County Resolution No. 71101-WL dated July 11, 2001, the Pinal County engineer is authorized to establish weight limits on Pinal County highways based upon available data, soil conditions, traffic volumes, and application of the AASHTO Method of Flexible Pavement Design.

(Res. No. 11602-WL, exh. A, § 1)

7.20.020. - Reserved.

7.20.030. - Violation; penalty.

Violators of this chapter shall be subject to the penal provisions of A.R.S. § 28-1101 as well as each and every other civil or criminal sanction provided by law, except that every penalty, fee, fine, or forfeiture for violation of this chapter shall be deposited with the treasurer of Pinal County for deposit into the Pinal County general fund.

(Res. No. 11602-WL, exh. A, § 3)

Title 8 - DRAINAGE

CHAPTER 8.05. - DRAINAGE

## ARTICLE I. - AUTHORITY, PURPOSE, SCOPE AND SHORT TITLE

### 8.05.010. - Authority.

This chapter is adopted pursuant to A.R.S. §§ 11-251(30), (31), and (36) and 11-251.05, which authorized the board of supervisors to do and perform all acts necessary to fully discharge its duties as the legislative authority of the county government; to make and enforce all local, police, sanitary and other regulations not in conflict with general law; to enforce standards for excavation, landfill and grading to prevent unnecessary loss from erosion, flooding and landslides; and to adopt, amend and repeal all ordinances necessary to carry out the duties, responsibilities and functions of the county.

(Ord. No. 100798-DO, § 100)

### 8.05.020. - Purpose.

The purpose of this chapter is to promote and protect the health, peace, safety, comfort, convenience and general welfare of the citizens of Pinal County by regulating drainage of all land within the unincorporated area of Pinal County, Arizona.

(Ord. No. 100798-DO, § 101)

### 8.05.030. - Scope.

This chapter shall apply to all development of land and conditions which may affect drainage systems and patterns except single-family residences, multifamily and commercial development unless otherwise required by the building official or by regulations based on a county-implemented community drainage study.

(Ord. No. 100798-DO, § 102)

### 8.05.040. - Short title.

This chapter may be cited as the "Pinal County Drainage Ordinance" and shall be referred to herein as "this chapter."

(Ord. No. 100798-DO, § 103)

## ARTICLE II. - RULES OF CONSTRUCTION, INTERPRETATION AND DEFINITIONS

### 8.05.050. - Rules of construction.

When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular. Words or phrases not specifically defined in this chapter shall be given the meaning they have in common usage. The word "shall" is mandatory and the word "may" is permissive.

(Ord. No. 100798-DO, § 200)

### 8.05.060. - Rules of interpretation.

- A. This chapter is remedial in nature and, therefore, shall be liberally construed to effectuate its purpose. The requirements set out herein shall be construed as minimum requirements.
- B. Nothing contained in this chapter shall be construed to limit or repeal other ordinances adopted and/or powers

granted to Pinal County Flood Control District or Pinal County. Further, this chapter shall not be construed to legalize existing conditions or uses which are in violation of other statutes, ordinances or regulations.

(Ord. No. 100798-DO, § 201)

#### 8.05.070. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appeal* means a request for review of a decision by the county engineer under this chapter.

*Building official* is the functional title of the director of the department of building safety, or his duly authorized representative, charged with the administration and enforcement of chapter 6.05 PCDSC, building code.

*Building site* means the area extending laterally a minimum distance of ten feet beyond the foundation or support of a building.

*County engineer* means the county engineer for Pinal County, Arizona.

*Design flow* means the peak flow and peak volume of rainfall resulting from the design storm generated within a defined area.

*Design storm/off-site* means the 100-year rainfall event that produces the peak design flow.

*Design storm/on-site* means the 100-year, one-hour rainfall event.

*Development* means any manmade change to property, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, landscaping, paving, excavation or drilling operations.

*Drainage* means runoff which flows over land as a result of precipitation. This shall include sheet flow and flows which may concentrate in local drainage systems with or without defined channels.

*Drainage clearance* means the formal approval by the county engineer of a grading and drainage plan to develop a site.

*Drainage easement* means a legal right or privilege to use an area defined and established to receive or convey runoff.

*Drainage report/plan (area)* means a drainage plan based on a defined watershed which may include more than one political jurisdiction.

*Drainage report/plan (conceptual)* means a drainage study encompassing a planned development providing a minimum of drainage information with order of magnitude value for peak flows and retention requirements.

*Drainage report/plan (development)* means a drainage plan covering a phase or portion of a development; a report/plan generally of greater detail and encompassing a smaller area than a drainage report/plan (master).

*Drainage report/plan (master)* means a preliminary drainage plan encompassing all future phases or units within a development; a report/plan generally of greater detail and encompassing a smaller geographic area than a drainage report/plan (area).

*Drainage report/plan (site)* means a drainage plan for a single lot or the smallest increment of development. A report/plan generally of greater detail than a drainage report/plan (development).

*Drainage system.* See *Watercourse*.

*Erosion* means the wearing away of the ground surface as a result of the movement of wind, water, ice and other geologic agents.

*Floodplain administrator* means the individual who is designated by the Pinal County Flood Control District board of directors to act as floodplain administrator and administer the provisions of the floodplain management ordinance.

*Off-site runoff* means runoff produced from precipitation which falls outside the limits of a development and which drains through a development or the site of a proposed development, including easements and dedicated rights-of-way.

*On-site runoff* means runoff produced from precipitation which falls within the limits of a development including easements and dedicated rights-of-way.

*Person* means an individual or his agent, firm, partnership, association, corporation, municipality, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

*Rainfall event* means the amount of rain falling in a specified period of time.

*Regional drain* means a watercourse in which the 100-year event produces a peak flow rate of at least 10,000 cubic feet per second and that has been so designated by the county engineer.

*Retention/detention system* means a system which retains runoff in a controlled manner through the use of storage facilities. Stored runoff is either evacuated by percolation or released to the downstream drainage system after the storm event.

*Road or roadway* means that area, whether public or private, between right-of-way lines, dedicated, reserved or provided for roadway purposes and other uses not inconsistent therewith.

*Variance* means a grant of relief from the requirements of this chapter which permits construction or other uses of property in a manner that would otherwise be prohibited or restricted by this chapter.

*Watercourse* means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. The term "watercourse" includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 100798-DO, § 202)

### ARTICLE III. - ADMINISTRATION

#### 8.05.080. - Scope of article.

This article sets forth the duties and powers of the county engineer and the limitations on regulation.

(Ord. No. 100798-DO, art. III)

#### 8.05.090. - Mandatory duties.

The county engineer shall:

- A. Review drainage reports and plans for all developments of land covered by this chapter and issue drainage clearances approving such plans to ensure that the requirements of this chapter are met.
- B. Investigate violations and complaints of noncompliance with this chapter.
- C. Keep copies of all documents or other submissions made pursuant to the requirements of this chapter.

- D. Issue notices or orders necessary to enforce the provisions of this chapter.
- E. Upon determination that development of land subject to this chapter has proceeded without a drainage clearance, take action necessary to obtain compliance with this chapter.

(Ord. No. 100798-DO, § 300)

#### 8.05.100. - Discretionary powers.

The county engineer may:

- A. Inspect properties for which approval of drainage and grading reports and plans have been requested.
- B. Inspect properties in response to complaints; and if violations are found, require compliance with the provisions of this chapter.
- C. Upon determination that a drainage system has not been built in accordance with approved plans, the county engineer may after due notice to the developer, revoke the approved drainage clearance until the drainage system is completed in substantial conformance to the approved plans.
- D. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this chapter.
- E. Issue notices of violation.
- F. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this chapter.
- G. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:
  - 1. Drainage control features which provide protection for development, such as dams, levees, dikes, interceptor channels and canals.
  - 2. Common area detention basins or drainage easements affecting two or more tracts or phases of development.
  - 3. Whenever the county engineer determines that construction of a development has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property.

(Ord. No. 100798-DO, § 301)

#### 8.05.110. - Restriction on chapter.

This chapter shall not:

- A. Prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres. This restriction on regulation shall be construed to conform with the requirements of A.R.S. § 11-830 as written or as subsequently amended.
- B. Require a property owner to submit plans for or install or change a drainage system on property for which the development plans have already been approved by the county at the time this chapter became effective.
- C. Require submission of a drainage report and plan in connection with the repair or alteration of property as it was developed at the time the ordinance codified in this chapter became effective so long as the effect of such repair or alteration upon drainage would not be substantial or constitute an increased hazard to that or other properties.
- D. Diminish or otherwise alter the enforcement of the floodplain management ordinance for the unincorporated



area of Pinal County.

- E. Apply to property owned by federal, state, county or municipal governments and used by them in carrying out their governmental operations.

(Ord. No. 100798-DO, § 302)

#### ARTICLE IV. - FEES

##### 8.05.120. - Authority for fee schedule.

A fee schedule may be adopted by the board of supervisors to cover expenses for drainage matters.

(Ord. No. 100798-DO, § 400)

##### 8.05.130. - Name of fee schedule.

Such fee schedule will be identified as the "Drainage Fee Schedule."

(Ord. No. 100798-DO, § 401)

##### 8.05.140. - Waiver of fee.

Fees will be waived on property owned by federal, state, county or municipal governments when said property is used by them in carrying out their governmental operations.

(Ord. No. 100798-DO, § 402)

##### 8.05.150. - Revision of fees.

The board may revise the fee schedule as needed to keep current with rising expenses to perform review and inspection services. The adoption or revision of a fee schedule shall not effect any change in this chapter itself.

(Ord. No. 100798-DO, § 403)

#### ARTICLE V. - VARIANCES AND APPEALS

##### 8.05.160. - Variances.

- A. The board of supervisors shall hear all written requests for variances from the provisions of this chapter.
- B. The request for variance from a provision of this chapter shall be made in writing and filed with the county engineer.
- C. The written request shall set forth the following:
  - 1. The specific variance being requested;
  - 2. The section number for which the variance is being requested;
  - 3. Why the granting of the variance would not result in an increase in the 100-year peak flow or discharge;
  - 4. The special physical circumstances, location or surroundings of the property which would deprive the property of privileges enjoyed by similar property if this chapter is strictly applied by Pinal County;

5. Why the variance would not constitute a grant of special privilege inconsistent with the limitations on similar property
  6. Why the variance would not result in additional threats to the public health, safety, welfare or to adjacent public and private property; and
  7. How the variance would meet the general intent and purposes of this chapter.
- D. Upon receipt of the written request for variance, the county engineer shall transmit said request to the board together with a written report by the county engineer responding to the requirements set forth in subsection H of this section within 15 calendar days from the filing of said request with the county engineer.
- E. The board shall hold a hearing on the request for variance within at least 15 calendar days but not more than 30 calendar days from receipt of said request from the county engineer.
- F. Notice of the date and time of the hearing shall be given to the party requesting the variance and the appropriate county officials at least seven calendar days prior to the hearing date.
- G. The board of supervisors may adopt rules for hearing such requests.
- H. No variances shall be granted by the board of supervisors unless all of the following requirements are met:
1. The grant will not result in an increase in the 100-year peak flow or discharge;
  2. By the reason of special physical circumstances, location or surroundings of the property, strict application of this chapter would deprive the property of privileges enjoyed by similar property;
  3. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property;
  4. The board of supervisors determines that the minimum requirements necessary to afford relief from flood hazards are met;
  5. The variance will not result in additional threats to the public health, safety, welfare or to adjacent public and private property; and
  6. The granting of the variance will preserve the general intent and purposes of this chapter.
- I. The board of supervisors may impose conditions on the variance, including, but not limited to, the posting of bonds, security, assurances or other security deemed necessary to guarantee compliance with the conditions.
- J. If the board of supervisors has cause to believe, after approval of a variance, that any stipulations or conditions may have been violated, it may set a hearing for the purpose of determining whether to revoke the variance for such violation. The board of supervisors may revoke the variance upon finding a violation of the stipulations or conditions, or it may grant a limited time to allow the violator to correct the violation in order to avoid revocation of the variance.

(Ord. No. 100798-DO, § 500)

#### 8.05.170. - Appeals.

- A. A person whose property rights have been adversely affected by a decision of the county engineer under this chapter may file an appeal with the board of supervisors within 30 calendar days after the decision is issued by the county engineer.
- B. Appeals shall be in writing, specifically stating the grounds for the appeal and be filed with the clerk of the board.
- C. Upon receipt of the appeal, the clerk of the board shall obtain a complete copy of the entire file from the county engineer within 15 calendar days from the filing of said appeal.
- D. The board shall hold a hearing on the appeal within at least 15 calendar days but not more than 30 calendar days from the receipt of the entire file from the county engineer.
- E. Notice of the date and time of the hearing shall be given to the party filing the appeal and the appropriate county

officials at least seven calendar days prior to the hearing date.

F. The board of supervisors may adopt rules for hearing such appeals.

G. The decision of the board of supervisors shall be a final decision.

(Ord. No. 100798-DO, § 501)

## ARTICLE VI. - GENERAL PROVISIONS

### 8.05.180. - Scope of article.

This article sets forth the general requirements for drainage clearance, drainage report/plan (site).

(Ord. No. 100798-DO, art. VI)

### 8.05.190. - Drainage clearance.

- A. A drainage clearance shall be required for any development or substantial improvement which may have an adverse effect on existing drainage. Unless substantial construction as approved by the county engineer has occurred within one year of such approval, the drainage clearance may be declared null and void and removal may be ordered of any partially completed or minor improvements which may adversely affect drainage as determined by the county engineer.
- B. Written application for a drainage clearance shall be submitted to the county engineer on forms provided by Pinal County.
- C. An exemption from requirements for zoning clearance, building permit, health department clearance or other permits does not constitute an exemption from this chapter, except as set forth in A.R.S. § 11-830.
- D. A drainage inspection is required prior to the issuance of a drainage clearance.
- E. Notice of any deficiency noted in the drainage inspection shall be made to applicant in writing by the county engineer. Failure to cure deficiencies within 90 calendar days of the date of notice of such deficiencies or final building inspection, whichever is the longer period, may result in the delay or nonissuance of the drainage clearance and certificate of occupancy.
- F. A final certificate of occupancy for permits issued to construct commercial, industrial, educational, institutional, and residential units regulated by this chapter shall not be issued prior to securing the required drainage clearance.
- G. Before issuance of the drainage clearance, financial assurances may be required by the county engineer to ensure construction, completion or maintenance of approved drainage facilities. Assurances shall be released upon verification of compliance with approved plans and all provisions of this chapter.
- H. The county engineer may require completion of a master drainage plan or development to determine the need for area drainage facilities resulting from proposed development. The plan shall set forth the amounts of land required for construction of area drainage facilities. These required amounts of land shall be proportionate to the amount of runoff contributed by a parcel to the total runoff calculated for the master drainage plan or development drainage plan. The county engineer shall evaluate each request for a drainage clearance or variance and determine if the applicant has proposed sufficient facilities to mitigate the increased drainage resulting from the proposed development.

(Ord. No. 100798-DO, § 600)

8.05.200. - Drainage report/plan.

A drainage report/plan shall be required for all manufactured home parks, recreational vehicle parks, industrial parks, and residential subdivisions. Biennial reports shall be submitted for any undeveloped or partially developed portions of an approved plan if in the opinion of the county engineer the unfinished work creates drainage problems for downstream properties. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the county engineer. Single-family residential development shall be governed by the provisions of PCDCS 8.05.220 which apply to individual lot ownership.

(Ord. No. 100798-DO, § 601)

8.05.210. - Design parameters.

The entire drainage detention and runoff conveyance system shall be designed to eliminate or minimize stormwater runoff effects and convey the runoff through the development with minimum detrimental effects to the development or to any other property. No system shall be approved if the effect may cause an increase in the peak discharge or velocity of runoff or change the point of entry of drainage onto other property during the two-, ten- and 100-year runoff event. No system shall be approved that impedes runoff from adjoining upstream properties.

- A. *Storm frequency criteria.* The rainfall event, based upon the 100-year storm return frequency generating the peak discharge for the area contributing runoff to the development shall be used in designing the overall development drainage system.
- B. *Retention/detention of storm drainage.*
  - 1. On-site retention/detention facilities may include natural depressions or manmade basins.
  - 2. Individual lot retention may be permitted in residential subdivisions with a minimum lot size of one acre with the approval of the county engineer.
  - 3. Retention/detention basins shall not be located within 25 feet of septic system facilities.
  - 4. Utility lines and structures shall not be located within drainage facilities unless approved by the utility company and the county engineer.
  - 5. If reasonable alternatives are not available, detention in the county right-of-way may be acceptable provided the county engineer approves the design.
  - 6. A right-of-way or public utility easement shall not be designated for drainage or retention without prior written approval of the appropriate agency or affected utility.
  - 7. In any landscaping and maintenance agreement, provisions shall be made for an annual maintenance certification.
  - 8. On-site drainage shall be either to the street or to a designated drainage easement with adequate outfall.
  - 9. The county engineer may reduce the requirements for on-site retention/detention where the stormwater runoff discharges directly to a regional drain; provided, that any reduction in on-site retention/detention does not increase peak flow within the watercourse for the 100-year event.
- C. *Stormwater disposal.* Unless otherwise approved by the county engineer, on-site runoff that has been retained shall be disposed of within 36 hours either by percolation, dry wells or draining into an approved drainage way. Flows from basins shall not exceed predevelopment flows for the two-, ten- and 100-year runoff event and shall be in the location and direction of the historic flows. If runoff is to be conveyed by an underground system, complete detailed plans shall be submitted to the county engineer.

D. *Dry well design.*

1. If dry wells are to be utilized for stormwater disposal, certification shall be required indicating that the dry wells meet the requirements of Pinal County.
2. Dry wells shall be used only for stormwater disposal and not for disposal or deposit of wastes or other contaminants.
3. Proof of dry well registration with the Arizona State Department of Environmental Quality shall be required.

E. *Road design.*

1. To facilitate drainage, the design of roadways which may be in or are proposed for future inclusion into the Pinal County highway maintenance system shall conform to Pinal County standards for roadways.
2. Adequate drainage ways shall be constructed to convey the street design flow if that flow is designed to leave the public right-of-way. Such drainage ways shall be platted as drainage easements or as separate tracts with maintenance provisions designated.
3. The county engineer may require construction of a culvert or bridge where a road crosses a natural drainage way. The size of a culvert or bridge shall conform to the requirements set by the Pinal County department of public works.
4. If roads are designed to convey runoff, the amount conveyed shall not exceed design standards. Additional flow shall be conveyed in drainage ways if the design standards are exceeded or the depth within roadways is greater than eight inches.
5. To prevent back and head cutting, dip sections and culvert crossings of rights-of-way shall have adequate cutoff walls or aprons constructed of nonerodible material.
6. Each site shall have one all-weather road access with a maximum flow of eight inches in depth over the culvert or overflow section during the 25-year peak flow event with no adverse backwater effect during a 100-year peak flow event.
7. The county engineer, in evaluating various backwater conditions, may allow some roads to be constructed which result in substantial overtopping of the roadway surface; provided, that the velocity of flow or hydraulic features prevent roadway erosion.

F. *Finished floor elevation.* Finished floors shall be elevated a minimum of one foot above the high point of the building site. A finished floor elevation may be other than the minimum permitted, provided it is determined by technical data certified by an Arizona-registered civil engineer to be a minimum of 12 inches above the 100-year water surface elevation in adjacent streets and drainage ways, the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations shall be referenced to a known benchmark. Aerial photographs of the 1983 and 1993 floods may be used, with the approval of the county engineer, to supplement FEMA flood zone water surface elevations.

G. *Floodplain development.* That portion of a development that is within a designated special flood hazard area shall comply with the floodplain management ordinance. If a developer desires to re-delineate a floodplain, he shall submit the necessary data to the floodplain administrator. Development within a delineated floodplain is not exempt from drainage and grading requirements of this chapter.

H. *Landscape/grading.* Walls, fences, decorative borders, berms and other similar structures or features less than one foot in height above finished grade are permitted without first obtaining a drainage clearance provided they do not have an adverse effect on adjacent land or obstruct, retard or divert any drainage way or other drainage design feature. This does not relieve any person from liability if that person's actions cause flood damage to any other person or property.

(Ord. No. 100798-DO, § 602)

8.05.220. - Development report/plan (site).

For developments including, but not limited to, single-family residence, building additions, utility sheds, and similar uses within low flow areas or adequately protected by upslope drainage control structures, a drainage report/plan is not required. However, in such cases, the following minimum information shall be submitted to obtain a drainage clearance:

A. A plot plan of the property indicating:

1. North arrow and a bar scale for the drawing;
2. Property lines with dimensions, including easements;
3. Legal description, property address and nearest street intersection;
4. Location of existing and proposed structures;
5. Location and size of any existing or proposed drainage easements;
6. An on-site temporary elevation bench mark for verification purposes; and
7. Drainage arrows and topography with maximum five-foot contour interval or sufficient spot elevations to determine building pad elevation.

B. Any support information which the county engineer deems necessary to evaluate the drainage clearance.

(Ord. No. 100798-DO, § 603)

ARTICLE VII. - DRAINAGE REPORT/PLAN (MASTER)

8.05.230. - Scope of article.

This article sets forth requirements which are in addition to the requirements set forth in article VI of this chapter and apply to all phases or units within a master drainage planned area.

(Ord. No. 100798-DO, art. VII)

8.05.240. - Drainage report/plan (master).

The landowner or developer shall submit for review and approval the following:

- A. All existing drainage patterns affecting the land included in the proposed development shall be shown. Washes shall indicate the following:
  1. Size of contributing drainage area, in acres.
  2. Approximate length and width of contributing drainage area.
- B. Type and amount of peak flow at lower boundary of the proposed development indicating the effect on neighboring property. It is the owner's or developer's responsibility to provide for drainage across the proposed development. The owner or developer shall also properly dispose of this runoff in as nearly as possible the same manner as before development or by other approved means. Peak discharge and velocity at the lower boundary of the proposed development shall not be increased as a result of development.
- C. The location and method of retention/detention and runoff conveyance shall be included on the plan.
- D. All information and calculations as required in this article shall be prepared by an Arizona-registered civil

engineer.

- E. The amount and degree of hydraulic and hydrologic detail required shall be determined by the county engineer based upon the complexity of the master plan.

(Ord. No. 100798-DO, § 700)

#### ARTICLE VIII. - DEVELOPMENT REPORT/PLAN (RESIDENTIAL)

##### 8.05.250. - Scope of article.

This article sets forth requirements in addition to the requirements set forth in articles VI and VII of this chapter and may apply to residential subdivisions, manufactured home parks, recreational vehicle parks, and special use residential developments.

(Ord. No. 100798-DO, art. VIII)

##### 8.05.260. - Development drainage report/plan (residential).

A development drainage report/plan shall be required and shall be in accordance with any drainage report/plan (area or master). Where sufficient information has been shown on a drainage report/plan (area or master), it may also be submitted as the required development drainage report/plan under this article. Biennial reports shall be submitted for any undeveloped or partially developed portions of an approved plan if in the opinion of the county engineer the unfinished work creates drainage problems for downstream purposes. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the county engineer. The development drainage report/plan shall be prepared by an Arizona-registered professional engineer and shall include, but not be limited to, the following information:

- A. Compliance and continuity with the applicable master plan.
- B. Location, size and capacity of all existing and proposed drainage system elements including natural washes and swales, FEMA flood zones, dry wells, underground systems, retention systems, drainage ways, culverts, pipes, easements and roads.
- C. Provisions for conveyance of runoff through the site and the discharge of runoff at the lower boundary that minimizes the effects of the development upon drainage in the area.
- D. Lot and roadway layout including designation and use of all land to be used for public or semi-public purposes.
- E. Designation of existing and proposed land uses.
- F. Site drainage reports and plans shall be consistent with such development drainage report/plan.
- G. Finished floors shall be elevated a minimum of one foot above the high point of the building site. A finished floor elevation may be other than the minimum permitted, provided it is determined by technical data certified by an Arizona-registered professional engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations shall be referenced to a known benchmark.

(Ord. No. 100798-DO, § 800)

#### ARTICLE IX. - DEVELOPMENT REPORT/PLAN (COMMERCIAL AND INDUSTRIAL)

8.05.270. - Scope of article.

This article sets forth requirements which are in addition to the requirements set forth in articles VI and VII of this chapter and may apply to commercial and industrial developments as set forth in this chapter.

(Ord. No. 100798-DO, art. IX)

8.05.280. - Development drainage report/plan (commercial and industrial).

A development drainage report/plan shall be required and shall be in accordance with any drainage report/plan (area or master). Where sufficient information has been shown on a drainage report/plan (area or master), it may also be submitted as the required development drainage report/plan under this article. Biennial reports shall be submitted for any undeveloped or partially developed portions of an approved plan. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the county engineer. The development drainage report/plan shall be prepared by an Arizona-registered professional engineer and shall include but not be limited to the following information:

- A. Location, size and capacity of all existing and proposed drainage system elements including natural washes and swales, FEMA flood zones, dry wells, underground systems, retention/detention systems, drainage ways, culverts, pipes, easements and roads.
- B. Provisions shall be made for conveyance of runoff through the site and the discharge of runoff at the lower boundary and at the same location and as near as possible to the same conditions as before development, except as approved by the county engineer.
- C. Lot and street layout including designation and use of all land to be used for public and semi-public purposes.
- D. A description of methods to be used to floodproof buildings, including utilities up to or above the calculated water surface elevation of the design storm.
- E. Finished floors shall be elevated a minimum of one foot above the high point of the building site. A finished floor elevation may be other than the minimum permitted provided it is determined by technical data certified by an Arizona-registered professional engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations shall be referenced to a known benchmark.
- F. Site drainage reports and plans shall be consistent with such development drainage report and plan.
- G. Retention facilities which may include natural depressions or manmade basins, depressed parking areas or other methods which do not result in water being ponded longer than 36 hours. No more than 50 percent of public parking for retention and the maximum depth of water shall not exceed six inches.

(Ord. No. 100798-DO, § 900)

ARTICLE X. - BUILDING SETBACK REQUIREMENTS

8.05.290. - Minimum building setback.

- A. For major watercourses, with a base flood peak discharge of 5,000 cfs or greater, the following building setbacks shall be required where bank protection satisfactory to the floodplain administrator is not provided:
  1. Where no unusual conditions exist, a minimum setback of 300 feet measured from the primary channel bank shall be provided at the time of development.



2. Along major watercourses where unusual conditions do exist, building setbacks shall be established on a case-by-case basis by the floodplain administrator, unless an engineering study which establishes safe limits is performed by a registered professional engineer and is approved by the floodplain administrator. When determining building setback requirements, the floodplain administrator shall consider danger to life and property due to existing flood elevations (including superelevation and/or velocities and historical channel meandering).
  3. Where a building setback limit would fall within a designated floodway, the outer boundary of the floodway shall be the minimum building setback.
- B. For minor watercourses with a base flood peak discharge of less than 5,000 cfs, the following building setbacks shall be required where bank protection satisfactory to the floodplain administrator is not provided.
1. Along minor watercourses where no unusual conditions exist, a minimum building setback of 50 feet measured from the nearest primary channel bank shall be provided at the time of development.
  2. Along minor watercourses where unusual conditions do exist, building setbacks shall be established on a case-by-case basis by the floodplain administrator. When determining building setback requirements, the floodplain administrator shall consider danger to life and property due to existing flood heights and/or velocities and historical channel meandering.
  3. Building setbacks along very minor watercourses (200 cfs or less) will be determined on a case-by-case basis.
- C. Unusual conditions include, but are not limited to, historical meandering of the watercourse, excavation pits, poorly defined or poorly consolidated banks and changes in the direction, amount and velocity of the flow of waters within the watercourse.

(Ord. No. 100798-DO, § 1000)

#### ARTICLE XI. - COMPLIANCE, ENFORCEMENT AND PENALTIES

##### 8.05.300. - Chapter violation.

- A. It is a violation of this chapter to develop, construct, alter, use, repair, improve, fill, divert, obstruct, remove or commence the creation, construction, alteration, repair, improvement, filling, diversion, obstruction or removal of any wash, culvert, easement, channel, ditch, berm, detention basin, wall fence, other structure or use which may affect any natural drainage or improved drainage design or drainage system without obtaining a drainage clearance as set forth in this chapter from the county engineer.
- B. Each and every day during which the violation of this chapter occurs shall constitute a separate offense.

(Ord. No. 100798-DO, § 1100)

##### 8.05.310. - Penalties.

- A. For the purpose of this section, the term "person" means a human being.
- B. For the purpose this section, the term "enterprise" includes any corporation, association, labor union, unincorporated association, partnership, firm, society, or other legal entity.
- C. If a person is convicted of a violation under this chapter, the court may impose a fine or imprisonment or both. The fine shall not exceed \$2,500.00, and the imprisonment shall not exceed six months.
- D. If an enterprise is convicted of a violation under this chapter, the court may impose a fine not to exceed \$20,000.00.
- E. If there is no alternative of imprisonment in the judgment, then the judgment shall constitute a lien in the same

manner as a money judgment rendered in a civil action.

(Ord. No. 100798-DO, § 1101)

## ARTICLE XII. - WARNING, DISCLAIMER OF LIABILITY, AND SEVERABILITY

### 8.05.320. - Warning and disclaimer of liability.

The degree of protection from flooding due to stormwater runoff required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Compliance with this chapter does not ensure complete protection from flooding and is not to be taken as a warranty. Greater storms may occur or the water damage hazard may be increased by manmade obstructions or diversions. This chapter does not imply that land used will be free from flooding or flood damage. This chapter shall not create liability on the part of Pinal County or any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 100798-DO, § 1200)

### 8.05.330. - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 100798-DO, § 1300)

## Title 9 - ENVIRONMENTAL HEALTH

(RESERVED)

## Title 10 - AIR QUALITY

(RESERVED)

## Title 11 - EMERGENCY MANAGEMENT

(RESERVED)

## Title 12 - NUISANCES

### CHAPTER 12.05. - STREET NAMING AND PROPERTY NUMBERING

(Repealed by Ord. No. 011812-ZO-PZ-C-007-10)

### CHAPTER 12.10. - RUBBISH, TRASH AND WEEDS

*Footnotes:*

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#### 12.10.010 - Purpose.

The purpose of this chapter is to comply with A.R.S. § 11-268 and to provide for the remedy of situations or conditions existing on real property which constitute a hazard to public health and safety.

(Ord. No. 2024-PZ-C-002-24, Pt. II)

#### 12.10.020 - Definitions.

As used herein, the following terms shall have the following meanings:

"Building" means any structure on real property that is movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored, or used.

"Contiguous sidewalks, streets, and alleys" means any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary of any real property.

"County" means the unincorporated areas of Pinal County.

"Debris" means the remains of something broken down or destroyed, or something discarded. "Debris" includes, but is not limited to, scrap, car parts, dilapidated structures, dilapidated or inoperable appliances, dilapidated or dismantled personal property mobile homes or manufactured homes, dilapidated or dismantled Park Model trailers, or dilapidated recreational vehicles or trailers.

"Dilapidated" means real or personal property having the condition of being in such disrepair or deterioration that it is likely to burn or collapse, and such a condition endangers the life, health, safety, or property of the public.

"Dilapidated building" means any real property structure that is likely to burn or collapse, and its condition endangers the life, health, safety, or property of the public.

"Lessee" means a person who has the right to possession and use of goods, real property, or personal property pursuant to a lease, rental agreement, or other similar written instrument or oral understanding.

"Manufactured home" means a mobile home built after June 15, 1976, built on a permanent chassis, originally bearing an appropriate insignia of approval issued by the United States Department of Housing and Urban Development (HUD), in compliance with the applicable HUD Codes for Manufactured Homes (HUD Codes) in effect as of the date the Manufactured Home was constructed.

"Mobile home" means a residential structure that was manufactured on or before June 15, 1976, that is transportable in one or more sections, eight feet or more in body width, over 30 feet in body length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities and not originally sold as a travel trailer or recreational vehicle and that includes the plumbing, heating, air conditioning, and electrical systems in the structure. "Mobile Home" does not include a recreational vehicle or a park model trailer.

"Occupant" means a person who has the actual use, possession, or control of real or personal property. "Occupant" does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

"Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to real or personal property or all or part of the beneficial ownership and has all the rights of ownership, including the right to possess, sell, lease, and enjoy the land or structure. "Owner" includes a mortgagee in possession. "Owner" does not include a state or federal landowner.

"Park model trailer" means a structure built on a single chassis, mounted on wheels and designed to be connected to the utilities necessary for the operation of installed fixtures and appliances and that has a gross interior area of not less than 320 square feet and not more than 400 square feet when prepared for occupancy.

"Person" means an individual, corporation, company, trust, partnership, firm, association, or society. When the word "person" is used to designate the party whose real or personal property may be the subject of a criminal or public offense, the term includes any territory, country, or any political subdivision of this state that may lawfully own any real or personal property, or a public or private corporation, or partnership or association.

"Personal property" includes all interests in property, both tangible and intangible, except real property and fixtures. "Personal property" includes movable property and structures unaffixed to land, including, but not limited to: manufactured homes, mobile homes, Park Model trailers, recreational vehicles, storage containers, and residential or commercial modular buildings.

"Public nuisance" means anything that is injurious to health, indecent, offensive to the senses or an obstruction to the free use of real or personal property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons, or anything that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, basin, public park, square, street, or highway. "Public nuisance" includes an accumulation of rubbish, trash, weeds, filth, debris, or dilapidated building that constitutes a hazard to the public health and safety as determined by Pinal County Development Services, Pinal County Public Health, or any other department with jurisdiction over the condition, including, but not limited to, conditions that promote disease, harbor insects, and/or animals. It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation or any ordinance pertaining to the land and any violation constitutes a "Public Nuisance."

"Recreational vehicle" means a vehicle such as a motor home, camping trailer, van, fifth-wheel trailer or other type of recreational vehicle.

"Real property" means any legal, equitable, leasehold, or other estate or interest in, over, or under a lot or tract of land, including, but not limited to: structures; buildings; grounds or lots; buildings and structures affixed to land, including, but not limited to, manufactured homes and mobile homes; contiguous sidewalks, streets, and alleys; fixtures; and other improvements and interests, located in the county.

"Structure" means any building, mobile home, manufactured home, Park Model trailer, recreational vehicle, storage container, residential or commercial modular building, object, vehicle, watercraft, aircraft, or place with sides and a floor, used for lodging, business, transportation, recreation, or storage.

"Trailer" means a vehicle that is with or without motive power, other than a pole trailer or single axle tow dolly, which is designed for carrying persons or property and for being drawn by a motor vehicle and is constructed so that no part of its weight rests on the towing vehicle. "Trailer" includes a semi-trailer equipped with an auxiliary front axle commonly known as a dolly.

"Weeds" means all vegetation of any sort growing on sidewalks, streets, alleys, or private property in the county, and includes any of the following:

- a. Sagebrush, chaparral, buffelgrass, and any other brush, grass, weeds attaining a growth of at least two feet in

height and having been present for over 60 calendar days, as to become when dry, a fire hazard to adjacent property.

- b. Weeds or brush which are otherwise noxious or dangerous.

(Ord. No. 2024-PZ-C-002-24, Pt. III)

#### 12.10.030 - Conditions and defects for consideration in determination of a public nuisance or dilapidated building.

The determination of whether a public nuisance is present or whether a building or structure is dilapidated shall be made by an authorized agent of the Pinal County Development Services Department or any other department with jurisdiction over the condition who is hereby authorized to take such actions as may be required to enforce the provision(s) of this chapter.

For the purpose of this chapter, any or all of the conditions or defects hereinafter described shall be deemed a public nuisance or dilapidated building or structure, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

1. Any rubbish, trash, weeds, filth, debris, or dilapidated building that is not disposed of in a clean and sanitary manner. Any rubbish, trash, weeds, filth, debris, or dilapidated building must be removed to an approved landfill or other facility for waste materials, including if appropriate, a hazardous waste facility, or by other legal means.
2. Any rubbish, trash, weeds, filth, debris, or dilapidated building that presents a hazard to the public health and safety. Conditions that are present and evidence of such a hazard include, but are not limited to, rodents, insects, odor, or risk of fire.
3. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, blocked, or otherwise unsafe as to not provide safe and adequate means of exit in case of an emergency.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such event causing the damage, and is materially less than the minimum required for new buildings of similar structure, purpose, and location.
5. Whenever any portion or member or appurtenance presents a likely risk of failing, becomes detached or dislodged, or likely to collapse and injure persons or damage property.
6. Whenever any portion thereof has warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7. Whenever the building or structure, or any portion thereof is likely to partially or completely collapse due to any of the following: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building or structure; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause.
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used or intended to be used.
9. Whenever exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10. Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or has become dilapidated or deteriorated as to be a harbor for rodents, vagrants, transients, or criminals, or enable persons to resort thereto for purposes of committing unlawful acts.

11. Whenever the building or structure has been constructed, exists, or is maintained in violation of any specific require prohibition applicable to such building or structure provided by the zoning regulations or ordinances of the county, or Arizona law relating to the condition, location, or structure of buildings.
12. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, inadequate maintenance, faulty construction or arrangement, faulty or defective heating apparatus, faulty or defective cooling apparatus, faulty or defective plumbing or other sanitation apparatus, is determined by an authorized agent of the Pinal County Development Services Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness, disease, or death.
13. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate entries or exits, lack of sufficient fire-resistive construction, faulty or defective electric wiring, faulty or defective gas connections, faulty or defective heating apparatus, faulty or defective cooling apparatus, or other cause, is determined by an authorized agent of the Pinal County Development Services Department to pose a fire hazard.
14. Whenever the condition of any building or structure constitutes a public nuisance as defined in this chapter or in Arizona law.
15. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.

(Ord. No. 2024-PZ-C-002-24, Pt. IV)

12.10.040 - Violation of ordinance; removal of rubbish, trash, weeds, filth, debris, or dilapidated buildings; assessment of costs; recordation and priority of liens.

- A. *Violation.* A person shall have committed a violation of this chapter or created a public nuisance if such person, without lawful authority:
  1. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon real property in the county.
  2. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon contiguous sidewalks, streets, or alleys in the county which are open to the public.
  3. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon any private or public property in the county not owned or under the control of the person.
- B. *Duty to remove.* The owner, lessee, or occupant shall remove rubbish, trash, weeds, filth, debris, or dilapidated building or otherwise abate a public nuisance within thirty (30) calendar days after service of a notice to abate as provided herein.
- C. *Notice to abate.* Upon reasonable belief that a violation of this chapter has occurred, the notice to abate shall be served by an authorized agent of the Pinal County Development Services Department, a Pinal County Constable, or other authorized county employee, not less than thirty (30) calendar days before the date for compliance. The notice to abate shall include the date for compliance and the estimated cost of removal or abatement if the owner, lessee, or occupant does not comply with the notice to abate. The estimated cost of removal or abatement may be provided by either a qualified contractor or authorized agent of the Pinal County Development Services Department or other authorized county employee. Each day during which the violation continues beyond the date for compliance is a separate offense.
- D. *Service of notice to abate.* The notice to abate shall be personally served or sent by certified mail to the owner, any

lienholder, lessee, or occupant at the last known address, or the address to which the tax bill for the property was last mailed and posted on the property, if the owner does not reside on the property, a duplicate notice to abate shall be sent to the owner at the owner's last known address. If service by certified mail is unsuccessful, the notice to abate shall be posted at two locations on or at the real property. The date of service shall be the earliest of any of the following: the date of personal service, the date of receipt of certified mail, or the date that the notice was posted on or at the real property.

E. *Content of notice.* The notice to abate shall contain the following:

1. The street address (if any) and the assessor's tax parcel number of the real property on which the alleged violation(s) of the chapter occurred.
2. A brief written statement of why it is believed that the real property identified in the notice to abate is in violation of the chapter.
3. A written statement that the owner, lessee, or occupant shall have 30 calendar days from the date of service of the notice to abate to remove any rubbish, trash, weeds, filth, debris, or dilapidated building upon the real property or upon contiguous sidewalks, streets, or alleys in the county which are open to the public.
4. A written statement that any rubbish, trash, weeds, filth, debris, or dilapidated building may be removed or repaired in accordance with instructions from an authorized agent of the Pinal County Development Services Department or other authorized county employee, agent, or contractor. It is the obligation of the owner, lessee, or occupant to obtain any necessary permits relating to the removal or repair of such rubbish, trash, weeds, filth, debris, or dilapidated building.
5. A written statement that the rubbish, trash, weeds, filth, debris, or dilapidated building must be disposed of at an approved landfill or other facility for waste materials, including if appropriate a hazardous waste facility, or by other legal means.
6. A written statement that Pinal County may cause the violation(s) to be abated if the owner, lessee, or occupant fails to comply with the notice to abate within 30 calendar days and the cost of abatement shall be a lien against the real property.
7. A written estimate of the cost of removal or abatement by Pinal County, including incidental costs, that is based on either an estimate from a qualified contractor or authorized agent of the Pinal County Development Services Department or other authorized county employee.
8. A written statement that the owner, lessee, or occupant shall have 15 calendar days from the date of service of the notice to abate to appeal to the Pinal County Civil Hearing Office and that failure to appeal the notice to abate constitutes a waiver of all rights to a hearing and determination of the matter.
9. A statement that a party who places any rubbish, trash, weeds, filth, debris, or dilapidated building upon any private or public property in the county that is not owned or controlled by that party is guilty of a criminal offense under Arizona law, including A.R.S. § 131603, and may be subject to criminal penalties in addition to the costs of abatement.

F. *Appeal of notice to abate.* Any person receiving a notice to abate may appeal to the Pinal County Civil Hearing Office as follows:

1. *Notice of appeal.* A written notice of appeal shall be filed with the Pinal County Development Services Department no later than 15 calendar days from the date of service of the notice to abate. Failure to file a written notice of appeal within 15 calendar days constitutes a waiver of all rights to a hearing or any other form of appeal.
2. *Contents of notice of appeal.* The notice of appeal shall state in detail why the owner, lessee, or occupant (appellant) should not be required to comply with the notice to abate and describe why the rubbish, trash, weeds,

filth, debris, or dilapidated building does not qualify as a public nuisance.

3. *Hearing on appeal.* Upon receipt of the notice of appeal, the hearing on the appeal shall be scheduled as soon as practicable before the Pinal County Civil Hearing Office. At the time of the hearing, an authorized agent of the Pinal County Development Services Department shall appear and present evidence of condition(s) present on the real property alleged to constitute a public nuisance. The appellant may present evidence to controvert the existence of the alleged public nuisance. The hearing shall be conducted in accordance with the rules of the Pinal County Civil Hearing Office.
  4. *Extension of time for compliance.* If the decision of the civil hearing office is adverse to appellant, appellant shall have 30 days from the date of the decision to comply with the notice to abate.
- G. *Removal by owner, lessee, or occupant.* If any person is required to remove any rubbish, trash, weeds, filth, debris, or dilapidated building pursuant to this chapter, and that person recklessly places any such rubbish, trash, weeds, filth, debris, or dilapidated building on any private or public property located in the county, that person shall provide Pinal County Development Services Department with a receipt from a disposal facility to indicate that the rubbish, trash, weeds, filth, debris, or dilapidated building has been disposed of as required by law.
- H. *Removal of nuisance.* If the owner, lessee, or occupant fails to remove or otherwise abate the public nuisance within 30 calendar days from either the date of service of the notice to abate or from the date of an unsuccessful appeal (or by a later alternative date provided in writing by an authorized agent of the Pinal County Development Services Department), Pinal County Development Services Department may, at the expense of the owner, lessee, or occupant, remove or abate the public nuisance or cause it to be removed or abated.
1. *Cost of removal.* The cost of removal or abatement shall not exceed the estimate set forth in the notice to abate.
    - a. *Dilapidated buildings.* Before removal of a dilapidated building, a designated county official shall consult with the state historic preservation officer to determine if the building is of historic value. Upon removal of a dilapidated building, the county assessor shall adjust the valuation of the real property on the property assessment tax rolls from the date of removal.
  2. *Assessment.* Upon removal or abatement of the public nuisance, the actual cost of removal or abatement, including the costs of any additional inspections and other incidental costs, shall be an assessment against the real property on which the public nuisance was located. The assessment shall not exceed the estimated cost of removal or abatement provided in the notice to abate. The county shall record the assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment and the legal description of the property.
  3. *Notice of assessment.* A notice of assessment shall be served in the same manner as the notice to abate. The notice of assessment may be appealed in the same manner as the notice to abate. An appeal of the notice of assessment shall address any alleged inaccuracies and/or unreasonableness of the costs of removal or abatement.
  4. *Recordation of assessment.* If the owner, lessee, or occupant fails to pay the assessment within 30 calendar days after receipt of the notice of assessment, the assessment shall be delinquent and the assessment shall be recorded in the office of the Pinal County Recorder. The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid in full. The lien of the assessment is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.
    - a. *Foreclosure.* The board of supervisors may, but is not obligated to, bring an action to enforce the assessment lien in the Pinal County Superior Court at any time after the recordation of the assessment when the owner,



lessee, or occupant has failed to maintain the payment of assessments as provided in 12.10.040H.6 of this chapter. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

5. *No bar to subsequent assessments.* A prior assessment under this chapter is not a bar to a subsequent assessment or assessments, and any number of liens on the same real property may be enforced in the same action.
6. *Payment of assessments.* Assessments under 12.10.040.H of this chapter, pursuant to A.R.S. § 11-268(E), run against the real property until they are paid and are due and payable in equal annual installments as follows:
  - a. Assessments of less than \$500.00 shall be paid within one year after the assessment is recorded.
  - b. Assessments of \$500.00 or more but less than \$1,000.00 shall be paid within two years after the assessment is recorded.
  - c. Assessments of \$1,000.00 or more but less than \$5,000.00 shall be paid within three years after the assessment is recorded.
  - d. Assessments of \$5,000.00 or more but less than \$10,000.00 shall be paid within six years after the assessment is recorded.
  - e. Assessments of \$10,000.00 or more shall be paid within 10 years after the assessment is recorded.
7. *Future changes to assessments.* Should the assessments or time such assessments are paid be changed, adjusted, or otherwise altered by operation of law, such changes shall hereby be incorporated into this chapter and replace the applicable section(s) of assessments as set forth in 12.10.040.H.6.

(Ord. No. 2024-PZ-C-002-24, Pt. V)

12.10.050 - Placing rubbish, trash, weeds, filth, debris, or dilapidated building on property of another; penalty; assessment.

- A. *Placing rubbish, trash, weeds, filth, debris, or dilapidated building on property of another is prohibited.* Any person that recklessly places any rubbish, trash, weeds, filth, debris, or dilapidated building on any private or public property in the county that is not owned or under the control of the person is guilty of a class 1 misdemeanor unless immediately removed.
- B. *Liability for costs.* In addition to any fine which may be imposed pursuant to Section 12.10.030(1), any person is liable for all costs that may be assessed for the removal of the rubbish, trash, weeds, filth, debris, or dilapidated building.
- C. *Fines.* One hundred percent of any assessed fine shall be deposited in the Pinal County general fund. At least 50 percent of the fine shall be used by Pinal County for purposes of illegal dumping cleanup.

(Ord. No. 2024-PZ-C-002-24, Pt. VI)

12.10.060 - Non-exclusive remedy.

The remedies provided for in this chapter shall be in addition to any and all other remedies, civil or criminal, available to Pinal County pursuant to statute or common law, including, but not limited to, A.R.S. §§ 11-268, 13-2908, 36-183, and 49-143.

(Ord. No. 2024-PZ-C-002-24, Pt. VII)

CHAPTER 12.15. - LIGHT POLLUTION CODE

(Repealed by Ord. No. 011812-ZO-PZ-C-007-10)