

**AGENDA FOR WORK
SESSION**



**AGENDA FOR WORK
SESSION**

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY PLANNING AND ZONING COMMISSION
SUMMARY FOR AGENDA FOR MEETING
Thursday, May 9, 2024

9:00 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX
EMERGENCY OPERATIONS CENTER
301 E. 11TH STREET
FLORENCE, AZ 85132

Action means discussion/recommendation for approval or denial to the Board of Supervisors on the following Planning Cases. (Numbers are shown for administrative convenience only. All interested persons should be aware that the cases may be heard in an order different than that shown on the agenda.)

A work session is not a public hearing. For matters that are not listed as "public hearings" the public may attend and listen to the proceedings, but may only address the Commission with its permission.

(1) REGULAR ITEMS

A. **CALL TO ORDER AND ROLL CALL OF COMMISSION MEMBERS:**

- () **RIGGINS, Chairman**
- () **MENNENGA, Vice-Chairman**
- () **DEL COTTO, Member**
- () **HARTMAN, Member**
- () **KELLER, Member**
- () **KLOB, Member**
- () **LIZARRAGA, Member**
- () **SCHNEPF, Member**
- () **DAVILA, Member**
- () **MOONEY, Member**

B. **DISCUSSION ITEM AND PRESENTATION:**

1. Process Update since we last met (Title 3, Design Standards, Legal Review of Title
2. Publication/Notification (Public Review, Final Document)
3. Old vs. New (Zoning Category Combination)
4. Definitions
5. Draft Timeline
6. Thoughts on work session frequency- dates/times

Brent Billingsley

(2) WORK SESSION: ZONING CODE UPDATE

- A. **2.10.010-** Animal Keeping

- B. **2.150.300-** Farm Winery, Craft Distillery, and Microbrewery with Tasting Rooms
- C. **2.205-** Wireless Communication Facilities
- D. **2.150.160-** Recreational Vehicles
- E. **2.150.300-** Hillside Development
- F. **2.150.310-** Septic Tanks
- G. **2.190.010-** Adult Oriented Businesses

ADJOURNMENT

Support documents for the above-listed matters are available at the Pinal County Community Development Office for the public inspection at least 48 hours prior to the meeting at the Pinal County Community Development Department, Pinal County Complex, 85 N. Florence Street, Florence, Arizona, Monday through Thursday between the hours of 7:00 a.m. and 5:30 p.m.

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Adjustment and Appeals does not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Community Development Department at (520) 866-6442, at least (5) five business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Posted this 6th day of May 2024 around 11am /s/ Todd Williams.



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY: Brent Billingsley

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

DISCUSSION ITEM AND PRESENTATION:

1. Process Update since we last met (Title 3, Design Standards, Legal Review of Title
2. Publication/Notification (Public Review, Final Document)
3. Old vs. New (Zoning Category Combination)
4. Definitions
5. Draft Timeline
6. Thoughts on work session frequency- dates/times

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History

Time

Who

Approval

ATTACHMENTS:

Click to download

[Commission_Hearing](#)

DEVELOPMENT SERVICES CODE UPDATE STATUS REVIEW

May 9, 2024



PINAL COUNTY
WIDE OPEN OPPORTUNITY

Development Services Code Update

Status Review



□ Overview:

- Process Update since we last met (Title 3, Design Standards, Legal Review of Title 2)
- Publication/Notification (Public Review, Final Document)
- Old vs. New (Zoning Category Combination)
- Definitions
- Draft Timeline

Development Services Code Update

Status Review



- **Topic Areas for Review:**
 - Animal Keeping
 - Farm Wineries, Craft Distilleries and Microbreweries
 - Wireless Communication Facilities
 - Recreational Vehicles
 - Hillside Development
 - Septic Tanks
 - Adult Oriented Businesses

Development Services Code Update

Status Review



- **Animal Keeping Summary of Revisions:**
 - Standardized definitions
 - Clarified Applicability
 - Enhanced Performance Standards
 - Distinctions between large and small Livestock
 - Provisions for chickens
 - Exceptions for educational purposes

Development Services Code Update

Status Review



□ Farm Wineries, Craft Distilleries and Microbreweries

Summary of Revisions:

- Introduced specific regulations
- Standardized definitions
- Clarified Applicability
- Established Specific Performance Standards

Development Services Code Update

Status Review



- **Wireless Communication Facilities Summary of Revisions:**
 - Select edits
 - Clarified fencing/screening regulations
 - Included broadleaf stealth facilities
 - Incorporated Small Cell regulations

Development Services Code Update

Status Review



- **Recreational Vehicles Summary of Revisions:**
 - Select edits through multiple sections
 - Clarified definitions
 - Addressed in Accessory Dwelling Unit regulations
 - Addressed Temporary Dwellings and Short-Term Guest Housing
 - Addressed Storage of Recreational Vehicles

Development Services Code Update

Status Review



- Hillside Development Summary of Revisions:
 - Introduced specific regulations
 - Align with Comprehensive Plan
 - Established definitions, general provisions, and development standards

Development Services Code Update

Status Review



- **Septic Tanks Summary of Revisions:**
 - Introduced specific regulations
 - Addressed Septic Tanks, Vault and Haul, and Package Treatment Plants

Development Services Code Update

Status Review



- **Adult Oriented Businesses Summary of Revisions:**
 - Modernized regulations and terms
 - Aligned with A.R.S. regulations and definitions
 - Removed massage establishments as stand-alone use



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.10.010- Animal Keeping

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| |
|---|
| ATTACHMENTS: |
| Click to download |
| <input type="checkbox"/> Animal Keeping |

Pinal County Design Services Code:

Animal Keeping

2.10.010. Definitions.

Livestock means cattle (beef and dairy), horses, oxen, ~~horses~~, mules, donkeys, ~~swine~~, sheep, goats, rabbits, llamas, alpacas, ostriches, emus, ~~and~~ rheas and poultry.

Swine means a collective of pigs, hogs, or any other term used in referring to pigs.

2.150.340. Animal Keeping

The purpose of the animal keeping standards is to provide high levels of flexibility and allowances for the keeping of agricultural animals, household pets, and other animals that provide a healthy and affordable source of food and fiber and companionship and so that these animals and their byproducts do not also become a nuisance, hazard, and/or health problem to the adjoining neighbors, the general public, and the overall environment.

A. 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:

1. *Animal Keeping* means the care and maintenance of livestock on private property for both short- and long-term periods, which does not include the temporary presence of livestock for educational purposes.
2. *Livestock, Large* means cattle (beef and dairy), horses, oxen, mules, donkeys, sheep, goats, llamas, alpacas, ostrich, emus, and rhea.
3. *Livestock, Small* means chickens, poultry, and rabbits.
4. *Water Feature* means open water that is either natural or designed that performs an aesthetic or recreational function. These can include ponds, lakes, waterfalls, fountains, drainage channel, artificial streams, spas, and swimming pools.
5. *Water Source* means any source of water (such as rivers, streams, lakes, reservoirs, springs, groundwater, etc.) that provide water to public drinking water supplies and private wells.

B. Applicability

1. The keeping of animals and Livestock referenced in this Chapter is subject to the standards set forth in this Chapter, except as follows:
 - a. In accordance with A.R.S. § 11-812, a tract of land that is five or more contiguous commercial acres for grazing or general agricultural purposes is exempt from the animal keeping standards.
 - b. For the purposes of this Chapter, the county assessor's classification of a tract of land of five or more contiguous commercial acres for grazing or agricultural purposes will be used to exempt the tract from the animal keeping standards.

C. Animal Keeping Performance Standards

1. General Standards for all animals or Livestock referenced in this Chapter:

-
- a. Offspring of animals or Livestock maintained on the same property that are less than 6 months old or that have not been weaned, whichever is longer, shall not be subject to the maximum animal counts.
 - b. All animals or Livestock shall be maintained on property. Shelter and fencing (aviaries, barns, coops, corrals, hives, pens, stables, etc.) shall be provided to sufficiently contain them and keep them from roaming at large. Such shelter and fencing shall be to the development standard of the applicable Zoning District and maintained in a clean and sound condition at all times.
 - c. The area used for grazing and raising of said animals or Livestock shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying. For lots less than one (1) acre in size, no confinement area shall be located in the front yard, and the grazing and roaming of Small Livestock shall be limited to the side and rear yards. No Livestock may be fed, watered, or sheltered within any Front, Side, or Rear Yard Setback.
 - i. Certain animals may require more restrictive setbacks as outlined herein.
 - ii. Requests for reductions in setbacks or required lot size for animal keeping may be granted as an administrative adjustment for no more than 10 percent of the required setbacks, parcel, or lot size. Reductions greater than that may be heard by the Board of Adjustment as a request for a variance.
 - d. Protection of the from natural elements such as wind and sun shall be provided, and natural drainage provided to keep enclosures free from standing water.
 - e. No animals or Livestock may be permanently fed, watered or sheltered within 150 feet of a Water Source.
 - f. Manure shall be actively managed to either contain it on site or be properly disposed of for all animals on the property. Livestock manure shall be collected at least weekly and spread on pastures, fields, or arenas, composted for later use, or hauled off site. No accumulation of manure shall be permitted within any water feature. Storing and stockpiling of manure is allowed only for composting. Manure composting piles shall be located a minimum of 55 feet from all property lines, 500 feet from water features and wells, and protected in a way to prevent runoff from contaminating surface waters or groundwater. On-site stormwater (10-year event) shall be contained around the composting site. Off-site stormwater (10-year event) shall be diverted around the composting site.
 - g. A Special Use Permit may be requested to exceed allowances for the number of Livestock kept on site or to request a waiver if documentation is available that specific provisions inhibit best ecological practices on a Lot.
2. Additional Standards for the keeping of specific animals are as follows. The maximum allowances listed below are for each animal category. More than one category of animal may be kept on site:
- a. Large Livestock
 - i. The keeping of Large Livestock as defined in this Chapter shall be permitted in all Zoning Districts permitting Animal Keeping with the following requirements:
 - 1. A minimum of 1 acre of Lot Size land shall be required for the keeping of such animals.
 - 2. Two such animals may be maintained on the first acre and up to one additional animal for each additional 0.5 acre.
-

b. Swine

- i. The keeping and raising of swine is not permitted in any residential Zoning District.
- ii. A minimum Lot Size of 1 acre shall be required for the keeping of swine.
- iii. The raising of swine shall be limited to 1 animal per acre, up to a maximum of three animals total.

c. Small Livestock

i. Chicken Hens

- 1. Any chicken coop, or other structure, used for chicken hens shall meet the minimum front yard setback for accessory buildings of the underlying zone and be permitted in all Zoning Districts permitting Animal Keeping.
- 2. Fencing heights shall conform to the standards of the zone in which the property is located.
- 3. For all RU Rural Zoning Districts, a maximum of fifty (50) chicken hens may be kept on an individual lot. An additional ten (10) chicken hens per half-acre over the minimum lot size may be kept on an individual lot, with a maximum of 200 chicken hens. Any structure used to fence or house chickens shall be a minimum of twenty (20) feet from the residence and eighty (80) feet from any property line.
- 4. Chicken hens may be kept in the following Single Residence Zoning Districts, regardless of whether other Large or Small Livestock animals are permitted or not, with the following requirements:
 - a. For lots in Single Residence Zoning Districts that are smaller than 20,000 square feet, a maximum of ten (10) chicken hens may be kept on an individual lot. Any structure used to fence or house chickens shall be a minimum of five (5) feet from the residence, and ten (10) feet from any property line.
 - b. For lots in Single Residence Zoning Districts that are 20,000 square feet or larger, a maximum of twenty-five (25) chicken hens may be kept on an individual lot. An additional ten (10) chicken hens per half-acre over the minimum lot size may be kept on an individual lot. Any structure used to fence or house chickens shall be a minimum of five (5) feet from the residence, and twenty (20) feet from any property line.
 - c. Roosters shall not be permitted in any Single-Residence Zoning District with minimum lot sizes less than one acre.

ii. Other Poultry

- 1. The keeping of similarly sized poultry other than chicken hens, such as roosters, ducks, geese, turkeys, quails, and peafowl shall be permitted in all Zoning Districts permitting Animal Keeping as defined in this Chapter with the following requirements:
 - a. A minimum of 1 acre Lot Size land is required for the keeping of poultry other than chicken hens,

b. Any structure used for keeping other poultry shall meet the minimum front yard setback for accessory buildings of the underlying zone and be permitted in all Rural Zoning Districts and include a covered, predator-proof shelter with at least 4 square feet per poultry animal.

c. A coop or other enclosure of solid material for containing the other poultry animals during hours of darkness so as to limit crowing and noise.

iii. Rabbits

1. The keeping of rabbits shall be permitted in all Zoning Districts permitting Animal Keeping as defined in this Chapter with a maximum of one animal for every 2,000 square feet of Lot Size land up to a maximum of 20 rabbits.

2. Any structure used for keeping rabbits shall meet the minimum front yard setback for accessory buildings of the underlying zone and be permitted in all Rural Zoning Districts with the following requirements:

a. A structure that includes a covered, predator-proof shelter with at least 6 square feet per rabbit.

iv. On-site slaughter shall be limited to Small Livestock kept on property. Slaughter shall not occur in view from any public area or any adjacent property owned by another. Slaughter must be for personal consumption and shall be conducted in a humane manner in accordance with A.R.S. § 3-2016.

d. Bee Keeping

i. The number of hives permitted on a Lot shall be subject to the following:

1. One hive of bees shall be permitted on any Lot in all Zoning Districts permitting Animal Keeping as defined in of this Chapter.

2. One additional hive shall be permitted for every additional 6,000 feet of Lot Size land.

3. On Lot Sizes greater than 5 acres, there shall be no restrictions on the number of hives.

ii. Beehives shall maintain a minimum 20-foot Setback from any property line.

e. Animal Keeping for Educational Purposes

i. Any Animal Keeping of Large Livestock and swine conducted primarily for educational purposes or school credits, are permitted in the R-43 and larger Zoning Districts. Swine are not permitted in the R-43 Zoning District.

ii. Under this provision, Large Livestock and swine utilized for educational purposes are not counted toward the number of permitted animal units if the following criteria are met:

1. Active membership or documentation must be maintained proving the educational nature of the Animal Keeping and verification of such may be required upon request.

2. A sign must be posted on the property at all times designating a given member (i.e., 4-H or FFA) is in residence and caring for an animal for educational purposes while any such project or activity is in progress.

3. Only one Large Livestock animal unit per individual resident caretaker may be kept for educational purposes.

D. Permits and Administration

1. Permits are not required for animal keeping unless otherwise noted.

2. The provisions for permitted animal keeping do not waive the requirement for obtaining a building permit or any other applicable permit or approval.

Summary of Permitted Use for Topic

- SR – Suburban Ranch Zoning District
- SH – Suburban Homestead Zoning District
- GR – General Rural Zoning District
- CR-1A – Single Residence Zoning District
- CR-1 – Single Residence Zoning District
- CR-2 – Single Residence Zoning District
- MH – Manufactured Home Zoning District (*only for up to two horses*)
- 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
- R-43 – Single Residence Zoning District
- MH-8 – Manufactured Home Zoning District (*only for up to two horses*)

EXAMPLE:

Chapter 2.225. RU-5 Rural Zoning District

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:

B. Agriculture use and/or animal keeping for non-commercial purposes, subject to the requirements set forth in PCDSC 2.150.340.



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.150.300- Farm Winery, Craft Distillery, and Microbrewery with Tasting Rooms

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| |
|--|
| ATTACHMENTS: |
| Click to download |
| <input type="checkbox"/> FarmWineries_CraftDistilleries_Microbrewery |

Pinal County Design Services Code: Farm Winery, Craft Brewery, and Microbrewery with Tasting Rooms

2.150.330. Farm Winery, Craft Distillery and Microbrewery with Tasting Rooms

A. 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:

1. *Brewpub* means a restaurant with facilities for the brewing of beer for onsite consumption and retail sale at the restaurant. A brewpub must derive at least 40% of its gross revenue from the sale of food.
2. *Craft Distillery* means a site operated by a “craft distiller” as defined in A.R.S. § 4-101 and who holds a license pursuant to A.R.S. § 4-205.10.
3. *Farm Winery* means a “farm winery” as defined in A.R.S. § 4-101 and that holds a license pursuant to A.R.S. § 4-205.04.
4. *Microbrewery* means a “microbrewery” produces at least five thousand but not more than six million two hundred thousand gallons of beer in a calendar year and meets the requirements of A.R.S. § 4-205.08.
5. *Product* means “beer” as defined in A.R.S. § 4-101 that is produced in a Microbrewery, “distilled spirits” as defined in A.R.S. § 4-101 that is produced in a Craft Distillery, or “wine” as defined in A.R.S. § 4-101 that is produced in a Farm Winery.
6. *Tasting Room* means a location at a Craft Distillery, Farm Winery or Microbrewery that is used for serving Product to customers for the purpose of sampling the Product at the site before purchase by a customer.
7. *Tasting Room, Off-Site* means a remote location that is used by a Craft Distillery, Farm Winery, or Microbrewery for serving Product to customers for the purpose of sampling the Product at the location for a fee or before purchase by a customer.

B. Farm Winery

Farm Winery with Tasting Rooms are allowed in all Rural Zoning Districts, subject to obtaining approval of a Special Use Permit (SUP) and subject to the requirements in this Chapter.

1. Uses:
 - a. *Production/Storage Limits.* The SUP application shall include an estimate of the Product’s production and storage capacity, given in terms of number of gallons produced or made annually. Storage of Product shall be limited to Product made and bottled on the site.
 - b. *Tasting and On-Site Sales.* The SUP application shall include a description of the on-site sales and Tasting Room proposed. Subject to different conditions set forth in the approved SUP, Tasting Room use shall be limited to 12 persons maximum at any one time; on-site sale of Product shall be limited to the sale of Product made and bottled on the site by appointment only; and on-site sale of wine shall be limited to the sale of wine made from grapes or other fruit grown on the site. All County Environmental Health Department requirements shall be met for any food or beverage service.

c. Authorized Uses. The uses authorized in this Section 2.150.330 with approval of a SUP are limited to the production, storage, tasting, and sale of Product made or bottled at the site and incidental non-motorized tours of the site. Regularly scheduled motorized tours are prohibited. Retail and wholesale sales of Product must comply with State licensing requirements. Related items may be sold, provided they do not make up more than 25% of retail sales receipts. Food sales and food preparation that require a Commercial Kitchen, as defined by the most recent edition of County's adopted Building Code, are prohibited.

2. Development:

The following development standards apply to non-agricultural buildings and uses on the site. If a building is used for both agricultural purposes and non-agricultural purposes, these standards shall apply:

- a. Minimum Lot Area: 20 acres.
- b. Minimum Lot Width: 350 feet.
- c. Minimum Front Setback: 200 feet.
- d. Minimum Side Setback: 200 feet.
- e. Minimum Rear Setback: 200 feet.
- f. Maximum Building Height: 35 feet.
- g. Parking Standards: One parking space for each employee not living on the site and one space per 50 square feet of Tasting Room area. All driveways accessing the site and parking spaces shall be either paved or treated with a dust-free material such as gravel, chip seal, or other materials approved by the Community Development Director.
- h. Signage: All signage must conform to Chapter 2.145 PCDSC.
- i. Site Plan: Farm Winery, Craft Distillery, and Microbrewery with Tasting Rooms are considered commercial uses that require a Specific Site Plan to be submitted for review and approval pursuant to Chapter 2.200 PCDSC.

3. Supplemental Regulations:

- a. Environmental Protection. All new development shall comply with the provisions of all County environmental protection ordinances, including the erosion control ordinance.
- b. Outside Lighting. The SUP application shall include plans for all outdoor lighting for review and approval. All outdoor lighting shall be fully shielded and follow the appropriate specifications in Chapter 2.195 PCDSC.
- c. Water Conservation. Water saving devices shall be incorporated into the site, as specified in Section 2.150.290 PCDSC, and shall be indicated on building and landscaping plans for Community Development Department review and approval.
- d. Parking. The SUP application shall include a parking plan meeting the parking standards in Part B above and provide adequate space for loading and unloading.
- e. Access. Access shall meet County road standards, including adequacy for the proposed use, for delivery vehicles, for emergency vehicles, and, where appropriate, for serving two or more parcels.

f. Fire Protection. All regulations of the local fire department or County Fire Marshal shall be met to ensure adequate water availability and other conditions for fire protection. No site in a rural area shall be established beyond a 20-minute fire response time from the nearest responsible fire station.

g. Water. An analysis shall be submitted with the SUP application stating that adequate capacity either by well or domestic water service is available to serve the proposed use; hauled water is prohibited.

h. Sewer/Septic. A letter from the sewer district serving the parcel or a septic design engineer shall be submitted with the SUP application stating that adequate capacity is available to serve the proposed use.

4. Landscaping.

a. A landscaping plan shall be submitted with the SUP application showing existing and proposed trees, shrubs, and groundcover species, size and placement.

b. Plantings shall be completed before final building inspection is approved.

c. Buildings shall be landscaped or located in a natural setting to soften the geometric form and blend with the rural character of the surrounding area.

d. Parking lots and outdoor work and storage areas shall be screened from view of adjacent properties and roadways by vegetative plantings or other natural features and screening.

5. Operations:

a. Operations. The SUP application shall include a description of outdoor and indoor operations and proposed operating hours of the site. Subject to different conditions set forth in the approved SUP, the outdoor operating hours of the site shall be limited to the hours 7:00 a.m. to 7:00 p.m., except during harvest season. The indoor operating hours of the site shall be set forth in the approved SUP.

b. Noise Control. The SUP application shall include information about the anticipated noise levels of the operation. Subject to different conditions set forth in the approved SUP, the following sound schedule limitations shall apply during the day (7:00 a.m. to 10:00 p.m.) and shall be reduced by 10 dba for the night (10:00 p.m. to 7:00 a.m.):

i. A maximum noise standard of 65 dba for a cumulative period of 15 minutes in any hour;

ii. A maximum noise standard of 75 dba for a cumulative period of five minutes in any hour; and

iii. A maximum noise level of 90 dba.

c. Disposal. Grape and other fruit residue shall be disposed of in a manner consistent with the fly and vector control requirements of the County Environmental Health Department.

6. Protection of Agricultural Lands: The buildings and associated storage and parking facilities shall be situated to remove no agricultural land from production (or potential production) if any non-farmable building site is available or, if this is not possible, to remove as little land as possible from production. Subject to different conditions set forth in the approved SUP, the maximum area of farmable agricultural land coverage by all structures and impervious surfaces for the proposed operations shall not exceed 10%.

C. Craft Distillery & Microbrewery

Craft Distilleries and Microbreweries are allowed in certain commercial and industrial zoning districts subject to the requirements of this Section and the applicable zoning districts.

1. Site Plan

Craft Distilleries and Microbreweries are considered commercial uses that require a Specific Site Plan to be submitted for review and approval pursuant to Chapter 2.200 PCDCS.

2. Landscape

- a. A landscaping plan shall be submitted with the site plan showing existing and proposed trees, shrubs, and groundcover species, size, and placement.
- b. Plantings shall be completed before final building inspection is approved.
- c. Parking lots and outdoor work and storage areas shall be screened from view of adjacent properties and roadways by vegetative plantings or other natural features and screening.

3. Regulations in the CI-1 & I-2 Industrial Districts:

- a. Production/Storage Limits. The application shall include an estimate of the Product's production and storage capacity, given in terms of number of gallons produced or made annually. Storage of Product shall be limited to Product made and bottled on the site.
- b. Tasting and On-Site Sales. The application shall include a description of any on-site sales and Tasting Room being proposed. All County Environmental Health Department requirements shall be met for any food or beverage service.
- c. Authorized Uses. The uses authorized in this Section 2.150.330 are limited to the production, storage, tasting, and sale of Product made or bottled at the site and incidental non-motorized tours of the site. Retail and wholesale sales of Product must comply with State licensing requirements. Related items may be sold, provided they do not make up more than 25% of retail sales receipts. Food sales and food preparation that require a Commercial Kitchen, as defined by the most recent edition of County's adopted Building Code, are prohibited.

4. Regulations in the AC-2, AC-3, C-1, C-2, C-3 & CB-2 Commercial Districts:

- a. Production/Storage Limits. The application shall include an estimate of the Product's production and storage capacity, given in terms of number of gallons produced or made annually. Storage of Product shall be limited to Product made and bottled on the site.
- b. Maximum area allowed for distilling or brewing shall be 60% of the gross floor area.
- c. A taproom is permitted within the microbrewery or craft distillery where customers for a fee may sample and consume the product without food service.
- d. An eating and drinking establishment, commonly known as a brewpub, is permitted as an accessory use to a microbrewery.

5. Supplemental Regulations:

- a. Outside Lighting. The site plan application shall include plans for all outdoor lighting for review and approval. All outdoor lighting shall be fully shielded and follow the appropriate specifications in Chapter 2.195 PCDCS.

-
- b. Parking. The site plan shall include a parking plan meeting the parking standards in Part B above and provide adequate space for loading and unloading.
- c. Noise Control. Subject to different conditions set forth in the approved application, the following sound schedule limitations shall apply during the day (7:00 a.m. to 10:00 p.m.) and shall be reduced by 10 dba for the night (10:00 p.m. to 7:00 a.m.):
- i. A maximum noise standard of 65 dba for a cumulative period of 15 minutes in any hour;
 - ii. A maximum noise standard of 75 dba for a cumulative period of five minutes in any hour; and
 - iii. A maximum noise level of 90 dba.

Summary of Permitted Use for Topic

Farm Winery, Craft Distillery, Microbrewery, Off-Site Tasting – Special Use

- CAR – Commercial Agriculture Ranch Zone
- SR – Suburban Ranch Zoning District
- SH – Suburban Homestead Zoning District
- GR – General Rural Zoning District
- CR-1A – Single Residence Zoning District
- 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
- R-43 – Single Residence Zoning District
- R-35 – Single Residence Zoning District

Craft Distillery, Microbrewery – Permitted

- CB-2 – General Business Zoning District
- AC-2 – Activity Center Zoning District
- AC-3 – Activity Center Zoning District
- C-1 – Neighborhood Commercial Zoning District
- C-2 – Community Commercial Zoning District
- C-3 – General Commercial Zoning District
- CI-1 – Light Industry and Warehouse Zoning District
- I-2 – Light Industrial and Warehouse Zoning District

Off-site Tasting – Permitted

- CB-2 – General Business Zoning District
- AC-2 – Activity Center Zoning District
- AC-3 – Activity Center Zoning District
- C-1 – Neighborhood Commercial Zoning District
- C-2 – Community Commercial Zoning District
- C-3 – General Commercial Zoning District

EXAMPLE

Chapter 2.235. RU-2 Rural Zoning District

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.

- I. [Off-Site Tasting Rooms operated by a licensed craft distiller, microbrewery or farm winery subject to the requirements set forth in PCDSC 2.150.330.](#)



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.205- Wireless Communication Facilities

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| |
|---|
| ATTACHMENTS: |
| Click to download |
| <input type="checkbox"/> Wireless Communications Facilities |

Pinal County Design Services Code: **Wireless Communications Facilities**

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 ~~s~~Special ~~U~~se ~~P~~ermit 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 ~~U~~se ~~P~~ermit.* 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 ~~S~~pecial ~~U~~se ~~P~~ermit ("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~~[Building Code](#).
- K. *Modification of uses within a PAD overlay zone district.* Notwithstanding PCDSC 2.151.010(B)(9), the ~~S~~pecial ~~U~~se ~~P~~ermit process may be used to modify the uses within a PAD ~~overlay zoning district~~[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, [within one mile of an approved and platted subdivision, approved PAD or residential Zoning District](#), shall be enclosed by an eight-foot-tall solid masonry wall to prevent trespass. [An alternative to an eight-foot-tall solid masonry wall may be proposed at facilities which are more than one mile from an approved and platted subdivision, approved PAD or residential Zoning District.](#)
- C. *Generators.* All permanent generators associated with any facilities, [within one mile of an approved and platted subdivision, approved PAD or residential Zoning District](#), shall be located behind the eight-foot-tall

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(Supp. No 3)

solid masonry wall. [An alternative to an eight-foot-tall solid masonry wall may be proposed at facilities which are more than one mile from an approved and platted subdivision, approved PAD or residential Zoning District.](#)

- D. *Ground-mounted equipment.* Ground-mounted equipment, [within one mile of an approved and platted subdivision, approved PAD or residential Zoning District](#), shall be located behind an eight-foot-tall solid masonry wall. [An alternative to an eight-foot-tall solid masonry wall may be proposed at facilities which are more than one mile from an approved and platted subdivision, approved PAD or residential Zoning District.](#)
- 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 [within a one-mile buffer of an approved subdivision or approved PAD or residential Zoning Districts](#) 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 (monopalm), pine [or broadleaf](#) trees (monopines) and saguaro cacti.
 - a. Setback requirements for monopalm, monopine [or broadleaf](#), 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. Monopalms 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 [or mono broadleaf](#) 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 [or mono broadleaf](#) 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 [or mono broadleaf](#) tapering to the shortest branches at the top of the monopine;
 - iv. Antennas shall have camouflaged foliage covers;
 - v. The monopine [or mono broadleaf](#) branches shall have a density of 2.5 branches for each one vertical foot of pole;
 - vi. The monopine [or mono broadleaf](#) branches shall begin at no greater than 12 feet above finished grade and continue to the top of the pole;
 - vii. The monopine [or mono broadleaf](#) shall be painted a color to match the appearance of the surrounding pine trees;
 - viii. The trunk of the monopine [or mono broadleaf](#) 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 [or mono broadleaf](#);
 - 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 [or mono broadleaf](#);
 - x. All cables shall be concealed within the pole structure;
 - xi. No climbing pegs are permitted on the monopine [or mono broadleaf](#) structure; and
 - xii. There shall be no unpainted metal on the monopine [or mono broadleaf](#) 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)

[3.- Small Cell \(Wireless\) Facilities to be placed in public rights-of-way shall comply with the County's placement and design criteria as stated in the Pinal County Subdivision and Infrastructure Design Guidelines.](#)

4.- Small Cell (Wireless) Facilities to be placed on private property shall adhere to the following design criteria:

a. Building-Mounted, New

i. Building-mounted facilities shall be screened from view in a manner consistent with mechanical equipment screening that is mounted to buildings.

ii. Screening techniques must be architecturally integrated into the building; including use of color and materials or other context appropriate alternatives.

iii. The placement of Small Cell (Wireless) Facilities and any associated elements shall not extend beyond 10% of the existing building height.

iv. All wiring shall be screened from view.

b. Vertical Structure / Tower, New

i. The facility shall be similar in appearance to the predominant vertical structures in the immediate vicinity, including materials, colors, and scale.

ii. To the extent feasible, such facilities shall provide dual function, such as parking light standard or similar function to further minimize the structure.

iii. Facilities shall be outside of any sight visibility triangles or vehicular or pedestrian ways.

iv. Affected landscaping shall be replaced on-site and in proximity to its original location.

v. All ground-mounted equipment shall be screened using durable and context-appropriate materials and colors.

vi. New structures shall be no more than 10% taller than similar structures in the immediate vicinity.

vii. All wiring shall be screened from view.

c. Vertical Structure / Tower, Existing (co-location)

i. Co-location resulting in the removal and replacement of a structure is acceptable; however, the new structure shall substantially match the appearance, scale, material(s), and color(s) of the original structure.

ii. All ground-mounted equipment shall be screened using durable and context-appropriate materials and colors.

iii. Structures not originally intended, designed, or used for wireless communications shall be limited to one (1) co-location.

iv. New structures shall be no more than 10% taller than similar structures in the immediate vicinity.

v. All wiring shall be screened from view.

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 PCDCS 2.205.040 and 2.205.050, with the exception of Small Cell (Wireless) Facilities as stated below:

- 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 and projects no more than 4 feet from the support pole/tower 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 when located in a zone as a permitted use.
(Ord. No. PZ-C-001-13 , § 6; Ord. No. PZ-C-005-10 , § 1)

- I. Co-locations on existing parking lot lighting on non-residential development sites where the array is no more than four feet in width and the height of the facility does not exceed the main building height of the zone in which the facility is located and meets main building setbacks. Lighting on such facilities will not be considered lawfully non-conforming must conform to the outdoor lighting criteria in this title.
- J. Small Cell (Wireless) Facilities located within public rights-of-way shall be considered a permitted use by right. Such use shall adhere to the County's right-of-way construction permitting and design criteria as provided in the Pinal County Subdivision & Infrastructure Design Manual. Pre-application meetings for Small Cell (Wireless) Facilities are recommended, but optional. By being optional, it shall be recognized that the timeframe (i.e. 'shot clock') established by FCC Order 18-133 shall not begin until such time that the permit application and full submittal has been submitted to the County.

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~~ 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~~ 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~~ 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 PCDCS 2.205.050, the applicant shall follow the SUP procedure as set forth in PCDCS 2.15~~10.0120~~. 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 scaled 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)

E. For all Small Cell (Wireless) Facility applications, all jurisdictional reviewing agencies shall comply with FCC Order 18-133, which establishes certain specific review timeframes. In response to this Order, the County has implemented the following review policies regarding 'shot clock' timeframes and procedures:

1. Upon submittal, County staff shall review the application and submittal materials for completeness within ten (10) days. If the submittal is deemed complete, the official review 'shot clock' shall begin – sixty (60) calendar days for co-locations and ninety (90) calendar days for a new structure / tower. Should the submittal be incomplete, the review 'shot clock' shall not begin until such time as all missing materials have been submitted and the application and submittal materials are deemed complete.
2. Only the time in which the County is in possession of the Small Cell (Wireless) Facility application for the purpose of review shall count toward the respective sixty (60) or ninety (90) day review timeframe (i.e. 'shot clock').



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.150.160- Recreational Vehicles

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| |
|--|
| ATTACHMENTS: |
| Click to download |
| <input type="checkbox"/> Recreational_Vehicles |

Pinal County Design Services Code:

Recreational Vehicles

2.150.160. Storage and accessory uses.

(Provisions in Section only pertaining to Recreational Vehicles)

- A. Mobile homes, manufactured homes and recreational vehicles ~~(RV)/travel trailers~~ are prohibited as storage facilities in any zone.

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

2.150.240. ~~Guest house/casita~~Accessory Dwelling Unit.

(Provisions in Section only pertaining to Recreational Vehicles)

In addition to the requirements of a specific zoning district, ~~guest houses/casitas~~accessory dwelling units (ADU's) are subject to the following ~~additional~~ requirements:

- A. Detached Accessory Dwelling Units

8. A manufactured home, mobile home, recreational vehicle, or park model trailer shall not be used as an accessory dwelling unit, except as otherwise allowed under section 2.150.155.

2.150.270. Recreational vehicles as temporary dwellings and short- term guest housing.

A. Recreational vehicles (RVs), 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.

B. RVs that are not park models or park trailers may be permitted as short-term guest housing on either an owner-occupied lot in any rural zoning district or a qualified owner-occupied lot in a residential district. A temporary RV permit issued by the County is required for such short-term use, as follows:

1. Each temporary RV permit shall be valid for a period of 60 days.

2. For lots less than or equal to one acre in size, one 60-day temporary RV permit may be issued per lot per calendar year with a minimum of 90 days between the expiration and issuance of such permit. For lots greater than one acre in size, two 60-day temporary RV permits may be issued per lot per calendar year with a minimum of 90 days between the expiration and issuance of each individual permit; if two permits are issued during a single calendar year, the permit shall be for two different RVs.

3. The temporary RV permits shall be conspicuously posted on the lot and clearly visible from the nearest public right-of-way to the lot for the duration of the permitted use.

4. The application for a temporary RV permit shall be made on a form provided by the County.

5. Lots eligible for a temporary RV permit shall be in conformance with all development standards and other requirements of the applicable rural or residential zoning district.

6. The location of all RVs shall meet the required front yard setbacks for a main building and side and rear yard setbacks for a detached accessory building of the applicable zoning district.

7. No rent, fee or other compensation shall be charged by the owner/occupant of the lot in exchange for the use of the lot for short-term guest housing.

8. Utility hook-ups shall be in compliance with all governmental and service provider requirements. Septic hook-ups will be permitted if the septic tank capacity is adequate as determined by the County.

C. For purposes of this section, a qualified owner-occupied lot means a lot in a development that was both rezoned from a rural zoning district to a residential zoning district and subdivided prior to January 1, 1975

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

CHAPTER 2.185. OUTSIDE STORAGE AND PARKING

(Provisions in Chapter no pertaining to Recreational Vehicles not shown)

2.185.010. Outside storage and parking.

- B. It is unlawful for any person to stand, park or store a vehicle in violation of this ~~e~~Chapter.
- C. It is unlawful for any resident/occupant to allow a vehicle to stand or be parked or stored in violation of this ~~C~~chapter.

(Ord. No. PZ-C-003-12, § 1; Ord. No. 61862, § 3401)

2.185.020. Accessory use.

Outside storage and parking provided by this ~~C~~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 ~~C~~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 ~~C~~chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Recreational v~~ehicle means any ~~item-vehicular type~~ of ~~unit personal property not more than forty (40) feet in length and eight (8) feet in width that is primarily designed for temporary living quarters, recreation, camping, or travel use, which either: driven or hauled for recreational uses including, but not limited to: travel trailers, motorhomes, boats, boat trailers, tent campers, buses or other recreational items.~~

- (1) Contains its own motive power as in the case of motorhomes, mini motorhomes, or recreational vans;
or
- (2) Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or watercraft on boat trailers; or

(3) Is mounted on another vehicle as in the case of truck campers

2.185.060. Recreational vehicle storage.

A. Recreational vehicles may be parked or stored on parcels or lots zoned for lot sizes under thirty-five thousand (35,000) square feet ~~a parcel~~ provided said recreational vehicles comply with the following requirements:

1. ~~They~~ They conform to the requirements listed in PCDSC 2.185.050, ~~and~~
2. They are not connected to any utility source, ~~except for being plugged in for the sole purpose of charging the battery, and not in use for sleeping or living purposes.~~
3. They are not used for short term housing absent the issuance of a permit in accordance with PCDSC 2.150.270.
4. They are only parked or stored in a Garage, Carport or on a dustproof surface within a side or rear yard area that is fully screened from the view of adjacent streets by a solid wall, Fence, gate, or any combination thereof of a height no less than seven (7) feet while maintaining a five (5) foot distance between the Recreational Vehicle and any Building or Structure.
5. They are not parked or stored in the front yard except for the purposes of loading and unloading, which may be permitted for a period of time not to exceed 72 consecutive hours.

B. Recreational vehicles may be parked or stored on parcels or lots zoned for lot sizes of thirty-five thousand (35,000) square feet or larger provided said recreational vehicles comply with the following requirements:

1. They conform to the requirements listed in PCDSC 2.185.050.
2. They are not connected to any utility source, except for being plugged in for the sole purpose of charging the battery.
3. They are not used for short term housing absent the issuance of a permit in accordance with PCDSC 2.150.270.

~~(Ord. No. 61862, § 3406)~~

2.185.110. Compliance.

Outside storage not complying with this ~~C~~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~~Chapter 2.155 PCDSC, article II.

(Ord. No. 61862, § 3412)



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.150.300- Hillside Development

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| ATTACHMENTS: |
|---|
| Click to download |
| <input type="checkbox"/> Hillside_Development |

Pinal County Design Services Code:

Hillside Development

2.150.300. Hillside DevelopmentReserved.

A. Purpose

The purpose of the Hillside development standards is to allow reasonable and beneficial use of private property within areas with a hillside slope greater than 15 percent, which the Pinal County Comprehensive Plan refers to as a steep slope, while promoting the public health, safety, and general welfare of the 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 hillside slopes.

B. 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:

1. Disturbance means all construction that includes, but not limited to, grading, grubbing and clearing; erection, placement or construction of buildings and structures; paving and surfacing of roadways, driveways, and parking areas; easements for above ground and underground utility lines; septic systems including leach fields and evaporation ponds; excavation or filling or combination thereof, and cut and fill of slopes and associated spill materials.
2. Hillside means any terrain of any lot or parcel that has a slope greater than 15 percent within any horizontal distance with a ten-foot (10') elevation change (See Figures 1-3).

Figure 1: Example of Hillside lot

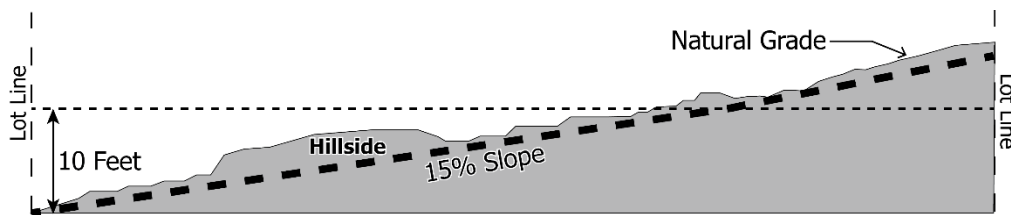


Figure 2: Example of hillside on only a portion of a lot

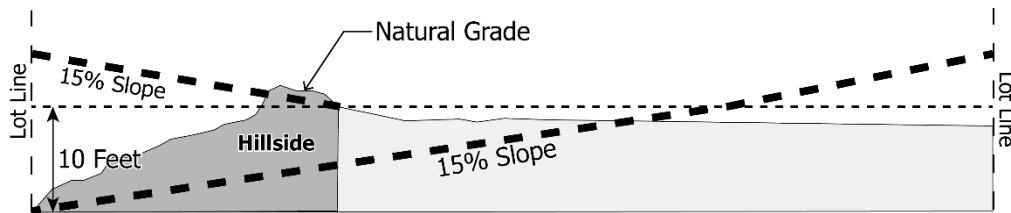
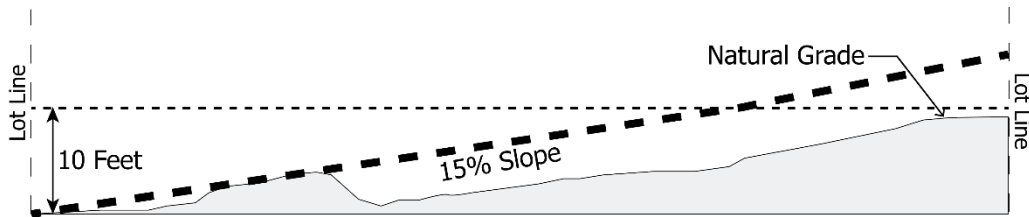


Figure 3: Example of lot with elevation change not considered hillside

3. Retaining Wall means a wall or terraced combination of walls, including, planters, negative edge pools, used solely to retain more than eighteen inches (18”) of material, water, or to support or to provide a foundation or wall for a building.

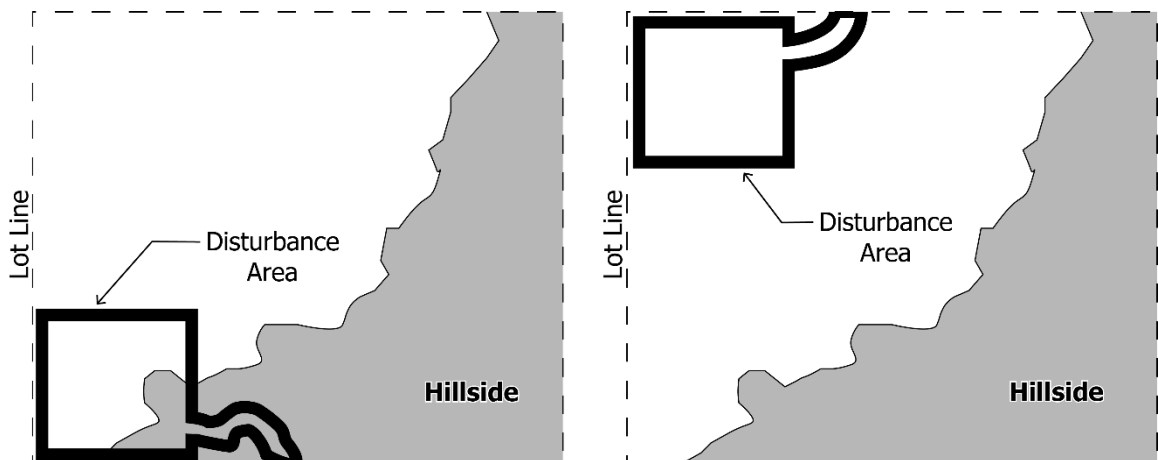
C. General Provisions

1. In all Zoning Districts, the hillside development standards set forth in this chapter shall be applied



to the disturbance area if any portion of land deemed hillside is disturbed for development (See Figure 4).

Figure 4: Disturbance area subject to Hillside Development Standards (Left), and disturbance are not subject to Hillside Development Standards (Right)



2. The issuance of grading permits, building permits or other approvals of improvement work on any real property, subject to the regulations in this Section, shall not be conditioned on altering, modifying or not utilizing existing grading, construction or other improvements on such real property to conform to the regulations in this Section if such existing grading, construction or other improvement was completed in conformance with valid permits, issued prior to the adoption of this provision.

3. Any challenge to a determination by the Building Safety Department that any portion of a lot, tract or parcel is subject to the hillside development regulations set forth in this chapter, shall include as part of the challenge a written determination of an Arizona registered civil engineer supported by sealed topographical plans.

D. Development Standards

-
1. Grading and Drainage Requirements: There shall be no grading or other disturbance on or to any site other than percolation and test borings (100 square feet maximum in size) prior to the issuance of a Zoning Clearance and Drainage Clearance, and prior to final approval of complete plans by the Building Safety Department and the issuance of a Building (grading) Permit.
 - a. The extent of all disturbance on that portion of a lot which has a natural slope of 15 percent or greater, shall be limited to a total disturbance of 35% of the gross lot area, or 20,000 square feet, whichever is less, and shall be located entirely within the buildable setbacks of the lot, except that disturbance related to the driveway and utility connections may extend outside the lot's buildable area to the street line or other lot line. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Chapter 2.151 PCDSC, a Planned Area Development (PAD) Overlay in accordance with Chapter 2.175 PCDSC, or a Variance in accordance with Chapter 2.155.040 PCDSC.
 - b. Sewage Disposal System: All spill materials shall be contained within the building envelope.
 - i. Surface Limiting Condition for On-site Wastewater Treatment Facility: According to the A.A.C R18-9-A310.C.2, an investigator, qualified under subsection (H) of the same ordinance, shall determine whether, and if so, where any of the following surface limiting conditions exist: The surface slope is 15 percent or greater at the intended location of the on-site wastewater treatment facility. For Subsurface Soil Characterization and Limiting Conditions follow A.A.C. R18-9-A310D.
 - c. In accordance with Section 22-169 of the Pinal County Code of Ordinances, all utility lines for hillside development site shall be located underground within the driveway graded area whenever possible. If this location is not possible, then disturbance of natural terrain for these lines shall be confined to within four feet of either side of the lines. Additionally, all underground utility lines should be placed in one trench if the reasonable clearances among the different utility lines can be completed.
 - d. The driveway shall be the shortest practical route from the street line to the lot's buildable area and shall be the narrowest practical width.
 - e. Roadways and all related hillside disturbance shall be contained within dedicated rights-of-way, subdivision private street tracts, or easements. Roadways within easements are included in the maximum gross lot disturbance (sq. ft.). Roadway maximum slopes for public streets shall adhere to the requirements of the Pinal County Subdivision and Infrastructure Design Manual.
 - f. Roadways and driveways developed in conjunction with applicable hillside development should adhere to the maximum street grade requirements of the Pinal County Subdivision and Infrastructure Design Manual.
 - g. No building or structure shall be placed outside of the lot's buildable area within any portion of a required yard that has a hillside slope. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Chapter 2.151 PCDSC, a Planned Area Development (PAD) in accordance with Chapter 2.175 PCDSC, or a Variance in accordance with Chapter 2.155.040 PCDSC.
 - h. Drainage: All hillside development requires a drainage clearance. The entrance and exit points and continuity of all natural drainage channels on a hillside development site shall be preserved.
 - i. All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the County's adopted Building Code (including riprap materials) except for the minimum amount of swale grading necessary for drainage

purposes. Fill slopes 25% or greater shall be completely contained by retaining walls. Any retaining wall taller than 4ft measured from top of wall to bottom of footer shall be designed by an Arizona Registered Professional Engineer.

j. The finished surfaces of any retaining wall shall blend into the natural setting.

k. Fill pads higher than 10 feet shall be designed by a geotechnical engineer.

2. Slope Stabilization and Restoration

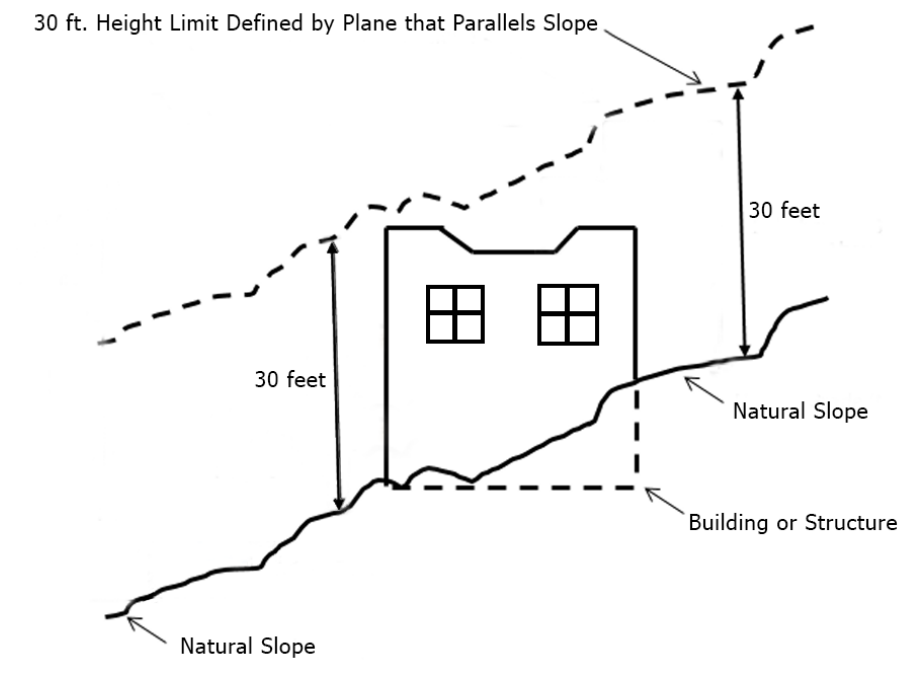
a. Vegetation shall be reestablished on all exposed fill slopes, cut slopes, and graded areas, or areas otherwise disturbed, by means of a mixture of indigenous grasses, shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural revegetation. In lieu of the reestablishment of indigenous vegetation, all exposed cut slopes shall be riprapped with stone or chemically stain treated with materials which blend in with the natural setting.

b. Any slope disturbance in violation of this Chapter is a violation of this ordinance and shall be remediated with a Plan of Compliance that will specifically list the method of slope stabilization including vegetation, soilscape and contours; will set deadlines for remediation to be completed; and may be subject to all remedies as outlined in Chapter 6 PCDSC.

E. Height Regulations

1. The height of all buildings and structures, on portions of property having a natural slope of 15% or greater shall not exceed 30 feet from original natural grade through any building cross section, measured vertically at any point along that cross section from original natural grade (see Figure 1). This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Chapter 2.151 PCDSC, a Planned Area Development (PAD) Overlay in accordance with Chapter 2.175 PCDSC, or a Variance in accordance with Chapter 2.155.040 PCDSC.

Figure 5: Building Height in Hillside Development



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2. The maximum length of any continuous Retaining Wall shall not be more than 100 linear feet. The maximum height of any Retaining Wall shall not be more than 8 feet. The height of a Retaining Wall is measured from the low side of natural grade when retaining fill slopes and from finished grade when retaining cut slopes to the top of the wall; whether the top is retaining earth or not.
 3. Where Retaining Walls are provided they shall be color treated, textured, or veneered to blend in with the surrounding natural colors and textures of the native rock and soils at the site.

F. Procedural Regulations

All applications for a Zoning Clearance and Drainage Clearance on those portions of properties having a hillside slope shall contain the following materials and information:

1. Plot Plan in accordance with Chapter 2.200 PCDSC that shall include:
 - a. A contour interval not exceeding two-foot intervals. Graphically depict all portions of properties having a natural slope of 15 percent or greater, previously disturbed and proposed disturbance.
 - b. A topographic survey prepared and sealed by a civil engineer or registered land surveyor that is submitted along with the site plan.
 - c. A scale of the site plan that shall be not less than 1" (inch) =20' (feet)-0" (inches).
 - d. Showing cross sections through site and building at 25-foot intervals perpendicular to slope, giving maximum building and structure height conditions in each cross section.
 - e. Graphical depiction all disturbed areas and show the proposed method of final treatment.
 - f. A grading and drainage plan is required and shall be prepared and sealed by an Arizona registered civil engineer.
 - g. The location of all proposed utility lines, and septic tank or sewage disposal areas.
 - h. The legal description and property dimensions.
 - i. A table on the plan which provides the following information:
 - i. Gross area of lot (sq. ft.)
 - ii. Area of lot that is hillside (sq. ft.)
 - iii. Area of hillside on lot that has been previously disturbed, if applicable (sq. ft.)
 - iv. Area of hillside on lot that will be a new disturbance (sq. ft.), including any disturbances due to construction.

G. Enforcement

Maintaining premises in violation of hillside development regulations after the effective date of the hillside development ordinance provision shall be grounds to prohibit the issuance of additional building permits until violations are corrected.

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



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.150.310- Septic Tanks

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| |
|---|
| ATTACHMENTS: |
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| <input type="checkbox"/> Septic_Tanks |

Pinal County Design Services Code:

Septic Tanks

2.150.310. Septic tanks ~~Aquifer Protection~~ ~~Reserved~~.

A. Septic Tanks

1. Only individual residential lots that are one (1) acre in size or larger shall be permitted for a septic tank. Community septic tanks, or septic tanks serving more than one residential property, are not allowed.

B. Vault and Haul

1. For developments that do not have immediate access to a regional wastewater solution, developers may apply for a sewage vault and haul of up to 24,000 gallons per day as a temporary measure if appropriate connection to a sewer or complete installation of a package plant occurs within one year of the vault and haul installation.

2. The vault and haul shall only be allowed once appropriate permitting for the wastewater treatment plant servicing the development has been submitted to the Arizona Department of Environmental Quality (ADEQ) and shall be decommissioned after the wastewater treatment plant is operational.

3. The operation shall not exceed one year. An extension for an additional year only may be granted upon the approval of Pinal County's Aquifer Protection Division.

4. The vault and haul shall be in compliance with all permits and other requirements of all the governmental entities regulating vault and haul activities.

5. Plans for the vault and haul shall be prepared by a Civil or Environmental Engineer registered in the State of Arizona. The submitted plan shall detail the system components and operation. The vault and haul plans shall be submitted prior to the project's approval presenting the location of both the temporary vault and haul tank systems, and documenting that the proposed design specifications are adequate to serve the facility.

6. An independent engineering consultant, acceptable to the Pinal County Community Development Department ("PCCDD"), shall perform peer review of the plans at the applicant's expense. The design engineer shall inspect the construction and shall verify that construction was completed according to plans.

7. Per Title 18 of the Arizona Administrative Code (R18-9-E314-D), the vault and haul system shall be equipped with a storage tank 10 times the projected daily flow. According to the Delegation Agreement with ADEQ, the County must follow the Arizona Administrative Code.

8. Discharge from the vault and haul to the native soil or land surface shall be prohibited.

9. Per Title 18 of the Arizona Administrative Code (R18-9-E314-D), the vault and haul system shall be equipped with a monitoring and alarm/signal system, once 85% of storage capacity is reached.

10. The applicant shall have a written contract with a sewer district, or City/Town, accepting all the waste generated by the parcel.

11. The applicant shall submit a full decommissioning plan prior to site plan approval.

C. Package Treatment Plants

1. A proposed Package Treatment Plant shall not serve multiple uses on separate parcels under separate ownership unless the Board of Supervisors approves specific findings for multiple ownership of sewage disposal systems. The Package Treatment Plants can serve multiple uses on a single parcel.

2. Plans for the treatment and disposal facilities shall be prepared by a Civil or Environmental Engineer registered in the State of Arizona and with documented experience in the design of wastewater treatment plants. The submitted plan shall detail methods of effluent storage, discharge, and/or recharge. An independent engineering consultant, acceptable to the Pinal County Community Development Department, shall perform peer review of the plans at the applicant's expense. The design engineer shall inspect the construction as-builts and shall verify that construction was completed according to plans. Prior to any use of the treatment plant, a final letter shall be submitted to the County from the design engineer approving use of the treatment plant and verifying that it is in compliance with all Federal, State, and local requirements.

3. Prior to the issuance of building permits for any portion of the project, the applicant shall provide the necessary Arizona Pollutant Discharge Elimination System (AZPDES) Permits. A preferable option would be to permit and install an aquifer recharge facility, in which case an AZPDES Permit may not be needed.

4. New treatment plants will be required to apply for and receive a Federal Water Pollution Control Act approval, under Section 208. The Section 208 approval will ensure that area wide water quality management plans for pollution control are satisfied.

5. Prior to the issuance of building permits for any portion of the project, the long-term managerial and financial needs for the package treatment plant shall be fully determined.

6. A covenant shall be recorded, with the deed to the property, stating the conditions of approval of the package treatment plant and the long-term technical, managerial, and financial requirements for operation of the plant.

7. Unless a proper and approved vault and haul operation is conducted as provided above, no permanent occupancy of any phase of the project shall occur until all of the wastewater treatment plant and disposal facilities have been constructed. The plant must be approved by the design engineer, accepted by the Arizona Water Quality Division of the ADEQ, approved by the Pinal County Community Development Department, and properly trained and licensed staff are available for operation.

8. A decommissioning plan shall be submitted for approval prior to a future rezoning or amendment that would change the industrial use portion of the Planned Area Development.

~~A. Only individual residential lots that are one (1) acre in size or larger shall be permitted for a septic tank.~~

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



PINAL COUNTY

WIDE OPEN OPPORTUNITY

AGENDA ITEM

May 9, 2024 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

2.190.010- Adult Oriented Businesses

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

| History | Who | Approval |
|---------|-----|----------|
| Time | | |

| ATTACHMENTS: |
|--|
| Click to download |
| <input type="checkbox"/> Adult Oriented Businesses |

Pinal County Design Services Code:

Adult Oriented Businesses

CHAPTER 2.190. ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS

2.190.010. Findings.

Based on ~~public testimony and other evidence before it~~ materials available to the public, including information, studies and court decisions from other jurisdictions, and in accordance with A.R.S. § 11-811, the ~~board~~ Board of Supervisors makes the following legislative findings:

- A. The ~~board~~ 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~~ 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~~ 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~~ materials available to the public, including information, studies and court decisions from other jurisdictions, and in accordance with A.R.S. § 11-811, the ~~board~~ 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~~ 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, DVDs, digital downloads, streaming videos, 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, toys 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, streaming videos, digital videos, 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, and 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~~ Sheriff means the elected Pinal County sheriff Sheriff or the Ccounty Ssheriff's designee.

~~Director~~ means the director of the planning and Community Ddevelopment Ddepartment 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. This definition excludes the exposure of the female breast when in the act or process of breastfeeding or pumping breast milk.
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. This definition excludes the exposure of the female breast when in the act or process of breastfeeding or pumping breast milk.

Obscene means a description of an item that, to an average person applying contemporary standards, depicts or describes specific sexual activity as that term is defined in this chapter or that appeals to the prurient interest. An obscene item also, taken as a whole, lacks serious literary, artistic, political, or scientific value in accordance with A.R.S. § 13-3501.

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 or seminudity 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. This definition excludes the exposure of the female breast when in the act or process of breastfeeding or pumping breast milk.

Specific anatomical areas means the human anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and opaquely covered by non-flesh colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered. ~~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 actual or simulated sexual intercourse, masturbation, oral sex or penetration, anal sex or penetration, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus or the breast and chest area, or any combination thereof. As well as, human genitals in a state of sexual arousal or excretory functions as part of or in connection with any of the activities set forth herein. ~~intercourse, oral copulation, masturbation or sodomy on the premises of an adult oriented business.~~

(Ord. No. 012010-AEO , § 2; Ord. No. 61862, § 3503)

2.190.0490. 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. 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 legal nonconforming use.

(Ord. No. 012010-AEO , § 2; Ord. No. 61862, § 3509)

2.190.0540. Establishment and location of adult oriented businesses.

The establishment of an adult oriented business shall be permitted only in the ~~CI-1 L~~ight ~~I~~industry and ~~W~~arehouse ~~z~~Zoning ~~d~~District, ~~CI-2 I~~ndustrial ~~Z~~oning district, ~~I-2 L~~ight ~~I~~ndustrial and ~~W~~arehouse ~~Z~~oning ~~D~~istrict and ~~I-3 I~~ndustrial ~~Z~~oning ~~D~~istrict 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 place of worship or religious institution, child care facility, a private, public or charter school, an existing youth organization or youth-oriented space, public park, public building, medical marijuana dispensaries and recreational marijuana establishments,, or property zoned for residential use or used for residential purposes. ~~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)

2.190.0650. 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 place of worship or religious institution, child care facility~~nursery school~~, a public, private or charter school, an existing youth organization or youth-oriented space~~YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization~~, public park, public building, medical marijuana dispensaries and recreational marijuana establishments, 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 place of worship or religious institution, child care facility~~nursery school~~, a public, private or charter school, an existing youth organization or youth-oriented space~~YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization~~, public park, public building, medical marijuana dispensaries and recreational marijuana establishments, or properties zoned for residential use or used for residential purposes.

(Ord. No. 012010-AEO , § 2; Ord. No. 61862, § 3505)

2.190.0760. Regulations governing existing adult oriented business.

- A. Nonconforming uses shall be governed by chapter 2.05 PCDSC.
- B. ~~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.
- C. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a place of worship or religious institution, child care facility~~nursery school~~, a public, private or charter school, a youth organization or youth-oriented space~~YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization~~, public park, public building, medical marijuana dispensaries and recreational marijuana establishments, or properties zoned for residential use within 2,000 feet of the adult oriented business.

(Ord. No. 012010-AEO , § 2; Ord. No. 61862, § 3506)

2.190.0780. Regulations pertaining to adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters and nude model studios ~~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)

2.190.0890. 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)