



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION  
PINAL COUNTY PLANNING AND ZONING COMMISSION  
SUMMARY FOR AGENDA FOR MEETING  
Thursday, July 11, 2024

9:00 AM - CALL TO ORDER

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

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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 ITEMS**

- 1. DIRECTOR REPORT
- 2. UPDATES
- 3. PARKING LOT ITEM FOLLOW UP

(2) PROPOSED TEXT AMENDMENTS

- A. **TEXT AMENDMENT: ACCESSORY DWELLING UNITS - KITCHENS**
- B. **TEXT AMENDMENT: NUISANCES/RUBBISH/TRASH**

(3) ZONING CODE UPDATE - NEW TOPICS

- A. **2.150.070.** - ACCESSORY SECURITY QUARTERS
- B. **2.151.** - PERMITS: TEMPORARY USE, SPECIAL EVENT, AND MOBILE VENDING
- C. **2.10.010/2.20.** - COMMERCIAL & NON-COMMERCIAL KENNELS
- D. **2.191.** - MEDICAL MARIJUANA DISPENSARIES & RECREATIONAL MARIJUANA ESTABLISHMENTS, OFF-SITE MARIJUANA CULTIVATION LOCATIONS, AND TESTING FACILITIES
- E. **2.75.** - FLOOR AREA RATIO

#### 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 3rd day of July 2024 around 5pm /s/ Todd Williams.



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**DISCUSSION ITEMS**

1. DIRECTOR REPORT
2. UPDATES
3. PARKING LOT ITEM FOLLOW UP

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">Parking_Lot</a>
<input type="checkbox"/> <a href="#">Outdoor_Lighting</a>
<input type="checkbox"/> <a href="#">Dark_Sky</a>
<input type="checkbox"/> <a href="#">Group_Homes</a>
<input type="checkbox"/> <a href="#">Accessory_Dwelling_Unit</a>

### **Animal Keeping-**

- *Novelty Animals- Small Livestock Title 4 (pet stand point), breeders?*
- *Having definitions on the individual sections versus a section dedicated to definitions*
- *Bee Keeping D. 3. Concerns on the 5 acres or more (no restriction on number of hives)- location of the hives in relation to neighborhoods*
- *Addition of limit of roosters on over one acre*
- *Set 200' enclosure maximum.*

### **Farm Winery, Craft Distillery and Microbrewery and Tasting Rooms-**

- *Adding a reference to the state law for personal production*

### **Wireless Communication Facilities-**

- *Small cell facilities- create a definition*
- *Define what alternative screening would be (provide options or define requirements)*

### **Recreational Vehicles-**

- *Add a reference to using an RV while your primary dwelling is being built (TUP section)*
- **Modular, mobile, and park models as accessory dwelling units- reference ADU section**
- *Add a reference that the RV's have to be licensed, registered, and owned by the property owner*
- *Definitions of vehicles and licensing- reference*
- *2.185.060- B. addition of a requirement that RV's cannot not be stored/occupied in the front yard on small or larger residential lots (</> 35,000 square feet)*
- *Provide a limit on the number of RV's that can be stored on lots above 35,000 sq ft*
- *Modify the portion where the draft does not allow someone to receive a variance for any portion of this section*
- *Addition of a screening requirement for storage (section A-4)*
- *Setback requirements of A.4 (Limits architectural designs) are provided at 5 and 7 feet. What if the RV is located inside a building or shed?*
- *Revisit owner occupied RV and TUP- addition of non-owner occupied RV language*
- **Look at the gap between RV park and Residential use (RU-1.25 and RU-10)**
- *A-6 addition of "per 3,000 sq ft OF LOT SIZE" –increase the 3,000 sq ft minimum to 35,000 sq ft allows for one RV then increase in increments*
- **Should the front of the home help determine what is considered the "front yard"**
- **Take out A-1**

- *For RV TUPs: 6-month expiration, 2 extensions, total of 18 months.*
- *Look into administrative variance process*

#### **Hillside Development-**

- *1. Change test boring to geotechnical testing*
- *1. D Maximum slope percentage for the driveway*
- *Addition of height requirements as being an average using “plane that parallels slope”*

#### **Septic Tanks-**

- *Addition of clarification on alternate septic systems (reference to AAC)*

#### **Adult Orientated Business-**

- *Insure consistency of Section A in 2.190.010 with the rest of the sections in our code*
- *Commercial aspects of adult media creation in personal home*

#### **Outdoor Lighting-**

- **A-1. Clarification on square footage amount**
- **Simplifying the allowed light output levels**
- **Clarify that operating hours on 2.195.035 A is for commercial businesses**
- **Temporary strobe light provision for development protection.**
- **Clarification on metal color (poles) to instead regulate reflectivity (matte finish)**
- **Addition of text to not included ball fields in H. (Equestrian arenas)**
- **Explore other options on outdoor lighting (shielding) on single family residence**
- **Check into the maximum height of the outdoor lighting fixture for residence vs commercial L1-B.**
- **Review the maximum motion sensors lights of 2 per property and elaborate on what the spill light can be, up to 4 (each side of building)**
- **Separated of shielded and unshielded “holiday lights” (accent lighting)**
- **Review of the lighting zone 0 maximum lighting power density**
- **How do we define a change of more than 50%?**
- **Regulation of landscape lighting.**
- **Look into Yavapai County Dark Sky analysis.**
- **Clean up porch light provision (after 10 PM)**
- **General requirements: operating hours provisions, one hour after close.**
- **Concern with lack of streetlights, for security purposes.**
- **Should there be separate provision for rural zoned properties?**

#### **Dark Sky-**

- **B-1. Reword “Any persons or group may file”**
- **Application to be filed by a lot owner or group of owners**

- *Revisit the application process and requirements for the dark sky overlay that goes through the Commission*
- *Expand on the exemption process “waiver 207”*
- *Expansion of the 30-day requirement on appeals*
- *Concern regarding the 100% of lot owners’ requirement.*
- *How do handle appeals? Take a look at the 30 day requirement.*

**Group Homes-**

- *Addition of what zoning districts group care facilities are allowed in the group care facility definition*
- *Research and review how ADU’s affect groups homes*
- *Philosophy behind parking requirements*
- *Review impacts of street parking and onsite parking*

**Accessory Dwelling Unit, Short term Rentals, & Bed and Breakfasts-**

- *Review wording to be “Accessory Dwelling UNIT” and not Units*
- *Research if the home has a low square footage, if the ADU can be larger than 45% (gross livable not floor area)*
- *Review if garages attached to the ADU count towards the 45% of the main dwelling. If access between the two would qualify.*
- *12. Review language “periods of more than or less than thirty consecutive days”*
- *1 A. Research and define what “development standards” would be. Addition of “architectural elevations” wording*
- *Establish a minimum of 250 square feet.*
- *What are the development standards for breezeways? When are they allowed?*
- *Address materials to be used, Park Models separate.*

**Signs-**

- *Review raising the minimum area that is allowed for monument signs for a subdivision*
- *Clarification on proportions of sign size of different businesses in the same plaza*

**Water Conservation-**

- *Review section 6. D about turf being restricted on slopes above 2% and/or addition of exceptions*
- *Revisit B.1.A. on the limit of the percentage of water intensive landscapable area for new development*
- *Research and revisit rain water harvesting regulations*

**Home Occupation-**

- *Review of location of outside storage on large lots (covered/uncovered)*
- *Revisit the delivery timeframe to earlier*

- *Addition of timeframe of deliveries in residential zoning*

#### ***Parking and EV Charging***

- *Review social trends of mobilization due to changing times and influence of Uber/Lyft.*
- *Review marketable innovations brought forth by developers (i.e. contractual agreements requiring one parking per unit requirement).*
- *Review impacts of street parking and onsite parking involving group homes (also added in the group home section).*
- *Review PADs next to vacant lots that may be possibly used as a parking spot.*
- *Add that inoperable vehicle storage or vehicle services shall not be visible to any adjacent property and public street*

#### ***Outside Storage of Vehicles (non-recreational vehicles)***

- *Review hydrogen gas usage*
- *More clarification needed for any zone not mentioned/included in the regulation*
- *Clarification on the number of non-recreational vehicles (e.g. utility trailers)*
- *Refine the provision to include parking time periods*
- *Review existing provisions under On-Lot Storage of Miscellaneous Materials, especially 2.185.100 (B). Perhaps, requiring a foot lower or provide uniformed standards (i.e. seven feet).*

***Next meeting July 11 9 am***

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# Pinal County Development Services Code:

## Outdoor Lighting

### **CHAPTER 2.195. OUTDOOR LIGHTING**

#### **2.195.010. Administration.**

- A. *Purpose.* The purpose of this chapter is to establish comprehensive provisions for outdoor lighting within Pinal County. This document intends to achieve a balance between safety and aesthetics, to encourage designs that provide for the proper quality and quantity of nighttime illumination, while managing energy consumption, and minimizing light trespass and negative impacts on the surrounding areas and our night sky. Proper exterior lighting design creates lighting systems that are sensitive to the surrounding areas by confining the illumination as much as possible within the boundaries of the project site. It also provides appropriate quantities and uniformity of both horizontal and vertical illumination on the site while minimizing energy usage. This will involve the use of not only the appropriate fixtures and light sources, but also proper placement and operating schedules. Pinal County recognizes the intent of the International Dark-Sky Association, the Recommended Practices and Design Guidelines put forth by the Illuminating Engineering Society of North America (IESNA), and the requirements and limitations of the International Energy Conservation Code (IECC), and has used these as guiding principles in the development of this chapter. More information can be acquired by obtaining copies of the most recent IESNA and IECC publications.
- B. *Applicability.* This ~~C~~chapter applies to all new and replacement lighting to be installed at all residential and nonresidential facilities/sites, or the existing lighting at a facility/site that is undergoing a change in use. In the event that a lighting renovation affects more than 50 percent of the facility/site lighting ~~fixtures,~~ ~~excluding bulbs,~~ then the entire facility/site shall be brought into compliance with this ~~C~~chapter. Single-family residences, attached and detached, are subject to PCDCS 2.195.0540(L) ~~and PCDCS 2.195.070~~ through 2.195.09110 only. In the event an attached or detached single-family dwelling family is on the same parcel as a multifamily commercial or industrial use, the requirements for the multifamily commercial or industrial use shall apply. ~~All residential properties with nonconforming outdoor lighting, legal or otherwise, shall be brought into compliance with this chapter by not later than December 31, 2031.~~
- C. *Conformance with applicable law.* All outdoor illuminating devices shall be installed in conformance with the provisions of this chapter, Pinal County subdivision regulations, and any building, zoning or energy codes now in effect or which may hereafter be enacted, as applicable. Where any provisions of any of the Arizona Revised Statutes, federal law, or other Pinal County ordinances or regulations conflict with the requirements of this chapter, the most restrictive shall govern.
- D. *Approved material and methods of installation.* The provisions of this chapter are not intended to prevent the use of any material or method of installation not specifically prescribed by this chapter, provided any such alternate has been approved. The ~~planning director~~Community Development Director may approve any such alternate, provided he or she finds that the proposed design, material or method:
1. Provides approximate equivalence to those specific requirements of this ~~e~~Chapter; or
  2. Is ~~consistent otherwise satisfactory and complies~~ with the intent of this ~~e~~Chapter.
- E. *Use of new technology.* As new lighting technology develops which is useful in reducing energy consumption, light pollution, and light trespass, consideration shall be given to use of state of the art technology in keeping with the intent of this chapter.



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- F. *Lumen requirement.* In certain sections of this chapter a lumen requirement is followed by incandescent equivalent in parenthesis. This is for an example only. The lumen requirement shall apply. Additionally, certain types of illumination is measured in nits, in which case the measurement should be converted to lumens.

(Ord. No. PZ-C-003-09 , § 1)

## 2.195.020. Definitions.

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

~~*Abandonment means the discontinuation of use for a period of one year or more.*~~

~~*Areas, equestrian/roping,*~~ means an improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs that are noncommercial in nature and do not include seating.

~~*Arenas, equestrian/roping,*~~ means a commercially utilized structure or area, sometimes with tiers of seating rising around an improved area, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

*Bollard, louvered,* means a ground-mounted luminaire that is usually 36 inches to 48 inches in height, is generally used for the lighting of paths and building entries, and possesses a stacked set of external angled visors/louvers that minimize direct view of the light source. In order to qualify as a louvered bollard under this chapter, the stacked visors must be positioned/angled in such a fashion as to prevent any direct view of the light source from viewing angles of 90 degrees and above.

*Fascia* means the vertical element found around the perimeter of a canopy structure.

*Footcandle (FC or VFC)* means a unit of the illumination being produced on a surface, and defined as one lumen per square foot of area illuminated. Footcandle or FC is a general term for all types of illumination, while vertical footcandles (VFC) refers only to illumination being produced on a vertical surface (facade of a building) or passing over a property line (spill light/light trespass).

~~*General illumination means outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern.*~~

~~*Glare means the sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adjusted, causing discomfort and/or loss in visual performance or visibility.*~~

*House-side shield (HSS)* means a visor or louver that is internal or external to a luminaire, that physically blocks and thereby reduces the amount of illuminance being produced to the rear of the luminaire (usually toward residential properties).

*Illuminance* means the amount of light falling onto a surface area, measured in footcandles (lumens per square foot) or lux (lumens per square meter). For conversion purposes, one footcandle (FC) is equal to 10.76 lux (lx).

*Illuminating Engineering Society of North America (IESNA)* means the nonprofit society established in 1906 whose goal is to improve the lighted environment by bringing together those with lighting knowledge and by translating that knowledge into actions that benefit the public. The IESNA is the primary source of lighting recommended practices in North America.

~~*Individual means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.*~~

~~Installed means the attaching or assembling in place of any luminaire.~~

*Kelvin* means the temperature scale utilized in illumination science to describe the hue/color of the light. A lower value such as 2,700 Kelvin is associated with a "warm" colored light source such as LED or incandescent, while a higher value such as 4,000 Kelvin is associated with a "cool" colored light source such as metal halide.

*Lamp, coated*, is the correct term for a light source, such as incandescent-LED or metal halide lamps. "Coated" lamps have an outer coating that minimizes direct view of the arc tube.

*Lighting power density (LPD)* means the watts of exterior lighting per square foot of area (watts/ft<sup>2</sup>) for the different sections of the project site (parking lot, walkways, building entries, etc.). This is the metric established by the International Energy Conservation Code (IECC), and will therefore be utilized as one of the factors for determining conformance with the IECC and this chapter. **Lumens per square foot of area for the different sections of the project site (parking lot, walkways, building entries, etc.) is also a metric of LPD that is used in this chapter.**




*Light trespass/spill light* means unwanted light that falls outside of the area intended to be lighted. This chapter places limits on the amount of illumination, in footcandles, that shall be allowed to cross a residential property line.



*Lumen* means the unit used to measure the total amount of light that is produced by a light source/lamp. All light sources reduce in lumen output the longer that they are operated. "Initial lumens" is a term defined as the amount of light output from a lamp when it is new. "Mean lumens" is a term defined as the average lumen output of a lamp over its life, and is the lumen value utilized in the proper design of lighting systems. A lumen is a unit of standard measurement used to describe how much light is contained in a certain area. One lumen is defined as the luminous flux of light produced by a light source that emits one candela of luminous intensity over a solid angle of one steradian.

*Lumen density (LD)* means the initial lumens of the lamps/light sources utilized by the exterior lighting per square foot of area (lumens/ft<sup>2</sup>) for the project site. This metric is another factor that will be utilized for determining compliance with this chapter.

*Luminaire* means a complete lighting unit/fixture, including the lamp, ballast, wiring, housing, reflector, lens, and any shielding.

*Luminaire cutoff* is a term established by the IESNA that is associated with four different general classifications of luminaires, each with a different amount of allowed high-angle and upward light: non-cutoff, semi-cutoff, cutoff and full-cutoff. Full-cutoff luminaires, which minimize high-angle light and allow no light above the horizontal, shall be required for most uses. Semi-cutoff and cutoff luminaires, which allow for up to five percent and 2.5 percent uplight respectively, shall be allowed for low-wattage decorative/accent lighting for some uses in lighting zones 2 and 3.

	Examples of full-cutoff pole-mounted and building-mounted luminaires. The lamp is completely recessed into the luminaire, and the lens is flat. No light is produced above the horizontal.
	Examples of cutoff pole-mounted and building-mounted luminaires. The lamp is completely recessed into the luminaire, but the lens sags/curves downward. Up to 2.5% of the light is produced above the horizontal.
	Examples of semi-cutoff pole-mounted and building-mounted luminaires. The lamp visibly protrudes downward into a sag/curved lens. Up to 5.0% of the light is produced above the horizontal.

	horizontal.
	Examples of non-cutoff pole-mounted and building-mounted luminaires (which are not allowed under this chapter). The lamp is substantially exposed. Little or no attempt is made to control the light produced above the horizontal.

*Luminaire, fully shielded*, means a fully shielded fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

*Luminaire, partially shielded*, means a partially shielded fixture that is shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.

*Outdoor lighting* means any lighting not within a completely enclosed building.

*Outdoor luminaires/light fixtures* means outdoor electric illuminating devices, fixtures, lamps and other devices, searchlights, spotlights or floodlights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- A. Parking lots;
- B. Roadways;
- C. Driveways;
- D. Buildings and structures;
- E. Recreational areas and facilities;
- F. Landscaping decorative effects;
- G. ~~Billboards and signs, on- and off-site premises.~~ (advertising and other);
- H. Product display areas;
- I. Gas station lighting; and
- J. Automotive dealership lighting.

~~*Outdoor recreational facility* means an area designed for active recreation, whether publicly or privately owned, including but not limited to: parks, sports fields, sport courts, golf courses, and roping/equestrian arenas.~~

~~*Residential lighting* refers to outdoor lighting for single or multiple household dwellings.~~

*Security lighting* refers to luminaires that operate dusk-to-dawn in order to provide for protection of property and safety for individuals. They shall conform to all sections of this chapter, and shall generate less than 50 percent of the lighting power density or lumen density utilized by the facility/site during normal business hours.

~~*Skyglow* means the brightening of the sky caused by outdoor lighting, atmospheric factors, and celestial factors. Excessive skyglow interferes with astronomical observations and the enjoyment of the night sky, and this chapter includes several requirements and limitations that help to minimize skyglow.~~

*Uplighting* means any light source that does not have an opaque covering on top.

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~~Use, nonresidential, means the use of land for a purpose other than single-family dwelling units or multiple household dwellings. This definition includes parks with residential zoning.~~

Watt means the unit used to measure the electrical power consumption (not the light output) of a light source/lamp.

(Ord. No. PZ-C-003-09 , § 1)

## **2.195.030 Established Lighting Zones.**

### **2.195.030. General requirements.**

- A. *Lighting zones.* In order to be more responsive to the special needs of different portions of the county, a system of ~~three-four~~ different "lighting zones" has been established based upon the current and/or planned uses and ambient brightness of the area. Each "lighting zone" will have different development requirements and lighting restrictions.
- ~~1.~~ *Lighting Zone 0.* Very low ambient light areas, found in ~~zoning district~~Zoning Districts RU-10, RU-5, RU-3.3, RU-2, RU-1.25, and R-43. Outdoor lighting in this lighting zone shall not exceed 25 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of four (4) lumens per square foot, whichever is less, **as measured at the outside edge of the property line.**
  - ~~2.~~ *Lighting zone 1.* Low ambient light areas, found in ~~zoning district~~Zoning Districts: CAR, CR-1, CR-1A, CR-2, CR-3, GR, GR-5, GR-10, SH, SR, MH, ~~RU-10, RU-5, RU-3.3, RU-2, RU-1.25,~~ RU-C, ~~R-43,~~ R-35, R-20, R-12, R-9, R-7 and MH-8. Outdoor lighting in this lighting zone shall not exceed 50 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of nine (9) lumens per square foot, whichever is less, **as measured at the outside edge of the property line.**
  - ~~3.~~ *Lighting zone 2.* Medium ambient light areas, found in ~~zoning district~~Zoning Districts CB-1, CR-4, CR-5, MHP, PM/RVP, RV, TR, MD, MR, O-1, O-2, C-1, MHP-435, PM/RV-435. Outdoor lighting in this lighting zone shall not exceed 75 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of **fourteen (14)** lumens per square foot, whichever is less, **as measured at the outside edge of the property line.**
  - ~~4.~~ *Lighting zone 3.* High ambient light areas, found in ~~zoning district~~Zoning Districts: CB-2, CI-1, CI-2, CI-B, AC-1, AC-2, AC-3, C-2, C-3, I-1, I-2, I-3. Outdoor lighting in this lighting zone shall not exceed 100 percent of the maximum lighting power density (LPD) limits established in the currently adopted version of the International Energy Conservation Code (IECC), or a lumen density (LD) of **nineteen (19)** lumens per square foot, whichever is less, **as measured at the outside edge of the property line.**
- B. ~~Note:~~ *Additional Lighting zone 3 requirement.* In the event that a new lighting zone 3 site, or an existing lighting zone 3 site that is undergoing a renovation (as per PCDSC 2.195.010(B)), is to be located within 150 feet of an existing site in lighting zones 0 or 1-site, then the lighting zone 3 site shall be considered a lighting zone 2 site for the purpose of conformance to this chapter.

### **2.195.035. General requirements.**

- ~~BA.~~ *Operating Hours.* Every **nonresidential** project in all lighting zones shall reduce the amount of outdoor lighting to security lighting only after 10:00 p.m. or within one (1) hour after close of business, whichever is later, except as permitted in PCDSC 2.195.030. All nonsecurity lighting (except for the illumination of roadways and state and federal flags) shall be turned off by 10:00 p.m. or within one (1) hour after close of business, whichever is later. A nighttime reduction of LPD shall be at least 75 percent of IECC limit after 11

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~~P.M. All non-full cutoff luminaires in lighting zones 0, 1, and 2 shall be included in the fixtures being turned off. *Operating hours.* Every project in all lighting zones shall be encouraged to reduce as much as possible the amount of outdoor lighting that operates after 10:00 p.m., except as permitted in PCDSC 2.195.040. All nonsecurity lighting (except for the illumination of roadways and state and federal flags) shall be turned off by 10:00 p.m. or within one hour after close of business, whichever is later. A nighttime reduction of at least 50 percent in overall LD or LPD is required. All non-full cutoff luminaires in lighting zones 1 and 2 shall be included in the fixtures being turned off.~~

1. Non-full-cutoff and non-fully shielded ~~incandescent~~ luminaires of greater than 2,250 lumens (150 watts incandescent), and all other luminaire types of greater than 1,050 lumens (70 watts incandescent), that were installed prior to the adoption of this chapter are considered to be nonconforming, and shall possess an automatic control device that turns the luminaires off between midnight and sunrise.
2. In addition to turning off these nonconforming luminaires, multifamily housing is only required to reduce at least 50 percent of IECC limit after 10:00 p.m. the lighting located at common areas such as clubhouses, pool areas and playgrounds.

**CB. Nonresidential Light sources and fixture shielding.**

1. New mercury vapor light sources shall not be allowed. ~~Existing installations must be removed or replaced with a conforming light source and luminaire by no later than January 1, 2011.~~
2. Searchlights and strobe/flashing lights are not allowed in any lighting zone without a separate permit as required in PCDSC 2.195.090110, and the duration of the allowed use may be limited by the County via condition of approval of the permit planning staff.
3. Lasers, exposed neon, and other intense linear light sources are not allowed in lighting zones 0 or 1, but are allowed in lighting zones 2 and 3 and subject to approval and stipulations by planning staff during the review process. Lasers must be aimed at-or-below the horizontal plane and terminated on an opaque surface within the site.
4. All site perimeter luminaires located within 50 feet of a single-family residential property line, excluding bollards or other luminaires of less than six feet in height, shall possess house-side shielding (HSS) consistent with the intent of this Chapter to the satisfaction of planning staff. House-side shielding may be re-evaluated within 60 days of certificate of occupancy or final inspection for non-residential uses when such uses are constructed following the single-family residential development. All such luminaires that will also be operating after 10:00 p.m. shall possess external house-side shielding.
5. The total amount of outdoor lighting that is not full-cutoff, including uplighting, shall not exceed five percent of the outdoor lighting LPD or LD, whichever is less. Uplighting that is covered by solid roof or solid building overhang will not be subject to this chapter if it is:
  - a. Permanently set at 90 degrees; and
  - b. Is pulled back from any edge of the solid roof or solid building overhang ~~by so that the~~ distance ~~equal to of~~ the height of distance between the top of the uplight (XY) at its installed orientation and the distance between the outside edge of the uplight and the outside edge of the solid roof or solid building overhang (YX) are equal.

**2.195.040 General regulations by lighting zone.**

**A. Lighting Zone 0**

1. Pole- or wall-mounted luminaires shall be full-cutoff luminaires only. Bollards shall be full-cutoff, or louvered with coated lamps. (See PCDSC 2.195.020, "Bollard, louvered"). All light sources shall have a maintained color temperature of less than or equal to 2,500 degrees Kelvin.

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- a. Wall-mounted luminaires of greater than 400 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield (HSS), consistent with the intent of this Chapter, in order to minimize the illuminance "hot spot" on the wall. Up-lighting luminaires shall not exceed 400 initial lumens each.
  - 2. Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. All others shall not exceed 10 feet in height, and the pole color shall be **matte or brushed finish**~~dark and nonreflective (such as dark bronze or black)~~.
  - 3. The maximum initial vertical illuminance at any calculation point shall not exceed 0.20 foot-candles or 0.10 foot-candles after 10:00 p.m. or during security lighting-only operating mode for permitted non-residential uses (in compliance with 2.195.035(A) of this Chapter).
- B. Lighting zone 1:
- 1.a. Pole- or wall-mounted luminaires shall be full-cutoff luminaires only. Bollards shall be full-cutoff, or louvered with coated lamps. ~~(See PCDSC 2.195.020, "Bollard, louvered")~~. All light sources shall have a maintained color temperature of less than or equal to 3,000 degrees Kelvin.
    - a.b. Wall-mounted luminaires of greater than 800 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield (HSS), ~~consistent with the intent of this Chapter to the satisfaction of planning staff~~, in order to minimize the illuminance "hot spot" on the wall. Uplighting luminaires shall not exceed 800 initial lumens each.
  - 2. Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. All others shall not exceed 15 feet in height, and the pole color shall be **matte or brushed finish**~~dark and nonreflective (such as dark bronze or black)~~.
  - 3. The maximum initial vertical illuminance at any calculation point shall not exceed 0.30 foot-candles during normal business evening hours, and 0.10 foot-candles after the facility enters security lighting-only operating mode (in compliance with 2.195.035(A) of this Chapter).
- C7. Lighting zone 2:
- 1.a. Pole- or wall-mounted luminaires of less than or equal to 1,800 initial lumens may be ~~semi-cutoff~~, cutoff, or full-cutoff. All other pole or wall-mounted luminaires shall be full-cutoff. Bollards shall be full-cutoff, or louvered with coated lamps, or of a type where the lamp is recessed and not directly visible.
    - a.b. Wall-mounted full-cutoff luminaires of greater than 3,500 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield ~~consistent with the intent of this Chapter to the satisfaction of planning staff~~. Uplighting luminaires shall not exceed 1,200 initial lumens each.
  - 2. Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 25 feet. Pole color shall be **matte or brushed finish**~~dark and nonreflective (such as dark bronze or black)~~.
  - 3. The maximum initial vertical illuminance at any calculation point shall not exceed 0.80 foot-candles during normal business evening hours, and 0.30 foot-candles after the facility enters security-lighting-only operating mode.
- D8. Lighting zone 3:
- a1. Pole- or wall-mounted luminaires of less than or equal to 3,500 initial lumens may be semi-cutoff, cutoff, or full-cutoff. All other pole or wall-mounted luminaires shall be full-cutoff. Bollards shall be full-cutoff, or louvered with coated lamps, or of a type where the lamp is shielded and not directly visible.
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- ~~ba.~~ Wall-mounted fixtures of greater than 6,500 initial lumens shall possess a bottom-diffusing lens or an internal house-side shield ~~consistent with the intent of this Chapter to the satisfaction of planning staff.~~ Uplighting fixtures shall not exceed 1,200 initial lumens each.
2. ~~Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 30 feet in height. Pole color shall be approved by planning staff.~~
  3. ~~The maximum initial vertical illuminance at any calculation point shall not exceed 1.50 foot-candles during normal business evening hours, and 0.80 foot-candles after the facility enters security-lighting-only operating mode.~~
- ~~D. Luminaire mounting height and equipment finish.~~ The mounting height of a luminaire is to be measured from finished grade to the fixture lens or luminous opening. The exposed portion of concrete pole bases shall be finished in a fashion other than exposed concrete (brushed finish, painted, etc.). No portion of any luminaire that is attached to a wall that is common with another property shall be allowed to protrude above the top of the wall. ~~In lighting zones 1 and 2, bollards shall not be more than 48 inches in height.~~
1. ~~Lighting zone 1.~~ Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. All others shall not exceed 15 feet in height, and the pole color shall be dark and nonreflective (such as dark bronze or black).
  2. ~~Lighting zone 2.~~ Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 25 feet. Pole color shall be dark and nonreflective (such as dark bronze or black).
  3. ~~Lighting zone 3.~~ Luminaires located at or within 30 feet of a residential property line shall not exceed eight feet in height. Luminaires located greater than 30 feet and less than or equal to 150 feet from a residential property line, and not blocked from direct view by a structure, shall not exceed 15 feet in height. All others shall not exceed 30 feet in height. Pole color shall be approved by planning staff.
- ~~E. Perimeter (spill light) illuminance levels.~~ This chapter establishes limits for the amount of light trespass/spill light that is allowed to cross a project site's property line when there is a residential property line located within 150 feet of any of the project site's property line. These limits are based upon initial maximum vertical illuminance values along the appropriate property lines, calculated at no more than ten-foot horizontal increments, and at an elevation of six feet above finished grade. The calculated observation point shall be oriented perpendicular into the project site, and angled at 90 degrees above nadir (perfectly horizontal). The light loss factor (LLF) utilized for the calculations shall be 1.00. The following limits shall not be applied to the permanently exempted uses, or the specific uses in this chapter where alternate spill light limits are expressly defined.
1. ~~Lighting zone 1.~~ The maximum initial vertical illuminance at any calculation point shall not exceed 0.30 footcandles during normal business evening hours, and 0.10 footcandles after the facility enters security-lighting-only operating mode (in compliance with subsection (B) of this section).
  2. ~~Lighting zone 2.~~ The maximum initial vertical illuminance at any calculation point shall not exceed 0.80 footcandles during normal business evening hours, and 0.30 footcandles after the facility enters security-lighting-only operating mode.
  3. ~~Lighting zone 3.~~ The maximum initial vertical illuminance at any calculation point shall not exceed 1.50 footcandles during normal business evening hours, and 0.80 footcandles after the facility enters security-lighting-only operating mode.

**2.195.0540. Specific uses Lighting by use.**

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- A. *Parking canopies.* All light fixtures shall be full-cutoff, or the fixtures shall be located and all sides of the canopy fascia extended so that no portion of the lamp or lens is visible from beyond any of the property lines. Light fixtures in multifamily housing shall be located at no less than every other parking space, and shall utilize polycarbonate lenses and tamper-proof hardware. This illumination and associated wattage shall be included in the outdoor lighting submittal, and shall not exceed an LPD of 1.08 watts/ft<sup>2</sup>.
- B. *Multilevel parking structures.*
1. *Lighting zones 0, 1 and 2.* Interior fixtures and rooftop fixtures shall be full-cutoff. The interior fixtures shall be attached to the ceiling or mounted no lower than the bottom of the support beams. Rooftop fixtures shall be set back a minimum of 25 feet from the perimeter, and shall not exceed 14 feet in height.
  2. *Lighting zone 3.* Interior fixtures visible from any residential property shall be full-cutoff. All others may be semi-cutoff or cutoff, but shall possess diffusing lenses or shielding so the lamp is not directly visible from off site. Roof fixtures shall be full-cutoff, set back a minimum of 25 feet from the edge, and shall not exceed 16 feet in height.
- C. *Gas stations/convenience stores.* Fuel canopy luminaires shall be recessed into the canopy ceiling, with a lens that is flat and flush to the ceiling (the fixture access door can protrude below the ceiling). Metal halide canopy lighting is allowed in all lighting zones. In the event that the canopy is located within 150 feet of a property line that is zoned as residential, the canopy fascia shall be extended to a minimum depth of 12 inches below the canopy ceiling. Exposed light sources (such as neon or fluorescent) on the canopy are not allowed. Areas of fascia that are internally illuminated are not allowed in lighting zones 0, 1, and 2. This does not include any internally or back-lighted signage, which shall continue to be regulated by the county's sign ordinance. The amount of spill light shall not exceed two times the limits in the provisions for the four (4) individual lighting zones in PCDCS 2.195.0340(A-DE), except when adjacent to residential or rural zoned properties, then the standard spill light requirements shall apply.
- D. *Drive-throughs.* All fixtures are to be full-cutoff and either recessed into the canopy ceiling, or mounted so that the lowest portion of the fixture is higher than the bottom edge of the canopy fascia. All nonsecurity lighting is to be turned off by 10:00 p.m. or within one hour after close of business, whichever is later.
- E. *Banks/ATMs.* All fixtures for the ATM or teller areas shall be full-cutoff. The fixtures at drive-up canopies shall either be recessed into the canopy ceiling, or mounted so that the lowest portion of the fixture is higher than the bottom edge of the canopy fascia.
- F. *Religious facilities.* Metal halide and other light sources with color temperatures cooler than 3,000 Kelvin are not allowed in lighting zones 0, 1, and 2, and for all facilities in lighting zone 3 that are at or within 300 feet of a residential property line. All nonsecurity lighting shall be turned off within two hours after the completion of the last service/event. Any fixtures located within 30 feet of a residential property line shall be included in those being turned off. In the event that the parking lot is sized for peak usage (holidays, etc.), control of the lighting is to be divided into "tiers," so that the parking lot lighting in the peak-usage areas only operates during those peak times of the year. Uplighting for the illumination of steeples or other towers for religious facilities are not subject to the provisions of this chapter.
- G. *Automotive dealerships.* A minimum of 50 percent of the outdoor illumination shall be turned off within one hour after the close of business. All non-full-cutoff fixtures shall be automatically turned off at this time. All perimeter fixtures shall possess house-side shields. Under-canopy lighting shall be full-cutoff, or the canopy fascia shall be extended on all sides so that is lower than any portion of the fixture lens. This use is subject to all other applicable sections in this chapter except for the vertical footcandle (VFC) limits in the provisions for the four (4) individual lighting zones in PCDCS 2.195.0430(EA-D).
- H. *Equestrian arenas.* All new luminaires mounted at a height of 40 feet or less shall be full-cutoff, and others mounted higher than 40 feet may be sports-style floodlights with exceptional internal and external partial shielding, consistent with the intent of this Chapter to the satisfaction of planning staff. All luminaires are to



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be located, aimed, and/or externally partially shielded so that none of the light sources of illumination are directly visible at outside of any of the property lines. All arena lighting shall be turned off when not in use, and all non-arena lighting shall be reduced at nighttime as per PCDSC 2.195.0350(AB) when not in use.

1. Lighting Zone 0. Equestrian arenas located within 150 feet of a residential property line, then the calculated spill light at the property line facing the residential property shall not exceed 0.80 initial vertical foot-candles at any point, or 2.00 initial vertical foot-candles at any point along the other property lines.
  42. *Lighting zone 1.* If the arena is located within 150 feet of a residential property line, then the calculated spill light at the property line facing the residential property shall not exceed 0.80 initial vertical footcandles at any point, or 2.00 initial vertical footcandles at any point along the other property lines.
  23. *Lighting zone 2.* If the arena is located within 150 feet of a residential property line, the calculated spill light shall not exceed 1.00 initial vertical footcandles (VFC) at any point, or 2.50 initial VFC at any point along the other property lines.
  34. *Lighting zone 3.* If the arena is located within 150 feet of a residential property line, the calculated spill light shall not exceed 1.50 initial vertical footcandles (VFC) at any point, or 3.00 initial VFC at any point along the other property lines.
- I. *Flagpole lighting.* Flagpole uplighting is restricted to state and federal flags, and shall be fully shielded so that the light source is not directly visible from any of the property lines. Uplighting in all lighting zones shall not exceed the equivalent of two fixtures of 3,500 initial lumens each per flagpole. Flagpole lighting may operate all night, but is to be turned off at dusk if the flag is lowered.
- J. *Park and sports lighting for all private and public nonresidential facilities.* All sports, path, parking lot, and playground lighting are to be illuminated in conformance with this chapter, and the most current recommended practices issued by the IESNA. All sports field luminaires shall utilize superior full shielding and aiming angles consistent with the intent of this Chapter to the satisfaction of planning staff. All sports field luminaires shall possess a gray painted finish, and all poles shall have a painted or "dull" galvanized finish. Sports field poles are to be set back a minimum of 50 feet from any residential property line or right-of-way.
1. Lighting Zone 0. Sports field lighting shall not exceed 80 feet in height. Path, and parking lot lighting shall not exceed 16 feet in height. Playground lighting shall not exceed 20 feet in height. Sport court lighting shall not exceed 25 feet in height, and all fixtures shall possess four-sided shielding/skirting. Sports lighting shall not operate after 10:30 p.m. Perimeter spill light shall not exceed 0.80 foot-candles at any point along an adjacent residential property line, or 1.60 foot-candles at any point along any property line not adjacent to a residential property.
  32. *Lighting zone 1.* Sports field lighting shall not exceed 80 feet in height. Path, and parking lot lighting shall not exceed 16 feet in height. Playground lighting shall not exceed 20 feet in height. Sport court lighting shall not exceed 25 feet in height, and all fixtures shall possess four-sided full shielding/skirting. Sports lighting shall not operate after 10:30 p.m. Perimeter spill light shall not exceed 0.80 footcandles at any point along an adjacent residential property line, or 1.60 footcandles at any point along any property line not adjacent to a residential property.
  43. *Lighting zone 2.* Sports field lighting shall not exceed 80 feet in height. Path, parking lot, and playground lighting shall not exceed 25 feet in height. Sport court lighting shall not exceed 30 feet in height. Sports lighting shall not operate after 10:30 p.m. Perimeter spill light shall not exceed 1.20 footcandles at any point along an adjacent residential property line, or 2.40 footcandles at any point along any property line not adjacent to a residential property.
  54. *Lighting zone 3.* Sports field lighting shall not exceed 90 feet in height. Path, parking lot, and playground lighting shall not exceed 30 feet in height. Sport court lighting shall not exceed 50 feet in height. Sports lighting shall not operate after 11:00 p.m. Perimeter spill light shall not exceed 1.50

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footcandles at any point along an adjacent residential property line, or 3.00 footcandles at any point along any property line not adjacent to a residential property.

51. All sport courts shall be lighted with full-cutoff luminaires, and are to utilize "on" and "off" user-accessible push-buttons so that the lighting does not operate unless the courts are in actual use. Automatic time-clocks or other programmable controllers are to be used, and shall turn off all nonsecurity lighting at a time in accordance with the applicable lighting zone, except for sports field lighting, which may stay on to as late as 11:00 p.m. when a formal game is in progress, except as permitted under PCDCS 2.195.1090.
62. All park luminaires, such as those located in ramadas, shall be fully shielded and/or located so that the light source is not directly visible from beyond any of the property lines. Initial vertical illuminance (spill light) shall be calculated in conformance with the provisions for the four (4) individual lighting zones in PCDCS 2.195.0430(EA-D), except that the spacing distance between the calculation points may match the spacing used for the sports lighting calculations.
- K. *Signage lighting.* This chapter shall apply to externally illuminated signs and LED signs only. All such lighting shall comply with the lumen and LPD limits and shielding requirements established in PCDCS 2.195.030(CB).
- L. *Single-family residences, attached and detached.*
1. *Lighting zones 0 and 1.*
    - A. —All fixtures, except fixtures of 1,800 lumens (100 watts incandescent) or less, shall be fully shielded, and/or directed or located so that the light source is not directly visible from beyond any of the property lines.
    - B. The mounting height of any building-mounted fixture including fixtures 1,8400 lumens (10075 watts incandescent) or less shall not exceed 15 feet from finished grade to the center of the fixture. Spill light from-onto adjacent properties shall not exceed 0.30 footcandles within eight feet of any single-family residence between the hours of 10:00 p.m. and 6:00 a.m.
  2. *Lighting zones 2 and 3.* All fixtures of greater than 1,800 lumens shall be fully shielded and/or located so that the light source is not directly visible from any of the property lines. The mounting height of any building-mounted fixture shall not exceed 20 feet from finished grade to the center of the fixture. Spill light at any point on any of the property lines onto adjacent properties shall not exceed 0.80 footcandles within eight feet of any single-family residence between the hours of 10:00 p.m. and 6:00 a.m. All nonconforming fixtures shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.
  3. *Motion sensors.* Motion-sensor-controlled fixtures that are equipped with an automatic shutoff time of 5 seconds, located at least 50 feet apart with a maximum of two four per side of structure (measured along the roof lines) and are less than 1,800 lumens (100 watts incandescent) (1,800 lumens) per lamp are exempt from subsections (L)(1) and (2) of this section. Additionally, spill light from these motion-sensor-controlled fixtures onto adjacent properties shall not exceed 0.80 footcandles within eight feet of any single-family residence between the hours of 10:00 p.m. and 6:00 a.m.
  4. *Residential sport courts and equestrian areas in all lighting zones.*
    - a. Existing facilities that were built prior to the adoption of this chapter are exempt from all sections of this chapter, except in the event that any of the existing luminaires needed to be replaced, then they shall be specified, installed, and controlled in compliance with all sections of this chapter. This does not include the normal maintenance of lamps or ballasts. All new luminaires must be full-cutoff, fully shielded, or partially shielded, consistent with the intent of this Chapter to the satisfaction of planning staff.
    - b. All equestrian areas and sport court luminaires must be turned off when not in use.

- c. New facilities shall not exceed a mounting height of 40 feet. New facilities that utilize full-cutoff or fully shielded luminaires shall not exceed a lighting power density of 1.50 watts per square foot. New facilities that utilize cutoff, semi-cutoff, or partially shielded luminaires shall not exceed a lighting power density of 1.00 watt per square foot.
  - d. All applicants shall include in their submittal a completed worksheet, which may be obtained from planning staff, and which will document compliance with this section.
5. *Mercury vapor.* Mercury vapor light sources are ~~not allowed prohibited, and any existing installations of such lights~~ must ~~have been be~~ removed prior to January 1, 2011. ~~Any existing mercury vapor lights are in violation of this ordinance.~~

(Ord. No. 011812-ZO-PZ-C-007-10 , § 22; Ord. No. PZ-C-003-09 , § 1)

**F. ~~2.195.060.~~ Lighting chapter matrix (~~commercial non-residential~~ uses only).**

Lighting zone	Operating hours, LPD limit and LD limit	Light sources and fixture shielding	Mounting height and pole color	Perimeter illuminance levels	Uplighting
0 Very low ambient light areas	<del>Security lighting only after 10:00 p.m. or 1 hour after close of business</del> LPD = 25% of IECC limit LD = 4 lumens/ft <sup>2</sup>	<del>Light sources L.T.E. 3,000K color temperature</del> Full-cutoff fixtures only HSS on perimeter fixtures adjacent to residential	<del>8' height when L.T.E. 30' from residential property line</del> 15' height when G.T. 30' <del>Dark and nonreflective Matte and brushed finish colors</del>	<del>0.20 VFC maximum normal business and 0.10 VFC security only, at a residential property line</del>	<del>L.T.E. 400 initial lumens</del> Turn off at 10:00 p.m. or 1 hour after close of business
1 Low ambient light areas	Security lighting only after 10:00 p.m. or one hour after close of business  LPD = 50% of IECC limit LD = 9 lumens/ft <sup>2</sup>	Light sources L.T.E. 3,000K color temperature  Full-cutoff fixtures only  HSS on perimeter fixtures adjacent to residential	8' height when L.T.E. 30' from residential property line  15' height when G.T. 30'  <del>Matte and brushed finish</del> Dark and nonreflective colors	0.30 VFC maximum normal business and 0.10 VFC security only, at a residential property line	L.T.E. 800 initial lumens  Turn off at 10:00 p.m. or one hour after close of business
2 Medium ambient light areas	Security lighting only after 10:00 p.m. or one hour after close of business	All light sources  Semi-cutoff and cutoff fixtures when L.T.E. 1,800 initial lumens	8' height when L.T.E. 30' from residential property line  15' ht. when G.T. 30' and when	0.80 VFC maximum normal business and 0.30 VFC security	L.T.E. 1,200 initial lumens  Turn off at 10:00

	LPD = 75% of IECC limit  LD = 14 lumens/ft <sup>2</sup>	Full-cutoff when G.T. 1,800 initial lumens  HSS on perimeter fixtures adjacent to residential	L.T.E. 150'  25' ht. when G.T. 150'  <b>Matte and brushed finish</b> <del>Dark and nonreflective</del> colors	only, at a residential property line	p.m. or one hour after close of business
3 High ambient light areas	Security lighting only after 10:00 p.m. or one hour after close of business  LPD = 100% of IECC limit  LD = 19 lumens/ft <sup>2</sup>	All light sources  Semi-cutoff and cutoff fixtures when L.T.E. 3,500 initial lumens  Full-cutoff when G.T. 3,500 initial lumens  HSS on perimeter fixtures adjacent to residential  External HSS adjacent to residential after 10:00 p.m.	15' height when L.T.E. 150' from residential property line  30' ht. when G.T. 150'  <b>Matte and brushed finish</b> <del>Dark and nonreflective</del> colors	1.50 VFC maximum normal business and 0.80 VFC security only, at a residential property line	L.T.E. 1,200 initial lumens  Turn off at 10:00 p.m. or one hour after close of business

Explanation of terms used in the lighting chapter matrix:

<del>***</del>	<del>To be determined by planning staff.</del>
1,800, 3,500 and 6,500 Lumens	1,800 lumens is equivalent to the initial lumen output of a <u>20-watt LED (100-watt incandescent)</u> , or a 26-watt compact fluorescent lamp. 3,500 lumens is equivalent to the initial lumen output of a 42-watt compact fluorescent, or a 50-watt metal halide lamp. 6,500 lumens is equivalent to the initial lumen output of a 70-watt high pressure sodium lamp.
G.T.	Greater than.
L.T.E.	Less than or equal to.
L.T.E. 1,800	A light source that produces less than or equal to 1,800 lumens of light when the lamp is new.
Kelvin (K)	The Kelvin temperature scale is utilized to describe the

	color/hue of a light source.
L.T.E. 3,000K	A light source with a color temperature of less than or equal to 3,000 degrees Kelvin ("warm" color/hue light).
Light source	A type of lamp, such as an <del>LED</del> -incandescent or metal halide lamp.
H.S.S.	House-side shields reduce the amount of rearward illumination produced by a luminaire. Shields on pole-mounted luminaires reduce the amount of spill light/light trespass from the site, while shields on wall-mounted fixtures reduce the intense illumination "hot spots" that can be produced underneath the luminaire.
Height (Ht.)	The mounting height of a luminaire, as measured from the fixture lens to the finished grade of the parking lot. 15' HT. L.T.E. 150' means that luminaires located less than or equal to 150 feet from a residential property line cannot exceed 15 feet in mounting height.
Dark color	The required color/finish of a light pole.
Perimeter illuminance levels	The highest allowed initial vertical illuminance at any point around the perimeter of a site.

(Ord. No. 011812-ZO-PZ-C-007-10 , § 22; Ord. No. PZ-C-003-09 , § 1)

### **2.195.0750. Equipment substitutions or alterations.**

The outdoor lighting equipment installed at a project site (fixtures, lamps, poles, finishes, controls, etc.) and the locations thereof shall not be substituted or altered in any way from the approved plans (except for the use of alternate manufacturers already listed in the fixture schedule of the approved plans) without first submitting the changes to planning staff and receiving written approval. Failure to comply with this chapter can result in penalty action from the county, including a decline to issue the final certificate of occupancy or final certificate of completion until the project is brought into conformance with the approved plans consistent with the intent of this Chapter, to the satisfaction of planning staff.

(Ord. No. PZ-C-003-09 , § 1)

### **2.195.0680. Verification.**

All outdoor lighting installations are subject to inspection/verification of the lighting equipment, LPD, LD, and illumination levels (adjusted for light loss factors) by county staff or their designee, prior to the issuance of the final certificate of occupancy or final certificate of completion. Installations that are determined by planning staff to not be in compliance with the approved plans shall be corrected and brought into compliance with the approved plans prior to the issuance of the final certificate of occupancy or final certificate of completion. A complete set of the approved planning submittal shall be kept at the site for the duration of the project, and the ~~planning department~~ Planning Division shall be contacted for an on-site inspection of the outdoor lighting equipment prior to the installation of any luminaire that is to be mounted at a height of more than six feet.

(Ord. No. PZ-C-003-09 , § 1)

### **2.195.0970. Permanent exemptions.**

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- A. *Nonconforming fixtures.* All outdoor fixtures existing and fully installed prior to the effective date of this chapter, except for luminaires with a mercury vapor light source, may remain "nonconforming" indefinitely; provided, however, there shall be no change in use, replacement, structural alteration, or restoration of outdoor light fixtures after not being used for a period of 12 consecutive months unless it thereafter conforms to the provisions of this chapter. This does not include the standard maintenance replacement of lamps and/or ballasts.
  - B. *Federal and state facilities.* Those facilities and lands owned and/or operated as protected by the U.S. federal government or the State of Arizona is exempted by law from all requirements of this chapter. In addition, all federal and state detention facilities and other places for lawful confinement shall have the same exemption. Voluntary compliance with the intent of this chapter at those facilities is encouraged.
  - C. *Public and private detention facilities.* All detention facilities and other places for lawful confinement, whether they are public or private, shall have the same exemptions as in subsection (B) of this section. Voluntary compliance with the intent of this chapter at those facilities is encouraged.
  - D. *Projects that require unusually high illuminance levels or luminaire mounting height.* Projects that require unusually high illuminance levels and/or mounting height shall be exempt from this chapter. These projects will be reviewed by county staff on an individual basis, and subsequently submitted to the ~~B~~board of ~~supervisors~~ Adjustment for final approval. These types of projects include, but are not limited to: professional sports stadiums, other public or private sports facilities, and high schools.
  - E. *Motion-sensor-controlled lighting.* Motion-sensor controlled fixtures being utilized for security or safety purposes, with ~~a wattage of~~ less than or equal to 1,800 lumens (100 watts ~~incandescent~~~~(1,800 lumens)~~) per lamp, are exempt from these provisions.
  - F. *Electric utility leased lighting.* Planning staff, at its discretion, may allow the use of electric utility leased lighting that does not exceed a mounting height of 21 feet in lighting zones ~~s 0 or~~ 1, and 28 feet in lighting zone 2. The light sources utilized in lighting zones ~~s 0 or~~ 1 shall not exceed a color temperature of 3,500 degrees Kelvin. "Half-night" photocells may be utilized instead of the required 10:00 p.m. timed shutdown. The lighting must meet any of the relevant shielding requirements established in this chapter.
  - G. Holiday lighting. In all lighting zones, low-Lumen output holiday decorations, consistent with the output of Lighting zone 1, may be unshielded and remain on all night from October 15th to January 15th.
  - H. Shielded accent lighting/Landscape lighting. In all lighting zones, shielded low-Lumen output accent or landscape lighting can remain on all night provided that it complies with the Lighting Zone as specified in this chapter.

(Ord. No. PZ-C-003-09 , § 1)

## 2.195.1080. Procedures for chapter compliance.

- A. *Applications.*
  1. Any individual property owner or developer applying for a compliance review number or building permit under this chapter intending to install outdoor lighting shall comply with the applicable Lighting Zone as specified in this chapter., as part of said application, submit evidence that the proposed work will comply with this section.
  2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the ~~planning director~~Community Development Director providing evidence that the proposed work will comply with this section.
- B. *Contents of application or submission.*

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1. The applicant may obtain from planning staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to, the following:
    - ~~2~~ a. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc. A Security Lighting Plan which represents a 75% reduction in the proposed lighting on a particular site and a post-curfew (after 10 P.M.) lighting reduction plan.
    - ~~3~~ b. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include but is not limited to manufacturers, catalog cuts, drawings and photometrics (including sections where required).
  - ~~4~~ 2. The above required plans and descriptions shall be sufficiently complete to enable the ~~planning-director~~Community Development Director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized lab.
  - C. *Issuance of permit.* Upon compliance with the requirements of this chapter, the ~~planning-director~~Community Development Director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as approved. In the event the application is part of the building application under the zoning regulations, the issuance of the building permit will be made if the applicant is in compliance with this chapter as well as the other requirements for issuance under the zoning regulations.
  - D. *Amendment to permit.* Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all outdoor light fixture or lamp changes to the ~~planning-director~~Community Development Director for approval with adequate information to assure compliance with this chapter.

(Ord. No. PZ-C-003-09 , § 1)

## **2.195.09110. Temporary exemptions.**

- A. *Request for temporary exemptions.*
  1. Any individual as defined in this chapter may submit a ~~Temporary Use Permit written~~ request on a form prepared by the ~~planning-Community Development department-Department~~ for a "temporary exemption" to the requirements of this chapter. Approval for a temporary exemption is at the discretion of the ~~planning-director~~Community Development Director and shall be valid for 30 calendar days or less, as determined by the ~~planning-director~~Community Development Director. Any renewal is also at the discretion of the ~~planning-director~~Community Development Director. The request for temporary exemption shall contain minimally the following listed information:
    - a. Specific exemptions involved;
    - b. Previous temporary exemptions, if any;
    - c. Duration of time requested exemption;
    - d. Type and use of exterior light involved;
    - e. Type, ~~wattage and~~ initial lumens (or wattage) of proposed lamps;
    - f. A plan with proposed luminaire locations; and
    - g. Manufacturer cut sheets for proposed luminaires.

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2. In addition to the above data, the ~~planning director~~Community Development Director may request any additional information which would enable him or her to make a reasonable evaluation of the request for temporary exemption.

(Ord. No. PZ-C-003-09 , § 1)



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# Pinal County Development Services Code:

## Dark Sky

### **CHAPTER 2.180. DARKESIGN SKYREVIEW OVERLAY (DSRO) ZONING DISTRICT**

#### **2.180.010. Applicability.**

~~The DSRO Zoning District is an overlay zone that provides for reduced outdoor lighting levels. Each specific DSO Zoning District and its associated Lighting Overlay Plan (LOP) require approval by the Supervisors. Each specific DSO Zoning District is subject to additional lighting and environmental impact standards as set forth in its associated LOP. This chapter shall apply to all Proposed Development and all Signs and outdoor lighting within a DSO Zoning District. shall be used only when there is public consensus for an overlay zone in order to allow for economic and aesthetic concerns. Each specific DRO Zoning District and design review plan ("DRP") shall require approval by the Pinal County board of supervisors Board of Supervisors. DRO areas are subject to the review of additional architectural and environmental impact standards. The review of architectural and site planning standards of this chapter shall apply only to proposed development for community service agencies, multiple dwellings, commercial, churches, office and industrial developments and all signage and lighting for such uses.~~

- ~~A. All applications for development approval that have been accepted as complete prior to the adoption of a specific DSO Zoning District shall be lawfully non-conforming, subject to the provisions enumerated in PCDSC 2.05.060 through 2.05.100. After the adoption of a specific DSO Zoning District, an amendment to the development approval that changes any of the design elements listed in PCDSC 2.180.040(D) shall require compliance with the adopted DSO Zoning District and LOP. All applications for site plan Site Plan approval that have been accepted as complete prior to the adoption of a DRO Zoning District shall not be subject to review by the design review overlay zoning Zoning district District advisory Advisory board Board for that DRO zoning district DRO Zoning District. Any proposed amendment to any approved site plan Site Plan constructed prior to the establishment of the DRO zoning district DRO Zoning District regarding the design elements listed in PCDSC 2.180.040(D) shall follow the development plan approval procedures enumerated under PCDSC 2.180.070, 2.180.080 and 2.180.090.~~
- ~~B. A DSO Zoning District may be formed over an existing Planned Area Development (PAD) Overlay Zoning District or any other Zoning District provided that, in the opinion of the Supervisors, the adopted DSO Zoning District and LOP are consistent with the established character and parameters of the approved PAD Overlay Zoning District or other Zoning District. A DRO zoning district DRO Zoning District may be formed over an existing Pplanned Aarea Ddevelopment; provided, that in the opinion of the Bboard of Ssupervisors the adopted DRP is consistent with established architectural character and parameters of the approved Pplanned Aarea Ddevelopment.~~

~~{Ord. No. 061610-DROZ, § 1(3330)}~~

#### **2.180.020. Purpose and objectives.**

The purpose of this chapter is to establish the process for creation and adoption of a DSO Zoning District and its associated LOP in order to protect and preserve the County's dark sky resource. It is recognized that in certain areas of the County, naturally dark landscapes and star-filled skies are valued by many, and that poor lighting practices in outdoor lighting waste energy, hamper the reasonable use and enjoyment of property, and endanger the public welfare by producing unnecessary glare.

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Additionally, the purpose of this chapter is to accomplish the following objectives:

- A. To identify specific areas in the County through Public Consensus where lower outdoor lighting levels are necessary to preserve access to dark sky environments for County residents;
- B. To achieve a balance between safety and aesthetics, encourage designs that provide for the proper quality and quantity of nighttime illumination, while managing energy consumption and minimizing light trespass and negative impacts on the surrounding areas and the night sky;
- C. To help ensure that the lower lighting levels enhance development, buildings and structures and will assist in the enhancement of the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area;
- D. To help ensure that lower lighting levels do not impair the functionality and safe operation of any recreational areas and public infrastructure and facilities within a DSO Zoning District;
- E. To help ensure reasonable reduction in outdoor lighting levels below what is currently required in PCDSC 2.195, while reducing potential for conflict with areas not covered by an approved DSO Zoning District and LOP; and
- F. To provide a procedure for the adoption and amendment of an approved LOP. The purpose of this chapter is to establish the process for creation and adoption of a DRO zoning districtDRO Zoning District and its associated DRP. In order to protect and preserve property values and enhance certain scenic vista areas of the county, the boardBoard, upon recommendation by the commissionCommission and when there is public consensus for the DRO zoning districtDRO Zoning District, may apply the DRO zoning districtDRO Zoning District, in conjunction with the underlying zone. Additionally, the purpose of this chapter is to accomplish the following objectives:-

- ~~A. To help ensure that the development, buildings or structures will assist in the enhancement of the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area.-~~
- ~~B. To help ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to help prevent the construction of structures that would conflict with their environment.-~~
- ~~C. To help ensure that sites, projects, buildings and structures subject to design review are developed with due regard for the environmental qualities of the natural terrain and landscape, and, that native vegetation, scenic vistas and topography are not indiscriminately destroyed.-~~
- ~~D. To help ensure that the design and exterior architecture of proposed buildings and structures will be in harmony with either the design or exterior architecture of the buildings and structures already constructed or being constructed in the immediate neighborhood, as to not cause a substantial depreciation of property values in the neighborhood.-~~
- ~~E. To help ensure that open spaces, drainage ways and landscaping are thoughtfully designed to enhance property values, enhance views into and from the site and to screen and minimize the impacts of deleterious uses and parking areas.-~~
- ~~F. To help ensure that the proposed development complies with all of the provisions of this chapter and applicable goals and policies of the comprehensive planComprehensive Plan or any amendment or element thereof or specific plan for the area.-~~

~~(Ord. No. 061610-DROZ, § 1(3331))~~

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## 2.180.030. Definitions.

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

~~*Design rReview Overlay (DRO) Zoning Ddistrict* means an area subject to review of additional architectural and environmental impact standards as outlined in the associated Ddesign Rreview Pplan (DRP).~~

~~*Design Rreview Overlay Zoning Ddistrict Aadvisory boardBoard or Aadvisory boardBoard* means a seven-member advisory board which is appointed for each DRO zoning districtDRO Zoning District.~~

~~*Design review Review oOverlay zZoning dDistrict fFormation bBoard or fFormation bBoard* means a seven-member formation board which is appointed to initiate a DRO zoning districtDRO Zoning District.~~

~~*Design Rreview pPlan (DRP)* means a plan for the DRO zoning districtDRO Zoning District that will consist of a written narrative text, maps and graphics which shall establish the standards, criteria, goals and policies for the DRO zoning districtDRO Zoning District in accordance with PCDCS 2.180.050(D) in order for proposed structures to be in harmony with the structures already constructed or in the process of construction.~~

~~*Developed* means property that has a dwelling unit constructed or installed on the lot.~~

*Development plan* means a plan filed by the a Lot Ownerdeveloper for a specific development project within the DRO zoning districtDSO Zoning District showing the location of structures and providing all the information required under PCDCS 2.180.0790(B).

*DSO Zoning District* means a Dark Sky Overlay District, which is an area subject to additional outdoor lighting and environmental impact standards as outlined in the associated LOP.

~~*General welfare*, for the purpose of this chapter, means the preservation of neighborhoods or community character or the attainment of economic objectives such as the preservation of property values or promotion of tourism.~~

*LOP* means a Lighting Overlay Plan for a specific DSO Zoning District that consists of written narrative text, maps, and graphics that establish the standards, lighting specifications, criteria, goals, and policies for the specific DSO Zoning District.

~~*Lot*, for purposes of this chapter, means a parcel or unit of land described as metes and bounds or shown as a lot on a recorded subdivision plat or shown as a lot on a map of survey for the purpose of minor land division. This does not include common area tracts located within subdivisions.~~

~~*Lot Oowners* means the person or persons holding title by deed to land or a condominium unit. all owners of property within the DRO zoning districtDRO Zoning District. This term is not based upon a certain use or zone classification of the property within the DRO zoning districtDRO Zoning District.~~

*Person* means any individual, corporation, partnership, or company and any other form of multiple organization for carrying on business, foreign or domestic.

~~*Proposed dDevelopment* means any new construction, alteration, expansion or modification to the exterior of any building or structure which that requires a building permit as defined in the Pinal County's Bbuilding Ccode.~~

~~*Public Cconsensus* means the general agreement of a majority of the Lot Owners by area and number within a proposed DSO Zoning District. -qualifying property owners required to form a DRO zoning districtDRO Zoning District as enumerated under PCDCS 2.180.040(F) and (G).~~

~~*Sign package* means a component of the development plan that indicates the general specifications of signage including architectural qualities, size (including proportions), materials, quantity, illumination and location on a development site. The sign package is intended to develop a design theme for on-site attached and detached signage.~~

## 2.180.040. Special provisions.

- A. The adoption of a ~~DRO zoning district~~DSO Zoning District does not change the permitted uses in the underlying zone.
- B. Upon application for a ~~DRO zoning district~~DSO Zoning District to a specific area of the county, the ~~board~~Board, upon recommendation of the ~~commission~~Commission, shall establish lighting requirements and administrative processes and procedures in the form of a LOP for the specific DSO Zoning District. Said requirements include, but are not limited to, applicability, materials and methods of installation, use of new technology, lumen levels and fixture shielding requirements, hours of operation, and means of illumination for Signs and Sign Packages approved in accordance with Chapter 2.145 PCDSC. design guidelines in the form of a DRP for that specific area which reflect public consensus. Said guidelines may include, but are not limited to, exterior design, materials, textures, colors, signage and means of illumination.
- C. The approved ~~DRP LOP~~ is to serve as the official document for the ~~commission~~Commission, ~~board~~Supervisors, and all ~~C~~County officials and agencies for accomplishing coordinated physical development within the ~~DRO zoning district~~DSO Zoning District.
- D. All development described in PCDSC 2.180.010, including without limitation buildings, structures, landscaping, drainage ways, site layout and ~~S~~signs, to be located within the ~~DRO zoning district~~DSO Zoning District shall be ~~first~~ approved under the provisions of this ~~€Chapter~~ and under the provisions of the Chapter applicable to the underlying Zoning District. Interior construction or remodeling and nonstructural exterior utility alterations (gas, electric, water) are not included.
- E. Any violation of the provisions of this chapter shall be subject to the enforcement provisions of ~~chapter~~Chapter 2.160 PCDSC.
- F. ~~To have a DRO zoning district~~DO Zoning District, ~~A~~ minimum of ~~750~~ percent of the land area must be zoned residential or rural at the time of the initial application for a DSO Zoning District. After the initial application for a DSO Zoning District, the underlying zoning may subsequently change so that less than 50 percent of the land area within the DSO Zoning District is zoned residential or rural without affecting the DSO Zoning District application or any subsequent DSO Zoning District approvals., ~~and 50 percent of that residentially zoned property must be developed.~~
- G. Public Consensus, although not required, is a substantial factor to be considered by the Commission and Supervisors in approving a DSO Zoning District. Public Consensus can be shown in the following ways including, but not limited to, petitions in support or minutes from neighborhood meetings. ~~To have a DRO zoning district~~DO Zoning District, there must be public consensus. Lot owners, no matter what type of ownership, are entitled to only one vote per lot. The required number of lot owners for public consensus shall be determined by notarized petitions meeting the following requirements:-
- ~~1. Petitions must contain signatures of approval of at least 51 percent of all the lot owners by area and number within the proposed DRO zoning district~~DO Zoning District; and
  - ~~2. If commercial or industrial zoned land is included in the proposed DRO zoning district~~DO Zoning District, the 51 percent of all lot owners signing the petitions must include at least 50 percent of the commercial and/or industrial property owners.
- H. During any part of the initiation, application, or approval phases of a proposed DSO Zoning District, an owner of an individual property within the boundary of the proposed DSO Zoning District may apply for an exemption from inclusion in the proposed overlay zone and retain the property's existing applicable Zoning District.
- I. Applicability

1. For Lots that are in both a DSO Zoning District and a PAD Overlay Zoning District, if any conflict should arise between the requirements of the DSO Zoning District/LOP and the requirements of the PAD Overlay Zoning District, the Community Development Director shall determine which requirements shall apply. A request for a determination shall be in writing to the Community Development Director and may be submitted in conjunction with an application for a zoning clearance/compliance review number as specified in Section 2.180.090.
  2. The Community Development Director's determination may be appealed to the Board of Adjustment within thirty days after the Community Development Director has rendered a decision. Property in a PAD Overlay District where the development plan specifically articulated the elements described in PCDCS 2.180.050(D) and the development plan and PAD Overlay District was approved by the BOS prior to the establishment of a DRO zoning district DRO Zoning District over the subject property shall not be subject to the requirements of the DRO zoning district DRO Zoning District, unless an amended or new PAD is requested that materially changes the PAD.
- J.** If any conflict should arise between this chapter and ~~chapter~~Chapter 2.145 PCDCS which regulates ~~S~~signs, this ~~e~~Chapter shall prevail within an approved ~~DRO zoning district~~DSO Zoning District. The ~~A advisory board~~Board/LOP may not authorize additional height, area or number of ~~s~~Signs than allowed under ~~chapter~~Chapter 2.145 PCDCS.
- K.** If any conflict should arise between a DSO Zoning District/LOP and Chapter 2.195 PCDCS, which regulates outdoor lighting, the more restrictive provision shall apply. For outdoor lighting standards not specifically mentioned in a LOP, Chapter 2.195 PCDCS shall apply.

(Ord. No. 061610-DROZ , § 1(3333))

## **2.180.050. Initiation of a ~~DRO zoning district~~DSO Zoning District.**

A Lot Owner, a group of Lot Owners or an authorized agent of a Lot Owner/group of Lot Owners may file an application to request that the Commission initiate, on its own motion, a DSO Zoning District. The commissionCommission shall initiate the formation of a DRO zoning district DRO Zoning District in conjunction with other existing zones with the following procedures:

- A. Any person or group proposing that the commissionCommission initiate the formation of a DRO zoning district DRO Zoning District shall file with the commissionCommission an application for such DRO zoning district DRO Zoning District on the form provided by the planning departmentPlanning Division. At minimum the application shall include:
  1. A preliminary map depicting the boundaries of the proposed DRO zoning district DRO Zoning District;
  2. A tabulation of the total number of lots and lot area;
  3. A preliminary list of names and contact information of seven individuals desirous of being appointed to the seven-member formation board; and
  4. A petition indicating that at least 51 percent of lot owners by both area and number agree to the initiation of a DRO zoning district DRO Zoning District.
- B. After initiation of the formation of the DRO zoning district DRO Zoning District by the commissionCommission, a seven-member Fformation Bboard will be appointed for the DRO zoning district DRO Zoning District by the county supervisor in the supervisorial district where the proposed DRO zoning district DRO Zoning District will be located. Members of the Fformation Bboard must be lot owners from within the supervisorial district where the proposed DRO zoning district DRO Zoning District will be located. At least 51 percent of Fformation Bboard members must own property within the proposed DRO zoning district DRO Zoning District.

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- ~~C. County staff will assist the seven-member Design Review Overlay Zoning District Formation Board ("Formation Board") in establishing the DRO zoning district boundary and associated DRP.~~
- ~~D. DRO zoning district boundary maps shall be established by a DRO zoning district boundary map defining the boundaries of the proposed DRO zoning district and the DRP. The DRP shall only address design guidelines for site development, architectural character, building form (excluding height restrictions and architectural massing for churches) and landscaping through criteria related to building placement, circulation, exterior design, materials, textures, colors, means of illumination and signage. Guidelines may include design criteria related to driveways, pedestrian walks, fences and walls, off-street parking areas including entrances and exits, landscaping varieties and sizes of plant materials, architectural drawings or sketch requirements, and grading and drainage plans. The completed DRO zoning district boundary map and the DRP shall be submitted to the commission for review and recommendation to the board. Once the proposed DRO zoning district and its associated DRO zoning district boundary map and DRP have been reviewed by the commission, the documents shall then be forwarded with the commission's recommendation to the board for its consideration. The commission may recommend denial or approval.~~
- ~~E. The Formation Board shall meet as they deem necessary with county staff, members of the public and affected business community to determine the DRO zoning district boundary and draft the associated DRP.~~
- ~~F. The Formation Board shall circulate a petition with the proposed DRO zoning district boundary map and DRP in an effort to secure public consensus for the proposed DRO zoning district.~~
- ~~G. Upon receipt by the commission of a completed DRO zoning district boundary map reflecting the boundary of the DRO zoning district in conjunction with a completed DRP and signed petitions of the required number of lot owners within the proposed DRO zoning district, the commission shall hold at least one public hearing.~~
- ~~H. The DRO zoning district boundary map and the notice of the public hearing shall be published in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.~~
- ~~I. The area in the proposed DRO zoning district shall be posted at least 15 calendar days prior to the date of the public hearing. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.~~
- ~~J. The proposed DRO zoning district boundary map and notice of the public hearing shall be mailed to each property owner of record as shown on the assessment of the property within the proposed DRO zoning district and within 600 feet of the proposed DRO zoning district. The DRO zoning district boundary map and the notice shall also be mailed to each county and municipality contiguous to the area of the proposed DRO zoning district.~~
- ~~K. At a minimum, the notice shall include the following:~~
- ~~1. The date, time and place of the public hearing;~~
  - ~~2. A general explanation of the matter to be considered;~~

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3. ~~A general description of the area of the proposed DRO zoning districtDRO Zoning District;~~
  4. ~~An explanation of how the property owner within the zoning area may file approval or protests to the proposed DRO zoning districtDRO Zoning District;~~
  5. ~~Notification that if 20 percent of the property owners by area and number within the zoning area file protests, an affirmative unanimous vote of the boardBoard will be required to approve the DRO zoning districtDRO Zoning District; and~~
  6. ~~Locations as to where a copy of the proposed boundary map and DRP can be obtained (two locations minimum).~~
- L. ~~The commissionCommission may recommend approval or denial of the proposed DRO zoning districtDRO Zoning District. The commissionCommission may continue the hearing to a definite time and date that is not to exceed six months, on its own initiative or at the request of the Advisory boardBoard, affected lot owners, or county staff.~~
  - M. ~~The commissionCommission shall transmit recommendations on the proposed DRO zoning districtDRO Zoning District to the boardBoard for its action. The transmittal shall be made within three months from the date the commissionCommission makes the recommendation.~~
  - N. ~~Notice of the public hearing before the boardBoard shall be given at least 15 calendar days prior to the date of the public hearing by one publication in a newspaper of general circulation in the county seat and by posting in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected.~~
  - O. ~~The boardBoard may approve or deny the action establishing the proposed DRO zoning districtDRO Zoning District or continue the public hearing to a definite time and date not to exceed six months, on its own initiative or at the request of the Fformation boardBoard, affected lot owners, or county staff.~~
  - P. ~~If 20 percent of the owners of property by area and number within the proposed DRO zoning districtDRO Zoning District or within 600 feet of the proposed DRO zoning districtDRO Zoning District file a protest to the proposed DRO zoning districtDRO Zoning District, the approval of the proposed DRO zoning districtDRO Zoning District shall not be made except by unanimous vote of the boardBoard.~~
  - Q. ~~After the establishment of the DRO zoning districtDRO Zoning District, the Fformation boardBoard shall terminate.~~
  - R. ~~After the termination of the Fformation boardBoard, a DRO zoning Ddistrict Advisory boardBoard will be appointed for the DRO zoning districtDRO Zoning District by affirmative vote of the board of supervisorsBoard of Supervisors upon recommendation from the supervisor in the supervisorial district where the proposed DRO zoning districtDRO Zoning District will be located. Members of the Fformation boardBoard may be appointed to the Aadvisory Bboard. A majority of members must be lot owners from within the DRO zoning districtDRO Zoning District and reside at a residence within the zone more than six months out of a calendar year. Each member will be appointed for a term of three years and if possible be comprised of at least one member from the building/construction or architectural profession, one member from the business community, to include the real estate profession, two members who own commercial or industrial property within the proposed zone and three members from the community at large. Members may be reappointed for additional terms. Members may serve no more than three consecutive terms.~~

~~{Ord. No. 061610-DROZ, § 1(3334)}~~

## **2.180.060. Application for a DSO Zoning DistrictZoning maps update.**

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Applications for a DSO Zoning District shall follow procedures enumerated in Section 2.166.040 PCDC and as set forth below. The zoning maps shall be updated to reflect the approved DSO zoning district boundary.

(Ord. No. 061610-DROZ, § 1(3335))

## **2.180.070. Development applications required DSO Zoning District application process.**

After establishment of the DSO zoning district, any lot owner or the lot owner's agent of any applicable development, as determined in PCDC 2.180.010, shall first file a design review application ("application") together with a development plan for consideration. The planning director/Community Development Director shall review the development plan for compliance with established application requirements and shall determine whether the application is complete. Said application of the development plan shall contain the following:

- A. Pre-application submittal. A site plan/Site Plan, drawn to scale showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The development plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking areas and grading and drainage plans;
  1. The application shall include those forms, maps, plans and other documents prescribed by the Community Development Director as necessary to:
    - a. Identify the applicant(s);
    - b. Identify the Lot(s) subject to the proposed DSO Zoning District;
    - c. Identify all Lot Owners subject to the proposed DSO Zoning District and their authorized agents;
    - d. Describe the nature of the request;
    - e. State justifications or reasons for the request; and
    - f. Show compliance with the Comprehensive Plan.
  2. The application shall be accompanied by a nonrefundable filing fee from the lot owner or group of lot owners requesting the proposed DSO Zoning District in accordance with the fee schedule adopted under the authority of PCDC 2.160.050.
- B. Any lot owner or group of lot owners residing in the proposed DSO Zoning District may file an application with the Commission for a DSO Zoning District on the form provided by the Department that, at minimum, shall include:
  1. One of the following:
    - a. Evidence that 100% of the Lot Owners within the proposed DSO Zoning District authorize the submittal of the application; or
    - b. A request that the Commission initiate the proposed DSO Zoning District application process with the lot owner or group of lot owners as the applicant(s).
  2. A preliminary map depicting the boundaries and legal description of the proposed DSO Zoning District;
  3. A tabulation of the total number of Lots, lot area, and ownership information dated no more than 60 days before the date of application;



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- 4. A proposed LOP;
  - 5. Evidence of compliance with the citizen review process in accordance with Chapter 2.166.050(E) PCDCS, including but not limited to, copies of notices, mailings, signs, and other methods of notification, meeting minutes, and a report documenting the citizen contact implemented by the applicant; and
  - 6. The application fee for the DSO Zoning District, which shall be the same as the fee for a rezoning as indicated in the most recently adopted fee schedule.
- C. County staff will review the proposed application for completeness and may recommend amendments to the application prior to the Commission’s work session or public hearing.
  - D. After receipt of a complete application, the Commission shall hold at least one work session.
  - E. After holding at least one work session:
    - 1. If the application was authorized by 100% of the Lot Owners within the proposed DSO Zoning District, the Commission shall hold at least one public hearing; or
    - 2. If the application requested that the Commission initiate the DSO Zoning District, the Commission shall vote on whether to initiate, initiate with modifications, refuse to initiate, or continue the matter to a date certain, not to exceed six months, in order to require additional information or direct the County staff to obtain additional public input on the item.
  - F. If the Commission decides to initiate the proposed DSO Zoning District, the Commission shall hold at least one public hearing.
  - G. Notice of the public hearing before the Commission shall be given as set forth in 2.166.050(G) PCDCS.
  - H. After the required notices have been given, the Commission shall hold a public hearing and may recommend that the Supervisors approve or deny the proposed DSO Zoning District and LOP. The Commission may also continue the hearing to a date certain, not to exceed six months, on its own initiative or at the request of affected Lot Owners or County staff.
  - I. If the Commission makes a recommendation, the Commission shall transmit its recommendation to the Supervisors for action within three months from the date the Commission makes its recommendation.
  - J. After the Commission makes a recommendation to the Supervisors, the Supervisors shall take action as set forth in 2.166.050(J) PCDCS
- ~~B. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and/or proposed to be retained on the site, the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein, and other landscape features including sprinkler and irrigation systems;~~
  - ~~C. Architectural drawings or sketches, drawn to scale, in sufficient detail to permit computation of setback requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;~~
  - ~~D. A sign package containing accurate scale drawings of all signs indicating their size, material, color, and illumination, if any, and design elements (themes) required of any future signage; and~~
  - ~~E. Such other data as may be required by the specific DRP to ensure that the purposes of this chapter are satisfied.~~

{Ord. No. 061610-DROZ, § 1(3336)}

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**2.180.080. Zoning maps update~~Review by the Advisory Bboard.~~**

~~The County zoning maps shall be updated to reflect each DSO Zoning District boundary after approval by the Supervisors. The planning Community Development dDirector shall, as soon as possible after acceptance of the completed application, transmit one copy of the accepted application to the appropriate Aadvisory boardBoard for its review and recommendation. The Aadvisory boardBoard shall hold at least one public meeting, in accordance with open meeting law (A.R.S. § 38-431.01), within 30 calendar days of transmittal of the application to consider the submittal and make recommendations to the planning Community Development dDirector.~~

~~(Ord. No. 061610-DROZ, § 1(3337))~~

**2.180.090. Provisions for Chapter compliance~~Decision by the director.~~**

- A. ~~Application~~The planning directorCommunity Development Director shall review the proposed application for its compliance with the purpose and intent of the DRO zoning districtDRO Zoning District and DRP and shall approve, subject to conditions, or deny the application within 21 working days of receipt of the recommendation from the Aadvisory boardBoard. If the planning Community Development Ddirector does not make a recommendation within 21 working days after receipt of the recommendation of the Aadvisory boardBoard, the application is deemed approved.
- ~~1. Any individual applying for a zoning clearance/compliance review number or a building permit under this chapter and intending to install outdoor lighting shall, as part of said application, submit evidence that the proposed work will comply with this section and the approved LOP.~~
  - ~~2. If required by the LOP, individuals intending to install outdoor lighting fixtures but not needing a zoning clearance/compliance review number or a building permit shall submit an application to the Community Development Director with evidence that the proposed work will comply with this section, the approved LOP, and any applicable section of Chapter 2.195 PCDS.~~
- B. ~~Contents of application or submission.~~ The applicant may obtain from County staff a document that lists all of the items required for an outdoor lighting submittal that are to be submitted with the application. These items shall include, but shall not necessarily be limited to, the following:~~The planning directorCommunity Development Director shall provide the applicant, the appropriate Aadvisory boardBoard and any other interested persons with a written statement setting forth the reasons supporting his/her decision.~~
- ~~1. A Development Plan indicating the locations of structures and the locations and types of illuminating devices, fixtures, lamps, and supports on the Lot.~~
  - ~~2. Descriptions of the illuminating devices, fixtures, lamps, and supports. These descriptions may include but are not limited to manufacturers, catalog cuts, drawings, and photometrics (including sections where required).~~
  - ~~3. The Development Plan and descriptions required above shall be sufficiently complete to enable the Community Development Director to determine compliance with the requirements of this chapter, the LOP, and any applicable section of Chapter 2.195 PCDS. If the Development Plan and descriptions cannot enable this determination by reason of the nature or configuration of the devices, fixtures or lamps proposed, the Community Development Director may require the applicant to submit evidence of compliance, such as certified test reports performed by a recognized lab.~~
  - ~~4. A letter of determination as specified in Section 2.180.040.H PCDS from the Community Development Director, if applicable.~~

- 
- C. Issuance of permit. If the application is part of a building permit application, the building permit will be issued if the applicant is in compliance with this chapter as well as all other applicable County requirements.
  - D. Amendment to permit. Should the applicant desire to substitute outdoor light fixtures or lamps or make other changes after a building permit has been issued, the applicant must submit all changes to the Community Development Director for approval with adequate information to enable the Community Development Director to determine compliance with the requirements of this chapter, the LOP, and any applicable section of Chapter 2.195 PCDSC.

{Ord. No. 061610-DROZ, § 1(3338)}

**2.180.100. Decision by the Community Development Director.**

- A. The Community Development Director shall review an application submitted pursuant to 2.180.090 PCDSC for compliance with the applicable DSO Zoning District and LOP and shall approve, approve subject to conditions, or deny the application within time prescribed by the County’s permit review timelines.
- B. Upon request, the Community Development Director shall provide the applicant and any other interested persons with a written statement setting forth the reasons supporting the decision.

**2.180.1100. Appeals procedure.**

- A. The decision of the ~~planning director~~Community Development Director on an application submitted pursuant to 2.180.090 PCDSC may be appealed to the ~~board~~Board of ~~adjustment~~Adjustment as provided in ~~chapter~~Chapter 2.155 PCDSC within 30 days after the Community Development Director’s decision.
- B. Appeals may be made by any of the following:
  1. The applicant; or
  2. Any Lot Owner within the DSO Zoning District~~The A~~advisory boardBoard.

{Ord. No. 061610-DROZ, § 1(3339)}

**2.180.1210. Lapse of Community Development Director~~design review~~ approval.**

Approval by the Community Development Director pursuant to 2.180.100 PCDSC shall lapse and shall be annulled one year following the date upon which the application was approved. Approval will not lapse if a building permit is issued prior to the expiration of the one-year period.~~Design review approval shall lapse and shall be null and void one year following the date upon which the application was approved. Approval will not lapse should a building permit be issued prior to the expiration of the one-year period.~~

{Ord. No. 061610-DROZ, § 1(3340)}

**2.180.1320. Amendments to an approved site plan~~Plan~~.**

Any proposed amendments to any approved ~~site plan~~ by the Community Development Director regarding the design elements listed in PCDSC 2.180.100~~40(D)~~, except changes in lettering or graphics for Ssigns, shall require review and a decision by the Community Development Director~~Advisory board~~Board ~~and decision by the director~~ following the procedures required for an initial application plan approval as enumerated under PCDSC 2.180.090~~70~~, 2.180.080 and 2.180.090 PCDSC.

**2.180.1430. Amendments to the ~~DRP~~LOP.**

- A. Major LOP amendment. ~~An amendment is major if it involves any of the following: After written request by the Advisory Bboard, amendments to the DRP shall be made by the board of supervisorsBoard of Supervisors. The board of supervisorsBoard of Supervisors will hold at least one public hearing. Notice of the hearing shall be posted at least 15 calendar days prior to the date of the public hearing. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. It shall not be the responsibility of the county to maintain such posting once erected. Content of the notice shall meet the specifications outlined in PCDSC 2.180.050(K).~~
1. A request that does not meet the minimum requirements for outdoor lighting found in Chapter 2.195 PCDSC;
  2. A change in the DSO Zoning District boundaries;
  3. A request to waive, or a change altering, any condition or stipulation of approval; or
  4. A request to change criteria addressed in the LOP that the LOP specifically identifies as requiring as a Major Amendment to alter or amend.
- B. Major LOP amendment procedure. ~~Requests for major amendments shall follow the same procedure as the initial application for a DSO Zoning District approval. The notice shall be published in a newspaper of general circulation in the county seat at least 15 calendar days prior to the date of the public hearing.~~
- C. Minor LOP amendment. ~~Any request that is not major, as defined in subsection (A) of this section, is a minor amendment. In general, minor LOP amendments are small adjustments to the details of a LOP that do not substantively or materially alter the original character and/or intent of the LOP and approved DSO Zoning District. Notice of the public hearing shall be mailed to each property owner as shown on the assessment of the property within the DRO zoning districtDRO Zoning District and within 600 feet of the DRO zoning districtDRO Zoning District. The DRO zoning districtDRO Zoning District boundary map and the notice shall also be mailed to each county and municipality contiguous to the area of the proposed DRO zoning districtDRO Zoning District.~~
- D. Minor LOP amendment procedure. ~~The boardBoard may approve or deny the action regarding the proposed DRP amendment or continue the public hearing to a definite time and date not to exceed six months, on its own initiative or at the request of the Advisory Bboard, affected lot owners, or county staff.~~
1. Requests for minor LOP amendments shall be filed with the Department.
  2. The request will be routed for comment to any affected County departments.
  3. Upon receipt of comments or no later than ten working days, the Community Development Director will determine whether to approve, approve with stipulations, or deny the requested amendment.
  4. Applicant will be notified by letter of the Community Development Director's decision and a copy of the letter will be filed for public record.
- E. Variances. ~~The Board may grant variances to individual Lots from the requirements of the DSO Zoning District and LOP following the procedures enumerated in Chapter 2.155 PCDSC.~~

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## **2.180.140. Dissolution of design review overlay zone and Advisory Bboard.**

The commissionCommission shall initiate the dissolution of a DRO zoning districtDRO Zoning District and Advisory Bboard with the following procedures:-

- A. — Any person or group proposing that the commissionCommission initiate the dissolution of a DRO zoning districtDRO Zoning District and Advisory Bboard shall file with the commissionCommission an application for such dissolution on the form provided by the planning departmentPlanning Division. The application must contain notarized affidavits from at least 51 percent of lot owners by area and number within the DRO zoning districtDRO Zoning District stating they are in favor of the dissolution. Upon affirmative vote of the board of supervisorsBoard of Supervisors, the board of supervisorsBoard of Supervisors may resolve to direct the commissionCommission to initiate such dissolution.-
- B. — Upon receipt by the commissionCommission of an application to dissolve and signed petitions from at least 51 percent of lot owners by area and number of lot owners within the DRO zoning districtDRO Zoning District, the commissionCommission shall hold at least one public hearing. Notice of the hearing shall follow the procedures and content prescribed in PCDCSC 2.180.050(H), (I), (J) and (K).-
- C. — The commissionCommission may recommend approval or denial of the proposed dissolution. A recommendation in favor of a requested dissolution will require a two-thirds affirmative vote of the planning commissionCommission members. The commissionCommission may continue the hearing to a definite time and date that is not to exceed six months, on its own initiative or at the request of the Advisory Bboard, affected lot owners, or county staff. Failure of the commissionCommission to act on application within six months of the date of the first hearing or a motion to recommend approval not receiving a two-thirds affirmative vote shall be forwarded to the board of supervisorsBoard of Supervisors with a recommendation of denial.-
- D. — The commissionCommission shall transmit recommendations on the proposed DRO zoning districtDRO Zoning District to the boardBoard for its action. The transmittal shall be made within three months from the date the commissionCommission makes the recommendation.-
- E. — The board of supervisorsBoard of Supervisors shall hold one public hearing. Notice of the hearing shall follow the procedures and content prescribed in PCDCSC 2.180.050(N), (O) and (P).-
- F. — Upon affirmative vote of the board of supervisorsBoard of Supervisors on the dissolution, the Advisory Bboard shall immediately disband and the DRO overlay zoning districtOverlay Zoning District shall no longer apply. The zoning map shall be modified 31 days after the board of supervisorsBoard of Supervisors' approval to reflect the change.-

{Ord. No. 061610-DROZ, § 1(3343)}

### **Definition**

DSO Zoning District means a Dark Sky Overlay District, which is an area subject to additional outdoor lighting and environmental impact standards as outlined in the associated LOP.

LOP means a Lighting Overlay Plan for a specific DSO Zoning District that consists of written narrative text, maps, and graphics that establish the standards, lighting specifications, criteria, goals, and policies for the specific DSO Zoning District.

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# Pinal County Development Services Code:

## Group Homes

### 2.150.200. Group homes.

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

- A. Definition. The term "group home" means a ~~licensed~~ home suitable for accommodating more than six, but fewer than 11 adults or minor children who require special care for physical, mental, or developmental disabilities. This definition shall include assisted living homes and sober living homes but shall not include halfway/correctional/sex offender transitional facilities, or shelter homes for people at risk.
- B. Notwithstanding the definition of "Family" in Section 2.10.010 of this Code, Homes of six or fewer persons receiving care on a 24-hour-per-day basis shall be considered a single-family residence for the purposes of this title, subject to meeting applicable building and fire code requirements. The limitation of six or fewer persons does not include the operator or members of the operator's family or staff.
- C. Group homes shall be permitted without conditions in the SR, SR-1, SH, GR, GR-5, GR-10, CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, TR, MH, RU-10, RU-5, RU-3.3, RU-2, RU-1.25, R-43, R-35, R-20, R-12, R-9, R-7, MD, AC-1, AC-2, and AC-3, and MH-8 zoning district~~Zoning Districts~~, subject to issuance of a ~~use-~~permitt~~zoning clearance~~ by the ~~zoning inspector~~Zoning Administrator showing compliance with the requirements of this subsection.
- D. Requirements.
  - 1. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be provided to the ~~planning and development~~Community Development dDepartment and the operator of such licensed group home shall comply with all applicable laws and regulations governing licensed group homes.;
  - 2. The establishment must obtain a certificate of occupancy if required by ~~e~~County building-~~code~~Building Codes.;
  - 3. No ~~such-group~~ home shall be located on a lot with a property line within 1,200 feet, measured in a straight line in any direction, of the lot line of another ~~such~~ group home.;
  - 4. The establishment must meet the minimum off-street parking requirements as set forth in PCDSC 2.140.020. ~~;~~and
  - 5. There shall be no exterior signage or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans with Disabilities Act. ~~;~~
  - 6. No applicant or operator shall;
    - a. Have been convicted or pled *nolo contendere* to any sex offense, for which the person is required to register as a sex offender, committed within ten years prior to the date of the application for which the person is required to register as a sex offender~~this zoning clearance;~~
    - b. Have been convicted or pled *nolo contendere* to any arson offense committed within seven years prior to the date of the application for this permitt~~zoning clearance;~~

- 
- c. Have been convicted or pled *nolo contendere* to any violent felony which involved doing bodily harm to another person committed within ten years prior to the date of the application for this permit zoning clearance;
  - d. Have been convicted or pled *nolo contendere* to the unlawful sale or furnishing of any controlled substances committed within seven years prior to the date of the application for this permit zoning clearance; or
  - e. Be on parole or formal probation supervision on the date of the submittal of the application for this permit zoning clearance or at any time thereafter.
- 7. The group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. An individual required to register under Arizona law as a sex offender and classified as a Level II or Level III community risk (intermediate to high risk) is not permitted to live in a group home.
  - 8. An administrative record of each Group Home shall be maintained with the Planning Community Development Department. Group homes that have allowed federal or state licenses to lapse shall be deemed non-compliant and will be removed from the administrative record. To reinstate a group home, the owner or authorized agent shall reinitiate the application and review process by filing a registration request, application, and all applicable fees for review and consideration. Refiling these materials does not guarantee approval zoning clearance; and
  - 9. The County reserves the right to revoke authorization to operate if it demonstrates that a group home cannot, or will not, operate in a manner that integrates with the existing community or that a group home operates in a manner that disrupts the residential character of the home or the community.
  - 10. Group homes not licensed by the state shall comply with the Environmental and Physical Plant Requirements set forth in Arizona Administrative Code Section R9-12-207.
- E. Applicants may request a reasonable accommodation for group homes and similar residential facilities for persons with disabilities. The Community Development Director, or his/her designee, shall review the application and determine if the requested accommodation is reasonable and necessary.
- 1. In determining whether a reasonable accommodation request is reasonable, the following shall be considered:
    - a. Whether the request was made by or on behalf of a person with a disability;
    - b. Whether there is a disability-related need for the accommodation;
    - c. Whether the proposed group home for people with a disability would cause a fundamental change in the County's zoning;
    - d. Whether the applicant has demonstrated that the proposed facility group home in combination with any existing similar facilities will not alter the residential character of the surrounding neighborhood. ~~by concentrating community facilities on a block or in a neighborhood;~~
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e. Whether the proposed facility group home will be operated in accordance with any required state licensing to protect the health, safety, and welfare of the facility's occupants;

f. Whether the proposed facility group home would cause any undue financial or administrative burden on the County or it would fundamentally alter the nature of the County's operations; and

g. Any other factor bearing on the "reasonableness" of the accommodation under the federal Fair Housing Act.

2. In determining whether a request for a reasonable accommodation is necessary, the following shall be considered:

a. The economics of the group home's operation;

b. The need for residential opportunities for ~~handicapped~~ disabled persons;

c. Whether the requested accommodation is necessary to enhance the quality of life of disabled person and whether alternatives exist that would provide an equivalent benefit;

d. Whether without the accommodation, the disabled person will be denied an equal opportunity to live in the community; -

e. The existence of other reasonably viable locations that the applicant can operate from that satisfy the County's distance requirements while still ensuring that people with disabilities may live in the community of their choice; and

¶f. Any other factor bearing on the "necessity" of the accommodation under the federal Fair Housing Act.

F. To the extent permitted by law, the Community Development Director, or his/her designee, may request additional information necessary to evaluate the request for an accommodation.

G. The applicant shall comply with the public notice requirements pursuant to the ~~Planning and Development~~ Community Development Department policy and procedures established for ~~disability~~ reasonable accommodation requests. Public notice is required in order to allow the opportunity for neighboring ~~properties~~ property owners and neighborhood organizations to provide written relevant public input relating to the ~~disability~~ reasonable accommodation application.

H. Following the Community Development Director's, or his/her designee's, review of the reasonable accommodation, notification of a decision shall be given in writing to the applicant. Said notice shall also inform applicant of applicant's right to request an appeal of the Director's decision to the Board of Adjustment.

I. ~~The denial of~~ A decision to deny a reasonable accommodation request may be appealed to the Board of Adjustment in the nature of a variance request pursuant to A.R.S. § 11-816(B)(2). An appeal ~~requests~~ must be made in writing within 15 business days from the date of the denial decision.

J. Reasonable accommodation approvals made by the Community Development Director, or the Board of Adjustment may be rescinded should it be determined that the applicant or subsequent facility owner is unable or unwilling to maintain the basis for an affirmative decision. The Community Development



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Director shall prepare a written appeal to the Board of Adjustment requesting the previously issued statement approval of a reasonable accommodation be rescinded. The effect of a rescinded statement of reasonable accommodation could include the initiation of a revocation of operational permits and permissions, reporting to state authorities, prevention of future statements of reasonable accommodations requests for the owner or applicant of record, or the initiation of other corrective actions as deemed necessary to ensure compliance with the criteria contained herein.

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

## **Definitions**

Assisted Living Home means a residential care institution, including a foster care home that provides or contracts to provide resident rooms for supervisory care services, personal care services or directed care services on a continuous basis.

Family means any number of individuals related by blood or marriage or not more than five unrelated persons customarily living together as a single housekeeping unit, and using common cooking facilities, as distinguished from a group occupying a hotel or club. A family shall be deemed to include domestic servants. (1) An individual or any number of persons related by blood, marriage, domestic partnership, or adoption, and usual domestic help, living together as a single housekeeping unit in a dwelling unit, or (2) A group of not more than six five persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.-

Group Care Facility means a home for two or more unrelated individuals, who are not living as a single housekeeping unit, due to being under supervised care and/or treatment (including but not limited to those that have been placed by court-order), beyond that which would be provided in the confines of a traditional residential setting, who do not qualify as a Group Home, in which living facilities and sleeping rooms are provided; and which may provide select services, such as, but not limited to, meals, services to promote emotional support, life skills development and/or employment training. This shall include halfway/correctional/sex offender transitional facilities or shelter homes for people at risk. Group Care Facilities shall be permitted subject to obtaining approval of a Special Use Permit as set forth in PCDSC 2.151.010 in the CR-4, CR-5, CB-1, CB-2, MD, MR, AC-1, AC-2, AC-3, C-1, C-2, and C-3 Zoning Districts.

Group Home means a home suitable for accommodating more than six, but fewer than 11 adults or minor children who require special care for physical, mental, or developmental disabilities. This definition shall include assisted living homes and sober living homes but shall not include halfway/correctional/sex offender transitional facilities or shelter homes for people at risk.

Halfway/Correctional/Sex Offender Facilities means a facility to house individuals who have been placed there by a court-order. The length of tenancy is limited, and occupants are typically subject to a curfew or other restrictions.

Housekeeping unit means one (1) or more individuals living, sleeping, and cooking in a single dwelling unit who share housekeeping tasks and responsibilities as an interdependent unit.

Shelter Home means a facility providing temporary residential service or facilities to individuals who are victims of domestic violence or temporary care of a child in any public or private facility or home that is licensed by the state and that offers a physically nonsecure environment that is characterized by the absence of physically restricting construction or hardware and that provides the child access to the surrounding community.

Sober Living Home means a home that provides alcohol-free or drug free housing and promotes independent living and life skill development and may provide activities that are directed primarily toward recovery from substance use disorders. A Sober Living Home does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence.



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# Pinal County Development Services Code: Accessory Dwelling Unit, Short-Term Rental, Bed and Breakfast

## **2.150.210. Bed and breakfast.**

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

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

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

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

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

- A. Detached Accessory Dwelling Units
  - 1. A detached accessory dwelling unit shall only be permitted in the RU, CAR, SR, SH, GR, R-43 or CR-1A zoning districts.
  - 1. Minimum development standards:
    - 1a. A detached accessory dwelling unit shall conform to the development standards of the main building, including architectural elevations and materials.
    - i. A Park Model trailer permitted as a single-family independent accessory dwelling unit is exempt from conforming to the architectural elevation and material development standards of the main building in accordance with Chapter 2.150.155 PCDSC.
    - b. A detached accessory dwelling unit shall be a minimum of 250 square feet.
    - ca. A detached accessory dwelling unit shall meet the front, rear and side setbacks of the main buildingZoning District in which the subject lot is located.;
    - 2. ~~Minimum rear setback shall be ten feet;~~
    - db. A dDetached accessory dwelling units shall not exceed the height of the main building. Height restriction shall be the same as the main building; and
    - 4ee. Minimum distance from the main building shall be seven feet. No detached accessory dwelling unit shall be located within six (6) feet if fire rated and ten (10) feet if not fire rated of the site's main building.

2. It shall be located only on a lot containing one single-family detached dwelling unit.
3. It shall have a separate exterior entrance from the main building.
4. It shall be no larger than 45 percent of the gross livable area total under-roof footprint floor area of the main dwelling building.
5. Only one guest house/casita accessory dwelling unit per lot shall be allowed.
6. It shall use the same street access which serves the main dwelling building and provide one additional off-street parking space as required in Section 2.140.020.
7. The guest house/casita detached accessory dwelling unit and the main dwelling building shall not be physically addressed separately served by separate utility meters.
8. A detached accessory dwelling unit can abut or share a common wall with a detached garage provided that the gross livable area of the accessory dwelling unit is no larger than 45 percent of the gross livable area of the main building and there is no direct access between the accessory dwelling unit and the garage.
9. 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.
- F. A range, oven and stove are not permitted, unless associated with a permitted park model trailer.
11. If presented for rent, the accessory dwelling unit shall be rented in conjunction with the main dwelling unless occupancy of the accessory dwelling unit is offered for rent for individual periods of less than thirty consecutive days (i.e. short-term rentals).
10. 12. For individual rental periods of less than thirty consecutive days (i.e. short-term rentals) where the main dwelling is owner-occupied If presented for rent, the property owner, which shall include title holders and contract purchasers, must occupy either the main dwelling or the accessory dwelling unit as their principal residence. The residence main dwelling or accessory dwelling unit that is not occupied by the property owner may be rented for either individual long-term periods of more than thirty (30) consecutive days or short-term periods for less than thirty (30) consecutive days or fewer. If the main dwelling or accessory dwelling unit is not owner-occupied, the accessory dwelling unit may not be leased, subleased, or rented separate and apart from the main dwelling for either long-term or short-term periods.

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

B. Attached Accessory Dwelling Units

1. An attached accessory dwelling unit shall only be permitted in the RU, CAR, SR, SH, GR, R-43, R-35, R-20, CR-1A, or CR-1 zoning districts.
1. Minimum development standards:
  - a. Any attached accessory dwelling unit, by a common wall or by a climate-controlled indoor access way covered roof to the main building, shall be deemed a part of the main building and shall conform to the development standards of the main building, including architectural elevations and materials. The indoor access way shall also conform to the same development standards as the main building.
  - b. An attached accessory dwelling unit shall be a minimum of 250 square feet.
  - cb. An attached accessory dwelling units shall not exceed the height of the main building.
2. It shall be located only on a lot containing one single-family detached dwelling unit.

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3. It may have a separate exterior entrance or connected interior entrance from the main building, subject to applicable building and fire code requirements.
  4. The accessory dwelling unit and main building shall not be altered so as to appear to contain more than one dwelling unit.
  5. It shall be no larger than 45 percent of the gross livable area total under roof footprint of the main building.
  6. Only one accessory dwelling unit per lot shall be allowed.
  7. It shall use the same street access which serves the main building and provide one additional off-street parking space as required in Section 2.140.020.
  8. The accessory dwelling unit and the main building shall not be physically addressed separately.
  12. If presented for rent, the accessory dwelling unit shall be rented in conjunction with the main dwelling unless occupancy of the accessory dwelling unit is offered for rent for individual periods of less than thirty consecutive days (i.e. short-term rentals).
  9. For individual rental periods of less than thirty consecutive days (i.e. short-term rentals) where the main dwelling is owner-occupied If presented for rent, the property owner, which shall include title holders and contract purchasers, must occupy either the main dwelling or the accessory dwelling unit as their principal residence. The residence main dwelling or accessory dwelling unit that is not occupied by the property owner may be rented for either individual long-term periods of more than thirty (30) consecutive days or short-term periods for less than thirty (30) consecutive days or fewer. If the main dwelling or accessory dwelling unit is not owner-occupied, the accessory dwelling unit may not be leased, subleased, or rented separate and apart from the main dwelling for either long-term or short-term periods.

## **Definition**

*Accessory Dwelling Unit means an ancillary or secondary living unit to a single-family detached dwelling unit that includes kitchen, bathroom, and sleeping areas, and is independently accessed from and located on the same lot as a single-family detached dwelling unit, either attached to the single-family dwelling unit or in a detached building. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.*

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



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**TEXT AMENDMENT:** ACCESSORY DWELLING UNITS - KITCHENS

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">ADU_Kitchens</a>

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## CHAPTER 2.10. DEFINITIONS

### 2.10.010. Definitions.

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

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

• • •

*Guest house/casita* means an attached or detached accessory building ~~with no cooking facilities, used to house guests of the occupants of the principal building, and which is never rented or offered for rent.~~

• • •

### 2.150.240. Guest house/casita.

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

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

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



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**TEXT AMENDMENT:** NUISANCES/RUBBISH/TRASH

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">Presentation R, T, D</a>
<input type="checkbox"/> <a href="#">Ordinance R, T, D</a>





# **ANOTHER WAY TO HANDLE SOME CODE ENFORCEMENT CASES**

**PINAL COUNTY DEVELOPMENT SERVICES & PCAO**

# CODE ENFORCEMENT CASE LOAD

## 602 Total Active Cases

- 495 active zoning code cases
- 107 building code case
- 17 (3%) are “proactive”
  - (cases triggered without a complaining party)

## 602 Cases Divided Among 7 Staff Members

- 6 Code Compliance Officers
- 1 Building Safety Inspector



NUMBERS AS OF MARCH 2024

# CODE ENFORCEMENT CASE LOAD CONT.

602 Active Cases

- Comprised of 1,173 Total Violations

## Types of Violations being Investigated

- 247 (21%) violations related to scrap/debris
- 167 (14%) violations related to inoperable vehicles
- 147 (12%) violations related to buildings without permits (“BWOPs”)
  - Constructed unlawfully and extent of safeguards, conditions, and/or defects is unknown.
  - Majority are backlogged/old cases prior to existing BWOP process.
- 113 (10%) violations related to land use



NUMBERS AS OF MARCH 2024













# CURRENT CODE ENFORCEMENT PROCESS

A.R.S. § 11-815

1

COMPLAINT RECEIVED



2

INSPECTION OF PROPERTY



3

ATTEMPTS TO RESOLVE VIA VOLUNTARY COMPLIANCE



4

NON-COMPLIANCE VIOLATION(S) REFERRED TO CIVIL HEARING OFFICE ("CHO")



7

IF VIOLATION IS NOT ABATED, CHO DECISION IS REFERRED TO PCAO TO CONSIDER FILING A LAWSUIT TO OBTAIN: INJUNCTION, AUTHORIZATION TO ABATE OR REMOVE THE UNLAWFUL CONSTRUCTION OR USE, AND FINE  
PCAO HAS 102 CASES PENDING ENFORCEMENT

6

IF IN VIOLATION, CHO ASSESSES A FINE OF UP TO \$750 PER VIOLATION AND ORDERS ABATEMENT



5

CHO HEARING  
HEARING OFFICER FINDS WHETHER OR NOT PROPERTY IS IN VIOLATION



# INEFFICIENCIES WITH CURRENT PROCESS

- Every code violation, regardless of type or severity, if not voluntarily abated, may result in a lawsuit to seek a judgment
- Basic code violation cases can take years to resolve
- Amount of court and staff time it takes to obtain authorization for abatement
- Significant resources used to obtain judgment for abatement



# ANOTHER OPTION FOR ENFORCEMENT

- A.R.S. § 11-268
- “The BOS, by ordinance, shall compel the owner, lessee or occupant...to remove rubbish, trash, weeds, filth, debris or dilapidated buildings...”
  - i.e. a hazard to public health and safety
- A.R.S. § 11-268 was amended in 2011 and 2013
- County Ordinance 111099-RTO approved in 1999 but has not been updated
  - Therefore, not being used



# NEW PROPOSED ENFORCEMENT PROCESS

A.R.S. § 11-268

1

COMPLAINT RECEIVED

2

INSPECTION OF PROPERTY TO DETERMINE IF VIOLATION(S) / PUBLIC NUISANCE EXISTS

3

SERVICE OF NOTICE TO ABATE W/ESTIMATED COST OF ABATEMENT IF OWNER, LESSEE, OR OCCUPANT DOES NOT ABATE VIOLATION(S)

4

NOTICE PROVIDES: SPECIFIC VIOLATION(S) CITED, DEADLINE TO ABATE, COUNTY HAS RIGHT TO ABATE IF VIOLATION(S) REMAIN AFTER 30 DAYS, & APPEAL RIGHTS

5

IF NOTICE IS APPEALED, CHO HEARS APPEAL AND ISSUES DECISION

6

IF CHO FINDS VIOLATION(S), APPELLANT HAS 30 ADDITIONAL DAYS TO ABATE, OTHERWISE COUNTY CAN ABATE

# WHAT IF COUNTY MUST ABATE?

- If County abates violation(s)/nuisance, the costs shall be an Assessment against the real property where violation(s) occurred
- Assessment shall not exceed written estimate in Notice to Abate
- Notice of Assessment shall be served in same manner as Notice to Abate with same right to appeal
- Assessment unpaid after 30 days will be recorded and will function as a lien against the real property

# APPEAL & ABATEMENT: REPLACEMENT ORDINANCE

- If Notice to Abate not appealed -> County may abate 30 days after service of Notice if violation/nuisance remains
- Notice to Abate appealed and CHO finds violation(s) -> County may abate 30 days after CHO decision if violation(s)/nuisance remains
- Notice to Abate appealed and CHO finds no violation(s) -> County may not abate

# WHAT ARE WE LEFT WITH?

- Two “types” of code violations on two different enforcement tracks
- Type 1: Trash, Debris, Dilapidated Buildings (A.R.S. § 11-268)
  - (hazard to public health and safety)
- Type 2: Zoning Violations (A.R.S. § 11-815)
- Proposed Ordinance deals with Trash, Debris, Dilapidated Buildings which are 21% of current violations

When recorded return to:  
Natasha Kennedy, Clerk of the Board  
P.O. Box 827  
Florence, AZ 85132

**PINAL COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTED PURSUANT TO A.R.S. § 11-268, REQUIRING AN OWNER, LESSEE, OR OCCUPANT OF BUILDINGS, GROUNDS, OR LOTS IN UNINCORPORATED AREAS OF PINAL COUNTY TO REMOVE RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, AND DILAPIDATED BUILDINGS CONSTITUTING A PUBLIC NUISANCE; PROVIDING FOR THE REMOVAL THEREOF BY THE COUNTY AND THE ASSESSMENT OF THE COST THEREOF AS A LIEN AGAINST THE REAL PROPERTY IN THE EVENT OF NON-COMPLIANCE, AND PRESCRIBING A PENALTY FOR THE PLACEMENT OF SUCH MATERIALS ON THE REAL PROPERTY OF ANOTHER.**

**WHEREAS**, at the regular meeting of the Pinal County Board of Supervisors held on *[INSERT DATE OF HEARING]*, a public hearing took place to determine whether this Ordinance should be approved pursuant to A.R.S. § 11-268; and,

**WHEREAS**, at the meeting on November 10, 1999, the Pinal County Board of Supervisors adopted Pinal County Ordinance No. 111099-RTO, an ordinance adopted pursuant to A.R.S. § 11-268; and,

**WHEREAS**, the Arizona Legislature has revised A.R.S. § 11-268 since Pinal County Ordinance No. 111099-RTO was adopted, and certain amendments are needed to accommodate changes in state statute and to better permit Pinal County to address the abatement of properties in violation of the Ordinance; and,

**WHEREAS**, the notice of hearing for this Ordinance was published in *[INSERT NAME OF PUBLICATION]*, a newspaper of general circulation in the county seat, on *[INSERT DATE OF PUBLICATION]*, as required by A.R.S. § 11-251.05.

**NOW THEREFORE BE IT ORDAINED**, that the Pinal County Board of Supervisors at their regular meeting on *[INSERT DATE OF HEARING]*, ADOPTED this Ordinance as follows:

**PART I: REPEAL OF PINAL COUNTY ORDINANCE NO. 111099-RTO**

Upon the effective date of this Ordinance, Ordinance No. 111099-RTO is repealed.

**PART II: PURPOSE**

The purpose of this Ordinance is to comply with A.R.S. § 11-268 and to provide for the remedy of situations or conditions existing on real property which constitute a hazard to public health and safety.

**PART III: DEFINITIONS**

As used herein, the following terms shall have the following meanings:



**“Building”** means any structure on real property that is movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored, or used.

**“Contiguous Sidewalks, Streets, and Alleys”** means any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary of any real property.

**“County”** means the unincorporated areas of Pinal County.

**“Debris”** means the remains of something broken down or destroyed, or something discarded. **“Debris”** includes, but is not limited to, scrap, car parts, dilapidated structures, dilapidated or inoperable appliances, dilapidated or dismantled personal property mobile homes or manufactured homes, dilapidated or dismantled Park Model trailers, or dilapidated recreational vehicles or trailers.

**“Dilapidated”** means real or personal property having the condition of being in such disrepair or deterioration that it is likely to burn or collapse, and such a condition endangers the life, health, safety, or property of the public.

**“Dilapidated Building”** means any real property structure that is likely to burn or collapse, and its condition endangers the life, health, safety, or property of the public.

**“Lessee”** means a person who has the right to possession and use of goods, real property, or personal property pursuant to a lease, rental agreement, or other similar written instrument or oral understanding.

**“Manufactured Home”** means a mobile home built after June 15, 1976, built on a permanent chassis, originally bearing an appropriate insignia of approval issued by the United States Department of Housing and Urban Development (HUD), in compliance with the applicable HUD Codes for Manufactured Homes (HUD Codes) in effect as of the date the Manufactured Home was constructed.

**“Mobile Home”** means a residential structure that was manufactured on or before June 15, 1976, that is transportable in one or more sections, eight (8) feet or more in body width, over thirty (30) feet in body length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities and not originally sold as a travel trailer or recreational vehicle and that includes the plumbing, heating, air conditioning, and electrical systems in the structure. **“Mobile Home”** does not include a recreational vehicle or a park model trailer.

**“Occupant”** means a person who has the actual use, possession, or control of real or personal property. **“Occupant”** does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or under federal law.

**“Owner”** means one or more persons, jointly or severally, in whom is vested all or part of the legal title to real or personal property or all or part of the beneficial ownership and has all the rights of ownership, including the right to possess, sell, lease, and enjoy the land or structure. **“Owner”** includes a mortgagee in possession. **“Owner”** does not include a state or federal landowner.

**“Park Model Trailer”** means a structure built on a single chassis, mounted on wheels and designed to be connected to the utilities necessary for the operation of installed fixtures and appliances and that has a

gross interior area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when prepared for occupancy.

**“Person”** means an individual, corporation, company, trust, partnership, firm, association, or society. When the word **“Person”** is used to designate the party whose real or personal property may be the subject of a criminal or public offense, the term includes any territory, country, or any political subdivision of this state that may lawfully own any real or personal property, or a public or private corporation, or partnership or association.

**“Personal Property”** includes all interests in property, both tangible and intangible, except real property and fixtures. **“Personal Property”** includes movable property and structures unaffixed to land, including, but not limited to: manufactured homes, mobile homes, Park Model trailers, recreational vehicles, storage containers, and residential or commercial modular buildings.

**“Public Nuisance”** means anything that is injurious to health, indecent, offensive to the senses or an obstruction to the free use of real or personal property that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons, or anything that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, basin, public park, square, street, or highway. **“Public Nuisance”** includes an accumulation of rubbish, trash, weeds, filth, debris, or dilapidated building that constitutes a hazard to the public health and safety as determined by Pinal County Development Services, Pinal County Public Health, or any other department with jurisdiction over the condition, including, but not limited to, conditions that promote disease, harbor insects, and/or animals. It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation or any ordinance pertaining to the land and any violation constitutes a **“Public Nuisance”**.

**“Recreational Vehicle”** means a vehicle such as a motor home, camping trailer, van, fifth wheel trailer or other type of recreational vehicle.

**“Real Property”** means any legal, equitable, leasehold, or other estate or interest in, over, or under a lot or tract of land, including, but not limited to: structures; buildings; grounds or lots; buildings and structures affixed to land, including, but not limited to, manufactured homes and mobile homes; contiguous sidewalks, streets, and alleys; fixtures; and other improvements and interests, located in the County.

**“Structure”** means any building, mobile home, manufactured home, Park Model trailer, recreational vehicle, storage container, residential or commercial modular building, object, vehicle, watercraft, aircraft, or place with sides and a floor, used for lodging, business, transportation, recreation, or storage.

**“Trailer”** means a vehicle that is with or without motive power, other than a pole trailer or single-axle tow dolly, which is designed for carrying persons or property and for being drawn by a motor vehicle and is constructed so that no part of its weight rests on the towing vehicle. **“Trailer”** includes a semitrailer equipped with an auxiliary front axle commonly known as a dolly.

**“Weeds”** means all vegetation of any sort growing on sidewalks, streets, alleys, or private property in the County, and includes any of the following:

- a. Sagebrush, chaparral, buffelgrass, and any other brush, grass, weeds attaining a growth of at least two (2) feet in height and having been present for over sixty (60) calendar days, as to become when dry, a fire hazard to adjacent property.
- b. Weeds or brush which are otherwise noxious or dangerous.

**PART IV: CONDITIONS AND DEFECTS FOR CONSIDERATION IN DETERMINATION OF A PUBLIC NUISANCE OR DILAPIDATED BUILDING**

The determination of whether a public nuisance is present or whether a building or structure is dilapidated shall be made by an authorized agent of the Pinal County Development Services Department or any other department with jurisdiction over the condition who is hereby authorized to take such actions as may be required to enforce the provision(s) of this Ordinance.

For the purpose of this Ordinance, any or all of the conditions or defects hereinafter described shall be deemed a public nuisance or dilapidated building or structure, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

1. Any rubbish, trash, weeds, filth, debris, or dilapidated building that is not disposed of in a clean and sanitary manner. Any rubbish, trash, weeds, filth, debris, or dilapidated building must be removed to an approved landfill or other facility for waste materials, including if appropriate, a hazardous waste facility, or by other legal means.
2. Any rubbish, trash, weeds, filth, debris, or dilapidated building that presents a hazard to the public health and safety. Conditions that are present and evidence of such a hazard include, but are not limited to, rodents, insects, odor, or risk of fire.
3. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, blocked, or otherwise unsafe as to not provide safe and adequate means of exit in case of an emergency.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such event causing the damage, and is materially less than the minimum required for new buildings of similar structure, purpose, and location.
5. Whenever any portion or member or appurtenance presents a likely risk of failing, becomes detached or dislodged, or likely to collapse and injure persons or damage property.
6. Whenever any portion thereof has warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7. Whenever the building or structure, or any portion thereof is likely to partially or completely collapse due to any of the following: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building or structure; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause.

8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used or intended to be used.
9. Whenever exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10. Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or has become dilapidated or deteriorated as to be a harbor for rodents, vagrants, transients, or criminals, or enable persons to resort thereto for purposes of committing unlawful acts.
11. Whenever the building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the zoning regulations or ordinances of the County, or of any Arizona law relating to the condition, location, or structure of buildings.
12. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, inadequate maintenance, faulty construction or arrangement, faulty or defective heating apparatus, faulty or defective cooling apparatus, faulty or defective plumbing or other sanitation apparatus, is determined by an authorized agent of the Pinal County Development Services Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness, disease, or death.
13. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate entries or exits, lack of sufficient fire-resistive construction, faulty or defective electric wiring, faulty or defective gas connections, faulty or defective heating apparatus, faulty or defective cooling apparatus, or other cause, is determined by an authorized agent of the Pinal County Development Services Department to pose a fire hazard.
14. Whenever the condition of any building or structure constitutes a public nuisance as defined in this Ordinance or in Arizona law.
15. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.

**PART V: VIOLATION OF ORDINANCE; REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, OR DILAPIDATED BUILDINGS; ASSESSMENT OF COSTS; RECORDATION AND PRIORITY OF LIENS**

1. **Violation.** A person shall have committed a violation of this Ordinance or created a public nuisance if such person, without lawful authority:
  - a. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon real property in the County.
  - b. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon contiguous sidewalks, streets, or alleys in the County which are open to the public.

c. Owner, lessee, or occupant places, permits, provides, or enables rubbish, trash, weeds, filth, debris, or dilapidated building to remain upon any private or public property in the County not owned or under the control of the person.

2. **Duty to Remove.** The owner, lessee, or occupant shall remove rubbish, trash, weeds, filth, debris, or dilapidated building or otherwise abate a public nuisance within thirty (30) calendar days after service of a Notice to Abate as provided herein.

3. **Notice to Abate.** Upon reasonable belief that a violation of this Ordinance has occurred, the Notice to Abate shall be served by an authorized agent of the Pinal County Development Services Department, a Pinal County Constable, or other authorized county employee, not less than thirty (30) calendar days before the date for compliance. The Notice to Abate shall include the date for compliance and the date for compliance and the estimated cost of removal or abatement if the owner, lessee, or occupant does not comply with the Notice to Abate. The estimated cost of removal or abatement may be provided by either a qualified contractor or authorized agent of the Pinal County Development Services Department or other authorized county employee. Each day during which the violation continues beyond the date for compliance is a separate offense. Each day during which the violation continues beyond the date for compliance is a separate offense.

4. **Service of Notice to Abate.** The Notice to Abate shall be personally served or sent by certified mail to the owner, any lienholder, lessee, or occupant at the last known address, or the address to which the tax bill for the property was last mailed and posted on the property and posted on the property. If the owner does not reside on the property, a duplicate Notice to Abate shall be sent to the owner at the owner's last known address. If service by certified mail is unsuccessful, the Notice to Abate shall be posted at two locations on or at the real property. The date of service shall be the earliest of any of the following: the date of personal service, the date of receipt of certified mail, or the date that the Notice was posted on or at the real property.

5. **Content of Notice.** The Notice to Abate shall contain the following:

a. The street address (if any) and the Assessor's tax parcel number of the real property on which the alleged violation(s) of the Ordinance occurred.

b. A brief written statement of why it is believed that the real property identified in the Notice to Abate is in violation of the Ordinance.

c. A written statement that the owner, lessee, or occupant shall have thirty (30) calendar days from the date of service of the Notice to Abate to remove any rubbish, trash, weeds, filth, debris, or dilapidated building upon the real property or upon contiguous sidewalks, streets, or alleys in the County which are open to the public.

d. A written statement that any rubbish, trash, weeds, filth, debris, or dilapidated building may be removed or repaired in accordance with instructions from an authorized agent of the Pinal County Development Services Department or other authorized county employee, agent, or contractor. It is the obligation of the owner, lessee, or occupant to obtain any necessary permits relating to the removal or repair of such rubbish, trash, weeds, filth, debris, or dilapidated building.

e. A written statement that the rubbish, trash, weeds, filth, debris, or dilapidated building must be disposed of at an approved landfill or other facility for waste materials, including if appropriate a hazardous waste facility, or by other legal means.

f. A written statement that Pinal County may cause the violation(s) to be abated if the owner, lessee, or occupant fails to comply with the Notice to Abate within thirty (30) calendar days and the cost of abatement shall be a lien against the real property and the cost of abatement shall be a lien against the real property.

g. A written estimate of the cost of removal or abatement by Pinal County, including incidental costs, that is based on either an estimate from a qualified contractor or authorized agent of the Pinal County Development Services Department or other authorized county employee.

h. A written statement that the owner, lessee, or occupant shall have fifteen (15) calendar days from the date of service of the Notice to Abate to appeal to the Pinal County Civil Hearing Office and that failure to appeal the Notice to Abate constitutes a waiver of all rights to a hearing and determination of the matter.

i. A statement that a party who places any rubbish, trash, weeds, filth, debris, or dilapidated building upon any private or public property in the County that is not owned or controlled by that party is guilty of a criminal offense under Arizona law, including A.R.S. § 13-1603, and may be subject to criminal penalties in addition to the costs of abatement.

6. **Appeal of Notice to Abate.** Any person receiving a Notice to Abate may appeal to the Pinal County Civil Hearing Office as follows:

a. **Notice of Appeal.** A written Notice of Appeal shall be filed with the Pinal County Development Services Department no later than fifteen (15) calendar days from the date of service of the Notice to Abate. Failure to file a written Notice of Appeal within fifteen (15) calendar days constitutes a waiver of all rights to a hearing or any other form of appeal.

b. **Contents of Notice of Appeal.** The Notice of Appeal shall state in detail why the owner, lessee, or occupant (appellant) should not be required to comply with the Notice to Abate and describe why the rubbish, trash, weeds, filth, debris, or dilapidated building does not qualify as a public nuisance.

c. **Hearing on Appeal.** Upon receipt of the Notice of Appeal, the hearing on the appeal shall be scheduled as soon as practicable before the Pinal County Civil Hearing Office. At the time of the hearing, an authorized agent of the Pinal County Development Services Department shall appear and present evidence of condition(s) present on the real property alleged to constitute a public nuisance. The appellant may present evidence to controvert the existence of the alleged public nuisance. The hearing shall be conducted in accordance with the rules of the Pinal County Civil Hearing Office.

d. **Extension of Time for Compliance.** If the decision of the Civil Hearing Office is adverse to appellant, appellant shall have thirty (30) days from the date of the decision to comply with the Notice to Abate.

7. **Removal by Owner, Lessee, or Occupant.** If any person is required to remove any rubbish, trash, weeds, filth, debris, or dilapidated building pursuant to this Ordinance, and that person recklessly

places any such rubbish, trash, weeds, filth, debris, or dilapidated building on any private or public property located in the County, that person shall provide Pinal County Development Services Department with a receipt from a disposal facility to indicate that the rubbish, trash, weeds, filth, debris, or dilapidated building has been disposed of as required by law.

8. **Removal of Nuisance.** If the owner, lessee, or occupant fails to remove or otherwise abate the public nuisance within thirty (30) calendar days from either the date of service of the Notice to Abate or from the date of an unsuccessful appeal (or by a later alternative date provided in writing by an authorized agent of the Pinal County Development Services Department), Pinal County Development Services Department may, at the expense of the owner, lessee, or occupant, remove or abate the public nuisance or cause it to be removed or abated.

a. **Cost of Removal.** The cost of removal or abatement shall not exceed the estimate set forth in the Notice to Abate.

i. **Dilapidated Buildings.** Before removal of a dilapidated building, a designated county officiala designated county official shall consult with the state historic preservation officer to determine if the building is of historic value. Upon removal of a dilapidated building, the County Assessor shall adjust the valuation of the real property on the property assessment tax rolls from the date of removal.

b. **Assessment.** Upon removal or abatement of the public nuisance, the actual cost of removal or abatement, including the costs of any additional inspections and other incidental costs, shall be an Assessment against the real property on which the public nuisance was located. The Assessment shall not exceed the estimated cost of removal or abatement provided in the Notice to Abate. The County shall record the assessment in the county recorder's office in the county in which the property is located, including the date and amount of the assessment and the legal description of the property.

c. **Notice of Assessment.** A Notice of Assessment shall be served in the same manner as the Notice to Abate. The Notice of Assessment may be appealed in the same manner as the Notice to Abate. An appeal of the Notice of Assessment shall address any alleged inaccuracies and/or unreasonableness of the costs of removal or abatement.

d. **Recordation of Assessment.** If the owner, lessee, or occupant fails to pay the Assessment within thirty (30) calendar days after receipt of the Notice of Assessment, the Assessment shall be delinquent and the Assessment shall be recorded in the office of the Pinal County Recorder. The Assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid in full. The lien of the Assessment is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

i. **Foreclosure.** The Board of Supervisors may, but is not obligated to, bring an action to enforce the Assessment lien in the Pinal County Superior Court at any time after the recordation of the Assessment when the owner, lessee, or occupant has failed to maintain the payment of assessments as provided in Part V, Section 8(f) of this Ordinance. The recorded Assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

e. **No Bar to Subsequent Assessments.** A prior Assessment under this Ordinance is not a bar to a subsequent Assessment or assessments, and any number of liens on the same real property may be enforced in the same action.

f. **Payment of Assessments.** Assessments under Part V, Section 8 of this Ordinance, pursuant to A.R.S. § 11-268(E), run against the real property until they are paid and are due and payable in equal annual installments as follows:

i. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.

ii. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.

iii. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

iv. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

iv. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

g. **Future Changes to Assessments.** Should the assessments or time such assessments are paid be changed, adjusted, or otherwise altered by operation of law, such changes shall hereby be incorporated into this Ordinance and replace the applicable section(s) of Assessments as set forth in Part V, Section 8(f).

**PART VI: PLACING RUBBISH, TRASH, WEEDS, FILTH, DEBRIS, OR DILAPIDATED BUILDING ON PROPERTY OF ANOTHER; PENALTY; ASSESSMENT**

1. **Placing Rubbish, Trash, Weeds, Filth, Debris, or Dilapidated Building on Property of Another is Prohibited.** Any person that recklessly places any rubbish, trash, weeds, filth, debris, or dilapidated building on any private or public property in the County that is not owned or under the control of the person is guilty of a class 1 misdemeanor unless immediately removed.

2. **Liability for Costs.** In addition to any fine which may be imposed pursuant to Part VI, Section 1, any person is liable for all costs that may be assessed for the removal of the rubbish, trash, weeds, filth, debris, or dilapidated building.

3. **Fines.** One hundred percent (100%) of any assessed fine shall be deposited in the Pinal County general fund. At least fifty percent (50%) of the fine shall be used by Pinal County for purposes of illegal dumping cleanup.



**PART VII: NON-EXCLUSIVE REMEDY**

The remedies provided for in this Ordinance shall be in addition to any and all other remedies, civil or criminal, available to Pinal County pursuant to statute or common law, including, but not limited to, A.R.S. §§ 11-268, 13-2908, 36-183, and 49-143.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

PINAL COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Mike Goodman, Chairman

\_\_\_\_\_  
Natasha Kennedy, Clerk



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**2.150.070. - ACCESSORY SECURITY QUARTERS**

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">Accessory Security Quarters</a>

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# Pinal County Development Services Code:

## Accessory Security Quarters

### **2.150.070. Accessory Security Quarters~~Rear dwelling requirements.~~**

~~In addition to the requirements of a specific Zoning District, Accessory Security Quarters are a permitted use to provide a Dwelling Unit for occupation by an employee(s) of the business of the primary use of the Lot, subject to the following requirements:~~In addition to the requirements of this title, the following shall apply to any dwelling in the rear of a principal building:

- A. Accessory Security Quarters shall be limited to not more than one Dwelling Unit per primary use.
- B. The Dwelling Unit shall be occupied by person(s) associated with the operation or maintenance of the business of the primary use.
- C. Accessory Security Quarters can be attached to or detached from the principal building of the primary use, subject to the development standard of the applicable Zoning District.
- D. The Accessory Security Quarters shall have a maximum size of up to 40% of building floor area of the principal building of the primary use or 1,000 square feet, whichever is smaller.
- E. The Accessory Security Quarters and the primary use shall share utilities. Separate utility meters shall be prohibited.
- F. The Accessory Security Quarters shall maintain a separate entrance from the main entrance of the associated primary use.
- G. At least one off-street parking space shall be provided for an Accessory Security Quarters.
- HA. There shall be provided an unoccupied and unobstructed accessway to a street, which accessway shall have a width of at least 15 feet for one dwelling unit and at least 20 feet for two or more dwelling units.
- ~~B. For the purpose of determining the front yard for a rear dwelling in any residential zone, the rear line of the rear yard required for the building in the front shall be considered the front lot line for the building in the rear.~~
- I. An Accessory Security Quarters shall be located within 150 feet of public street, the Zoning Administrator may waive this requirement upon recommendation of Fire Marshall that sufficient fire suppression methods exist on site to warrant an increase in distance.

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



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**2.151.** - PERMITS: TEMPORARY USE, SPECIAL EVENT, AND MOBILE VENDING

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">TUP_SEP_MV</a>

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# Pinal County Development Services Code: Temporary Use, Special Event, and Mobile Vending

## **CHAPTER 2.151. PERMITS: TEMPORARY USE, ~~AND~~ SPECIAL EVENT, ~~AND~~ MOBILE VENDING**

### **2.151.030. Temporary ~~Use~~ Permit (TUP).**

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

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

1. Batch plant;
2. Off-site parking and storage of earth moving or construction equipment;
3. Off-site contractor's equipment yard or warehouse incidental to the carrying on of public works projects or development projects;
4. ~~;~~ Auxiliary lights associated with outdoor activities including short-term construction, parking, promotional event, or similar non-permanent use;
5. ~~4.~~—Real estate sales office in conjunction with a development project;
6. ~~5.~~—RV for security purposes on the site of an active construction site for development projects during the construction period;
7. ~~6.~~—RV for on-site occupancy during the construction of a single-family residence under an active building permit;
8. ~~RV as temporary dwelling;~~
9. ~~Mobile vending operated by Mobile Food Vendors and all other Mobile Vendors;~~
10. ~~Seasonal or specialty sales limited to no more than 45 days of site occupation per year per event including, but not limited to, Christmas tree lots, pumpkin patches, fireworks stands and paraphernalia associated with sport's championships or exclusive events;~~
11. ~~7.~~—Such other uses as the ~~planning director~~ Community Development Director deems appropriate.

B. *Standards.*

1. Is truly temporary in nature.
2. Does not involve the erection of a permanent structure or building.
3. Is in harmony with the general intent and purposes of this title.

- 
4. Adequate parking shall be provided either on site or off site in a specified parking area, as approved by the county.
  5. No permit shall be issued for a use where the location is deemed to be potentially hazardous to the public. This includes, but is not limited to, vehicle driveways, pedestrian pathways, landscape areas, or heavily congested and/or trafficked areas where the use may impede or inconvenience the public.
  6. No use shall be permitted in a public right-of-way.
  7. All requirements of the county health department and/or other regulatory health authorities shall be met. Provisions for disposal of solid waste shall be required for all uses.
  8. A sign permit for temporary signs is not required; however, all signs shall comply with ~~chapter~~Chapter 2.145 PCDSC.
  9. All lighting shall comply with ~~chapter~~Chapter 2.195 PCDSC.
  10. Other appropriate requirements and standards can be attached to the temporary permit relating to, but not limited to:
    - a. Regulation of hours;
    - b. Sound amplification;
    - ~~cb.~~ Required regulatory permits or licenses shall be obtained;
    - ~~de.~~ Cleanup after termination of the temporary use; and
    - ~~ed.~~ Such other conditions deemed necessary to carry out the intent and purpose of this section.

C. *Procedure.*

1. The applicant shall consult with the ~~planning-Community Development Department~~department staff concerning the proposed use and potential requirements prior to submittal of the application.
2. Application for a TUP on the applicable form provided by the county together with the required information, documentation and nonrefundable filing fee (PCDSC 2.160.050) shall be made to the Community Development Director ~~planning director~~ by:
  - a. Property owner or the property owner's authorized agent;
  - b. Tenant or lessee with the written, notarized consent of the property owner; or
  - c. Promoter of a temporary use with the written, notarized consent of the property owner.
3. The application packet shall include the following:
  - a. An explanation of the exact use proposed and the reasons for the request;
  - b. Proof of ownership;
  - c. Legal description and address of the subject property;
  - d. A letter of authorization for an agent, if applicable;
  - e. Map of the area and a list of the adjacent property uses;
  - f. Sufficient information on sewage disposal for environmental health to determine whether the provisions are adequate;
  - g. Information on traffic flow and parking;

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- h. Individual ~~site plan~~Site Plan as required in ~~chapter~~Chapter 2.200 PCDCS; and
      - i. A notarized affidavit by the applicant stating all financial or other obligations resulting from approval or conditional approval of a TUP are the responsibility of the applicant. Posting of a bond may be required for estimated financial obligations.
  4. The overall time frame for processing the TUP shall be 25 business days, consisting of the administrative completeness review time frame of five business days and the substantive review time frame of 20 business days. There are events that may occur which will trigger the suspension of these time frames.
  5. Each county department reviewing the application must determine if the application is administratively complete by determining if the application complies with the application submittal requirements of the subject department.
  6. Each reviewing county department must issue a written or electronic notice of administrative completeness or deficiencies. If a reviewing county department determines the application is not administratively complete, it shall include a comprehensive list of the specific deficiencies in the written or electronic notice of administrative deficiencies. The ~~eCommunity dDevelopment planning and development department~~Department shall be responsible for compiling the notices of administrative completeness or deficiencies and transmitting them together to the applicant.
  7. If the notice(s) of deficiencies is/are not issued within the administrative completeness review time frame, the application is deemed administratively complete, and the county shall proceed with its substantive review of the application.
  8. If the notice(s) of deficiencies is/are issued during the administrative completeness review time frame, the application is not complete until all requested information has been received by the ~~eCommunity dDevelopment planning and development department~~Department, and the administrative completeness review time and overall time frame shall stop on the date the notice(s) is/are issued and the time will continue to run again on the date the ~~eCommunity dDevelopment planning and development department~~Department receives all the missing information from the applicant.
  9. Each county reviewing department may issue an additional written or electronic notice of administrative completeness or deficiencies based on the applicant's submittal of missing information.
  10. Upon the determination by all reviewing ~~C~~ecounty departments that the application is administratively complete, the processing of the application shall proceed. The ~~eCommunity dDevelopment planning and development department~~Department shall review the application and distribute the application for substantive review to the applicable county departments.
  11. During the substantive review time frame, each county reviewing department may make one comprehensive written or electronic request for additional information. The ~~C~~ecounty and applicant may mutually agree in writing or electronically to allow the county to submit supplemental requests for additional information. On the date a reviewing ~~C~~ecounty department issues a comprehensive written or electronic request or a supplemental request by mutual written or election agreement for additional information, the substantive review time frame and the overall time frame shall stop running until the date the ~~eCommunity dDevelopment planning and development department~~Department receives the additional information from the applicant.

12. By mutual written agreement or electronic time frame, the County and the applicant may extend the substantive review time frame and overall time frame by not more than 25 percent of the overall time frame.
13. Upon receipt of comments from the County reviewing departments or no later than 20 business days, the Community Development Director ~~planning director~~ will determine whether to approve or deny the application.
14. The Community Development Director ~~planning director~~ may impose any conditions needed to safeguard the public health, safety, and general welfare.
15. The Community Development Director ~~planning director~~ shall issue a written or electronic notice granting or denying the application. If the application is denied, the written or electronic notice shall contain justification for the denial with references to the statutes, ordinances, regulations or substantive policy statements on which the denial is based.
16. If the written or electronic notice granting or denying the application is not issued within the overall time frame or within the mutually agreed upon time frame extension, the county shall refund to the applicant all fees charged for reviewing and acting on the application within 30 working days after the expiration of the overall time frame or the time frame extension from the fund in which the application fees were originally deposited.

17. Upon final denial of a Temporary Use Permit, the applicant may appeal the denial to the Zoning Administrator.

~~1718.~~ A TUP is issued to the applicant and does not attach to the subject property. It is not transferable and terminates automatically on the date specified in the TUP or at such time it is found any other specified condition has not been met or at such time the applicant or consenting property owner changes.

~~1819.~~ A TUP is not a substitute for a compliance review, building permit and/or installation permit that may be required.

~~1920.~~ A TUP may be issued for a period of time not exceeding one year, unless a shorter time period is imposed under Section 2.151.130; however, a one-time extension not exceeding three (3) months an extension may be granted upon showing a delay was caused beyond the applicant's control.

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

### **2.151.040. Special Event Permit.**

The Commission and the Supervisors find that there is a need in Pinal County for the issuance of a Special Event Permit.

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

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

Grand Opening means a special celebration held to mark the opening of a new business or public place. This type of event can occur for up to thirty (30) days.

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



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(CB) of this section. These large events will be managed and coordinated by the County's Emergency Operations Center staff and Community Development will continue to assist with permitting.

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

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

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

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

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

Special Event Committee means a committee consisting of representative(s) from county departments that include, but are not limited to, ~~public~~Public works~~Works~~, ~~planning and~~Community development~~Development~~, ~~air~~Air quality~~Quality control~~Control, ~~environmental~~Environmental health~~Health~~, ~~sheriff's~~Sheriff's office~~Office~~, ~~risk~~Risk management~~Management~~, ~~public~~Public health~~Health~~, ~~emergency~~Emergency management~~Management~~, ~~parks~~Parks, ~~Open~~Space and~~Trails~~recreation and fairgrounds, and ~~building~~Building safety~~Safety~~. Outside agencies may include, but are not limited to, Arizona Department of Transportation, Department of Public Safety, railroads, utility companies, police and fire departments in the surrounding area of the event. The Special Event Committee is a committee designated by the Community Development Director or his/her designee who is best suited to determine which County Departments or external agencies need to be involved in a review for a Special Event Permit application.

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

~~Special event coordinator~~Coordinator means a county staff member that will be the point of contact between applicants and the county departments. The Special Event Coordinator is assigned by the Community Development Director or his/her designee.

~~Special event permit~~Permit means a permit required by this section.

B. ~~Special event permit provisions and exemptions.~~

~~1. Seasonal or specialty sales lots including, but not limited to, Christmas tree and pumpkin sales are subject to the small Special Event Permit process but are limited to no more than 45 days of site occupation per year per event.~~

12. No person shall conduct a Special Event within the county in any structure or area where conducting such special event is prohibited by ~~f~~Fire or ~~b~~Building Code regulations.

C. Exemptions.

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13. The following shall not be considered a ~~S~~special ~~E~~event and are exempt from the requirements of this section:

- a. Weddings of the property owner or family and friends;
- b. Funerals;
- c. Elections;
- d. Private yard sales on residential lots;
- e. Car washes for the sole purpose of fundraising;
- f. An activity that does not require county services to a degree above what the county routinely provides and that is not otherwise defined as a large special event under this section;
- g. Any event in which the general law of the state or federal government precludes the county from requiring a ~~S~~special ~~E~~event ~~p~~Permit for the event;
- h. Any event for school purposes that is conducted solely on property owned or leased by a school, to include a school district or a college;
- i. Commercial agricultural: trade shows, demonstrations, yield trials, and exhibits held on private property and that are not otherwise defined as ~~l~~Large ~~s~~Special ~~e~~Events under this section;
- j. Any special event approved by the ~~supervisors~~Supervisors for sponsorship by the ~~C~~county; and
- k. Any event held at the county fairgrounds or county parks that are sponsored by the County. Any event held at these locations, which are not sponsored by the County, are still subject to the Small or Large Special Event processes as outlined in this section.
- l. Any event held on land owned by any Indian tribe or authorized tribal organization.
- m. Grand Openings.

2. Any special event listed in subsection (~~BC~~)(13) of this section is solely exempt from the ~~special-Special event-Event permit-Permit~~ process and may be required to obtain additional permits from the ~~C~~county. Examples of additional permits may include, but are not limited to, building safety for structures, portable toilets, and/or electrical issues, environmental health for food, public works for right-of-way (encroachment), air quality for dust control, public health for emergency concerns, risk management for insurance, and ~~S~~sheriff's ~~O~~office for traffic and/or security.

DC. *General application requirements.*

- 1. Every application for a ~~special-Special event-Event permit-Permit~~ shall be completed and submitted on forms furnished by ~~planning and Community development~~Development.
- 2. Applications will be filed with ~~eCommunity dDevelopment planning and development~~ following the time frames indicated in subsections (~~FG~~)(1) and (~~GH~~)(1) of this section.
- 3. All ~~special-Special event-Event permit-Permit~~ applications shall include the following documentation:
  - a. Directional Compass; a. \_\_\_\_\_ Completed application form;\_\_\_\_\_
  - b. Existing buildings and structures; b. \_\_\_\_\_ A site plan or map of the event area showing a layout of:\_\_\_\_\_
  - c. Event functions:\_\_\_\_\_

- 
- i. Barriers and fencing
  - ii. Portable restrooms
  - iii. Stages and platforms
  - iv. Generators
  - v. Activity areas
  - vi. Tents or canopies
  - vii. Food Service
  - viii. Tables and chairs
    - ~~i. Event functions;~~
    - ~~ii. Paved and unpaved parking areas allowing ten-foot by 20-foot dimensioned parking stalls for vehicles;~~
    - ~~iii. Access; and~~
    - ~~iv. Location of all signage in accordance with chapter 2.145 PCDCS;~~
  - d. Paved and unpaved parking areas allowing 10-foot by 20-foot dimensioned parking stalls for vehicles;
  - e. Access;
  - f. Location of all signage in accordance with ~~e~~Chapter 2.145 PCDCS;
  - g. Emergency / First Aid Station(s);
  - h. Emergency exits from enclosed or fenced areas;
  - i. Fire lanes / emergency vehicle access widths;
  - j. Fire extinguisher locations;
  - k. Fire hydrant locations;
  - l. Occupant load of enclosed or fenced areas;
  - m. A security plan, along with any specific requested information deemed necessary by the ~~s~~Special ~~e~~Event ~~e~~Committee;
  - n. A dust control plan, at a minimum, describing dust mitigation measures for all ingress, egress, and parking areas;
  - o. A list of all participating vendors and a ~~menu or~~ list of all ~~food for each vendor~~ mobile food establishments and anticipated temporary food booths;
  - p. All food service must comply with the Pinal County Environmental Health Code (PCEHC). Applications must be submitted to Pinal County Environmental Health;
  - ~~f. Events with 500 or more attendees are required to submit a special event contingency plan to include 24-hour contact information for at least two representatives of the event; that shall include, at minimum, the following information-~~
    - ~~i. Organizational officers and key stakeholder contact information. 24-hour contact information for at least two representatives of the event shall be included~~
    - ~~ii. The person responsible for activating the emergency management plan~~

- iii. ~~The roles and responsibilities of individuals during an emergency~~
  - 
  - iv. ~~Specific incident procedures, as indicated~~
  - 
  - v. ~~Attendee emergency warning and notification methods and procedures~~
  - 
  - vi. ~~For outdoor events, a weather decision matrix.~~
  - 
  - g. ~~If the applicant requests to provide full hook up overnight accommodations for recreational vehicles and campers, applicant shall include a written proposal adequately justifying reasons for such accommodations and describing a waste disposal plan. If the Special Event Permit allows overnight accommodations for recreational vehicles and campers, applicant shall provide and pay for waste disposal;~~
  - gh. Any additional information which the ~~s~~Special ~~e~~Event ~~c~~Committee finds reasonably necessary to adequately describe or clarify the event or its impact on the county and county services in order to make a fair determination as to whether a ~~special~~ Special event-Event permit-Permit can be issued;
  - ri. The ~~special~~ Special event-Event committee-Committee may waive the requirement to provide any information when, in its opinion, the information is not applicable; ~~and-~~
  - sj. Special ~~E~~events to be conducted on private property shall obtain authorization from the property owner for the use of the property for such purpose. Applicant shall be required to show proof of the property owner's consent to use private property; ~~and-~~
  - t. Pinal County may require proof of insurance and coverage limits with each Special Event Permit application.
4. There shall be an application fee in accordance with the Pinal County Community Development planning and development fee-Fee scheduleSchedule. Depending on the event, the applicant may be subject to additional fees or requirementsrequirements by other county departments involved in reviewing the ~~S~~special ~~E~~event ~~p~~Permit that may include, but not be limited to, the ~~public~~ Public Works, ~~A~~ir ~~Q~~uality ~~C~~ontrol, ~~E~~nvironmental ~~H~~Health, ~~S~~heriff, ~~R~~isk ~~M~~anagement, ~~P~~ublic ~~h~~Health, ~~E~~mergency ~~M~~anagement, and ~~B~~uilding ~~S~~safety departments.
5. The ~~special~~ Special event-Event Permit may be one of several permits and/or licenses an event applicant may need to obtain. The information on the application and information packet will assist the ~~s~~Special ~~e~~Event ~~c~~Committee to advise the applicant of other necessary permits, licenses, and approvals needed. It is the applicant's responsibility to obtain all required permits, make arrangements for all licenses, inspections, and approvals prior to the issuance of the ~~S~~pecial ~~E~~event ~~P~~ermit and the date of the ~~S~~pecial ~~E~~event.
- a. Additional permits / licenses / contracts may include the following:
    - i. Fire suppression and/or standby contract.
    - ii. Ambulance and/or Emergency Medical Services Contract.
    - iii. Security Contract.
    - iv. Portable restroom contracts.
    - v. Fireworks permit.

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vi. Electrical permit.

vii. Tent permit.

6. If the ~~S~~pecial ~~E~~vent will include sale or service of alcohol, a ~~S~~pecial ~~E~~vent liquor license from the State of Arizona is required and all statutes regarding the serving, sale, and consumption of alcohol must be followed.

7. If the ~~S~~pecial ~~E~~vent will include the sale of food, all applicable laws and regulations shall be complied with.

8. If ~~you the Special Event requires the use of~~ ~~are using~~ a public roadway, a right-of-way use permit or road closure permit may be required.

9. For all applications for Special Events to be held on property owned by Pinal County, a license agreement signed by the applicant is required.

10. Emergency Operation Plan (only for events with 500 or more attendees) that shall include, at minimum, the following information:

i. Organizational officers and key stakeholder contact information. 24-hour contact information for at least two representatives of the event shall be included;

ii. The person responsible for activating the emergency management plan;

iii. The roles and responsibilities of individuals during an emergency;

iv. Specific incident procedures, as indicated;

v. Attendee emergency warning and notification methods and procedures; and

vi. For outdoor events, a weather decision matrix.

11. If the applicant requests to provide full hook up overnight accommodations for recreational vehicles and campers, applicant shall include a written proposal adequately justifying reasons for such accommodations and describing a waste disposal plan. If the Special Event Permit allows overnight accommodations for recreational vehicles and campers, applicant shall provide and pay for waste disposal.

ED. Administration.

1. Special ~~event-Event permit-Permit~~ applications shall be submitted to the ~~one-One sStop sShop~~.

2. Applications requiring a ~~special-Special event-Event permit-Permit~~ shall be routed to the ~~special-Special Eevent Ccoordinator~~.

3. The ~~S~~pecial ~~E~~vent ~~C~~oordinator shall present the application to the ~~S~~pecial ~~E~~vent ~~permit-~~~~C~~ommittee for review.

4. The ~~S~~pecial ~~E~~vent ~~e~~Committee will review the applications and recommend approval or denial of the ~~S~~pecial ~~E~~vent ~~p~~ermit to the appropriate approving authority listed below.

5. The ~~Community Development Director~~ ~~planning director~~ shall review ~~S~~mall ~~S~~pecial ~~e~~vent applications for approval or denial according to the criteria set forth in subsection (~~GF~~) of this section.

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6. The ~~supervisors~~Supervisors shall review ~~L~~large ~~S~~Special ~~E~~Event applications for approval or denial according to the criteria set forth in subsection (~~HG~~) of this section. Supervisors shall also review all applications for Special Events on County owned properties which do not have a separate licensing for the requested use, services contract or similar agreement already in place.
  7. In the event the Community Development Director decides it is in the best interests of the County, any sized special event permit application may be forwarded to the Supervisors for their approval.

**FE.** *Special ~~E~~Event ~~C~~Committee.*

1. The ~~S~~Special ~~E~~Event ~~C~~Committee is involved in providing services or coordination of the process for the successful execution of a special event.
2. The ~~S~~Special ~~E~~Event ~~C~~Committee shall coordinate with county departments and other governmental or private entities with regard to special events.
3. The ~~C~~County will designate a special event coordinator who is responsible for:
  - a. Maintaining ~~s~~Special ~~e~~Event ~~e~~Committee records;
  - b. Arranging meeting times and places for the committee;
  - c. Coordinating the application process with the applicant;
  - d. Monitoring compliance with the requirements and conditions of the ~~s~~Special ~~e~~Event ~~p~~Permit; and
  - e. Submitting all applications with the applicable supporting documentation for:
    - i. Small ~~S~~Special ~~E~~Event ~~P~~Permit reviews to the Community Development Director~~planning director~~; and
    - ii. Large ~~S~~Special ~~e~~Event ~~P~~Permit review to the ~~supervisors~~Supervisors; and
    - iii. All Special Event Permit application reviews for Special Events to be held on property owned by Pinal County to the Supervisors.
4. The Special Event ~~C~~Committee will inform the applicant of all additional permits that will be required to obtain a ~~S~~Special ~~E~~Event ~~P~~Permit.
5. The Special Event ~~C~~Committee will provide the approving authority with a recommendation of approval or denial.

**GF.** *Small ~~s~~Special ~~e~~Event ~~p~~Permit process.*

1. Applications are to be submitted at least 60 days prior to the proposed ~~S~~Special ~~E~~Event date. If the application is submitted less than 60 days prior to the proposed special event date, this will result in a late fee being charged. No applications will be accepted less than one week prior to the special event date. Pinal County may require proof of insurance and coverage limits with each Special Event application.
2. The Community Development ~~planning director shall~~Director shall approve or deny a small ~~S~~Special ~~E~~Event ~~P~~Permit within 15 days from the date the ~~S~~Special ~~E~~Event ~~C~~Committee makes a recommendation.
3. The applicant may file an appeal to the ~~B~~Board of ~~S~~Supervisors within 15 days of the Community Development ~~planning director's decision~~Director's decision of denial.

**HG.** *Large ~~s~~Special ~~E~~Event ~~p~~Permit process.*

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1. Applications are to be submitted at least 120 days prior to the proposed special event date. If the application is submitted less than 120 days prior to the proposed special event date, this will result in a late fee being charged. No applications will be accepted less than four weeks prior to the special event date. Pinal County may require proof of insurance and coverage limits with each special event application.
  2. The application shall be placed on the ~~supervisors~~Supervisors' agenda for approval or denial of the ~~Large special event permit~~ Special Event Permits or for events on County owned properties as outlined in 2.151.040 E.6. This public meeting will provide an opportunity for public input on the application.
  3. Any minor alterations or modifications as determined by the ~~Community Development planning director may~~Director may be authorized by the ~~Community Development Director~~planning director if they are consistent with the purpose and intent of the submitted ~~S~~special ~~E~~event ~~P~~permit application and this section.

H. Special eEvent Ppermit.

1. The issuance of a ~~S~~special ~~E~~event ~~P~~permit is not deemed evidence or proof that the applicant has complied with the provisions of any other county requirements, ordinances, policies, or regulations.
2. The ~~S~~special ~~e~~Event ~~P~~permit is nontransferable and valid only for the dates, times, and locations on the permit.
3. All special events that require a ~~s~~Special ~~E~~event ~~P~~permit shall, as a condition of the ~~S~~special ~~E~~event ~~P~~permit, comply with the requirements of this section and all other applicable ordinances, policies, or regulations of the county and all applicable requirements, ordinances, policies or regulations of the County and all applicable federal and state laws. ~~federal and state laws.~~
4. Issuance of permit.
  - a. The ~~Community Development Director~~ ~~planning director~~ or the ~~supervisors~~Supervisors shall issue a ~~S~~special ~~E~~event ~~P~~permit as provided for herein when, from consideration of the application all information received by the County is satisfactory and has no grounds for denial as outlined in and from such other information as may otherwise be obtained, the county finds that the event has received approval signatures described in subsection (L) of this section, ~~administration~~;
  - ~~b.~~ ~~Upon the issuance of a special event permit, the special event coordinator shall send an electronic copy of the permit to the participating department directors and appropriate county staff;~~
  - bc. Each ~~S~~special ~~E~~event ~~P~~permit shall state the following information:
    - i. Name of applicant;
    - ii. Valid permit date(s);
    - iii. Name of event
    - iv. Location of event;
    - ~~iv.~~ Hours of operation;
    - vi. Time frame in which the event area must be returned to pre-event condition. This time frame shall not exceed 48 hours after the last day of the event unless

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the time frame extension has been approved by the Special Event Permit approving authority;

- vii. Special conditions or provisions with which the applicant is to comply, if applicable; ~~and~~
- viii. Any such information the county finds relevant for the enforcement of this section; ~~:-~~
- viii. ~~Name of event~~
- ix. ~~Time frame in which the event area must be returned to pre-event condition- This time frame shall not exceed 48 hours after the last day of the event unless the time frame extension has been approved by the Sspecial eEvent Ppermit approving authority;~~

~~Special conditions or provisions with which the applicant is to comply, if applicable; and~~

- x. ~~Any such information the county finds relevant for the enforcement of this section~~

- 5. Events which last 14 days or more within one calendar year, will result in permanent improvements to the site, or are determined by the Community Development Director ~~planning director~~ to be beyond the scope of a Special Event shall require a Special Use Permit or a rezone and will not be considered a Special Event.

J. *Other certificates or permits required.*

- 1. Obtaining any license, permit, certificate, or examination required by federal, state, county or local law shall be the sole responsibility of the applicant.
- 2. The issuance of a Special Event Permit shall not be evidence that the county knew, or should have known, that another license, permit, certificate, or examination was required or was otherwise improperly issued.

K. *Special provisions related to ~~fireworks exhibition~~ Fireworks Exhibitions.*

- 1. The applicant or operator of a ~~fireworks exhibition~~ Fireworks Exhibition, and its employees, agents, and/or subcontractors, shall strictly comply with all applicable federal, state, county, and local laws, rules, regulations, and ordinances in conducting any ~~fireworks exhibition~~ Fireworks Exhibition.
- 2. All Fireworks Exhibitions shall require approval by the Board of Supervisors.
- 3. The ~~planning and~~ Community Development Department will process ~~Sspecial Eevent Ppermit~~ applications for ~~fireworks exhibition~~ Fireworks Exhibitions in accordance with the ~~large Sspecial Eevent Permitting~~ process by working with the Special Events Coordinator. Fireworks Exhibitions require separate permitting approval. They can be standalone permits and they can also be a separate permit encompassed within a separate special event permit process. However, applications for Fireworks Exhibitions need to be submitted only 30 days prior to the event.
- 4. In addition to the Special Event Permit application, an applicant shall be required to submit a completed application for ~~fireworks exhibition~~ Fireworks Exhibitions to the Clerk of the Board.
- 5. An applicant shall be required to post a bond in accordance with A.R.S. § 36-1604.



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- 65. A pyrotechnic company, fire department/fire district, or any other sponsoring entity that is responsible for the fireworks display shall provide a certificate or certificates of insurance in an amount to be determined by the county.
  - 7. The applicant shall be required to obtain the approval from the local fire district, if the local Fire District is a political subdivision of the County.
  - 8. A site inspection will be conducted the day of the Fireworks Exhibition. The shoot may be cancelled at the sole discretion of Pinal County or the approving Fire District due to unsafe conditions.
  - 9. The applicant shall include a detailed site map for review with the following required information:
    - a. The firing location and proximity to audiences;
    - b. Square footage of the event space;
    - c. Adjacency to buildings, audiences, and fire lanes;
    - d. Locations and sizes of the exits;
    - e. Location of fire extinguishers; and
    - f. Location of tables, chairs, etc.

LK. Denial.

- 1. Small ~~S~~pecial ~~E~~vent ~~P~~ermit applications can be modified or denied by Community Development Director ~~the planning director~~ for any of the following causes:
  - a. Fraud, misrepresentation, or false statement contained in the special event application or scope of event;
  - b. Any violation of this section, failure to meet any licensing requirement, including, but not limited to, timely payment of fees;
  - c. A ~~S~~pecial ~~E~~vent ~~P~~ermit application for the same time and location has been received and will be granted or a ~~S~~pecial ~~E~~vent ~~P~~ermit for the same time and location has already been granted;
  - d. The applicant has previously violated the provisions of this section or the conditions of a permit previously issued pursuant to the provisions of this section;
  - e. The applicant has previously damaged county property and not paid in full for such damages; or
  - f. Recommendation of denial by the ~~S~~pecial ~~E~~vent ~~C~~ommittee.
- 2. Large ~~S~~pecial ~~E~~vent ~~A~~pplications can be modified or denied by the ~~supervisors~~Supervisors for any, but not limited to, the following causes:
  - a. Fraud, misrepresentation, or false statement contained in the ~~S~~pecial ~~E~~vent ~~P~~ermit application or scope of event;
  - b. Any violation of this section, failure to meet any licensing requirement, including, but not limited to, timely payment of fees;

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

~~M~~. *Right of entry; display.*

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

~~N~~. *Violation of section.*

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

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

~~O~~. *Termination of a Special Event.*

- 1. A Special Event may be terminated by the County Manager, County Sheriff or designee for any of the following reasons:
  - a. Failure to conduct the Special Event as presented on the application;
  - b. Failure to comply with the terms and conditions of the permit;

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- c. The Special Event poses a threat to public health or safety, including unsafe weather conditions;
  - d. The declaration of a State of Emergency; or-
  - e. If the Special Event is conducted in violation of any County ordinance or federal or state law.

## **2.151.050 Mobile Vending**

### **A. Purpose**

The purpose of this subsection is to protect the health, safety and welfare of Pinal County community members by enacting reasonable regulation for mobile vendors, their employees, agents, lessees or independent contractors by requiring compliance with minimum standards for safety and security.

### **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. Mobile Food Unit means a food establishment that is licensed by the state, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in ARS 28-101.
2. Mobile Food Vendor means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.
3. Mobile Outdoor Vendor means any privately-owned vendor stand, vendor trailer, or any other non-stationary device that is utilized for the purpose of temporarily displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any goods, wares or merchandise. This definition shall not include; short duration, primarily non-profit uses such as fundraisers, lemonade and Girl Scout cookie stands and accessory outdoor display and sales areas.

### **C. Mobile Food Vending**

1. Licensing Requirements. It shall be unlawful for any person to operate a mobile food unit without a valid permit to do so from the Pinal County Public Health Services District.
2. General Provisions
  - a. A Mobile Food Unit and its customers shall not obstruct the movement of pedestrians or other vehicles using the sidewalk, street, alley, or other public right-of-way.
  - b. All associated activities shall occur on a dustproof surface, except for mobile food vendors serving active construction sites.
  - c. Mobile Food Vendors shall comply with all applicable Pinal County sign regulations.
  - d. A Mobile Food Unit shall have adequate lighting to ensure customer safety in the vending area. Lighting shall be directed downwards and away from rights-of-way and adjacent properties.
  - e. The Mobile Food Unit and the surrounding vending area shall be maintained in a safe and clean manner at all times.

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- f. The site shall be kept free of refuse, trash, and litter, which shall be removed from the site daily.
  - g. The placement of temporary restrooms on a property or in the public right-of-way for use by a mobile vendor or their patrons shall be prohibited.
  - h. Permanent modifications to a mobile food vending location shall be prohibited.
3. Location
- a. Private Property
    - i. A Mobile Food Vendor shall obtain written permission to use any private property where a mobile food unit is operating and shall provide proof of such written permission on demand by the County.
    - ii. Notwithstanding the permission of a person owning or having lawful control of private real property, a mobile food unit shall not remain in one location on private property for longer than ninety-six (96) consecutive hours, unless the County grants specific approval. "One location" within this subsection means a location within a parcel of land and includes movements from different parked positions within the same parcel.
  - b. Public Property
    - i. A Mobile Food Unit shall only operate in a legal parking space in a County right-of-way. If the Mobile Food Vendor desires to operate on County property other than a legal parking space in a right-of-way, the mobile food vendor shall obtain from the County: (1) a separate licensing for use, services contract, or similar agreement, which will be entered into at the County's sole discretion and applicable law; or (2) a Special Event permit or similar permission in accordance with the Pinal County Development Services Code and any other County regulation.
  - c. Residentially Zoned Property. A Mobile Food Vendor shall not operate in an area zoned for residential use, except:
    - i. A Mobile Food Unit performing limited-duration stops may operate on public rights-of-way in areas zoned for residential use; or
    - ii. Subject to applicable laws and the Pinal Development Services Code, a mobile food vendor may operate on private property in a residential area if the Mobile Food Vendor obtains a separate agreement with the property owner to operate a Mobile Food Unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.
    - iii. Mobile Food Vendors serving active construction sites shall be permitted to operate a mobile food unit for a maximum of three (3) hours within a twenty-four (24) hour period on the private property.
4. Parking. A Mobile Food Unit shall comply with this subsection and applicable law as it pertains to parking, unless parking is governed by a separate subsection in this article.
- a. A Mobile Food Unit shall only operate in legal parking spaces, unless otherwise allowed per section 2.150.350.A.3.

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- b. A Mobile Food Unit, including any semi-permanent structure used or associated with the Mobile Food Unit, may use no more than one (1) legal parking space, unless otherwise allowed per section 2.150.350.A.3.
  - c. No Mobile Food Unit shall operate with the serving window facing street traffic.
  - d. A Mobile Food Unit shall abide by all parking regulations, including posted time limits and metering.
  - e. A Mobile Food Unit shall not occupy a legal parking space which is required for the principal use or uses of the property associated with the parking spaces, as prescribed by the PCDCS, if such occupation would create or expand insufficient parking capacity.
  - f. A Mobile Food Vendor shall not claim or attempt to establish any exclusive right to park at a particular street location, unless the parking space is part of a permitted event.

5. Noise

- a. The operation of generators shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. unless a Special Event permit has been issued and specifically expands the hours of operation.
- b. A Mobile Food Vendor shall not use, play, or cause to be used any loudspeaker, microphone, amplified music, or other amplified instrument or device used for the production of sound in a vending area when the motor vehicle or Mobile Food Unit from which Mobile Food Vendor is vending is stationary or mobile upon any right-of-way, park or other public place. For the purposes of this subsection, the factors for determining whether a sound is amplified include, but are not limited to, the following:
  - i. The proximity of the sound to sleeping facilities, whether residential or commercial;
  - ii. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
  - iii. The time of day or night when the sound occurs; it shall be presumed that any amplified noise between 10:00 p.m. and 6:00 a.m.;
  - iv. The duration of the sound; and
  - v. Whether the sound is recurrent, intermittent, or constant.

D. Mobile Outdoor Vending

- 1. The provisions of this subsection shall not apply to any event located on County owned property or authorized by any other permit issued by the County, such as a farmer's market; an authorized festival; or recreational event if the mobile vendor is in partnership with the organization conducting the event and is located on the site of the event.
- 2. Licensing Requirements
  - a. A Mobile Outdoor Vendor shall be required to obtain a Temporary Use Permit from the Pinal County Community Development Department to operate within the County.
- 3. General Provisions
  - a. No more than one Mobile Outdoor Vendor shall operate at the same time at the same site or center, unless a Temporary Use Permit has been obtained for each Mobile Outdoor Vendor.

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- b. All licenses/permits shall display in a visible and conspicuous location at all times during the operation of vending.
  - c. Mobile Outdoor Vendors shall comply with all applicable Pinal County sign regulations.
  - d. Vending operations are subject to all County noise regulations.
  - e. Permanent modifications to a mobile outdoor vending location shall be prohibited and all vending operations shall be taken down when not in use.
  - f. Vending operations shall provide the County a Certificate of Insurance evidencing general and product liability coverage and naming the County as an additional insured.
  - g. Mobile Outdoor Vendors shall not:
    - i. Be left unattended.
    - ii. Be parked or placed in any area that might impede or inconvenience the public.
    - iii. Be parked within the sight visibility triangle.
4. Location
- a. Private Property
    - i. A Mobile Outdoor Vendor shall obtain written permission to use any private property for its operation and shall provide proof of such written permission on demand by the County.
    - ii. A Mobile Outdoor Vendor is only permitted on properties that have been established with principal uses. Mobile Outdoor Vendors shall be prohibited from operating on vacant or unoccupied parcels.
    - iii. Mobile Outdoor Vendors shall be restricted from operating within any Residential Zoning District.
  - b. Public Property
    - i. A Mobile Outdoor Vendor shall not operate in the County right-of-way. If the mobile outdoor vendor desires to operate on County property, the Mobile Outdoor Vendor shall obtain from the County: (1) a separate licensing for use, services contract, or similar agreement, which will be entered into at the County's sole discretion and applicable law; or (2) a Special Event permit or similar permission in accordance with the Pinal County Development Services Code and any other County regulation.
5. Exemptions
- a. The following shall not be considered a Mobile Outdoor Vendor and are exempt from the requirements of this Section:
    - i. Short duration, primarily non-profit, uses such as fundraisers; lemonade and Girl Scout cookie stands; and accessory outdoor display and sales areas.



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

2.10.010/2.20. - COMMERCIAL & NON-COMMERCIAL KENNELS

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">COMM/NONCOMM_KENNELS</a>

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## **Pinal County Development Services Code:** **Commercial & Noncommercial Kennels**

### **2.10.010. Definitions.**

Hospital, Veterinary means any establishment that is operated by a veterinarian licensed to practice in this state and that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A Veterinary Hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages or Kennels for quarantine, observation or boarding.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs or cats under controlled conditions. See Section 4-9 of the Pinal County Code of Ordinances.

Kennel, ~~Commercial~~ means any Kennel maintained for the purpose of keeping, boarding, breeding, raising or training dogs or cats for a donation, for a fee or for sale. The term "Commercial Kennel" also includes an owner with 13 or more dogs or cats. See Section 4-9 of the Pinal County Code of Ordinances. ~~means any premises that are used for the commercial breeding, boarding, training, grooming or bathing of dogs, cats, and/or other small domesticated household pets (not farm animals), or for the breeding or keeping of dogs for racing purposes. Note: See A.R.S. § 11-1001.~~

Kennel, Noncommercial means any property where five to 12 dogs or cats are raised, kept or maintained solely for the use and enjoyment of the owner or occupant for personal, non-monetary and noncommercial purposes. See Section 4-9 of the Pinal County Code of Ordinances.

## **CHAPTER 2.20. SR SUBURBAN RANCH ZONE**

### **2.20.010. 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~~Chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter.

K. ~~Commercial~~ Noncommercial Kennel.

### **2.20.015. Special uses.**

The following uses and their accessory buildings and uses are permitted subject to obtaining approval of a ~~S~~Special Use Permit as set forth in PCDCS 2.151.010 and the general regulations of this title, including, but not limited to, Chapter 2.150 PCDCS; parking, signage, and lighting regulations; and the development standards in this chapter. Special uses that are not listed are prohibited.

E. ~~Commercial~~ Kennel.





# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**2.191.** - MEDICAL MARIJUANA DISPENSARIES & RECREATIONAL MARIJUANA ESTABLISHMENTS, OFF-SITE MARIJUANA CULTIVATION LOCATIONS, AND TESTING 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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">5_MARIJUANA</a>

## Pinal County Development Services Code:

### Marijuana

#### **CHAPTER 2.191. MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA ESTABLISHMENTS, OFF-SITE MARIJUANA CULTIVATION LOCATIONS AND TESTING FACILITIES**

##### **2.191.010. Measurement of distance.**

For the purpose of measuring separation of distances in this chapter:

A. The distance separating shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises of the first property to the nearest property line of the second premises or the nearest part of the County jurisdictional boundary.

##### **2.191.0210 Medical marijuana dispensaries, recreational marijuana establishments, off-site marijuana cultivation locations and testing facilities.**

A. *Medical marijuana dispensaries and recreational marijuana establishments.* Medical marijuana dispensaries and recreational marijuana establishments are permitted as a special use~~shall be~~ subject to the following conditions:

1. *Minimum notification area.* The minimum notification area for a medical marijuana dispensary or recreational marijuana establishment is 1,500 feet.
2. *Application requirements.* An applicant for a medical marijuana dispensary or recreational marijuana establishment must complete an application that includes all of the following information:
  - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary and/or recreational marijuana establishment, as applicable.
  - b. The legal name of the medical marijuana dispensary or recreational marijuana establishment.
  - c. The name, address and date of birth of each principal officer and board member and the name, address and date of birth of each agent.
  - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
  - e. A notarized certification that none of the principal officers or board members has been convicted of an excluded felony offense, as defined in A.R.S. § 36-2801(7).~~A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:-~~
    - ~~i. A violent crime as defined in A.R.S. § 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;~~
    - ~~ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any~~

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~~term of probation, incarceration or supervised release was completed within the ten years prior to applying for the application for the dispensary or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the State of Arizona.~~

- f. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered medical marijuana dispensary or recreational marijuana establishment that has had its registration certificate revoked.
  - g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or recreational marijuana establishment will meet the definition of enclosed, locked facility contained in A.R.S. § 36-2801(6) and will be conducted completely within an enclosed, locked building.
3. *Permitted location.* A medical marijuana dispensary or recreational marijuana establishment is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) ~~zoning district~~Zoning Districts and only with a ~~special~~Special Use ~~P~~ermit that requires an approved reapplication of the permit after five years ~~or less~~. Subject to a medical marijuana dispensary or recreational marijuana establishment operating under a state issued license in accordance with A.R.S. § 36-2801 et seq. or § 36-2850 et seq., any change of ownership of the medical marijuana dispensary or recreational marijuana establishment retains any Special Use Permit currently approved by the County prior to ending of the five-year reapplication period.
4. *Community impacts.* The county may or may not approve a medical marijuana dispensary or recreational marijuana establishment at a site if substantial evidence is presented to the Board of Supervisors during the Special Use Permit process that locating the dispensary or establishment at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary or establishment at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. *Development standards.*
- a. A medical marijuana dispensary or recreational marijuana establishment must be located in a permanent building ~~and may not be located in a trailer, cargo container or motor vehicle.~~
  - b. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of ~~ten miles~~2,000 feet from all other medical marijuana dispensaries or establishments within unincorporated areas of the county and ~~separated a minimum of no less than ten miles~~2,000 feet from county jurisdictional boundaries ~~measured from the parcel boundaries;~~ However, this does not preclude a dual licensee from operating both a medical marijuana dispensary and a marijuana establishment collectively at a shared location.
  - c. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled ~~measured from the parcel boundaries.~~
  - d. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a childcare center ~~measured from the parcel boundaries.~~
  - e. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a library or public park.
  - f. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a ~~church~~place of worship.

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- g. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
  - h. A medical marijuana dispensary or recreational marijuana establishment may have a drive-through service.
  - i. A medical marijuana dispensary or recreational marijuana establishment may not have outdoor seating areas.
  - j. The permitted hours of operation of a medical marijuana dispensary or recreational marijuana establishment are between the hours of 7:00 a.m. and 10:00 p.m. daily.
  - k. The medical marijuana dispensary or recreational marijuana establishment shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
  - l. The storage facilities for the marijuana stored or grown at the dispensary or establishment shall prevent the emission of dust, fumes, vapors or odors into the environment.
  - m. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary or recreational marijuana establishment is to be located stating that the structure complies with all fire code requirements and supply that certification to the building and safety department.
  - n. The medical marijuana dispensary or recreational marijuana establishment is prohibited from permitting anyone to consume marijuana on its premises.
  - o. The medical marijuana dispensary or recreational marijuana establishment shall comply with applicable sections of the Pinal County sanitary code.
  - p. The medical marijuana dispensary or recreational marijuana establishment may provide off-site delivery of marijuana.
6. *Enforcement.* The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). ~~Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.~~
7. *Fees.* The fee for application and hearing is a combination of the existing fees for the ~~special~~ Special use ~~Use permit~~ Permit application filing fee, the site analysis submittal fee, and the notice of public hearing fee included in the most current ~~planning and development~~ Community Development ~~Department~~ fee schedule.
- B. *Special conditions for non-dispensary/non-establishment cultivation.*
- 1. ~~In accordance with the limitations imposed by A.R.S. § 36-2801 et seq. (the Arizona Medical Marijuana Act) and A.R.S. § 36-2850 et seq. (the Smart and Safe Arizona Act) and this Chapter, An individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a Residential zoning district~~ Zoning District within the unincorporated areas of the ~~C~~ county, ~~subject to the limitations imposed by A.R.S. § 36-2801 et seq. (the Arizona Medical Marijuana Act) and A.R.S. § 36-2850 et seq. (the Smart and Safe Arizona Act) and this chapter.~~
  - 32. *Marijuana cultivation location.*
    - a. Allowed as an accessory to a primary residence.
    - b. Must be conducted in a completely enclosed, locked building.
    - c. Must prevent the emission of dust, fumes, vapors or odors into the environment.
-

- 
- C. *Off-site marijuana cultivation locations and testing facilities.* ~~As long as the Arizona Revised Statutes remain in full force and effect to allow marijuana dispensaries and establishments,~~ Testing facilities and off-site cultivation and manufacturing locations where marijuana and marijuana products may not be transferred or sold to consumers are permitted as a special use subject to the following conditions:
1. *Minimum notification area.* The minimum notification area for off-site marijuana cultivation locations and testing facilities is 1,500 feet.
  2. *Supplemental application.* In addition to the application required by Chapter 2.151.010 PCDSC, an applicant for a ~~special~~ Special use-Use permit-Permit for an off-site cultivation location or testing facility shall complete an application that includes all of the following information:
    - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as an off-site marijuana cultivation location or testing facility.
    - b. The legal name and address of the affiliated medical marijuana dispensary and/or recreational marijuana establishment.
    - c. The name, address and date of birth of each principal officer and board member affiliated with the off-site cultivation location or testing facility and the name, address and date of birth of each agent.
    - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
    - e. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has been convicted of one of the following offenses:
      - i. A violent crime as defined in A.R.S. § 13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;
      - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the ten years prior to applying for the application for the off-site cultivation location, or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the State of Arizona.
    - f. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
    - g. A floor plan showing the location, dimensions of and type of security measures demonstrating that the off-site cultivation location or testing facility will meet the definition of "enclosed, locked facility" contained in A.R.S. § 36-2801(6).
    - h. A security plan that meets or exceeds Arizona Department of Health Services requirements, which shall be submitted to the Pinal County Sheriff's Office for review and comment prior to the applicant's ~~special~~ Special use-Use permit-Permit hearing.
  3. *Permitted location.* An off-site cultivation location or testing facility is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) ~~zoning district~~ Zoning Districts and only with a ~~special~~ Special use-Use permit-Permit that requires approved reapplication of the permit after ten years or less. Any valid previously approved ~~special~~

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~~Special use-Use permit-Permit~~ for a marijuana off-site cultivation location on the date of this ordinance is extended to ten years starting from June 30, 2021.

4. *Community impacts.* The ~~board~~Board may or may not approve an off-site cultivation location or testing facility at a location if substantial evidence is presented that locating the cultivation location or testing facility at the proposed site will negatively impact neighboring property values or if substantial evidence is presented to the Board of Supervisors during the Special Use Permit process that shows that locating the cultivation location or testing facility at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. *Development Standards.*
  - a. An off-site cultivation location or testing facility must meet the definition of an "enclosed, locked facility" under A.R.S. § 36-2801(6) and the definition of "enclosed area" under Arizona Administrative Code R9-17-101(20), ~~and may not be located in a trailer, cargo container or motor vehicle.~~
  - b. An off-site cultivation location or testing facility shall be separated a minimum of 2,000 feet from all other off-site cultivation locations or testing facilities, ~~measured from the parcel boundaries.~~
  - c. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, ~~measured from the parcel boundaries.~~
  - d. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a childcare center.
  - e. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a library or public park.
  - f. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a ~~church~~place of worship.
  - g. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
  - h. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from any single-family residential zone, multifamily residential zone, mixed dwelling zone and RU-C zone, ~~as measured from the parcel boundaries.~~
  - i. An off-site cultivation location may not have outdoor seating areas.
  - j. All drying, curing and storage of marijuana at an off-site cultivation location or testing facility must take place inside a completely enclosed permanent building with controlled access and cannot be located in a trailer, cargo container, or motor vehicle.
  - k. An off-site cultivation location must have a legible copy of a valid agent registry identification card, the original of which is issued by the State of Arizona, plainly displayed inside of the doorway at all times.
  - l. An off-site cultivation location must have the address of the medical marijuana dispensary or recreational marijuana establishment that the off-site cultivation location supplies plainly displayed inside of the doorway at all times.
  - m. An off-site cultivation location or testing facility must be accessible by a pavement to pavement roadway.

- n. The county shall not permit more than one off-site cultivation location and one off-site manufacturing location for each individual medical marijuana dispensary ~~and recreational marijuana~~ establishment located in the county, ~~absent a showing of unnecessary hardship.~~ Subject to a medical marijuana dispensary or recreational marijuana establishment operating under a state issued license in accordance with A.R.S. § 36-2801 et seq. or § 36-2850 et seq., any change of ownership of the medical marijuana dispensary or recreational marijuana establishment retains any Special Use Permit currently approved by the County prior to ending of the five-year reapplication period.
  - o. The off-site cultivation location or testing facility shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
  - p. The storage facilities for the marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
  - q. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the off-site cultivation location or testing facility is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the building and safety department.
  - r. The off-site cultivation location or testing facility is prohibited from permitting anyone to consume marijuana on the premises.
  - s. The off-site cultivation location or testing facility shall comply with applicable section of the Pinal County sanitary code.
  - t. The applicant shall provide not less than three days' advance notice to the Pinal County Sheriff's Office when marijuana is to be harvested at the cultivation location and when marijuana is to be transported from the site to a marijuana dispensary and/or establishment.
  - u. The applicant shall submit for review and approval of a specific ~~site plan~~ Site Plan as required by Chapter 2.200 PCDCS prior to operation of an off-site cultivation location or testing facility.
6. *Enforcement.* The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDCS 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). ~~Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.~~
7. *Fees.* The fee for application and hearing is a combination of the existing fees for the ~~special~~ Special use ~~Use permit~~ Permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current ~~planning and development~~ Community Development Department fee schedule.
- D. *Marijuana food establishments.* A marijuana food establishment shall only be allowed immediately adjacent to or within a medical marijuana dispensary and/or recreational marijuana establishment and shall be subject to the same requirements applicable to marijuana dispensaries and establishments in PCDCS 2.191.0210(A).
- (Ord. No. PZ-C-001-14 , § 1; Ord. No. 011812-ZO-PZ-C-007-10 , § 21; Ord. No. 022311-PZ-C-008-10 , § 3; Ord. No. 2021-PZ-C-001-21 , § 1)

## **2.191.0320 Prohibition of marijuana on public property.**

Except as otherwise provided by state law, the possession, use, sale, cultivation, manufacture, production or distribution of marijuana products is prohibited on property that is occupied, owned, controlled or operated by the

county and it is unlawful for an individual to smoke marijuana in a public place or open space in unincorporated areas of Pinal County.

(Ord. No. 022311-PZ-C-008-10 , § 4; Ord. No. 2021-PZ-C-001-21 , § 1)





# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

July 11, 2024 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

**REQUESTED BY:**

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

2.75. - FLOOR AREA RATIO

**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		

<b>ATTACHMENTS:</b>
Click to download
<input type="checkbox"/> <a href="#">6_FLOOR_AREA_RATIO</a>

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# **Pinal County Development Services Code:** **Floor Area Ratio**

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

### **2.75.015. 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.

D. Clubs, lodges, and assembly halls.

1. Clubs, lodges, sorority/fraternal halls, senior centers and community centers and associated management offices, when located within Community centers cannot exceed 20% of floor area.