

**RIVER'S EDGE P.A.D.**

**as approved by Pima County**

**and formatted per Oro Valley P.A.D. regulations**

**Cella Barr Associates  
4911 East Broadway  
Tucson, Arizona 85711**

**Don Laidlaw & Associates  
Land & Community Planning  
1735 E. Ft. Lowell, Suite 10  
Tucson, Arizona 85719**

## RIVER'S EDGE P.A.D.

### TABLE OF CONTENTS

10-301	Purpose	1
10-302	General Provisions	1
	A. Site Area	1
	B. Open Space	2
	C. Underlying Zoning Districts	2
	D. Modifications to Development Standards	2
	E. Summary	2
	Table I – Underlying Zoning Districts	3
	Table II – Prevailing Development Standards	4
10-304	Preliminary Development Plan	5
10-305	Final Development Plan	6

### APPENDICES

A-1	District Regulations
A-2	Ordinancing 1994-32 with attachments
B	Development Standards
C-1	Cluster Site Analysis
C-2	Design Guidelines and Standards
C-3	Cluster Design Review Committee
C-4	Vegetation Salvage Plan
C-5	Subdivision Plats
C-6	Landscaping Plans

## RIVER'S EDGE PAD

For annexation to Oro Valley, the River's Edge property must receive a PAD zoning designation based on the existing County-approved final development plan, a finding of Oro Valley General Plan compatibility, approved statement of modifications to underlying zoning district standards, and an approved statement of modifications to related development standards and codes. Such zoning districts, development standards and codes which provided the basis for prior approvals by Pima County are substituted for similar Oro Valley regulations and are incorporated directly into this PAD.

### 10-301 PURPOSE

The River's Edge PAD provides for flexibility of design and incorporation of superior development standards and design guidelines into land use controls for the property as per the rezoning approval by Pima County under case number CO9-85-72 and per the approval by the Pima County Design Review Committee of the Cluster Development Plan for the Uplands at River's Edge, which comprises approximately 69 percent of the site area, under case number CO20-94-1. Adoption and implementation of this PAD will:

- A. Insure that future growth and development in this portion of the peninsula annexation area will be consistent with the Oro Valley General Plan.
- B. Provide a variety of lot sizes, provide mixed land uses, preserve substantial natural open space, preserve significant topographic features, provide significant rights-of-way and circulation system linkages as well as pedestrian pathways, and conserve energy and water resources.
- C. Through efficient land use and infrastructure design, public services are facilitated and erosion and flood hazards are minimized. Local commercial services will reduce off-site automobile trips and will be easily accessible by pedestrians and bicycles to reduce energy consumption. Environmentally sensitive areas will be preserved and proper buffers and design controls will ensure harmony between land uses and adjoining neighborhoods.

### 10-302 GENERAL PROVISIONS

A. Site Area – River's Edge comprises 293.3 acres, of which 278.6 acres were the subject of County rezoning case CO9-85-72 and with the remaining area comprised of 11 lots which were subdivided in Pima County prior to County zoning.

**B. Open Space** -- The amount of open space to be restricted by pending subdivision plats of the Uplands and Highlands portion of the site and by plats of the single family residential subdivision south of Lambert Lane is 119.8 acres or 40.8 percent of total site area. Non-restricted open space will also be retained within the 11 rural estate lots at the east edge of the property, and other restricted open space will be preserved in other developments which have not yet been designed along the Lambert Lane corridor.

**C. Underlying Zoning Districts** -- The zoning districts approved by Pima County for the various development areas of the property include CR-2 (Cluster) for the Uplands and Highlands portion of the site, CR-5 for attached and detached single family residential, CR-5 for multi-family residential, TR for offices and CB-2 for the designated commercial area. The underlying Oro Valley zoning districts adopted herewith for this PAD are: R1-43, R1-10, R1-7, R4, R6, RS and C-2. The large lot area is zoned SR (legal substandard lots) and was not part of the rezoning proposal. Table 1 lists the Pima County zoning districts and shows corresponding underlying or base Oro Valley zoning districts that would be adopted, subject to modification of development standards, under this PAD. The standards and requirements for the Pima County zoning districts are incorporated herein as Appendix A-1 and are hereby substituted for all standards and requirements of the underlying Oro Valley zoning districts, notwithstanding which district, Oro Valley's or Pima County's, may be more or less restrictive in a particular instance. Appendix A-2 is the ordinance of the Pima County Board of Supervisors adopting the zoning, plus clarifying conditions and stipulations.

**D. Modifications to Development Standards** -- Table I also indicates that the development standards of the Pima County zoning districts, which are substituted for the underlying or base Oro Valley zoning districts, shall prevail.

**E. Summary** -- Table II lists the respective Oro Valley and Pima County ordinances which establish additional development standards affecting the design and control of land use under this PAD. In all instances the Pima County development standards in force and effect as of the date of approval of this PAD, which are incorporated herein as Appendix B, shall prevail.

The rationale for utilizing Pima County development standards to govern land use and development under this PAD has a broad and substantial foundation. First, Pima County development standards were taken into consideration in developing the concept for land use on the site and in the actual planning and design of the site. These standards were then reflected and relied upon in the

TABLE I

RIVER'S EDGE PAD

UNDERLYING ZONING DISTRICTS

Pima County Zoning District	Oro Valley Zoning District
SR -- E. Edge Est. Lots	R1-43
CR-2 -- (Cluster) Uplands	R1-20
CR-2 -- (Cluster) Highlands	R1-7
CR-5 -- Single Family	R-4
CR-5 -- Multi-Family	R-6
TR -- Office	R-S
CB-2 -- Activity Center	C-2

PREVAILING DEVELOPMENT STANDARDS

Permitted Uses	X
Conditional Uses	X
Area Ratios	X
Volume Ratios	X
Density	X
Lot Size	X
Lot Width	X
Building Height	X
Building Spacing	X
Accessory Buildings	X
Landscaping	X
Setbacks	X
Walls/Fences	X
Screening	X
Access	X

TABLE 2  
RIVERS EDGE PAD  
PREVAILING DEVELOPMENT STANDARDS

ORO VALLEY STANDARD	PREVAILING PIMA COUNTY STANDARD
Chapter 20 General Provisions	18.01 General Provisions
OVZCR Chapter 31 Definitions	18.03 General Definitions
OVZCR Chapter 23 Zoning Districts	18.07 General Regulations and Exceptions
OVZCR Chapter 23 Zoning Districts	18.09 General Residential and Rural Zoning Provisions
OVZCR Chapter 23 Zoning Districts	18.17, 18.23, 18.29, 18.31, 18.43, and 18.45 District Regulations (see App. A)
OVZCR Addendum I Hillside Development Zone	18.61 Hillside Development Overlay Zone
OVZCR Section 27.6 Landscape Conservation	18.73 Landscaping, Buffering, and Screening Standards
OVZCR Chapter 28 Signs	18.79 Sign Standards
OVZCR Section 27.9 Grading	18.81 Grading Standards
OVZCR Section 26.5 Provision of Recreational Area	No requirement

preparation of tentative and final plats which have been completed for a total of 297 lots on 240.5 acres of the property. The remaining unplatted areas north of Lambert Lane are still subject to precise land use determination and design, but it is readily apparent that certain provisions of Oro Valley's HDZ and grading ordinances would preclude the development and use of the sites as intended at the time the rezoning proposal was approved, and that other Oro Valley zoning standards could create hardship and confusion as well. It is better that all standards remain those initially approved in Pima County and already implemented thus far by platting of substantial areas, rather than to selectively apply some of the Oro Valley standards.

#### 10-304 PRELIMINARY DEVELOPMENT PLAN

A site analysis was prepared as a basis for the rezoning approval in 1985; however, copies of this document cannot be located at this time. A site analysis covering the 183 acre Uplands at River's Edge area was prepared as the basis for cluster review and approval in 1993-94 and is incorporated herein as Appendix C-1. Design guidelines were revised as a result of Design Committee input, the last revisions occurring March 24, 1994. These are incorporated herein as Appendix C-2. The Committee's action to approve the cluster is documented in Appendix C-3. A vegetation salvage strategy that was part of the earlier prepared site analysis is incorporated herein as Appendix C-4.

The approved and pending subdivision plats are incorporated herein as Appendices C-5 in fulfillment of the requirements of this section. Subsequent detailed development plans for unplatted R4 and R6 areas north of Lambert Lane and the RS/C-2 activity center will be formatted in accordance with section 10-104B of the Oro Valley code.

Landscape concepts and plans in support of the plats are incorporated herein as Appendix C-6. Plans not in conflict with the master landscaping concept will be submitted with future development proposals on remaining R4 and R6 properties and the RS/C-2 activity center.

Open space has been designated and platted in accordance with classifications and definitions approved by Pima County. The aforementioned appendices include numerous maps, definitions and descriptions depicting open space. Total open space to be restricted by plat comprises 134.2 acres, or 45.8 percent of the total site.

Page Six

**10-305 FINAL DEVELOPMENT PLAN**

**Actions by the Pima County Planning and Zoning Commission, Cluster Review Committee and Board of Supervisors documented in Appendix C constitute approval of a final general development plan for the total site and a final specific development plan for platted areas along Lambert Lane and the Uplands at River's Edge. Detailed final development plans will be required and subject to review by the Town of Oro Valley for the remaining R4 and R6 residential areas as well as the RS and C2 activity center north of Lambert Lane.**





## APPENDIX A

### 1 – DISTRICT REGULATIONS

SR  
CR-2 (includes CR-1)  
CR-5 (includes CR-4)  
TR (includes CR-5)  
CB-2 (includes TR and CB-1)

- 18.17.040 Development standards—  
General.
- 18.17.050 Development standards—  
Accessory buildings.
- 18.17.060 Cluster development option.

\* Prior ordinance history: Orda. 1985-82, 1985-111, 1985-152 and 1985-153.

**18.17.010 Purpose.**

A. Suburban ranch is intended as a low density zone principally for single-family residences and associated conditional uses on large lots. A wide range of agricultural and ranch uses are permitted. The large minimum lot size requirement of this zone insures a considerable reservation of open space. (Ord. 1986-66 § 1 (part), 1986)

**18.17.020 Permitted uses.**

**A. Permitted Uses:**

1. All uses as permitted in Section 18.09.020A (General Residential and Rural Zoning Provisions);

2. Temporary mobile home: For one year during construction of a residence on the same property.

a. Upon application this period may be extended for an additional one hundred eighty days, after the property owner provides the zoning inspector with a valid building permit for the construction of a residence on the same property. The zoning inspector shall notify adjoining property owners within one hundred feet of the subject property. If a written protest to the issuance of the one hundred eighty day extension is received within fifteen days of the date of mailing of notice, the board of adjustment shall hear the case in accordance with Section 18.93.040. If no written protests are received at the end of fifteen days, the zoning inspector shall issue the one hundred eighty day extension.

b. The board of adjustment shall hear any requests for additional time extensions in accordance with Section 18.93.040;

3. Commercial agricultural uses such as field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards and aviaries; in accordance with Section 18.21.010A3a (CR-1 Single Residence Zone);

**Chapter 18.17**

**SR SUBURBAN RANCH ZONE\***

**Sections:**

- 18.17.010 Purpose.
- 18.17.020 Permitted uses.
- 18.17.030 Conditional uses.

**4. Farm products stand, provided:**

a. The stand does not exceed two hundred square feet in area,

b. The sale of farm products shall be grown or produced on the premises,

c. There be a minimum of twenty feet to any street line,

d. There be a minimum of thirty feet to any other lot line,

e. A designated parking area be provided that is set back a minimum of twenty feet from any property line,

f. A designated driveway, no wider than thirty feet be provided, and

g. All driveways and parking areas shall be properly maintained and approved by the department of transportation and flood control district;

**5. The raising and marketing of poultry, rabbits and small animals, but no slaughtering of other than those raised on the premises: In accordance with Section 18.21.010A3a (CR-1 Single Residence Zone);**

**6. The grazing and raising of livestock, providing there is not more than one head of cattle, horse, sheep, goat or other similar animal more than six months of age per ten thousand square feet of lot area;**

**7. The raising of hogs, in accordance with Section 18.14.020A8 (GR-1 Rural Residential);**

**8. Temporary real estate office on any subdivision of record, provided:**

a. Any real estate broker licensed in the state of Arizona may apply for a temporary and revocable permit for a real estate office from the zoning inspector,

b. Such use shall be terminated at the end of one year from the date of the issuance of the permit for said office,

c. The zoning inspector may allow additional twelve-month extensions as long as sales activity is continued and ten percent or more of the lots remain unsold,

d. It is located on a full size lot and meets all zoning requirements applicable to the lot,

e. Sale of lots be only for the subdivision not separated by more than one street or alley,

f. A manufactured or mobile home shall not be permitted for this use,

g. The zoning inspector may require appropriate deed restrictions to insure that these conditions are complied with,

h. On or before the date of expiration of the permit period or any extension the real estate office shall be removed from the premises,

i. This structure may continue to be used for the following purposes:

1) A water company office servicing that subdivision, provided there is no outside storage of material or equipment,

2) An office for a functioning nonprofit homeowners' association, or

3) Community activities center under the homeowners' association. (Ord. 1991-34 § 1, 1991; Ord. 1986-125 § 1 (part), 1986; Ord. 1986-66 § 1 (part), 1986)

**18.17.030 Conditional uses.**

**A. Procedures.** In accordance with Chapter 18.97 (Conditional Use Procedures).

**B. Uses Conditionally Permitted (Type 1 Procedure).**

**1. Library:**

a. Minimum site area: Ten acres,

b. Maximum site coverage: Thirty percent,

c. All driveways and parking areas shall be properly maintained and approved by the department of transportation and flood control district,

d. Screening: In accordance with Chapter 18.73 (Landscape, Buffering and Screening Standards), and

e. All outdoor lighting shall be arranged to eliminate glare towards streets and adjoining properties, and shall meet all conditions of the County Light Pollution Code (Title 15 of this code);

**2. Playground or athletic field:**

a. Minimum setback to any property line: One hundred feet,

b. In accordance with Section 18.17.030B1;

3. Veterinary hospital:

- a. Minimum site: Five acres,
- b. Minimum setback from adjacent rural or residential zone for any structure: One hundred feet,
- c. In accordance with Section 18.17.030B1 (subsections b, c, d and e only).

4. Swimming school:

- a. Minimum setback to any property line from the edge of the swimming pool: fifty feet,
- b. No more than twelve students shall be in attendance at any one time at the swimming school.

C. Uses Conditionally Permitted (Type II Procedure).

1. Commercial riding stable or school:

- a. Minimum site area: Twenty acres,
- b. Minimum setback for stables, barns, animal sheds or shelters: One hundred feet,
- c. All outdoor lighting shall be arranged to eliminate glare towards streets and adjoining properties, and shall meet all conditions of the county Light Pollution Code (Title 15),
- d. Minimum setback from adjacent residential zones: Six hundred feet,
- e. No more than one horse be kept for each ten thousand square feet of land area, and
- f. All driveways and parking areas shall be maintained with a dust-proof material which will minimize the generation of dust and shall be approved by the department of transportation and flood control district;

2. Club or lodge (private, athletic, sport or recreation):

- a. Minimum site area: Ten acres,
- b. Minimum building setback: One hundred feet;
- c. All outdoor lighting shall be arranged to eliminate glare towards streets and adjoining properties, and shall meet all conditions of the county Light Pollution Code (Title 15), and
- d. No amplifiers or loud speakers of any kind shall be installed outside any buildings erected on the site;

3. Commercial kennel:

- a. Minimum site area: Ten acres,

b. Minimum setback from adjacent rural or residential zone for commercial kennel facilities: One hundred feet, and

c. Dog runs shall be within enclosed buildings;

4. Community stable:

- a. Minimum site area: Ten acres,
- b. Minimum setback from subdivision boundaries: Five hundred feet,
- c. No more than one horse be kept for each ten thousand square feet of land area,
- d. Minimum setbacks for community stable facilities and fencing: One hundred feet,
- e. All driveways and parking areas shall be maintained with a dust-proof material which will minimize the generation of dust and shall be approved by the department of transportation and flood control district,

f. No amplifiers or loudspeakers of any kind shall be installed outside any buildings erected on the site,

g. All outdoor lighting shall be arranged to eliminate glare towards streets and adjoining properties, and shall meet all conditions of the county Light Pollution Code (Title 15),

h. Such permit may be revoked when the non-profit community organization ceases to function or when the community stable is not properly maintained, and

i. Minimum setback from adjacent residential zones: Six hundred feet;

5. Minor resort: In accordance with Section 18.07.030F (General Regulations and Exceptions);

6. College or governmental structure: In accordance with Section 18.17.030D3;

7. Community service agency: In accordance with Section 18.17.030D3;

8. General aviation airstrip: In accordance with Chapter 18.57;

9. Ultralight airstrip: In accordance with Chapter 18.57.

D. Uses Conditionally Permitted (Type III Procedure):

1. Museum:

- a. In accordance with Section 18.17.030D3 (subsections a, b, d, e and f),

b. Minimum natural or revegetated buffer setback: One hundred feet from any property line, and

c. Notification area: Six hundred feet;

2. Private or parochial schools:

a. Minimum site area: Ten acres,

b. Maximum site coverage: Thirty percent,

c. Minimum setback for playground or athletic field: One hundred feet,

d. All driveways and parking areas shall be maintained with a dust-proof material which will minimize the generation of dust and shall be approved by the department of transportation and flood control district,

e. Screening: In accordance with Chapter 18.73 (Landscape, Buffering and Screening Standards), and

f. All outdoor lighting shall be arranged to eliminate glare towards streets and adjoining properties, and shall meet all conditions of the county Light Pollution Code (Title 15);

3. Residential substance abuse diagnostic and treatment facility:

a. Minimum site: Ten acres,

b. Minimum setback: One hundred feet from any property line,

c. Height: One story or eighteen feet,

d. Maximum lot coverage by structures: Seventy-five,

e. Maximum number of patient rooms: Seventy-five. (Ord. 1992-23 (part), 1992; Ord. 1986-215 (part), 1986; Ord. 1986-188 § 1 (part), 1986; Ord. 1986-125 § 1 (part), 1986; Ord. 1986-66 § 1 (part), 1986)

#### 18.17.040 Development standards—General.

A. Minimum site area: One hundred forty-four thousand square feet.

B. Minimum lot area per dwelling unit: One hundred forty-four thousand square feet.

C. Minimum setback requirements:

1. Front: Fifty feet;

2. Side: Ten feet each;

3. Side, when adjacent to street: Twenty feet;

4. Rear: Fifty feet.

D. Maximum building height: Thirty-four feet.

E. Maximum lot coverage by structures: Thirty percent.

F. Minimum distance between main buildings: Twenty feet. (Ord. 1986-66 § 1 (part), 1986)

#### 18.17.050 Development standards— Accessory buildings.

A. Permitted coverage: Ten percent of the total area of the rear and side yards.

B. Maximum height: Twenty-four feet.

C. Minimum distance requirements:

1. To main building: Seven feet;

2. To front lot line: One hundred feet;

3. To side and rear lot lines if building is not used for poultry or animals:

a. Not adjacent to street: Ten feet;

b. When adjacent to street: Fifty feet.

4. To side and rear lot lines if building is used for poultry or animals: One hundred feet. (Ord. 1993-79 § 1, 1993; Ord. 1986-66 § 1 (part), 1986)

#### 18.17.060 Cluster development option.

A. Purpose: The purpose of this option is to provide a wider latitude of design, additional usable open space, and more economical use of the land.

B. Refer to Section 18.09.040 (General Residential and Rural Zoning Provisions) for the general provisions of the cluster development option.

C. Permitted Uses. All uses as permitted in Section 18.09.020A1 (General Residential and Rural Zoning Provisions).

D. Conditional Uses: Community stable, in accordance with Section 18.17.030C4. (Ord. 1986-66 § 1 (part), 1986)

## Chapter 18.21

## CR-1 SINGLE RESIDENCE ZONE

## Sections:

- 18.21.010 Permitted uses.
- 18.21.020 Conditional uses.
- 18.21.030 Development standards—  
General.
- 18.21.040 Development standards—  
Detached accessory buildings.
- 18.21.050 Cluster development option.
- 18.21.060 Lot reduction option.

## 18.21.010 Permitted uses.

## A. Uses permitted:

1. All uses as permitted in Section 18.09.020A (General Residential and Rural Zoning Provisions);
2. Temporary trailer or manufactured home: In accordance with Section 18.17.020A2 (SR Suburban Ranch Zone);
3. Agriculture or horticulture:
  - a. Used only for the purpose of propagation and culture and not for retail sales, including any number of poultry, rabbits, and similar small animals.
  - b. On lots of not less than thirty-six thousand square feet not more than one head of cattle, horses, sheep, goats, or other similar animals more than six months of age per ten thousand square feet of lot area, excluding swine;
4. Private school: In accordance with Section 18.17.030D3 (SR Suburban Ranch Zone);
5. College or governmental structure: In accordance with Section 18.17.030C6 (SR Suburban Ranch Zone);
6. Community service agency: In accordance with Section 18.17.030C7 (SR Suburban Ranch Zone);
7. Library: In accordance with Section 18.17.030B1 (SR Suburban Ranch Zone);
8. Playground or athletic field: In accordance with Section 18.17.030B2 (SR Suburban Ranch Zone);

9. Temporary real estate office: In accordance with Section 18.17.020A8 (SR Suburban Ranch Zone);

10. Museum: In accordance with Section 18.17.030D2 (SR Suburban Ranch Zone). (Ord. 1986-125 § 1 (part), 1986; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

## 18.21.020 Conditional uses.

## A. Uses conditionally permitted:

1. Club or lodge: In accordance with Section 18.17.030C2 (SR Suburban Ranch Zone);
2. Community stable: In accordance with Section 18.17.030C4 (SR Suburban Ranch Zone). (Ord. 1986-125 § 1 (part), 1986; Ord. 1985-82 (part), 1985)

## 18.21.030 Development standards—General.

- A. Minimum lot area: Thirty-six thousand square feet.
- B. Minimum area per dwelling unit: Thirty-six thousand square feet.
- C. Minimum lot width: One hundred feet.
- D. Minimum yard requirements:
  1. Front: Thirty feet;
  2. Side: Ten feet each;
  3. Rear: Forty feet.
- E. Building height limitations:
  1. Maximum height: Thirty-four feet;
  2. Maximum stories: Two.
- F. Minimum distance between main buildings: Twenty feet, except as required in Section 18.09.020D (General Residential and Rural Zoning Provisions) for a rear dwelling. (Ord. 1985-82 (part), 1985)

## 18.21.040 Development standards—

## Detached accessory buildings.

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: Twenty-four feet.
- C. Minimum distance requirements:
  1. To main buildings: Seven feet;
  2. To front lot line: Sixty feet;

3. To side and rear lot lines:

a. Four feet if building is not used for poultry or animals,

b. Fifty feet if building is used for poultry or animals,

c. All horses, cattle, sheep, goats, or other similar animals must be confined within a stock-tight fence (no material shall be permitted not ordinarily used for a stock-tight fence) in an area of no less than four hundred square feet per animal. Such fenced-in area shall be set back ten feet from the rear where it abuts an IR, RH, GR-1, SR, SH, CR-1, CR-2, or MU zone and forty feet from the rear where it abuts a zone other than GR-1, RH, IR, SR, SH, CR-1, CR-2, or MU, and forty feet from a side property line. A setback of ten feet shall be permitted on the side yard where the adjacent property owners have a written recorded agreement to this effect, but, in no event, shall a corral be closer than fifty feet to any residence or living quarters in an abutting property. (Ord. 1985-187 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.21.050 Cluster development option.**

A. This option shall be permitted only for subdivided residential lots as allowed in this chapter, and their associated open space, in accordance with Section 18.09.040 (General Residential and Rural Zoning Provisions). (Ord. 1985-111 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.21.060 Lot reduction option.**

A. Refer to Section 18.09.050 (General Residential and Rural Zoning Provisions) for the general provisions of the lot reduction option.

B. Minimum lot size requirements for lots in a CR-1 subdivision may be approved by the board of supervisors for reduction from thirty-six thousand square feet to twenty-four thousand square feet in accordance with Section 18.09.050; provided, that in total there are no more individual one-family lots than one lot per gross acre of the area of the subdivision zoned CR-1. (Ord. 1985-82 (part), 1985)

**Chapter 18.23**

**CR-2 SINGLE RESIDENCE ZONE**

**Sections:**

- 18.23.010 Permitted uses.
- 18.23.020 Conditional uses.
- 18.23.030 Development standards—  
General.
- 18.23.040 Development standards—  
Detached accessory buildings.
- 18.23.050 Cluster development option.
- 18.23.060 Lot reduction option.
- 18.23.070 Lot development option.

**18.23.010 Permitted uses.**

**A. Uses permitted:**

1. Any use as permitted in Section 18.21.010 (CR-1 Single Residence Zone), but horses, cattle, sheep or goats shall not be kept on less than one commercial acre and not more than one such animal for each ten thousand square feet of lot area. (Ord. 1985-82 (part), 1985)

**18.23.020 Conditional uses.**

**A. Uses conditionally permitted:**

1. Any use as conditionally permitted in Section 18.21.020 (CR-1 Single Residence Zone). (Ord. 1985-82 (part), 1985)

**18.23.030 Development standards—General.**

**A. Minimum lot area:** Sixteen thousand square feet.

**B. Minimum area per dwelling unit:** Sixteen thousand square feet.

**C. Minimum lot width:** Eighty feet.

**D. Minimum yard requirements:**

- 1. Front: Thirty feet;
- 2. Side: Ten feet each;
- 3. Rear: Forty feet.

**E. Building height limitations:**

- 1. Maximum height: Thirty-four feet;
- 2. Maximum stories: Two.

**F. Minimum distance between main buildings:** Twenty feet except as required in Section 18.09.020D (General Residential and Rural



Zoning Provisions) for a rear dwelling. (Ord. 1985-82 (part), 1985)

**18.23.040 Development standards—  
Detached accessory buildings.**

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

B. Maximum height: Twenty-four feet.

C. Minimum distance requirements:

1. To main buildings: Seven feet;

2. To front lot line: Sixty feet;

3. To side and rear lot lines:

a. Four feet if building is not used for poultry or animals,

b. Fifty feet if building is used for poultry or animals,

c. All horses, cattle, sheep, goats, or other similar animals must be confined within a stock-tight fence (no material shall be permitted not ordinarily used for a stock-tight fence) in an area of no less than four hundred square feet per animal. Such fenced-in area shall be set back ten feet from the rear where it abuts an IR, RH, GR-1, SR, SH, CR-1, CR-2, or MU zone and forty feet from the rear where it abuts a zone other than GR-1, RH, IR, SR, SH, CR-1, CR-2, or MU, and forty feet from a side property line. A setback of ten feet shall be permitted on the side yard where the adjacent property owners have a written recorded agreement to this effect, but, in no event, shall a corral be closer than fifty feet to any residence or living quarters in an abutting property. (Ord. 1985-187 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.23.050 Cluster development option.**

A. This option shall be permitted only for subdivided residential lots as allowed in this chapter, and their associated open space, in accordance with Section 18.09.040 (General Residential and Rural Zoning Provisions). (Ord. 1985-111 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.23.060 Lot reduction option.**

A. Refer to Section 18.09.050 (General Residential

and Rural Zoning Provisions) for the general provisions of the lot reduction option.

B. Minimum lot size requirements for lots in a CR-2 subdivision may be approved by the board of supervisors for reduction from sixteen thousand square feet to twelve thousand square feet in accordance with Section 18.09.050, provided that in total there are no more individual one-family lots than two lots per gross acre of the area of the subdivision zoned CR-2. (Ord. 1985-82 (part), 1985)

**18.23.070 Lot development option.**

A. Refer to Section 18.09.060 (General Residential and Rural Zoning Provisions) for the provisions of the lot development option. (Ord. 1985-82 (part), 1985)

5. Temporary manufactured or mobile housing: In accordance with Section 18.17.010A2 (SR Suburban Ranch Zone):

6. Private school: In accordance with Section 18.17.030D3 (SR Suburban Ranch Zone):

7. Temporary real estate office: In accordance with Section 18.17.020A8 (SR Suburban Ranch Zone). (Ord. 1986-125 § 1 (part), 1986; Ord. 1985-82 (part), 1985)

**18.27.020 Conditional uses.**  
Reserved.

**18.27.030 Development standards—General.**  
A. Minimum site area: Seven thousand square feet.

B. Minimum site setbacks:

1. Front: Twenty feet;
2. Side: Ten feet each;
3. Rear: Ten feet.

C. Average area per dwelling unit:

1. Single detached dwelling: Seven thousand square feet;

2. Duplex or multiple dwellings: Three thousand five hundred square feet.

D. Maximum lot coverage: Fifty percent (for main buildings).

E. Minimum setback requirements: None. Zero lot-line siting of dwelling units on individual lots is permissible, subject to Pima County building codes (Title 15).

F. Building height limitations:

1. Maximum height: Thirty-four feet; and

## Chapter 18.27

### CR-4 MIXED-DWELLING TYPE ZONE

#### Sections:

- 18.27.010 Permitted uses.**
- 18.27.020 Conditional uses.**
- 18.27.030 Development standards—General.**
- 18.27.040 Development standards—Accessory structures.**
- 18.27.050 Small lot subdivision option.**
- 18.27.060 Lot development option.**

#### **18.27.010 Permitted uses.**

##### A. Uses permitted:

1. All uses as permitted in Section 18.09.020A (General Residential and Rural Zoning Provisions):

2. Duplex dwelling;
3. Multiple dwelling;
4. Recreational facilities;

2. In all areas restricted by the hillside development zone (Chapter 18.61, HD Hillside Development Zone), no building shall exceed two stories;

3. In areas adjacent to scenic routes (Section 18.77.040, Roadway Frontage Standards) within two hundred feet of a property line, no buildings shall exceed twenty-four feet;

4. In areas designated as historic zones (Chapter 18.63, Historic Zone) no buildings shall exceed two stories.

G. Minimum distance between main multiple dwelling buildings: Ten feet. (Ord. 1985-82 (part), 1985)

**18.27.040 Development standards—  
Accessory structures.**

A. Permitted coverage: Maximum five percent of the individual lot area.

B. Height limitation: Twelve feet.

C. Minimum setback requirements:

1. From main building(s): Seven feet;

2. From property lines: In accordance with applicable Pima County building codes (Title 15). (Ord. 1988-151 § 1 (part), 1988; Ord. 1985-82 (part), 1985)

**18.27.050 Small lot subdivision option.**

A. Refer to Section 18.09.080 (General Residential and Rural Zoning Provisions) for the general provisions of the small lot subdivision option.

B. Development standards: As provided in Section 18.27.030, except that the average area per dwelling unit shall be a minimum of three thousand five hundred square feet. (Ord. 1985-82 (part), 1985)

**18.27.060 Lot development option.**

A. Refer to Section 18.09.060 (General Residential and Rural Zoning Provisions) for the

provisions of the lot development option. (Ord. 1985-82 (part), 1985)

**Chapter 18.29**

**CR-5 MULTIPLE RESIDENCE ZONE**

**Sections:**

**18.29.010 Permitted uses.**

**18.29.020 Conditional uses.**

**18.29.030 Development standards—  
General.**

**18.29.040 Development standards—  
Accessory structures.**

**18.29.050 Small lot subdivision option.**

**18.29.060 Lot development option.**

**18.29.010 Permitted uses.**

A. Any use as permitted in Section 18.27.010 (CR-4 Mixed-Dwelling Type Zone). (Ord. 1985-82 (part), 1985)

**18.29.020 Conditional uses.**

Reserved.

**18.29.030 Development Standards—General.**

A. Minimum site area: Six thousand square feet.

B. Minimum site setbacks:

1. Front: Twenty feet;

2. Side: Ten feet each;

3. Rear: Ten feet.

C. Average area per dwelling unit:

1. Single detached dwelling: Six thousand square feet;

2. Duplex or multiple dwellings: Two thousand square feet.

D. Maximum lot coverage: Fifty percent (for main buildings).

E. Minimum setback requirements: None. Zero lot-line siting of dwelling units on individual lots is permissible, subject to Pima County building codes (Title 15).

F. Building height limitations:

1. Maximum height: Thirty-four feet; and

2. In all areas restricted by the hillside development zone (Chapter 18.61, HD Hillside Development Zone), no building shall exceed two stories;

3. In areas adjacent to scenic routes (Section 18.77.040, Roadway Frontage Standards) within two hundred feet of a property line, no buildings shall exceed twenty-four feet;

4. In areas designated as historic zones (Chapter 18.63, Historic Zone) no buildings shall exceed two stories.

G. Minimum distance between main multiple dwelling buildings: Ten feet. (Ord. 1985-82 (part), 1985)

**18.29.040 Development standards—  
Accessory structures.**

A. Permitted coverage: Maximum five percent of the individual lot area.

B. Height limitation: Twelve feet.

C. Minimum setback requirements:

1. From main building(s): Seven feet;

2. From property lines: In accordance with applicable Pima County building codes (Title 15). (Ord. 1988-151 § 1 (part), 1988; Ord. 1985-82 (part), 1985)

**18.29.050 Small lot subdivision option.**

A. Refer to Section 18.09.080 (General Residential and Rural Zoning Provisions) for the general provisions of the small lot subdivision option.

B. Development standards: As provided in Section 18.29.030, except that the average area per dwelling unit shall be a minimum of two thousand square feet. (Ord. 1985-82 (part), 1985)

**18.29.060 Lot development option.**

A. Refer to Section 18.09.060 (General Residential and Rural Zoning Provisions) for the provisions of the lot development option. (Ord. 1985-82 (part), 1985)

**Chapter 18.31**

**TR TRANSITIONAL ZONE**

**Sections:**

- 18.31.010 Permitted uses.
- 18.31.020 Conditional uses.
- 18.31.030 Development standards—  
Residential.
- 18.31.040 Development standards—  
Nonresidential.
- 18.31.050 Development standards—  
Detached accessory buildings.

**18.31.010 Permitted uses.**

A. Any use as permitted in Sections 18.25.010 (CR-3 Single Residence Zone), 18.27.010 (CR-4 Mixed-dwelling Type Zone) and 18.29.010 (CR-5 Multiple Residence Zone).

B. Additional uses permitted:

- 1. Private school;
- 2. College or governmental structure;
- 3. Community service agency;
- 4. Library or museum;
- 5. Playground or athletic field;
- 6. Hospital or sanatorium;
- 7. Clinic or dispensary;
- 8. Club;
- 9. Private club or lodge (nonprofit);
- 10. Community storage garage;
- 11. Child care center;
- 12. Professional or semi-professional office;
- 13. Real estate office;
- 14. Insurance adjuster's office, which may include a drive-through facility;
- 15. Motel or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than one hundred feet to a public street:
  - a. Retail shops,
  - b. Personal services,
  - c. Recreational facilities,
  - d. Restaurant,
  - e. Beverage service;
- 16. Administrative, engineering, scientific

research, design or experimentation facility, and such processing and fabrication as may be necessary thereto, provided:

a. All such operations be completely housed within buildings located on a site of no less than ten thousand square feet,

b. All such buildings shall set back not less than twenty-five feet from any property line abutting a residential zone,

c. A dust-proofed off-street parking area be provided for all such vehicles incidental to said operation,

d. One additional such parking space be provided for each three persons regularly employed on said premises,

e. Buffering and screening is provided in accordance with Chapter 18.73, Landscaping, Buffering and Screening Standards,

f. There is no manufacturing or warehousing of goods for sale at wholesale or retail, and

g. Any activity conducted on said premises shall be free of dust, noxious smoke, fumes, odors or unusual vibrations or noise;

17. Nonexpressed residential uses: All residential uses not expressly permitted in any other residential zone and which are not otherwise unlawful, injurious to the general health or welfare, or specifically excluded. (Ord. 1985-171, § 1 (part), 1985; Ord. 1985-153, § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.31.020 Conditional uses.**  
Reserved.

**18.31.030 Development standards—  
Residential.**

**A. Minimum lot or site area:**

1. Single-family detached dwelling unit (lot): Four thousand five hundred square feet;

2. Duplex or multiple dwelling unit (site): Ten thousand square feet.

**B. Minimum area per dwelling unit:**

1. Single-family detached dwelling unit: Four thousand five hundred square feet;

2. Duplex or multiple dwelling unit: One thousand square feet.

**C. Minimum lot or site width:**

1. Single-family detached dwelling unit (lot): Forty feet;

2. Duplex or multiple dwelling unit (site): Sixty feet.

**D. Minimum lot or site yard requirements:**

1. Single-family detached dwelling unit (lot):

a. Front: Twenty feet;

b. Side: None. Zero lot-line siting of dwelling units on individual lots is permissible, subject to Pima County Building Codes (Title 15);

c. Rear: Ten feet.

2. Duplex or multiple dwelling unit (site):

a. Front: Twenty feet;

b. Side: Seven feet each;

c. Rear: Twenty-five feet.

**E. Building height limitations:**

1. Maximum height: Thirty-four feet; and

2. In areas restricted by the hillside development zone (Chapter 18.61, HD Hillside Development Zone), no building shall exceed two stories;

3. In areas adjacent to scenic routes (Section 18.77.040, Roadway Frontage Standards) within two hundred feet of a property line, no building shall exceed twenty-four feet;

4. In areas designated as historic zones (Chapter 18.63, Historic Zone) no buildings shall exceed two stories; and

5. For all conditionally approved rezonings that do not have an ordinance for TR, if a third story is requested within the thirty-four-foot height limit, approval shall be requested at a noticed board of supervisors public hearing.

**F. Minimum distance between main buildings:** Fourteen feet. (Ord. 1992-60 § 1, 1992; Ord. 1985-82 (part), 1985)

**18.31.040 Development standards—  
Nonresidential.**

**A. Minimum lot area:** None.

**B. Minimum lot width:** Sixty feet.

**C. Minimum yard requirements:**

1. Front: Twenty feet;

2. Side: Seven feet each;
3. Rear: Twenty-five feet.

**D. Building height limitations:**

1. Maximum height: Thirty-four feet; and
2. In areas restricted by the hillside development zone (Chapter 18.61, HD Hillside Development Zone), no building shall exceed two stories;
3. In areas adjacent to scenic routes (Section 18.77.040, Roadway Frontage Standards) within two hundred feet of a property line, no building shall exceed twenty-four feet;
4. In areas designated as historic zones (Chapter 18.63, Historic Zone) no buildings shall exceed two stories; and
5. For all conditionally approved rezonings that do not have an ordinance for TR, if a third story is requested within the thirty-four-foot height limit, approval shall be requested at a noticed board of supervisors public hearing.

**E. Minimum distance between main buildings:** Fourteen feet. (Ord. 1985-82 (part), 1985)

**18.31.050 Development standards—  
Detached accessory buildings.**

**A. Permitted coverage:** Forty percent of the minimum rear yard area plus fifty percent of any additional space in the rear of the principal building.

**B. Maximum height:** Twenty-four feet.

**C. Minimum distance requirements:**

1. To main buildings: Seven feet;
2. To front lot line: Sixty feet;
3. To side lot lines: Four feet;
4. To rear lot line:

a. Four feet if building is not used for poultry or animals,

b. Fifteen feet if building is used for poultry or animals. (Ord. 1985-82 (part), 1985)

- 18.43.040 Conditional uses.
- 18.43.050 Development standards—  
Nonresidential.
- 18.43.060 Development standards—  
Residential.
- 18.43.070 Development standards—  
Detached accessory buildings.
- 18.43.080 Lot development option.

18.43.010 Purpose.  
Reserved.

**18.43.020 Performance standards.**

A. All Section 18.43.030B uses shall be conducted wholly within a completely enclosed building unless otherwise specified and any use operating as a store, shop, or business shall be a retail establishment. All products produced on the premises shall be sold at retail on the premises.

**B. Performance standards:**

1. The following performance standards shall apply to the uses of Section 18.43.030I:

a. Noise or vibration: No noise or vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of seven a.m. and seven p.m., or of thirty seconds or more duration in any one hour during the hours of seven p.m. to seven a.m.;

b. Smoke: No emission of smoke from any source shall be permitted;

c. Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines;

d. Fly ash, dust, fumes, vapors, gases and other forms of air pollution: No emission shall be permitted which can cause any damage to health, to animals or vegetation, or other forms of property, which can cause any excessive soiling; and

e. Liquids and solid waste: No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in

**Chapter 18.43**

**CB-1 LOCAL BUSINESS ZONE**

**Sections:**

- 18.43.010 Purpose.
- 18.43.020 Performance standards.
- 18.43.030 Permitted uses.

the public sewage system which endangers the normal operation of the public sewage system.

2. **Certifications:** The zoning inspector shall not issue a permit for any use until the applicant has provided the required number of plans showing the certificates of the department of transportation and flood control district, traffic engineer, and health department director certifying that said use complies with all laws and regulations under their jurisdiction, and the zoning inspector has determined that the use complies with this chapter. (Ord. 1989-96 § 1 (part), 1989; Ord. 1985-82 (part), 1985)

#### 18.43.030 Permitted uses.

A. Any use as permitted in Section 18.31.010B (TR Transitional Zone).

B. The following uses, as restricted in Section 18.43.020A:

1. Air conditioning, heating, and ventilating fixtures or supplies: Retail, all within enclosed building;
2. Antique store;
3. Apparel store;
4. Art needlework or hand-weaving establishment;
5. Art gallery or store: The "patio" architectural design concept is allowed;
6. Art or drawing supply store;
7. Auto mechanical repair: In conjunction with service stations on state or federal highways only, provided there is no outside storage of autos or parts, and no body or fender work, painting or upholstering;
8. Auto parking lot (within or without a building): Subject to the provisions of Section 18.75.030B (Off-Street Parking and Loading Standards);
9. Automobile accessories, parts and supplies; provided, that there is no installation, repair, rebuilding, modification, or outside storage of parts on the premises;
10. Automobile lubrication and oil change operation;

11. Automobile tires, batteries and accessories installation in conjunction with a department store;

12. Bakery;

13. Bank;

14. Barbershop;

15. Beauty shop;

16. Bicycle shop: No sales or servicing of motor scooters or motorcycles;

17. Billiard or poolhall;

18. Book, newspapers, or magazine store;

19. Burglar alarm service;

20. Cafe or lunchroom:

a. Provided no dancing is allowed and no alcoholic beverages sold except beer and wine,

b. The "patio" architectural design concept is allowed;

21. Catering service;

22. Church;

23. Cigar store;

24. Cleaning, dyeing, laundry collection agency;

25. Confectionery store;

26. Custom dressmaking, millinery, hemstitching or pleating;

27. Custom weaving or mending;

28. Dealer in coins, stamps or similar collector's items;

29. Delicatessen;

30. Dental laboratory;

31. Department store;

32. Drugstore;

33. Dry goods or notions store;

34. Electrical appliance store;

35. Feed store: No sales or storage of hay;

36. Fix-it shop, small appliances;

37. Florist shop;

38. Frozen food locker;

39. Fruit or vegetable store;

40. Furniture store;

41. Garage: For public storage only;

42. Gasoline service station (incidental repairing only); Subject to:

a. The provisions of Section 18.07.030A (General Regulations and Exceptions),



b. No gasoline or other flammables be stored above ground level, except in legally accepted containers of fifty-five gallons or less and no more than three such containers, and

c. The dispensing of gasoline or any flammables into a fuel tank or into a legally accepted container, using manually controlled nozzles only, shall be under the supervision of a competent attendant at all times;

43. Gift, curio, or novelty shop;
44. Grocery store;
45. Hardware store;
46. Hotel;
47. House furnishing store;
48. Ice cream store: The "patio" architectural design concept is allowed;
49. Ice station: For packaged sales only;
50. Interior decorator;
51. Jewelry and watch repair;
52. Jewelry store;
53. Laundromat, laundry and dry cleaning units, provided the same occupy no more than three thousand square feet of gross floor area;
54. Leather goods store;
55. Library: Rental or public;
56. Liquor store: For packaged sales only, including wine tasting;
57. Locksmith;
58. Meat, fish or dressed poultry market, provided no live poultry are kept on premises;
59. Mechanical and electronic games arcade: In districts containing a minimum of four commercial acres and at least seven thousand eight hundred square feet of net leasable area;
60. Medical laboratory;
61. Messenger office;
62. Music, phonograph or radio store;
63. Office: Business, professional or semi-professional;
64. Orthopedic appliances (trusses, wheelchairs, etc.);
65. Pet grooming;
66. Pet shop;
67. Photograph studio;
68. Photographic supply store;

69. Plant nursery: All landscape contractor's supplies, fertilizers and chemicals shall be stored indoors;

70. Plumbing fixtures and supplies: Retail, all within enclosed building;
71. Postal station;
72. Pressing establishment;
73. Reducing salon: Not to include massage establishments;
74. Refreshment stand;
75. Religious rescue mission or temporary revival;
76. Safe depository;
77. School: Barber or beauty culture;
78. School: Business;
79. School: Dancing;
80. School: Dramatic;
81. School: Handicraft, painting or sculpture;
82. School: Music;
83. Self-service car wash; provided, that neither steam cleaning nor engine repair shall be allowed on the premises;
84. Shoe repair shop;
85. Shoe store;
86. Sidewalk sales associated with existing retail business, lasting no longer than three days, in any thirty-day period;
87. Sporting goods, hunting and fishing equipment store;
88. Station: Bus or stage;
89. Stationery store;
89. Tailor shop;
91. Taxicab stand;
92. Taxidermist;
93. Theater: Except drive-in or outdoor theater;
94. Tire store: Including incidental repair of shocks and brakes with no outdoor storage or display;
95. Tool or cutlery sharpening;
96. Toy or hobby shop;
97. Trailer rental: In conjunction with service stations on state or federal highways only, provided there is no outside storage of autos or parts, and no body or fender work, painting or upholstering;

- 98. Trust company;
  - 99. Upholstery shop and supplies;
  - 100. Variety store;
  - 101. Veterinary-outpatient clinic for small animals:
    - a. No boarding allowed;
    - b. Overnight confinement for clinic treatment permitted for a maximum of five animals;
  - 102. Wallpaper sales, paper hanging;
  - 103. Water, telephone or telegraph distribution installation or electrical receiving or distribution station (within or without a building): Subject to the provisions of Section 18.07.040B (General Regulations and Exceptions);
  - 104. Wholesale of oil: In conjunction with service stations on state or federal highways only, provided there is no outside storage of autos or parts, and no body or fender work, painting or upholstering;
  - 105. Other similar enterprise or business of the same class, which in the opinion of the Board of Supervisors, as evidenced by resolution of record, is not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses above enumerated.
- C. Retail sale, rental or display of:**
- 1. Clothing or accessories;
  - 2. Household appliances;
  - 3. Office equipment and business machines: Repair work permitted, but limited to no more than twenty-five percent of gross floor area of the business;
  - 4. Oxygen equipment for medical outpatient uses;
  - 5. Painting equipment or supplies, including varnish;
  - 6. Secondhand goods: Personal, furniture, books, magazines; no secondhand auto parts;
  - 7. Venetian blinds;
  - 8. Window shades.
- D. Accessory building or use (not involving open storage):** When located on the same building site.
- E. Trailer or manufactured or mobile home for caretaker:** In conjunction with a permitted use in

a rural area, as determined by the zoning inspector.

**F. Administrative, engineering, scientific research and development, design or experimentation facility, and such treatment, processing, and fabrication as may be necessary thereto; provided, that:**

- 1. All such operations be completely housed within buildings located on a site of not less than ten thousand square feet;
  - 2. All such buildings shall be set back not less than twenty-five feet from any property line abutting a residential zone;
  - 3. A dust-proofed, off-street parking area be provided for all vehicles incidental to said operation;
  - 4. One additional parking space be provided for each three persons regularly employed on said premises;
  - 5. Buffering and screening provided in accordance with Chapter 18.73, Landscaping, Buffering and Screening Standards;
  - 6. Any activity conducted on said premises shall be free of dust, noxious smoke, fumes, odors or unusual vibrations or noise discernible beyond the property line;
  - 7. The architecture of all structures shall be compatible with the surrounding area; and
  - 8. All open areas of an improved lot shall be maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover, undisturbed natural growth, or by covering with material that will provide an all-weather surface.
- G. Restaurant, including a restaurant liquor license:**
- 1. Upon condition that the cocktail lounge or bar has no separate outside entrance;
  - 2. A dance floor with a maximum of two hundred square feet is permitted for customer dancing only; and
  - 3. The applicant shall provide the zoning inspector with an approve Type I conditional use permit.
- H. Trailer or manufactured or mobile unit for temporary office use:** Only during the construc-

tion of a permanent building not to exceed a period of twelve months.

I. The following uses, as restricted in Section 18.43.020B:

1. Blueprinting;
2. Photostating;
3. Engraving, photo-engraving;
4. Duplicating, mimeographing, multigraphing;
5. Addressographing;
6. Newspaper office;
7. Printing or publishing. (Ord. 1993-55 § 1, 1993; Ord. 1989-96 § 1 (part), 1989; Ord. 1988-150 § 1, 1988; Ord. 1985-171 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### 18.43.040 Conditional uses.

A. Procedures. In accordance with Chapter 18.97 (Conditional Use Procedures).

B. Uses Conditionally Permitted (Type 1 Procedure).

1. Feed store: Including sales and outdoor storage of hay. The applicable fire district shall receive written notice of the conditional use application and of all public hearings. (Ord. 1993-78 § 1, 1993)

#### 18.43.050 Development standards— Nonresidential.

A. Minimum lot area: None.

B. Minimum lot width: None.

C. Minimum yard requirements:

1. Front: Twenty feet, which may be used to meet off-street parking requirements, or as part of an off-street parking lot;

2. Side: None;

3. Rear: Twenty-five feet, except as provided in Section 18.07.050G (General Regulations and Exceptions) for a corner lot, which may be used to meet off-street parking requirements, or as a part of an off-street parking lot.

D. Maximum building height: Thirty-nine feet.

E. Minimum distance between main buildings: None. (Ord. 1985-82 (part), 1985)

#### 18.43.060 Development standards— Residential.

A. Minimum lot area: Ten thousand square feet.

B. Minimum lot area per dwelling unit: One thousand square feet.

C. Minimum lot width: Sixty feet.

D. Minimum yard requirements:

1. Front: Twenty feet, which may be used to meet off-street parking requirements, or as part of an off-street parking lot;

2. Side: Seven feet each;

3. Rear: Twenty-five feet except as provided in Section 18.07.050G (General Regulations and Exceptions) for a corner lot, which may be used to meet off-street parking requirements, or as a part of an off-street parking lot.

E. Building height limitations:

1. Maximum height: Thirty-four feet; and

2. In areas restricted by the Hillside Development Zone (Chapter 18.61, HD Hillside Development Zone), no building shall exceed two stories;

3. In areas adjacent to scenic routes (Section 18.77.040, Roadway Frontage Standards) within two hundred feet of a property line, no building shall exceed twenty-four feet;

4. In areas designated as historic zones (Chapter 18.63, Historic Zone) no buildings shall exceed two stories; and

5. For all conditionally approved rezonings that do not have an ordinance for CB-1, if a third story is requested within the thirty-four-foot height limit for residential use, approval shall be requested at a noticed board of supervisors public hearing.

F. Minimum distance between main buildings: Fourteen feet. (Ord. 1985-82 (part), 1985)

#### 18.43.070 Development standards— Detached accessory buildings.

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

**B. Maximum building height:**

1. Within the required rear yard: Twenty-four feet;
2. Within the buildable area: Two stories or thirty-four feet.

**C. Minimum distance requirements:**

1. To main buildings: Seven feet;
2. To front lot line: Twenty feet;
3. To side lot lines: None;
4. To rear lot line: Four feet. (Ord. 1985-82 (part), 1985)

**18.43.080 Lot development option.**

A. Refer to Section 18.09.060 (General Residential and Rural Zoning Provisions) for the provisions of the lot development option. (Ord. 1985-82 (part), 1985)

**Chapter 18.45****CB-2 GENERAL BUSINESS ZONE****Sections:**

<b>18.45.010</b>	<b>Purpose.</b>
<b>18.45.020</b>	<b>Performance standards.</b>
<b>18.45.030</b>	<b>Permitted uses.</b>
<b>18.45.040</b>	<b>Conditional uses.</b>
<b>18.45.050</b>	<b>Development standards— Nonresidential.</b>
<b>18.45.060</b>	<b>Development standards— Residential.</b>
<b>18.45.070</b>	<b>Development standards— Detached accessory buildings.</b>
<b>18.45.080</b>	<b>Lot development option.</b>
<b>18.45.010</b>	<b>Purpose.</b>
<b>Reserved.</b>	
<b>18.45.020</b>	<b>Performance standards.</b>
<b>Reserved.</b>	

**18.45.030 Permitted uses.**

A. Any uses as permitted in Section 18.31.010 (TR Transitional Zone) and in Section 18.43.030 (CB-1 Local Business Zone).

**B. Additional uses:**

1. Advertising sign or structure: In accordance with Chapter 18.79 (Sign Standards);
2. Ambulance service;
3. Amusement or recreational enterprise (within a completely enclosed structure), including:
  - a. Billiard or pool hall,
  - b. Bowling alley,
  - c. Dancehall,
  - d. Gymnasium,
  - e. Penny arcade or shooting gallery,
  - f. Skating rink,
  - g. Sports arena;
4. Amusement or recreational enterprise (out-door), including:
  - a. Archery range,
  - b. Miniature golf or practice driving or putting range,
  - c. Games of skill or science,
  - d. Pony riding ring without stables,
  - e. Swimming pool or commercial beach or bathhouse,
  - f. Tennis court;
5. Auction: Public (no animals);
6. Auditorium or assembly hall;
7. Auto rental garage;
8. Auto repair: No body or fender work, painting or upholstery, except as incidental;
9. Bar;
10. Baths: Turkish, Swedish, steam, etc.;
11. Battery service: No body or fender work, painting or upholstery, except as incidental;
12. Billboard: In accordance with Chapter 18.79 (Sign Standards);
13. Blueprinting;
14. Boats: Storage or rental;
15. Cemetery or crematory; provided, that:
  - a. Cemeteries for human remains shall be located on a site of not less than five acres,
  - b. For animal pets not less than one acre, and

c. No crematory be erected closer than five hundred feet from any boundary of said site adjoining property in a rural or residential zone;

16. Cleaning establishment: If:

a. Only two clothes cleaning units of not more than forty pounds rated capacity, and

b. Using cleaning fluid which is noninflammable and nonexplosive at temperatures below 138.5° F;

17. Club: Athletic, private, social, sport or recreational (operated for profit), except sports stadium or field;

18. Cocktail lounge;

19. Drive-in theater, provided:

a. The face of any projection screen be not visible from any county road or any street or route shown on the major streets and routes plan which is within five hundred feet of said screen,

b. The site for said theater shall consist of not less than ten acres of land and be a single tract or parcel not intersected or divided by any street, alley or by property belonging to any other owners,

c. Any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets,

d. The plans for said theater shall have been approved by the county traffic engineer, indicating no undue traffic congestion due to the location and arrangement of the theater, including the car rows and aisles and minimizing the danger of fire and panic,

e. Acceleration and deceleration lanes shall be provided along the public thoroughfare adjacent to the entrance and exit of the theater,

f. Parking space or storage lanes for patrons awaiting admission shall be provided on the site in an amount equal to not less than thirty percent of the vehicular capacity of the theater,

g. Vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract on which the theater is located,

h. Emergency exits shall be provided,

i. Sanitary facilities and the method of food

handling shall be approved by the county health department,

j. Definite plans for shrubbery and landscaping shall be presented to the zoning inspector and made a part of the permit,

k. The nearest point of the theater property, including driveways and parking areas, shall be at least seven hundred fifty feet from the boundary of a district zoned for residential use, and

l. All other conditions of the zone are fully observed;

20. Fair, carnival or tent show for not longer than fifteen days: If sufficient parking area for patrons is provided;

21. Fortune telling;

22. Garage: Public (for commercial use);

23. Gymnasium;

24. Handyman shop;

25. Industrial or trade school: Teaching operations or occupation permitted in this zone;

26. Jukebox or coin machine business: Limited to assembly, repair and servicing;

27. Kennels, provided no such building or structure be within one hundred feet of any boundary of said site abutting property in a rural or residential zone;

28. Laundry: Steam or wet-wash;

29. Lawnmower repairing;

30. Lumberyard, retail, provided no machinery is used other than a rip saw and cut-off saw;

31. Massage establishment;

32. Mattress shop: For repairing only (no renovating);

33. Mechanical or steam washracks: No body or fender work, painting or upholstery, except as incidental;

34. Merchandise broker's display: Wholesale;

35. Motorcycle or motor scooter repair or storage;

36. Mortuary or embalming establishment or school;

37. Nightclub;

38. Oxygen equipment: Rental or distribution;

39. Pawn shop;

- 40. Photostating;
- 41. Piano repairing;
- 42. Racetrack or sports stadium: provided:
  - a. Any racetrack conducted for profit must be licensed by the State Racing Commission,
  - b. Any incidental uses in connection with said racetrack or sports stadium not otherwise permitted in the zone where located shall be first approved by the board of adjustment (refer to Chapter 18.93, Board of Adjustment Variances, Temporary Use Permits and Interpretations) as a use incidental to and commonly associated with a racetrack;
  - c. A permit may be used for a practice racetrack, if operated by the owner of the site thereof, and not conducted for profit or charging admission to spectators,
  - d. No portion of any track, stables or grandstand authorized by this provision shall be within two hundred feet of any boundary of its site adjoining any property in a rural or residential zone, and
  - e. The applicant for the permit shall provide the zoning inspector with the written consent of seventy-five percent of the owners, by number and area, of property within five hundred feet of the boundary of the site for which the permit is sought;
- 43. Radio or television tower or booster station, provided such tower is no closer to any boundary of said site than the height thereof;
- 44. Record recording studio or sound score production: No manufacturing or treatment of records;
- 45. Reducing salon;
- 46. Refrigeration installation or service;
- 47. School or college: Operated as a commercial enterprise, for dancing or musical instruction;
- 48. Sign painting shop;
- 49. Taverns;
- 50. Trade show, industrial show or exhibition;
- 51. Truck-trailer repair: In conjunction with a truck stop, on a state or federal highway only;
- 52. Upholstery shop;

53. Veterinary hospital, provided no such building or structure be within one hundred feet of any boundary of said site abutting property in a rural or residential zone.

**C. Sale, rental or display of:**

- 1. Airplanes or parts;
- 2. Automobiles;
- 3. Barber's supplies or beauty shop equipment;
- 4. Butcher's supplies;
- 5. Clothing or accessories: Retail or wholesale;
- 6. Contractor's equipment or supplies;
- 7. Drugs or medical, dental or veterinary supplies: Retail or wholesale;
- 8. Farm equipment or machinery;
- 9. Feed: No wholesale;
- 10. Garage equipment;
- 11. Hardware;
- 12. Hotel equipment or supplies;
- 13. Household appliances, sewing machines, etc.: Retail or wholesale;
- 14. Machinery: Commercial and industrial;
- 15. Manufactured or mobile homes;
- 16. Monuments or tombstones: No wholesale;
- 17. Office equipment: Sales, business machines, etc. (retail or wholesale);
- 18. Painting equipment or supplies: Paint, varnish, etc.;
- 19. Pets: No boarding or hospital;
- 20. Plastic or plastic products: Wholesale and assembly only;
- 21. Plumbing, heating and ventilating fixtures or supplies: Retail or wholesale;
- 22. Restaurant or soda fountain equipment or supplies;
- 23. Secondhand goods: Personal, furniture, books, magazines, automobiles, but no secondhand supplies;
- 24. Tents or awnings;
- 25. Trunks or luggage: Retail or wholesale;
- 26. Upholsterer's supplies: Retail or wholesale;
- 27. Venetian blinds: Retail or wholesale;
- 28. Window shades: Retail or wholesale.

**D. Light manufacturing or assembling incidental to retail sales from the premises; provided, that not more than twenty-five percent of the**

floor area occupied by such business is used for manufacturing, processing, assembling, treatment, installation and repair of products.

E. Wholesaling of products permitted in Section 18.45.030C, unless specifically prohibited, with storage space not exceeding one thousand five hundred square feet of floor area.

F. Warehouse or self storage facility only for the storing of household and personal property (no commercial storage) with no commercial transactions permitted other than the rental of the storage units:

1. Single-story self storage facilities, provided that:
  - a. The maximum site be one hundred thirty thousand six hundred eighty square feet (three acres);
  - b. All storage be in an enclosed building;
  - c. The structure be one story with a maximum height of nineteen feet;
  - d. A decorative masonry wall shall be constructed around the perimeter except for the entry and exit. Minimum height six feet, maximum eight feet and front wall shall set back ten feet from property line;
  - e. All access lanes be of a paved or concrete surface;
  - f. Buffering and screening is provided in accordance with Chapter 18.73, Landscaping, Buffering and Screening Standards; and
  - g. No activity occurs other than the loading and unloading of household and personal property.
2. Multi-story self storage facilities, provided that:
  - a. Such use is a Type 1 conditional use subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 18.97;
  - b. The maximum site be one hundred thirty thousand six hundred eighty square feet (three acres);
  - c. All storage be in an enclosed building;
  - d. The structure be a single building, maximum of two stories (twenty-four feet in height);
  - e. A decorative masonry wall shall be constructed around the perimeter except for the entry and exit. Minimum height six feet, maximum height eight feet and front wall shall set back ten feet from property line;

f. All access lanes be of a paved or concrete surface;

g. Buffering and screening is provided in accordance with Chapter 18.73, Landscaping, Buffering and Screening Standards; and

h. No activity occurs other than the loading and unloading of household and personal property.

G. Any of the following if conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, compact evergreen hedge or uniformly painted board fence, not less than six feet in height:

1. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business;
2. Contractor's equipment sales yard or plant;
3. Rental of equipment commonly used by contractors;
4. Retail lumberyard, including only incidental mill work;
5. Feed yard;
6. Public utility service yard;
7. Storage of operable automobiles, boats, motorcycles, recreational vehicles, and trucks and inhabitable manufactured or mobile homes, not intended for salvage.

H. Body or fender work, painting or upholstery: When the site is located adjacent to or abutting a State or Federal highway but not extending more than six hundred feet therefrom; provided, that:

1. All body and fender work, painting and upholstery is performed in a completely enclosed building;
2. There is no open storage of parts, salvage materials, automobile bodies;
3. No storage of junk automobiles for salvage purposes and only automobiles parked on the premises may be those awaiting repairs. Said automobiles are to be parked in a neat and orderly manner, behind a solid wall or fence so that such automobiles will not be visible from surrounding properties or the highway; and
4. The permit for such use shall be revocable within thirty days on written notice from the zoning

inspector when, in the opinion of the inspector, any one or all of the above requirements have not been complied with.

I. Nonexpressed commercial uses: All commercial uses not expressly permitted in any other commercial zone and which are not otherwise unlawful, injurious to the general health or welfare, or specifically excluded. (Ord. 1989-96 § 1 (part), 1989; Ord. 1987-187 § 1, 1987; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-171 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.45.040 Conditional uses.**

A. Fair, carnival, circus or tent show for longer than fifteen days: provided:

1. The same shall be conducted on a site of not less than ten acres;
2. The area occupied shall be paved or graveled to keep dust to a minimum;
3. The applicant for the permit shall provide the zoning inspector within the written consent of fifty-one percent of the owners, by number and area, of property with three hundred feet of the site.

B. Swap meet:

1. The board of supervisors may issue a use permit for a swap meet after an advertised public hearing for which all property owners of record within one thousand feet have been notified;

2. Any use permit granted by the supervisors shall be subject to the following:

a. That the sales or parking area be located no closer than three hundred feet to any existing or conditionally approved residential zoning district and the use of this land must be outlined on the development plan,

b. Adequate screening to be designated by the supervisors,

c. That the performance standards of Section 18.49.020A (CPI Campus Park Industrial Zone) are met,

d. Adequate parking to be provided according to standards set by the supervisors,

e. The use permit shall describe and provide adequate traffic access to the swap meet by streets that are not residential,

f. Selling area must be a dust-proof surface,

g. Proof that the vendor holds a valid state sales tax permit,

h. Overnight lodging shall not be allowed, and

i. The county shall regulate the hours in which outdoor lighting may be used; and

3. The supervisors may impose any further reasonable conditions necessary to protect the health, safety or welfare of the public.

C. Adult activities facility: Type III conditional use in accordance with Section 18.07.030L (Ord. 1992-6 (part), 1992; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.45.050 Development standards—  
Nonresidential.**

A. Minimum lot area: None.

B. Minimum lot width: None.

C. Minimum yard requirements:

1. Front: Fifteen feet;
2. Side: None;
3. Rear: Ten feet.

D. Maximum building height: Thirty-nine feet.

E. Minimum distance between main buildings: None. (Ord. 1985-82 (part), 1985)

**18.45.060 Development Standards—  
Residential.**

A. Minimum lot area: Seven thousand square feet.

B. Minimum lot area per dwelling unit: One thousand square feet.

C. Minimum lot width: Sixty feet.

D. Minimum yard requirements:

1. Front: Twenty feet;
2. Side: Seven feet each;
3. Rear: Twenty-five feet.

E. Maximum building height: Thirty-nine feet.

F. Minimum distance between main buildings: Fourteen feet. (Ord. 1985-82 (part), 1985)



**18.45.070 Development standards—  
Detached accessory buildings.**

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

**B. Maximum building height:**

1. Within the required rear yard: Twenty-four feet;

2. Within the buildable area: Thirty-nine feet.

**C. Minimum distance requirements:**

1. To main building: Seven feet;

2. To front lot line: Fifteen feet;

3. To side lot lines: None;

4. To rear lot line: Four feet. (Ord. 1985-82 (part), 1985)

**18.45.080 Lot development option.**

**A. Refer to Section 18.09.060 (General Residential and Rural Zoning Provisions) for the provisions of the lot development option. (Ord. 1985-82 (part), 1985)**

## **APPENDIX B**

### **DEVELOPMENT STANDARDS**

- 18.01      General Provisions**
- 18.03      General Definitions**
- 18.07      General Regulations and Exceptions**
- 18.09      General Residential and Rural Zoning Provisions**
- 18.17, 18.23, 18.29, 18.31, 18.43 and 18.45  
Regulations (See Appendix A)**
- 18.61      Hillside Development Overlay Zone**
- 18.73      Landscaping, Buffering and Screening Standards**
- 18.75      Off-street Parking and Loading Standards**
- 18.79      Sign Standards**
- 18.81      Grading Standards**

## Chapter 18.01

## GENERAL PROVISIONS

## Sections:

- 18.01.010 Short title.
- 18.01.020 General purpose and adoption.
- 18.01.030 Application of zoning code.
- 18.01.040 Interpretation and conflict.
- 18.01.050 Repeal of inconsistent provisions.
- 18.01.060 Severability.
- 18.01.070 Code amendment procedures.

## 18.01.010 Short title.

A. This title may be referred to as the county zoning code. (Ord. 1985-82 (part), 1985)

## 18.01.020 General purpose and adoption.

## A. Purpose. A code:

1. Adopting an official land use plan:
  - a. Providing for the creation of zoning districts in the unincorporated area of Pima County, Arizona,
  - b. Prescribing area requirements, the classes of uses of buildings, structures, improvements and premises in said several zoning districts;
2. Adopting a map of said zones;
3. Defining the terms used in said code;
4. Establishing boards of adjustment and appeals;
5. Providing for the adjustment, amendment and enforcement of said code; and
6. Prescribing penalties for the violation thereof.

B. Adoption. For the promotion and protection of the public health, peace, safety, comfort, convenience and general welfare, and in order to secure for the citizens of Pima County, Arizona, the social and economic advantages of an orderly, efficient use of land, and as a part of the master plan for said county, there is hereby adopted and established an official land use plan and zoning code for Pima County, Arizona, and

rules, regulations and plans by which the future growth and development of said county may be directed in accordance with said plan and code, as provided in A.R.S. Section 11-801, et seq. (Ord. 1985-82 (part), 1985)

## 18.01.030 Application of zoning code.

A. Guiding Principles. The following principles and rules are hereby adopted as a guide in the use and application of this code:

1. The powers of the board of supervisors, the planning and zoning commission, the several boards of adjustment, the zoning inspector and all other persons or agencies charged with the administration of this code shall be strictly limited by the expressed intent of the legislature in the enactment of A.R.S. Section 11-801, et seq. and by the language of this code.

2. All terms used herein shall be interpreted according to their common, plain, natural and accepted usage when not otherwise defined herein.

3. In any dispute concerning the application of any provision of this code, that solution shall be favored which is most reasonable with regard to the general purpose of this code and the established and accepted principles of American planning and zoning law.

4. The application of this code to any property or use classified herein shall be governed by all the particular facts in each individual case, and the fundamental rights of any individual owner shall not be prejudiced by reason of being in a minority, either in numbers or in land owned, and any such owner shall be entitled to a balancing of the equities of all the interests concerned in said application.

5. The right of every affected property owner to petition and to be heard whenever the application of this code is at issue, shall be strictly observed at all times.

6. No special favors or privileges shall be granted to any individual or group of property owners and no permit shall be issued under the terms of this code which will or might reasonably

tend to destroy the established economic or social uses and values of adjacent or surrounding properties.

7. On every application of this code to any given area, the relative importance of the interests involved shall be as follows:

a. First, established conforming uses of adjacent or surrounding properties having an equal or higher classification;

b. Second, the cost of tax-supported and other public services to the area affected, and the increased or decreased share of this cost which might be borne by said area if a proposed use or change of classification is permitted; and

c. Third, the value of the proposed classifications and uses to the orderly development of the neighborhood or area affected.

8. The theory and use of "spot" zoning is hereby specifically repudiated in the application of any classification of this code to any given land area.

**B. Regulations.** Except as hereinafter provided:

1. All property, except that covered by statutory exemptions, shall be hereby governed according to the type of zone in which the same is located, as shown on the zoning maps adopted and made part hereof, and shall be subject to the regulations hereinafter set forth for such zones, the regulations applying to specific uses and the general regulations hereinafter set forth;

2. When property designated for use in a specific zone is restricted in any manner, it shall be so labeled with an (R) so as to indicate that upon the public record restrictions exist;

3. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this code, or amendments thereto, as permitted in the zone in which such land, building or premises is located;

4. No building shall be erected, nor shall any existing building be moved, reconstructed or

structurally altered to exceed in height the limit established by this code, or amendments thereto, for the zone in which such building is located;

5. No building shall be erected, nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building-site requirements and the area and yard regulations established by this code, or amendments thereto, for the zone in which such building is located;

6. No yard or other space provided about any building for the purpose of complying with the regulations of this code, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure;

7. No structure shall be erected in a required front yard, side yard or rear yard, except as specifically permitted herein; and

8. The express enumeration and authorization herein of a particular class of building, structure, premises or use in a zone shall be deemed a prohibition of such building, structure, premises or use in all other zones of more restrictive classification.

**C. Statutory Exemptions.**

1. As specified in A.R.S. Section 11-830, the provisions of this code shall not prevent, restrict or otherwise regulate in any district or zone the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, as defined herein, provided the tract or premises so used is not less than five contiguous commercial acres.

2. Land shall be classified as being used for:

a. Grazing purposes when fifty percent or more of the owner's income from said land is derived from the use of, or from the rental of said land for grazing purposes; or

b. General agricultural purposes when fifty percent or more of the owner's income from said land is derived from the production of agricultural products or from the rental of said land for the production of said products.

**D. Provisions for Nonconforming Uses and Buildings.**

**1. Nonconforming Uses Exempted.**

a. As specified in A.R.S. Section 11-830, the provisions of this code shall not affect existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used on February 16, 1953, or for any other use of the same or a more restrictive classification.

b. A nonconforming business use within any district or zone shall have the right to expansion, provided it does not exceed one hundred percent of the area of the original business. Area of the original business is defined as being any land or building, or both, improved for a business purpose.

c. The term "business use," as used in this subsection, shall be limited to the uses described in Sections 18.31.010B (TR Transitional Zone), 18.43.030B (CB-1 Local Business Zone), 18.45.030B and C (CB-2 General Business Zone), 18.51.030B and C (CI-1 Light Industrial/Warehousing Zone), and 18.53.030B, D and F (CI-2 General Industrial Zone) of this code.

**2. Nonconforming Use of Land.** The lawful use of land existing at the time this code or any preceding Pima County zoning ordinance became effective, or on the effective date of any amendment of the text or of the maps hereof, although such use does not conform to the provisions hereof for said land, may be continued, but if such nonconforming use is discontinued for a period of twelve months, any future use of said land shall be in conformity with the provisions of this code.

**3. Nonconforming Use of Buildings.**

a. The lawful use of a building existing on February 16, 1953, although such use does not conform with the provisions hereof for such building and such use, may be continued provided no structural alterations, except those required by law or ordinance or permitted by the board of adjustment (Chapter 18.93, Boards of

Adjustment and Appeals) under this code, are made herein.

b. If any such nonconforming use is discontinued for a period of twelve months, any future use of said building shall be in conformity with the provisions of this code; provided, that the owner of any building which was under construction or vacant on February 16, 1953, and was designed for a use not in conformity with the zoning classification in which it was located on said date, may, upon application, have a certificate of nonconforming use issued by the zoning inspector within sixty days from February 16, 1953, which certificate shall establish the nonconforming character of said building for a period not to exceed twelve months from February 16, 1953. Occupancy of said building by a use permitted under said certificate during said period, shall establish said use as a nonconforming use under this subsection. A certificate for an additional period of not more than twelve months may be granted by the board at or before the expiration of the original certificate upon the showing of extreme hardship and that the surrounding area would not be subject to additional damage thereby.

**4. Plans for Nonconforming Use.**

a. Any owner of land zoned under this code who shall file in writing with the planning and zoning commission within one hundred eighty days after February 16, 1953, a plan of development for such land, including uses not permitted by the zoning, shall be issued a special nonconforming hardship use permit by the board of adjustment for said proposed development, or any part thereof, at any time within two years from February 16, 1953.

b. If any temporary governmental regulation prohibiting the proposed development is in full force and effect during said two-year period, the time limit shall be extended for an additional period equal to the time said governmental regulation is in effect, but no such permit shall be issued more than five years after February 16, 1953.

c. Said plan of development with necessary plans and sketches shall show the legal description of the land and the location of proposed buildings and improvements in sufficient detail to determine the conformity or nonconformity of the proposed uses. Any use proposed in any such plan of development shall conform to the minimum standards of the most restrictive zone in which said use would be a conforming use under this code.

5. **Alteration of Nonconforming Buildings.** No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this code for the zone in which located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations, and the further use thereof, conform in every respect with the regulations specified by this code for such zone in which said building is located, except a nonconforming business use as provided in Section 18.01.030D1, but nothing in this subsection shall authorize the violation of any setback, health or sanitary law, ordinance or regulation not a part of this code.

6. **Destroyed Nonconforming Buildings.**

a. If, at any time, any building in existence or maintained on February 16, 1953, and which does not conform to the regulations for the zone in which it is located, shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent of one hundred percent of its value, according to the appraisal thereof by competent appraisers, then and without further action by the board of supervisors, the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all of the regulations specified by this code for the zone in which such land and building are located.

b. In the event a building is destroyed to the extent of one hundred percent of its value, the owner thereof shall have the right to rebuild for

said use provided said structure is rebuilt in conformance with the requirements of the most restrictive zone in which said nonconforming use would otherwise be permitted and provided permits for such construction is obtained within three months of the date of destruction and such construction is started within six months of the date of destruction.

E. **Zoning Permits.**

1. A zoning use permit shall be required for the erection, construction, reconstruction or alteration of any structure, or the change in use of any property or structure, when such activity requires a building permit;

2. A zoning construction permit shall be required for the above activities when such activity does not require a building permit. (Ord. 1985-188 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.01.040 **Interpretation and conflict.**

A. **Interpretation.**

1. Interpreting and applying the provisions of this code, they shall be held to be the minimum requirements adopted for the promotion of public safety, health, convenience, comfort, prosperity and general welfare.

2. It is not intended by this code to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance previously adopted pursuant to the laws relating to the use of building or premises, or relating to the erection, construction, establishment, alteration or enlargement of any buildings or improvements, except to the extent any existing provisions conflict with or are inconsistent with the valid provisions of this code, and to that extent and no more, the same are hereby repealed.

B. **Conflict.** It is not intended by this code to interfere with or abrogate or annul any easement, covenant or other agreement between private parties, but where the zoning provisions of this code are more restrictive than any existing private restrictive covenant affecting any portion of

the unincorporated area of the county, said zoning provisions shall prevail over said private covenant.

C. When interpreting the specific language of the zoning code, ambiguities and conflicting provisions shall be resolved by reference to the following guidelines:

1. The chapter purpose statements, the general purpose of the zoning code and the type and intent of the zone:
2. Use compatibility within a zone:
3. Impact on other property within the zone, and adjacent or affected property:

4. Context of the section: and
5. Compatibility with applicable zoning code sections and other Pima County regulations. (Ord. 1986-152 § 1, 1986; Ord. 1985-82 (part), 1985)

**18.01.050 Repeal of inconsistent provisions.**

A. All ordinances and portions of ordinances of Pima County in conflict herewith are hereby expressly repealed. (Ord. 1985-82 (part), 1985)

**18.01.060 Severability.**

A. This code and the various parts thereof are



hereby declared to be severable. Should any chapter, section, subsection or provision of this code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the code as a whole, or any portion thereof other than the chapter, section, subsection or provision so declared to be unconstitutional or invalid. (Ord. 1985-82 (part), 1985)

#### 18.01.070 Code amendment procedures.

A. Purpose. As authorized by A.R.S § 11-829, this section establishes a public process for code text amendments, upon recommendation by the planning and zoning commission and adoption by the board of supervisors, that are consistent with the guiding principles of this code.

##### B. Initiation.

1. The board of supervisors or the planning and zoning commission is responsible for the initiation of code amendments, and may hear requests for the same from private individuals who have submitted evidence that public benefit would result from such amendment. The board of supervisors, if initiating the code amendment, shall set the amendment for the planning and zoning commission public hearing;

2. The planning and development services department is responsible for the development and coordination of code text amendments.

##### C. Planning and Zoning Commission Review.

###### 1. Commission preliminary review:

a. A preliminary hearing, as may be required by written commission policy, shall be held by the commission to determine the merits of the draft text amendment, unless the amendment has been initiated by the board of supervisors;

b. The commission may set the proposed amendment for public hearing, remand it to the department for further development, deny the request, or continue the hearing for a definite time not to exceed nine months;

###### 2. Commission public hearing:

a. Public hearing notice shall be provided as directed by the board of supervisors for each pro-

posed text amendment pursuant to at least one of the following notification procedures:

1) By first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes,

2) By publishing a "display ad" covering not less than one-eighth of a full page in a newspaper of general circulation in the county. The county shall also send notice by first class mail to persons who register their names and addresses with the county as being interested in receiving such notice. The county shall charge a fee of five dollars per year for providing this service.

b. The commission shall hold, at a minimum, one public hearing at which all interested parties may appear and shall be heard;

c. The commission may continue the hearing for a definite time not to exceed nine months;

d. After the public hearing, the department shall transmit the findings and recommendation of the commission to the board of supervisors.

##### D. Board of Supervisors Review.

1. Public hearing notice shall be provided by publishing such changes prior to the first hearing on such changes in a newspaper of general circulation in the county. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

E. Public Notice Register. The county shall annually publish a public notice register application form in a newspaper of general circulation in the county. The form shall not be less than one-eighth of a page. Persons included in the public notice register shall receive notice in conformance with Section 18.01.070C2a.

F. Receipt of Notice. The failure to receive notice by any person or entity shall not constitute grounds for any court to invalidate the actions of the county for which the notice was given. (Ord. 1991-36 § 1, 1991; Ord. 1989-14 § 1, 1989; Ord. 1988-204 (part), 1989; Ord. 1985-141 § 1 (part), 1985; Ord. 1985-82 (part), 1985)



**Chapter 18.03**

**GENERAL DEFINITIONS**

**Sections:**

- 18.03.010**    **General usage.**
- 18.03.020**    **Definitions.**
- 18.03.030**    **Illustrations.**

**18.03.010**    **General usage.**

**A.** The definitions provided for in this chapter shall apply throughout this code, unless a different meaning is clearly indicated by the context or the term is defined differently in any other chapter.

**B.** When not inconsistent with the context:

- 1.** Words used in the present tense include the future;
- 2.** Words in the singular number include the plural; and
- 3.** Words in the plural number include the singular.

**C.** The word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

**D.** Terms found in uppercase type refer to definitions found elsewhere in this chapter. (Ord. 1985-82 (part), 1985)

**18.03.020**    **Definitions.**

**A.** Definitions "A."

**1. Accessory building:** A subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main buildings or their nonpaying guests or employees.

**2. Accessory use:** A use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site.

**3. Acre:** A land area of forty-three thousand five hundred sixty square feet.

**4. Adult care home:** A single housekeeping unit

in a dwelling unit where lodging, meals and assistance and care that can be provided without professional skills or training are provided to eight or fewer elderly or physically handicapped adults not related to the owner or manager.

**5. Adult activities facility:** A retail, commercial, recreational or industrial establishment which includes, as a regular and substantial portion of its business, conduct or matter distinguished or characterized by emphasis on specified sexual activities or specified anatomical areas. An adult activities facility shall include the land use and its parking area. Specified sexual activities are: (1) human genitals in a state of sexual stimulation or arousal; or (2) acts of human masturbation, sexual intercourse or sodomy; or (3) fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts. Specified anatomical areas are: (1) less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

**7. Alley:** A way dedicated to the public which affords a secondary means of access to abutting property.

**8. Apartment:** One or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether the apartment is intended for use as a residence, office, for the operation of any industry or business, or for any other use permitted in the zone in which it is located.

**9. Apiary:** A place where bees are kept and permitted to propogate or produce honey.

10. **Artisan:** Person working at a craft such as ceramics, metalworking, woodworking, jewelry making, leatherworking, weaving, antique furniture repairing and the making of custom furniture.

11. **Artist:** Practitioner of drawing, painting, sculpting, writing, photography or similar activity.

12. **Average finished grade:** The mean average elevation of ground after site preparation, measured five feet from a building at five-foot intervals.

**B. Definitions "B."**

1. **Basement:** A space which is partly underground and has at least half of its height, from floor to finished ceiling, below the average finished grade. See also story.

2. **Board:** One of the boards of adjustment appointed under the authority of this code.

3. **Boarding/rooming house:** A building, other than a hotel, where lodging is provided, with or without meals, for compensation, for five or more persons and not primarily for transients.

4. **Buildable area:** The net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.

5. **Building:** A structure having a roof supported by columns or walls.

6. **Building height:**

a. The vertical distance between the level of the average finished grade and:

1) The highest point of the parapet of a flat roof, or

2) The deckline of a mansard roof, or

3) The mean average point between the eaves and ridge of the highest gable, hip, gambrel or other such roof element; provided, that the ridge line of the roof shall not exceed four feet above the maximum permitted building height of the zone;

b. The height of a stepped or terraced building shall be the maximum of any segment of such building, as measured from the average finished grade of that building segment;

c. This definition shall not apply to Chapter 18.61 (HD Hillside Development Overlay Zone).

7. **Building official:** The county official or authorized representative of the county department of planning and development services

charged with the administration and enforcement of the county building codes (Title 15).

8. **Building site:** The ground area of a building or buildings together with all open spaces adjacent thereto as required by this code.

9. **Bulk station:** A place where liquefied petroleum, gas, crude petroleum, gasoline, naphtha, benzene, benzol, kerosene or any other liquid, except such as will stand a test of one hundred fifty degrees Fahrenheit, closed cupped testers, are stored in wholesale quantities where the aggregate capacity of all storage tanks is more than ten thousand gallons.

#### C. Definitions "C."

1. **Child care center:** A facility providing compensated nonresidential care and supervision to more than four children and licensed by the state of Arizona. Also termed a day nursery.

#### 2. Church:

a. A building or group of buildings used primarily as a place of communion or worship;

b. Includes convents, religious educational buildings and parish houses, but not parochial schools.

3. **Civil engineer:** A professional engineer registered in the state of Arizona to practice civil engineering.

4. **Club or lodge:** A regularly constituted association of persons who are bona fide members paying regular dues, primarily organized for some common social purpose, and which derives not more than one-half of its revenue or income from the sale of goods and services to its members or others.

5. **Code:** The Pima County Zoning Code (Title 18).

6. **Commercial vehicle:** A vehicle used primarily for business purposes rather than personal transportation, registered with the State of Arizona Motor Vehicle Division as a commercial vehicle. This includes pickup trucks of greater than three-quarter ton, which have been modified for business use, or are normally loaded with materials to support a business use and display any type of commercial signage.

7. **Commission:** The Pima County planning and zoning commission.

8. **Communication tower:** A freestanding structure including appurtenances greater than thirty-four feet in height used for the following commercial communication purposes:

- a. VHF and UHF television;
- b. AM and FM radio;
- c. Two-way radio;
- d. Common carriers;
- e. Cellular telephone;
- f. Microwave.

Amateur (HAM) towers used for hobby purposes are exempt from these regulations unless over one hundred feet high.

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

#### 10. Condominium:

a. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

b. If in existence before January 1, 1986, the ownership of single units or apartments with common elements located on property within a horizontal property regime recorded pursuant to former A.R.S. § 33-551, et seq.

11. **Contour line:** A line on a topographic map comprising points of equal elevation.

12. **County:** Pima County, Arizona.

13. **County engineer:** The director or authorized representative of the county department of transportation and flood control district.

14. Cut: The land surface which is shaped through the removal of soil, rock or other earth materials.

**D. Definitions "D."**

1. Dwelling, duplex: A building containing only two dwelling units.

2. Dwelling, multiple: A building or portion thereof containing three or more dwelling units.

3. Dwelling, one-family: A building containing only a single dwelling unit.

4. Dwelling group: A group of two or more detached or semi-detached one-family, duplex or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house court and apartment court, but not including motel.

5. Dwelling unit: A room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen.

**E. Definitions "E."**

1. Earth material: Rock, soil or sand, or any combination thereof.

**F. Definitions "F."**

1. Factory-built building (modular):

a. A structure fabricated in a factory and delivered to the building site in one or more sections;

b. The structure shall be designed only for installation on a site-built permanent foundation and not designed to be moved once installed on the foundation. The unit shall include all the plumbing, heating, cooling and electrical systems of the building and shall bear the Arizona Insignia of Approval pursuant to A.R.S. Section 32-1188;

c. A factory-built building shall be considered the same as a building and a dwelling unit.

2. Family:

a. Any number of individuals related by blood or marriage, or not more than five unrelated persons customarily living together as a single house-keeping unit, and using common cooking facilities, as distinguished from a group occupying a hotel or club.

b. Family includes group homes certified by Pima County or the department of economic security as an adult foster care home.

c. A family shall be deemed to include domestic servants.

3. Fertilizer yard/processing plant: A place where animal matter is collected, processed or stored on a commercial basis.

4. Fill: the placement of earth material upon an existing grade.

**G. Definitions "G."**

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

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

3. Garage, storage: Premises, except those herein defined as a private garage or public garage, used exclusively for the storage of self-propelled vehicles, and for no other purpose whatever.

4. Gasoline service station: A retail establishment primarily engaged in selling petroleum products, but not including auto repair shops, body and fender works, similar repairing and painting uses, or mechanical or steam washracks.

5. Grazing: The feeding of domestic livestock on an open range or fenced pasture for commercial purposes and uses customarily incidental thereto, but not including commercial slaughter houses, stockyards, fertilizer yards, bone yards or plants for the reduction of animal matter.

6. Group foster home (regular): A licensed home suitable for accommodating more than five, but no more than ten minor children in addition to those minor children related to the foster parent(s) by blood or adoption.

7. Group foster home (special): A licensed home suitable for accommodating no more than

six persons who require special care for physical, mental, or emotional reasons, or who have been adjudicated to be delinquent.

8. Guest house: A detached structure, having no kitchen, used primarily by members of the family occupying the main dwelling and their nonpaying guests.

9. Guest room: Living quarters designed to provide lodging for compensation to short-term guests.

**H. Definitions "H."**

1. Hospital: A building or group of buildings arranged, intended, designed or used for the housing, care, observation and treatment of sick human beings.

2. Hotel: A building containing six or more guest rooms, in which lodging is provided and offered to the public for compensation and

which is open to transient guests, together with commercial accessory uses operated primarily for the convenience of the guests thereof.

I. Definitions "I." Reserved.

J. Definitions "J."

1. Junk yard:

a. The use of more than two hundred square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, abandonment of automobiles or other vehicles or machines or parts thereof;

b. Shall include salvage yards, auto wrecking yards, and impoundment storage yards.

K. Definitions "K."

1. Kennel, commercial: A structure, shelter, animal run, or fenced area used for the breeding, feeding, raising, keeping, training, boarding or selling on the premises of five or more dogs or cats for compensation.

2. Kitchen: Any room in a building which is used, intended or designed to be used for cooking or preparation of food.

L. Definitions "L."

1. Landscape architect: A professional registered in the state of Arizona to practice landscape architecture.

2. Lot: An area or parcel of land under one ownership abutting upon at least one street on August 6, 1952, or an area or parcel of land as shown with a separate and distinct number on a subdivision tract map or split-lot map recorded with the county recorder.

3. Lot, corner:

a. A lot located at the junction of two or more intersecting streets, having an interior angle of less than one hundred thirty-five degrees, with a boundary line thereof bordering on two of the streets;

b. The point of intersection of the street lot lines is the corner.

4. Lot, interior: A lot which is not a corner lot.

5. Lot, key: A lot:

a. Abutting along the entire length of at least one of its side lot lines, either directly or across an

alley, the rear lot line of any other lot; or

b. Situated between two such key lots.

6. Lot, through: An interior lot having frontage on two parallel or approximately parallel streets.

7. Lot depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

8. Lot line: A property line bounding a lot.

9. Lot line, front:

a. In the case of a lot abutting only one street, the line separating such lot from the street;

b. In the case of a corner or through lot, the owner may elect any street lot line as the front lot line, provided such choice, in the opinion of the zoning inspector, will not be injurious to the existing or desirable future development of adjacent properties.

10. Lot line, rear:

a. The lot line which is opposite and most distant from the front lot line;

b. The rear lot line of an irregular, triangular or gore lot shall, for the purpose of this code, be a line entirely within the lot at least ten feet long and parallel to and most distant from the front lot line.

11. Lot line, side:

a. Any lot line not a front lot line or a rear lot line;

b. A side lot line separating a lot from a street is a street lot line;

c. A side lot line separating a lot from another lot is an interior side lot line.

12. Lot line, street or alley: A lot line separating a lot from a street or alley.

13. Lot width: The mean horizontal width of the lot measured at right angles to the lot depth.

M. Definitions "M."

1. Manufactured home:

a. A structure transportable in one or more sections which:

1) In the traveling mode, is at least eight body feet in width or forty body feet in length, or, when erected on a site, is three hundred twenty or more square feet, and

2) Is built on a permanent chassis, and



3) Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, which include the plumbing, heating, cooling, and electrical systems contained therein;

b. This definition applies only to units constructed after June 15, 1976, except that this term shall include any structure which meets all the requirements of the definition except the size requirements, provided such structure has received a special size reduction certificate pursuant to Section 603 (b) of the Housing and Community Development Act of 1974, as may be amended.

**2. Manufactured home, multisectional:**

a. A multisectional dwelling unit, manufactured after June 15, 1976 built to HUD standards with a HUD seal affixed, that when joined measures twenty by forty feet or larger, does not exceed two stories in height, and is installed on a permanent foundation, provided that:

1) If a perimeter foundation wall is not installed, all sides of the home shall extend to meet the ground, or a facade with the appearance of a foundation wall shall be used on all sides of the home; and

2) Each side of the home shall have roofing and siding materials similar in appearance and kind to conventional homes and shall have one or more of the following:

a) A parapet roof style, or

b) A flat or pitched roof with eaves that overhang sixteen inches or more;

b. Building permits for these structures may be issued only in accordance with Section 18.09.070 (General Residential and Rural Zoning Provisions) or in those zones in which manufactured homes are a permitted use.

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

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

**5. Mobile home:**

a. A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings;

b. This definition applies only to units constructed prior to June 15, 1976. Compare with manufactured home.

**6. Motel:**

a. A building or group of buildings on the same lot, whether detached or in connected rows, containing individual sleeping or dwelling units and designed for, or occupied by, automobile travelers or other transient tenants;

b. Shall include tourist courts, autocourts, and automobile courts.

**N. Definitions "N."**

**1. Nursery:**

a. A place where young trees or other plants are raised for transplanting or for sale;

b. Does not include commercial fertilizer yard or processing plant.

**O. Definitions "O." Reserved.**

**P. Definitions "P."**

1. Planning director: The director or authorized representative of the county department of planning and development services.

2. Planning unit: A portion of a proposed development containing a unique land use, density, or residential or nonresidential building style separated from other planning units by a natural or manmade feature.

3. Professional: Includes accountants, architects, chiropractors, dentists, engineers, lawyers, naturopaths, osteopaths, physicians, surgeons, surveyors, veterinarians.

4. Public assembly facility: A building or group of buildings arranged, intended, designed or used

for indoor public assembly for social, recreational, entertainment, educational or religious purposes, such as an arena, coliseum, convention center, exhibition hall, auditorium or theater. A "public assembly facility" may include ancillary facilities and activities such as food and beverage preparation and sales, retail and service commercial uses, and recreational and health club.

Q. Definitions "Q." Reserved.

R. Definitions "R."

1. Railroad:

a. Includes the land used for general railroad purposes, including mainline and switching trackage, repair shops, stations, communications equipment, roundhouses and storage facilities;

b. Does not include railroad equipment (miniature or otherwise) operated by its owner as a hobby or as a part of the equipment of an amusement resort.

2. Research laboratory:

a. An administrative, engineering, scientific research, design or experimentation facility;

b. Shall include research on such things as electronic components, optical equipment, etc., but not research requiring the use of animal husbandry (including dogs, poultry, or monkeys), heavy equipment (such as construction equipment); and

c. Shall be free of dust, smoke, fumes, odors, or unusual vibrations or noise. The waste from such facilities shall meet the requirements of the appropriate health authority:

3. Residential substance abuse diagnostic and treatment facility: A facility designed to diagnose and treat persons suffering from the abuse of chemical substances and alcohol subject to the licensure procedures of the Arizona Department of Health Services.

4. Resort:

a. A building or group of buildings containing guest rooms, with a large portion of the site devoted to recreational activities such as tennis, horseback riding, swimming, and golf (Refer to Chapter 18.59, GC Golf Course Zone for golf course requirements).

b. Shall include guest ranch.

5. Resort, major: A resort having fifty or more guest rooms.

6. Resort, minor: A resort having less than fifty guest rooms.

S. Definitions "S."

1. Sanatorium/rest home: A building or group of buildings, arranged, intended, designed or used for the housing, care or treatment of sick people or convalescents other than those mentally ill or afflicted with infectious, contagious or communicable diseases.

2. Secondary dwelling: A mobile home or manufactured home, with kitchen facilities, used exclusively by an ill, handicapped, or elderly person in need of special care or supervision, or a care provider for such person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

3. Semi-professional:

a. Includes insurance brokers, photographic studios, public stenographers, real estate brokers, stockbrokers, and other persons who operate or conduct offices which do not require the stocking of goods for sale at wholesale or retail;

b. Does not include barbers, beauty operators, cosmetologists, embalmers or morticians.

4. Setback lines: Such lines are established generally, but not always, parallel to the center line of a street between which no part of a building or structure or any part thereof may be erected or projected except as otherwise provided in this code.

5. Specific plan: A zoning document adopted in accordance with Chapter 18.90 (Specific Plans) that includes text, maps or other exhibits regulating land use and development within a specified area of the count.

6. Stable, commercial: A stable for horses which are let, hired, used or boarded on a commercial basis or for compensation.

7. Stable, community: A noncommercial stable for horses, operated by and for the exclusive use of the members of a nonprofit, incorporated community organization.



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

9. **Story:** The horizontal division of a building between a floor and the finished ceiling or finished undersurface of the roof directly above it. Shall include:

a. A basement, if the vertical distance from the average finished grade to its ceiling is greater than five feet on any side of the building; and

b. A mezzanine or loft which exceeds forty percent of the gross floor area of the floor below it.

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

11. **Structure:**

a. Anything constructed or erected, the use of which required location on the ground or attachment to something having a location on the ground, but not including walls and fences less than four and one-half feet in height when located in front yards, or less than six feet in height when located in side or rear yards;

b. Structure shall also include streets, alleys, roadways, water lines and sewer lines; however, setback line requirements shall not apply to streets, alleys, roadways, water or sewer lines and their appurtenant features.

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

13. **Studio:** Place for the creation or retail sale of the works of an artist or artisan.

14. **Supervisors:** The board of supervisors of Pima County.

15. **Swap meets:**

a. A place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a daily basis for the purpose of the display and

sale, exchange or barter of new or used merchandise;

b. Shall not include occasional craft fairs and benefit sales.

16. **Swimming pools:** Shall be deemed to consist of the following classes:

a. **Private:** When consisting of an accessory structure appurtenant to a one-family or duplex dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged as received for such use;

b. **Semi-public:** When consisting of an accessory structure appurtenant to a multiple dwellings, hotel, motel, church, school, private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing where admission to use the pool is included in consideration given for the primary use of the premises. Said pools are divided into the following classes:

1) **Type A membership pools:** Which include those pools operated not for profit and not open to the general public; there being a limited number of members, and such members usually being limited to that general neighborhood, with the members paying a monthly or annual fee.

2) **Type B pools:** Maintained by hotels, motels, and like establishments which cater to transient guests.

3) **Type C pools:** Maintained by apartments, residential-type trailer courts, cooperative or condominium-type housing, for persons residing therein and their guests;

4) **Type D pools:** Maintained by swim clubs, health clubs and athletic organizations, country clubs, and other private organizations, wherein the pool is not open to the general public;

c. **Public:** A swimming pool maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged;

d. Commercial: A swimming pool operated for profit, open to the public upon payment of a fee.

17. Swimming school: A school established for aquatic training and swimming instruction.

#### T. Definitions "T."

1. Tourist camp: An area or tract of land where space is rented or held out for rent to tent campers furnishing their own camping equipment or where free camping is permitted owners or users of tent camping equipment for the purpose of securing their trade.

2. Tourist court: See motel.

3. Townhouse: A duplex or multiple dwelling constructed as a series of dwelling units, all of which are attached to the adjacent dwelling units with no visible separation between walls or roofs, and with areas of individual and common ownership indicated on a subdivision plat.

4. Trailer: A recreational vehicle built on a chassis, designed for highway travel, pulled by a private vehicle and not requiring a special permit.

5. Trailer court: Any parcel of land used or offered for use in whole or in part for the parking or storage of two or more trailers used or intended to be used for living or sleeping purposes.

#### U. Definitions "U."

1. Ultralight aircraft: Any vehicle that:

a. If unpowered, weighs less than one hundred fifty-five pounds; or

b. If powered:

1) Weighs less than three hundred fifty pounds empty weight, excluding floats and safety devices;

2) Has a fuel capacity of not exceeding five U.S. gallons;

3) Is not capable of more than fifty-five knots calibrated airspeed at full power in level flight; and

4) Has a power-off stall speed which does not exceed twenty-nine knots calibrated airspeed.

V. Definitions "V." Reserved.

W. Definitions "W." Reserved.

X. Definitions "X." Reserved.

Y. Definitions "Y."

1. Yard: An open and unoccupied space on a building site and, except as otherwise provided in this code, open and unobstructed from the ground to the sky.

2. Yard, front: A yard extending the full width of the building site between the front lot line and the nearest line of the main building or the nearest line of any enclosed or covered porch.

3. Yard, rear:

a. A yard extending across the full width of the building site between the rear lot line and the nearest rear line of the main building or the nearest line of any enclosed or covered porch;

b. Where a rear yard abuts a street it shall meet front yard requirements.

4. Yard, side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building.

#### Z. Definitions "Z."

1. Zoning inspector: The county official or authorized representative of the county department of planning and development services charged with the enforcement of this code. (Ord. 1992-23 (part), 1992; Ord. 1992-6 § 1 (part), 1992; Ord. 1991-33 § 1 (part), 1991; Ord. 1991-6 § 1 (part), 1991; Ord. 1990-11 § 1 (part), 1990; Ord. 1989-1 § 1 (part), 1989; Ord. 1988-78 § 1 (part), 1988; Ord. 1987-64 § 1 (part), 1987; Ord. 1986-215 (part), 1986; Ord. 1986-187 § 1 (part), 1986; Ord. 1986-188 § 1 (part), 1986; Ord. 1986-150 (part), 1986; Ord. 1986-67 (part), 1986; Ord. 1986-43 § 1 (part), 1986; Ord. 1986-42 § 1 (part), 1986; Ord. 1986-41 § 1 (part), 1986; Ord. 1986-19 § 1 (part), 1986; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-152 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

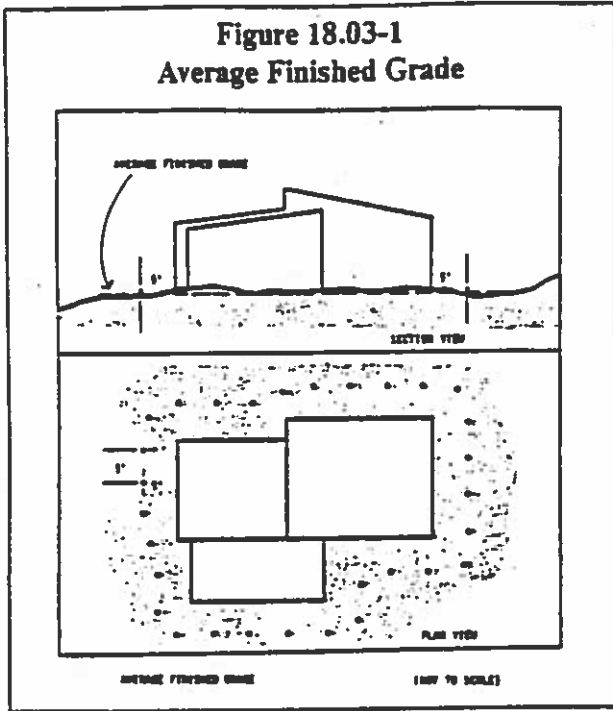
#### 18.03.030 Illustrations.

A. Figure 18.03-1: Average Finished Grade.

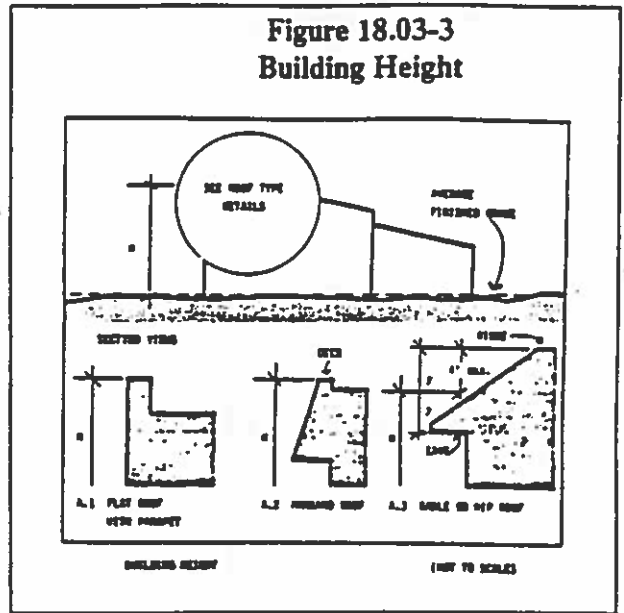
B. Figure 18.03-2: Basement and Story.

C. Figure 18.03-3: Building Height. (Ord. 1985-82 (part), 1985)

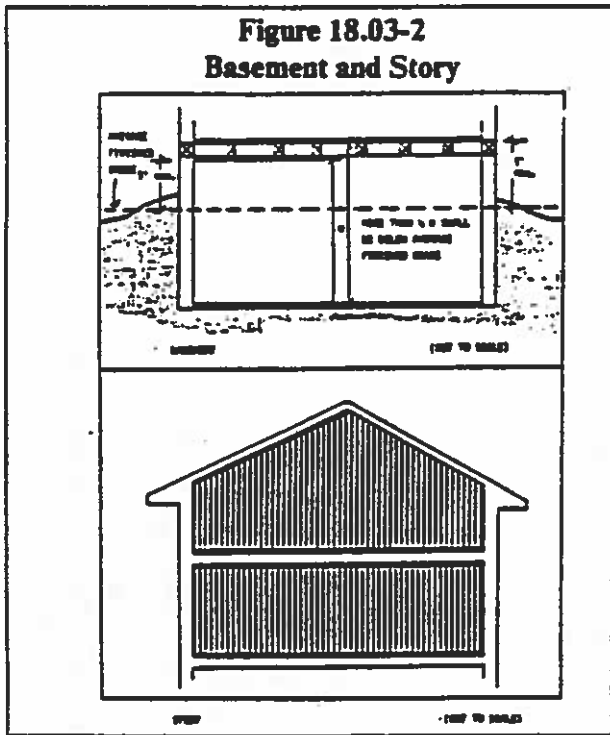
**Figure 18.03-1  
Average Finished Grade**



**Figure 18.03-3  
Building Height**



**Figure 18.03-2  
Basement and Story**



## Chapter 18.07

GENERAL REGULATIONS  
AND EXCEPTIONS

## Sections:

18.07.010	Purpose.
18.07.020	Lots and parcels.
18.07.030	Land use regulations.
18.07.040	Land use exceptions.
18.07.050	Development standards exceptions.
18.07.060	Accessory buildings.
18.07.070	Modification of setback requirements.

18.07.010 Purpose.  
Reserved.

18.07.020 Lots and parcels.  
A. Splitting of Lots.

1. No lot or parcel of land held under one ownership on February 16, 1953, shall be reduced in size below the minimum lot area or lot width required by this code; and

2. No building or use permit shall be issued for such deficient lot or parcel or portion thereof, except that on one street frontage of any one block of a subdivision, where lots having less than the minimum lot area or lot width existed prior to February 16, 1953, and existing unimproved lots so that minimum-size building lots may be used if split in accordance with the pattern previously established for the block; provided, that any new lot or building site so formed has not less than eighty percent of the minimum lot area and lot width required in the zone.

B. Exceptions for Lots of Records.

1. This subsection shall apply to any lot:

a. Shown upon an official subdivision map duly approved and recorded prior to February 16, 1953; or

b. For which a bona fide deed is on record in the office of the county recorder; or

c. For which a valid, bona fide contract of sale was in full force and effect on February 16, 1953, and said map, deed or contract of sale was of record on said date; or

d. Split in accordance with the exception of Section 18.07.020A.

2. Any such lot may be used as a building site; provided:

a. The yard and other requirements of this code are complied with; or

b. If private subdivision restrictions or regulations were of record and unexpired on February 16, 1953, establishing less restrictive yard and area requirements for said lot, and at least one lot in said subdivision was improved in compliance with said private restrictions prior to said effective date, the zoning inspector may issue a permit under said private restrictions as to yard and area requirements for any use permitted by this code for said lot, but no permit shall be issued for more than one dwelling unit on any lot having less than the minimum area per dwelling unit of the zone in which said lot is located;

3. Each minimum side yard may be reduced by two inches for each one foot by which such lot is narrower than fifty-five feet; provided, that no minimum side yard shall be narrower than five feet;

4. The minimum rear yard may be reduced three inches for each one foot by which such lot is less than one hundred twenty-five feet in depth; provided, that no minimum rear yard shall be less than twenty feet.

**C. Area, Screening and Setback Credits for Trails Access Dedications.**

1. The area of a lot or parcel dedicated to the county for public trails access shall be credited to the lot or parcel to satisfy any area, screening or setback requirement of a rezoning, this code or any permit issued thereunder.

2. Requests for the implementation of an area, screening or setback credit for public trails access shall be initiated by or submitted for approval to the director of the parks and recreation department.

3. Dedications and requests so approved by the director of the parks and recreation department shall be forwarded to the board of supervisors for acceptance. (Ord. 1993-80 § 1, 1993; Ord. 1985-188 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.07.030 Land use regulations.**

**A. Filling Stations, Repair Shops and Public Garages.**

1. No gasoline filling station or automobile repair shop shall have an entrance for exit for vehicles on the same side of the street within thirty-five feet of a residential zone, nor shall any part of a gasoline filling station or automobile repair shop be within fifty feet of the grounds of any school, public playground, church, hospital, sanatorium, public library or institution for dependents or for children.

2. No gasoline filling station or public garage shall have any oil draining pit or visible appliance for such purpose, other than filling caps, located within twelve feet of any street lot line or within fifty feet of any residential zone, unless such appliance or pit is within a building and at least twelve feet distant from any vehicular entrance or exit of such building.

**B. Maintenance of Stock-Tight Fences.** All livestock and poultry kept in any rural, residential, business or industrial zone shall be kept confined by fences or other restraints of sufficient strength and durability to prevent such livestock and poultry from roaming at large. In the IR, RH, SR zones and unsubdivided parcels zoned GR-1, SH and CR-1, such fences may be constructed of barbed wire. Use of barbed wire in any rural or residential zone is limited to containment of livestock and poultry.

1. Use of Barbed Wire. Barbed wire may be used on fences or walls for security purposes in the CB-2 general business district, and the MU, CI-1, CI-2 and CI-3 industrial districts, provided the wire is more than six feet above ground level.

**C. Junk Storage in Residential and Commercial Zones.** There shall be no open storage of used materials, appliances, furniture, machinery, etc.,

in any required yard in rural, residential, RVC, or CB-1 zones.

**D. Swimming Pools.**

1. Private swimming pools: All private swimming pools shall be regulated according to the following requirements:

a. Swimming pools shall be subject to the front yard requirements of that zone in which they are permitted and shall be located no closer than four feet from any side or rear property line of said zone.

b. Outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from any adjoining residential zone beyond the boundary of the site.

2. Public, semi-public and commercial swimming pools: All public, semi-public and commercial swimming pools shall be regulated according to the following requirements:

a. Swimming pools shall be subject to the front, side and rear yard requirements of that zone in which they are permitted.

b. Outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from any adjoining residential zone beyond the boundary of the site.

c. No mechanical device for the reproduction or amplification of sounds and in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices or music which is loud enough to cause complaints from adjacent residential property owners.

**E. Beekeeping.**

1. The following beekeeping regulations apply to all zoning districts:

a. The density of colonies in any zoning district shall not exceed one colony of bees for each two thousand five hundred square feet of lot area.

b. If bees are kept within thirty feet of any

exterior lot boundary line, a barrier shall be erected that will prevent bees from flying through it. Such barrier shall:

1) Be at least five feet in height and shall consist of plant, hedge, or any constructed material;

2) Extend at least thirty feet beyond the hive(s) in both directions.

c. Fresh, clean watering facilities for bees shall be provided on said premises.

### 2. Registration:

a. Each beekeeper shall register the beekeeping operation with the Arizona Commission of Agriculture and Horticulture.

b. The bees and equipment shall be kept in accordance with the laws of the state of Arizona as set forth in the Rules and Regulations of the Arizona Commission of Agriculture and Horticulture relating thereto, and all laws, rules and regulations amendatory thereof and supplementary thereto.

### 3. Exceptions:

a. An exception to the provisions of this subsection shall be permitted for a period not to exceed sixty days for bees actively participating in commercial agricultural activities.

b. Nothing in this subsection shall be deemed or construed to prohibit the keeping of bees located or kept within a government facility, a school, or a university facility for the purpose of study or observation.

### F. Minor Resort Regulations.

1. Scope: This subsection shall be applicable to minor resorts in any zone where permitted as a conditional use;

2. Intent: These regulations are intended to allow for minor resorts which meet the lodging, convention and recreational needs of short-term visitors to Pima County and are not intended to allow for the development of residential units for permanent or long-term residential use;

### 3. Accessory uses:

#### a. Permitted uses:

- 1) Meeting rooms;
- 2) Restaurants and drinking establishments;

3) Retail and service establishments, provided that the total floor area of all such establishments does not exceed five percent of the total floor area of the minor resort;

4) Swimming pools and spas;

5) Game courts such as tennis and racquetball;

6) Fitness and exercise centers; and

7) Equestrian facilities, provided:

a) There is not more than one horse for each 10,000 square feet of the site area; and

b) No stable or corral is within one hundred feet of any property line or within three hundred feet of any existing structure on an adjacent property.

#### b. Other provisions:

1) Accessory uses shall be operated primarily for guests of the minor resort;

2) No sign identifying an accessory use shall be visible from a public street; and

3) No entrance to an accessory use shall face a public street.

#### 4) Development standards:

a. Minimum site area: ten acres.

b. Other development standards: In accordance with the zone where located.

### G. Fire Stations.

#### 1. Scope:

a. Fire stations and related facilities are permitted in all zones, subject to the requirements of this subsection.

b. The location of any proposed fire station shall be discussed with county staff prior to proceeding with the provisions of this subsection.

2. Consent petition: The written consent of a minimum fifty-one percent, by number and area, of all property owners of land zoned rural or residential within five hundred feet of the site shall be required.

#### 3. Development standards:

a. Fire stations shall meet the requirements of the zone in which located, except that the minimum site area in:

1) CR-2 zoning shall be thirty-six thousand square feet;

2) CR-3, CR-4, CR-5, TR, CMH-1 and CMH-2 zoning shall be ten thousand square feet.

b. All fire station sites shall have a minimum one hundred feet of frontage for primary access on a road shown on the major streets and routes plan.

4. Performance standards:

a. Off-street parking: All parking for employees and visitors shall be off-street and shall be provided in accordance with Chapter 18.75 (Off-street Parking and Loading Standards).

b. Screening: An aesthetically pleasing visual screen shall buffer all outdoor facilities, including parking areas, when the site is either zoned for, or adjacent to, rural or residential zoning.

c. Traffic safety: The provision of access for emergency vehicles shall include appropriate methods to minimize the endangerment of passing vehicles.

5. Development review: A development plan shall be submitted and reviewed in accordance with Chapter 18.71 (Development Plan Standards).

H. Communication towers:

1. Purpose:

a. To allow new communication towers in residential or rural zones only if a compatible site is unavailable in commercial or industrial zones.

b. To maximize the use of any new communication tower to reduce the number of towers needed.

c. To minimize the adverse visual effects of towers through careful design, siting and screening.

d. To avoid potential damage to adjacent properties and occupied structures from tower failure through engineering and careful siting of tower structures.

2. Applicability: Communication towers are permitted in any zone subject to the conditions of Section 18.07.030H3.

3. Conditions:

a. The applicant shall be required to prove that a planned tower requires use of the proposed

site to achieve a communications result that cannot reasonably be achieved from, or cannot be accommodated on or adjacent to the site of an existing or approved tower.

b. The tower shall be located on commercially or industrially zoned land unless the applicant can prove that there is no reasonable effective way under applicable radio frequencies and other engineering criteria to locate it on land zoned for those uses.

4. Development standards:

a. Minimum site area: eighteen thousand square feet in CB-1 zone. Thirty-six thousand square feet or the minimum site area of the zone in which located, whichever is the greater.

b. Minimum setbacks for buildings, towers and guy wires: fifty feet.

c. Towers over two hundred feet in height shall not be permitted in residentially zoned areas.

d. Towers over two hundred feet in height shall be located only in commercially or industrially zoned areas and shall comply with FAA painting and lighting standards to provide for aircraft safety.

e. Towers shall be located adjacent to a county maintained road.

f. Landscaping shall be in accordance with Chapter 18.73 (Landscaping, Buffering and Screening Standards).

5. Application procedures:

a. Approval shall be obtained through the Type III conditional use permit procedure of Chapter 18.97 (Conditional Use Permits), except that a sketch plan shall be submitted in accordance with Section 18.91.030E1 (Rezoning Procedures).

b. A report from a professional engineer shall be submitted at the time of application which shall:

1) Describe the tower and the technical, economic and other reasons for the tower design, and the radio frequency engineering reasons requiring use of the proposed site.



2) Demonstrate that the tower complies with the applicable structural standards.

3) Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity.

**c. Federal compliance:**

1) The applicant shall provide a written statement from the Federal Communications Commission and Federal Aviation Agency that the proposed tower and its communications use by the applicant complies with applicable regulations administered by those agencies or that the tower is exempt from those regulations;

2) If an applicable agency does not provide a requested statement after the applicant makes a timely, good-faith effort to obtain it, the application is complete. The applicant shall, prior to obtaining a building permit for the tower, send a subsequently received agency statement to the zoning inspector.

**6. Exemption.**

**a.** An applicant for a permit to construct a communications tower shall be exempt from the provisions of this chapter, except the requirements under Section 18.07.030H4 (Development Standards), if the applicant can demonstrate at the time of application for building permits that:

1) The new tower replaces an existing tower; and

2) The height of the new tower does not exceed one hundred fifty percent of the height of the existing tower, not to exceed a maximum of two hundred feet.

**b.** For the purpose of this chapter, "site of an existing tower" is defined as the parcel upon which a tower is currently located, provided that an existing tower and a new tower shall not be located on a single parcel unless all provisions of this chapter have been met.

**I. Adult Activities Facility Standards.**

1. **Purpose.** The purpose of this subsection is to provide for the uniform regulation of adult activities facilities by limiting the concentration of adult activities facilities through the imposition of spac-

ing requirements, thereby mitigating crime, maintaining property values, protecting retail trade and preserving the quality of life in rural and residential neighborhoods.

2. **Enclosure.** An adult activities facility shall be conducted solely within an enclosed structure or building.

3. **Spacing.** An adult activities facility shall be at least:

**a.** One thousand feet from another adult activity facility;

**b.** Five hundred feet from a public, private, or parochial school;

**c.** Five hundred feet from a public park;

**d.** Five hundred feet from a church;

**e.** Five hundred feet from a zoning district other than CB-2, CI-1, CI-2, and CI-3.

4. **Method of Measurement.** The spacing requirement set by this subsection shall be measured from the lot line of the proposed facility to a zoning district boundary line or to the lot line of a church, school, park, or another adult activities facility.

5. There shall be no more than one adult activities facility per lot. (Ord. 1992-6 § 1 (part), 1992; Ord. 1988-153 § 1 (part), 1988; Ord. 1986-19 § 1 (part), 1985; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.07.040 Land use exceptions.**

**A. Additional Permitted Uses.** The following accessory uses shall be permitted in any zone when the principal use itself is permitted:

1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions;

2. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses.

**B. Public Utilities Permitted.**

1. Nothing in this code shall prevent the location, erection, alteration or maintenance of pipes, poles, wires, and similar installations necessary to distribute public facilities;

2. In addition to other provisions of this code, the uses of this subsection shall be permitted in any zone and shall not be subject to the minimum lot

area requirements. Barbed wire may be used on fences and walls for security purposes, provided the wire is more than six feet above ground level;

3. Water pumping and storage facilities operated as part of a system serving two or more properties as a public, private or community utility:

a. Subject to the requirements for detached accessory buildings in the zone in which located,

b. Provided a wall or hedge is used to screen the site,

c. Where a tower more than twenty feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half its height;

4. Telephone, telegraph or power substations:

a. Any building housing such substation shall be in keeping with the character of the zone in which located,

b. A substation not enclosed within a building shall be subject to:

1) The minimum front and side yards of the zone in which located; and

2) Appropriate screen planting along any street frontage, which planting and any necessary fencing shall be set at a distance not closer to a street lot line than the minimum front and side yards of the zone;

5. Power substations with an input voltage of one hundred fifteen kilovolts or greater shall be subject to the following requirements:-

a. Setback: That the facility, including walls or equipment, is located no closer than two hundred feet to any existing residential property line,

b. Screening:

1) That the facility include a ten-foot high wall in an earth tone and vegetative landscaping when contiguous to a residential zone,

2) Vegetative landscaping shall be located to preclude attracting athletic activities in the setback area,

c. Height: That the facility observe the height restriction of the zone in which located,

d. Notification: When the utility purchases land with the intent of constructing a power substation

facility, the property must be posted stating that intent,

e. Noise emissions:

1) That the sound level emitted by the facility shall not exceed forty-five DBA at the property line,

2) That there shall not be any TVI (television interference) or RIV (radio interference) on a continuous basis,

f. The board of supervisors may waive the minimum requirements of Section 18.07.040B5a through e, or impose more restrictive requirements at an advertised public hearing if the supervisors determine such an action is in the public interest,

g. Power substation permit issued by the supervisors after a public hearing:

1) Notice shall be given by mail to all owners of record within six hundred feet of the substation and by posting the substation site,

2) An applicant for a permit shall pay a two hundred dollar fee,

h. The supervisors may approve or deny an application and may impose reasonable conditions upon the issuance of a substation permit and shall consider the following factors:

1) Existing plans of the state, local government and private entities for other developments at or in the vicinity of the proposed site,

2) Fish, wildlife and plant life and associated forms of life upon which they are dependent,

3) Noise emission levels and interference with communication signals,

4) The proposed availability of the site to the public for recreational purposes, consistent with safety considerations and regulations,

5) Existing scenic areas, historic sites and structures or archaeological sites at or in the vicinity of the proposed site,

6) The total environment of the area,

7) The technical practicability of achieving a proposed objective and the previous experience with equipment and methods available for achieving a proposed objective,

8) The estimated cost of the facilities and site as proposed by the applicant and the estimated cost

of alternative facilities and sites, recognizing that any significant increase in costs represents a potential increase in the cost of electric energy to the customers or the applicant.

9) Any additional factors which require consideration under applicable federal, state and Pima County laws,

10) The supervisors shall give special consideration to the safety and health of neighboring residents,

i. The requirements of Section 18.07.040B5g and h shall be eliminated on those sites which are considered by the Arizona Power Plant and Transmission Line Siting Committee when that Committee contains adequate local representation. The determination of adequate local representation on the Committee shall be made by the supervisors at a public hearing.

C. Clay, Sand or Gravel Pits, Rock or Stone Quarries, Gas or Petroleum Drilling Permitted. Clay, sand or gravel pits, rock or stone quarries and drilling for petroleum or natural gas may be permitted in any zone, except MU; provided, that said use is designed and located so as not to create any unusual hazard or nuisance in the immediate neighborhood of the proposed site of said use, and the zoning inspector is hereby authorized to issue a permit for said uses under the conditions set forth in 18.53.020C (CI-2 General Industrial Zone). (Ord. 1988-153 § 1 (part), 1988; Ord. 1985-117 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### 18.07.050 Development standards exceptions.

A. Individual Lot-size Reductions. The provisions for the lot reduction option (Section 18.09.050 — General Residential and Rural Zoning Provisions) shall not affect the power of the board of adjustment to allow reduction of individual lot sizes on the standards provided in Section 18.93.030 (Board of Adjustment Variances, Temporary Use Permits and Interpretations).

B. Exception for Walls and Fences. The yard requirements of this code shall not apply to walls or fences:

1. Less than four and one-half feet in height when located in front yards; or

2. Less than six feet in height when located in side or rear yards.

#### C. Projections Into Yards.

1. Unenclosed porches and stairways, unroofed and unenclosed above or below floor or steps, may project not more than three feet into any minimum side or rear yard.

2. Open terraces not over three feet high above the average natural grade and distant at least five feet from every lot line, may project into any minimum side or rear yard.

3. In any business or industrial zone, a marquee, canopy or awning, suspended or cantilevered from a building, either for the purpose of, or for giving the appearance of shelter or shade, may project not more than ten feet into any minimum front yard.

D. Exception for Slope. Parking spaces or detached garages may be occupied or built to within five feet of the street line on any lot where:

1. The slope of the front half of the lot is greater than one-foot rise or fall in a seven-foot run from the established street elevation at the property line; or

2. The elevation of the front half of the lot is more than four feet above or below the established street elevation at the property line.

#### E. Front Yard Exceptions for Existing Alignment.

1. In any rural or residential zone: Where a lot adjoins lots having existing front yards less than the minimum required by this code, the minimum front yard on said lot shall be the average of the existing front yards on the two adjoining lots, or, if only one of the lots is built upon, such front yard shall be the average of the existing front yard of the adjoining lot and the minimum front yard of the zone, provided no such front yard shall be less than ten feet.

2. In any CB-1 or CB-2 zone: Where one or more buildings used for commercial or industrial purposes and located on interior lots have existing front yards less than the minimum required by this code, the minimum front yard required on all other lots within the same block front and not more than

five hundred feet from said existing building need not be greater than the least front yard existing.

3. In any zone: Any property fronting or abutting on a turnaround at the end of a cul-de-sac, or a similar increased radii of the street property line at the angle in a street, the minimum front yard required shall be one-half of the front yard required in the particular zone.

**F. Rear Yard Adjoining Alley.**

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

2. In any CR-2 or denser residential zone where a ten-foot half right-of-way for an alley is provided, the first five feet of such half right-of-way multiplied by the width of any lot where it abuts on the alley may be included as part of the overall lot area for the purpose of meeting the minimum lot area requirements; provided, that the net rear yard is not less than seventeen feet.

**G. Rear Yard Exception on Corner Lot.** On any corner lot in a CR-3, CR-4, CR-5, TR or CB-1 zone, the minimum rear yard may be reduced to not less than ten feet from the rear property line, provided the minimum side yard on the side street is increased by ten feet and the off-street parking provisions of Chapter 18.75 (Off-Street Parking and Standards) are complied with.

**H. Height Limit Exceptions.** The height limits of this code shall not apply to:

1. Barns, chimneys, conveyors, cupolas, derricks, flagpoles, parapet walls extending not more than four feet above the height limit of the building, silos, smokestacks, power transmission towers, windmills and power transmission poles;

2. Churches, hospitals, sanatoriums, schools or other public and semi-public buildings. Any such building may be erected to a height not exceeding forty-four feet, provided the minimum side and rear yards are increased by an additional foot in width or depth for each foot by which the height of such building exceeds the maximum height permitted in the zone in which such building is to be located;

3. Bulkheads, elevator penthouses, monitors, scenery lofts and water tanks; provided, that:

a. Such structures above the height limits specified for the zone shall not in the aggregate occupy more than twenty-five percent of the area of the lot, and

b. No linear dimension of any such structure shall be greater than one-half of the length of the corresponding street lot line if the structure is within twenty-five feet of such street lot line;

4. Towers, restricted to fire and hose towers, cooling towers for industrial operations, gas holders, grain elevators, sugar refineries or other structures where the manufacturing process requires a great height; provided, that such structures above the height limit specified for the zone shall:

a. Not in the aggregate occupy more than twenty-five percent of the area of the lot,

b. Be a distance not less than twenty-five feet from every lot line not a street lot line, and

c. Be not less than one foot from the opposite side of each abutting street for each foot of the vertical height;

5. Natural convection towers except as provided in this subsection. A Type II conditional use permit shall be obtained for the tower and the proposed tower height must be approved by the board of supervisors at the conditional use public hearing. For the purpose of this paragraph, a "natural convection tower" means a chimney-like structure, which can be integrated with a main building and its HVAC (heating, ventilating and air conditioning) system, and uses natural convection to move air up or down the tower with the designed purpose and effect of cooling or heating the building with only limited, secondary use of fans or blowers. The following restrictions shall apply to such towers:

a. A minimum of seventy-five percent of the height of the tower must be used for the natural convection chimney effect.

b. A minimum of fifty percent of the cross-sectional area of the tower must be dedicated to air-flow for the cooling operation.

c. The minimum setback of the tower from any scenic route shall be three feet of horizontal distance for every foot of vertical tower height, with the setback measured from the edge of the street right-of-way as designated on the major streets and routes plan;

d. The minimum setback of the tower from any property line shall be twenty-five feet, unless a greater building setback is required by the applicable zone, the major streets and routes plan, or subdivision (c) of this subsection. (Ord. 1988-89 § 1, 1988; Ord. 1985-188 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.07.060 Accessory buildings.**

**A. Accessory Building Attached to Main Building.** An accessory building attached to the main building shall have at least fifty percent of the length on one of its walls integrated with the main building and such accessory building shall

comply in all respects with the requirements for the main building.

**B. Detached Accessory Building on Corner Lot.**

1. On any corner lot an accessory building shall be not closer to the street side lot line than the width of the side yard required for the main building on that lot.

2. Where the rear of a corner lot adjoins a key lot, no part of an accessory building within ten feet of the rear lot line shall be nearer the street side lot line than the depth of the front yard required on the key lot. (Ord. 1988-118 § 1, 1988; Ord. 1985-82 (part), 1985)

**18.07.070 Modification of setback requirements.**

**A. Applicability.** Side and rear yard setbacks and distances between structures or buildings required by this code may be modified by the zoning inspector in accordance with the provisions below. The granting of a modification of a setback requirement of the zoning code shall not waive or modify building code or fire code regulations.

**B. Application.** Requests for modification of setback requirements shall be made on application forms provided by the planning and development services department.

1. The application shall include:

- a. Legal description,
- b. Signatures of the property owners of record or the authorized agent of the owner,
- c. A letter of authorization if the property owner is represented by an agent,
- d. A sketch plan showing existing and proposed buildings and structures, access, parking, and distances from buildings and structures to property lines and to other buildings and structures.
- e. An elevation drawing, if determined necessary by the zoning inspector, showing the existing and proposed building or structure.
- f. A statement describing the ability and intent of the property owner to apply for necessary county permits within nine months of receiving approval of the modification of the setback requirements, and

g. A statement describing how the proposal complies with the standards in Section 18.07.070D,

h. Any other information reasonably necessary to evaluate the application which is required by the zoning inspector,

i. A fee as per Section 18.07.070G.

**C. Notice to owners of affected properties.**

1. Mailed notice including a sketch plan shall be sent to:

a. Property owners adjacent to the applicant's property,

b. Property owners within one hundred feet of the applicant's property line but separated by a public or private road or private common area, and

c. Property owners determined by the zoning inspector to be affected by the request.

2. The zoning inspector may waive the giving of notice if the applicant submits written consents to the modification signed by all owners of affected property as defined by paragraph 1 above.

**D. Standards.** The zoning inspector shall grant a modification of the setback requirements only after a finding is made that the following standards have been met:

1. The reduced setback will not substantially reduce the amount of privacy that would be enjoyed by nearby residences;

2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified;

3. Traffic visibility on adjoining streets will not be adversely affected;

4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;

5. Proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties;

6. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.



**E. Action by the Zoning Inspector.**

1. The zoning inspector shall review all the submitted information and provide a written response to the petitioner of the action.

2. The response shall state the reasons for the decision if the request is denied.

3. If granted, building permits may be issued for the building or structure and shall be in accordance with Section 18.93.050A and B.

**F. Appeals or Referral to the Board of Adjustment.**

1. The applicant may elect to file directly to the board of adjustment for a variance.

2. The applicant may appeal the decision of the zoning inspector to the board of adjustment and be heard in accordance with Section 18.93.030.

3. If a protest to a setback modification is submitted in writing within fifteen days of the date of mailing of notice by an owner of affected property as defined in Section 18.07.070C, the zoning inspector shall refer the application to the board of adjustment to be heard in accordance with Section 18.93.030. Such protests may be based only upon characteristics of the development that would not be allowed by the zoning code without the modification.

4. The zoning inspector may refer an application to the board of adjustment to be heard in accordance with Section 18.93.030.

**G. Fee.** The fee shall be in accordance with the standard fee for variances as specified in Table 3: Zoning Permits, Section 6, Board of Adjustment Filing Fee of the Planning and Development Services Fee Schedule (Ordinance 1987-213). No additional fee is required for any application forwarded as a variance to the board of adjustment. (Ord. 1991-32 § 1, 1991)

**Chapter 18.09**

**GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS**

**Sections:**

18.09.010	Purpose.
18.09.020	General requirements and exceptions.
18.09.030	Home occupations.
18.09.040	Cluster development option.
18.09.050	Lot reduction option.
18.09.060	Lot development option.
18.09.070	Multisectional manufactured home subdivision option.
18.09.080	Small lot subdivision option.
18.09.090	Model home permits.

18.09.010 Purpose.  
Reserved.

18.09.020 General requirements and exceptions.

**A. Uses Permitted In All Rural and Residential Zones.**

1. The following uses shall be permitted in all rural and residential zones (except as noted in Section 18.09.020A2), subject to the requirements of the zone and any special conditions, as may be noted:

- a. Single detached or one-family dwelling;
- b. Accessory building or use;
- c. Church, providing the minimum off-street parking requirements, as set forth in Chapter 18.75 (Off-street Parking and Loading Standards), are met;
- d. Home occupation (refer also to Section 18.09.030);
- e. Public park;
- f. Public school;
- g. Parochial school.

**2. Exceptions:**

a. IR zone: Private schools are permitted as a conditional use (refer to Chapter 18.97, Conditional Use Permits);

b. RH zone: Private schools are permitted as a conditional use (refer to Chapter 18.97, Conditional Use Permits);

c. GR-1 zone: Private schools are permitted as a conditional use (refer to Chapter 18.97, Conditional Use Permits);

d. TH zone: All uses of Section 18.09.020A1 are prohibited;

e. ML zone: Parochial schools are prohibited;

f. CMH-1 zone: Public schools are prohibited;

g. CMH-2 zone: Public schools are prohibited;

h. MU zone: Parochial schools are prohibited;

i. SR zone: Parochial schools are permitted as a conditional use (refer to Chapter 18.97, Conditional Use Permits).

**B. Parking of Unoccupied Trailers.**

1. Any trailer not in use for residential purposes may be stored or parked in any SR, CR-1, CR-2, CR-3, CR-4 or CR-5 zone only if said trailer is located to the rear of the principal dwelling on the lot, parcel or tract where said trailer is to be stored, and is stored in a garage or ramada or behind plantings of sufficient height to shield said trailer from view from the adjoining properties; and

2. No more than one such trailer may be parked on any such residential lot, parcel or tract.

**C. Maximum Density and Homeowners Asso-**



ciation Requirements for Townhouses and Apartments.

1. In zones designated CR-4, CR-5, TR, MU and CB-1, townhouses and apartments shall:

a. Have a density requirement of not more than one dwelling per two thousand square feet for townhouses and one thousand square feet for apartments, or the density requirement of the zone in which the units are located, whichever is more restrictive; and

b. Have a mandatory homeowners association for townhouses as required in Section 18.09.040J and for condominium apartments as required in A.R.S. Section 33-551 et seq.

2. Building setback requirements shall be the same as the setback requirements in the zone where the lots are created and shall be determined from the boundaries of the proposed development.

D. Rear Dwelling Requirements. In addition to other requirements of this code, the following shall apply to any dwelling in the rear of a principal building:

1. There shall be provided an unoccupied and unobstructed access way to a street, which access way shall have a width of at least fifteen feet for one dwelling unit and at least twenty feet for two or more dwelling units;

2. For the purpose of determining the front yard for a rear dwelling in any CR-1, CR-2, or CR-3 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.

E. Group Foster Homes.

1. Scope: Group foster homes shall be permitted in the SR, SH, CR-1, CR-2, CR-3, CR-4, CR-5, TR and CMH-1 zones, subject to issuance of a use permit by the zoning inspector showing compliance with the requirements of this subsection;

2. Requirements:

a. Lot size: That the establishment is located on a parcel of land not less than:

1) Eight thousand square feet in size when serving no more than six persons, or

2) Sixteen thousand square feet when serving seven to ten persons, or

3) The minimum lot size of the appropriate zone, whichever is larger; and

b. Setback: That the group foster home is more than one thousand two hundred feet from any existing group foster home, and

c. License: That the establishment is licensed to operate as a group foster home by the Department of Economic Security of the State of Arizona;

3. Appeal of special group foster home permit:

a. Prior to the issuance of a special group home permit all property owners within three hundred feet shall be notified by mail and given twenty days in which to file written objection with the zoning inspector,

b. The objection shall be heard as an appeal by the board of adjustment for the district in which the proposed use is to be located in accordance with Chapter 18.93 (Boards of Adjustments and Appeals);

4. Appeals: Appeals to the board may not be taken for those uses exempted by A.R.S. Section 36-581 et seq.

F. Operative Builder's Yard Provisions.

1. Any licensed residential building contractor may apply for a temporary and revocable permit for a builder's yard, warehouse, or real estate office, in any subdivision of record in any residential zone in which the applicant owns or controls ten or more commercial acres, provided the use is used exclusively to service a residential building project in the subdivision of that land.

2. The permit shall be for a period of twelve months, but the permit may be extended or renewed for an additional period of twelve months if fifty percent or more of the project area has been completely developed during the original permit period.

3. At the expiration of the permit period or any extension thereof, the builder's yard, warehouse, or real estate office shall be removed from the premises where located within sixty days from the date of expiration.

G. Guest House.

1. Shall be permitted on any residential or rural lot which has a minimum lot size of sixteen thousand square feet; or more;

2. Shall be no larger than forty-five percent of the floor area of the main dwelling;

3. Only one guest house per lot shall be allowed;

4. Minimum yard requirements:

a. Front: In accordance with detached accessory building;

b. Side and rear: Twenty feet;

c. Distance to main structures: Twenty feet;

5. One additional on-site parking space shall be required for each bedroom within the guest house;

6. Shall use the same access which serves the main dwelling;

7. The guest house and the main dwelling shall not be served by separate utility meters; and

8. The owner shall record a covenant running with the land stating that no kitchen shall be built within the guest house unless the appropriate zoning is secured to allow a second dwelling unit or the conditions of Section 18.09.020G9 are satisfied.

9. A kitchen shall be allowed in a guest house if:

a. The guest house is occupied by an ill, handicapped or elderly relative in need of special care or supervision; and

b. The guest house occupants are related to the owner of the main dwelling; and

c. The property owner shall provide a statement signed by a physician that special care or supervision is required by the guest house occupant; and

d. Prior to the issuance of a building permit, the property owner shall record a covenant running with the land stating that the kitchen shall be removed from the property within ninety days of the date the guest house is no longer occupied by the ill, handicapped, or elderly relative who is in need of special care or supervision.

#### H. Child Care Center.

1. Child care centers in conjunction with existing church, private school or community service agency shall be a Type I conditional use permitted in all rural and residential zones, and subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 18.97;

2. Requirements:

a. A decorative masonry wall, fence, or combination, at least four feet in height, shall be provided for the enclosure of the outdoor play area.

b. Existing off-street parking and loading areas may be utilized, however shall be in accordance with Chapter 18.75 (Off-street Parking Standards),

c. Hours of operation shall be between six a.m. to nine p.m.,

d. License: The child care center shall be licensed to operate as a child care center by the Office of Child Day Care of the Arizona Department of Health Facilities.

#### I. Adult Care Home.

1. Certification: That the establishment is certified, licensed or registered to operate as an adult care home, if required by state or local law.

2. Gross floor area: Adult care homes shall have a minimum gross floor area of two thousand square feet for six to ten residents.

3. Compliance review:

a. Adult care homes shall obtain a certificate of occupancy if required by county building codes.

b. An adult care home is subject to issuance of a zoning use permit or zoning construction permit by the zoning inspector which establishes compliance with the requirements of this section.

#### J. Secondary Dwelling.

1. Application: In RH and GR-1 zones, a property owner may apply to the zoning inspector for a permit to allow a secondary dwelling for the use of an ill, handicapped, or elderly person in need of special care or supervision, or a care provider for such person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling. The application shall include:

a. Legal description.

b. Signatures of the property owners of record or the authorized agent of the owner.

c. A letter of authorization if the property owner is represented by an agent.

d. A sketch plan of the subject property showing existing and proposed structures, access, parking, and distances from structures to property lines and to other structures.

e. The names of persons who will occupy the secondary dwelling and a statement signed by a

physician that special care or supervision is required by the ill, handicapped or elderly relative,

f. Any other information reasonably necessary to evaluate the application which is required by the zoning inspector,

g. A fee per Section 18.09.020J6.

2. Standards. A secondary dwelling permit shall be subject to the following standards:

a. Property owner shall provide a statement signed by physician that special care or supervision is required by the ill, handicapped, or elderly relative,

b. Only one secondary dwelling per lot shall be allowed,

c. Secondary dwelling shall meet the minimum setback requirements prescribed in the development standards — general of the property's zoning classification,

d. The same access which serves the main dwelling shall be used for the secondary dwelling.

e. The owner shall record a covenant running with the land stating that the secondary dwelling unit shall be removed from the property within ninety days of the date the secondary dwelling is no longer occupied by the person specified in the secondary dwelling permit, and

f. The secondary dwelling will not cause adverse effects to surrounding properties.

3. Additional conditions: The zoning inspector may attach additional conditions to the permit to mitigate possible adverse effects to surrounding properties.

4. Appeals: Prior to the issuance of a secondary dwelling permit, property owners within three hundred feet of the subject property shall be notified by mail and given fifteen days from the date of mailing of notice to file written protest with the zoning inspector.

a. The notification shall include the approved sketch plan and the procedure and requirements for submitting an appeal;

b. The written protest shall include the name and address of the person submitting the appeal and reasons why the application does not meet the secondary dwelling standards in Section 18.09.020J2;

c. The board of adjustment shall hear the appeal in accordance with Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits, and Interpretations).

5. Action by the zoning inspector. A secondary dwelling permit may be issued by the zoning inspector if no written protest is received and the standards in Section 18.09.020J2 above are met. The secondary dwelling permit shall be in accordance with 18.93.050A and B.

6. Validity and renewal of permit. A secondary dwelling permit shall be valid for up to three years and may be renewed by the zoning inspector. A property owner requesting renewal of the permit shall submit to the zoning inspector evidence that the secondary dwelling is still needed and that conditions of the permit have been met.

7. Fee. The fee shall be in accordance with the standard fee for variances as specified in Table 3: Zoning Permits, Section 6, board of adjustment filing fee of the planning and development services fee schedule (Ordinance 1987-213). No additional fee is required for an application forwarded as a variance to the board of adjustment. (Ord. 1991-46 § 1, 1991; Ord. 1991-33 § 1 (part), 1991; Ord. 1990-11 § 1 (part), 1990; Ord. 1989-1 § 1 (part), 1989; Ord. 1986-125 § 1 (part), 1986; Ord. 1986-43 § 1 (part), 1986; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

### 18.09.030 Home occupations.

#### A. Definitions.

1. Baby-sitting Service. A home occupation providing compensated nonresidential care and supervision to no more than six children at the same time and licensed by the state of Arizona, if required.

2. Home Occupation. An activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices, as conditioned by this section.

B. Conditions. Home occupations are permitted when:

1. Conducted and entered from within a dwelling;
2. In connection with which there is no public display of stock-in-trade upon the premises;

18.09.030

3. Not more than one nonresident of the premises is employed;

4. Not more than one-fourth of the floor area of one story of the main dwelling, or a detached home workshop of not more than two hundred square feet in area is used for such home occupation;

5. The residential character of the dwelling is not changed by said use;

6. Such occupation does not cause any sustained or unpleasant or unusual noises or vibrations, or noxious fumes or odors, or cause any parking or traffic congestion in the immediate neighborhood; and

7. A home occupation meeting all the conditions of Section 18.09.030B1 through B6 is permitted to include not more than one home occupation related vehicle. This vehicle must be eighteen feet or less in overall length and seven feet or less in overall height and must be parked on private property, stored in a carport or garage, or shielded from view from adjoining properties by landscaping, fencing or any other suitable material. (Ord. 1988-78 § 1 (part), 1988; Ord. 1985-82 (part), 1985)

**18.09.040 Cluster development option.**

A. Purpose.

1. The purpose of the cluster development option is to provide:

a. Site planning and unity of design in harmony with the natural features and constraints of specific sites, and particularly on sites possessing unique or severe topographic or hydrologic features;

b. Protection of natural, historic and man-made elements of scenic, environmental or cultural significance;

c. Design innovation;

d. Flexibility in the siting of structures and roadways;

e. More cost-effective development due to decreased grading and more efficient servicing of the development with utilities, roads and other essential services;

f. Additional open space for private or community purposes;

g. Protection of existing neighborhoods through the provision of open space buffers and the location of structures;

h. A preferred planning tool for the development of land within the Buffer Overlay Zone, Chapter 18.67.

**B. Definitions.** Certain terms used in this section shall be defined, for purposes of this section only, as follows:

1. **Cluster grouping:** A designed contexture of residential units and their accessory facilities which may be used as a repetitive motif to form a cluster pattern. Each cluster grouping shall be separated by landscaped areas or natural open space to form the larger cluster development.

2. **Cluster open space:** Open space, either natural or functional, provided to compensate for lot size reductions from minimum lot area requirements in the applicable zone.

3. **Common open space:** Land area within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common open space may be either natural open space or functional open space, as defined in this section.

4. **Contexture:** A body or structure made by the interweaving or putting together of parts where the arrangements and union of the constituent parts form a characteristic, unified whole.

5. **Functional open space:**

a. Open space that is a designed element of the development, and has a functionally described and planned use as an amenity for the direct benefit of the residents of the development. Man-made impervious surfaces shall not exceed three percent within areas so designated;

b. **Examples include:**

1) Landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenity,

2) Nature trails,

3) Exercise trails,

4) Open playgrounds, e.g., baseball, multiuse,

5) Picnic areas and facilities,

6) Recreation areas and facilities, e.g., swimming pools, tennis courts,

7) Golf courses: In accordance with Chapter 18.59, Golf Course Zone.

6. **Natural open space:** Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment as a preservation or conservation area.

7. **Public open space:** Open space owned by a public agency, such as Pima County, and maintained by it for the use and enjoyment of the general public.

8. **Review committee:** Review committee means design review committee (refer to Section 18.99.030, DRC).

**C. Scope.** The cluster development option is permitted in the following zones:

1. **RH:** Refer also to Section 18.13.070 (RH Rural Homestead Zone);

2. **GR-1:** Refer also to Section 18.14.060 (GR-1 Rural Residential Zone);

3. **ML:** Refer also to Section 18.15.060 (ML Mount Lemmon Zone);

4. SR: Refer also to Section 18.17.060 (SR Suburban Ranch Zone);

5. SH: Refer also to Section 18.19.050 (SH Suburban Homestead Zone);

6. CR-1: Refer also to Section 18.21.050 (CR-1 Single Residence Zone);

7. CR-2: Refer also to Section 18.23.050 (CR-2 Single Residence Zone);

8. CR-3: Refer also to 18.25.050 (CR-3 Single Residence Zone);

9. CMH-1: Refer also to Section 18.33.060 (CMH-1 County Manufactured and Mobile Home — 1 Zone).

**D. Permitted Uses and Accessory Structures.**

**1. Uses:**

a. Residential subdivided lots and units, as permitted in the zones listed in Section 18.09.040C,

b. Cluster open space, as defined in Section 18.09.040B;

**2. Accessory buildings and structures:**

a. In individual, subdivided lots:

1) Permitted coverage: Ten percent of lot area,

2) Maximum height: Fifteen feet,

3) Minimum setback: In accordance with applicable county building codes (Title 15),

b. In functional open space areas:

1) Permitted coverage: Three percent of required area,

2) Maximum height: Thirty-four feet,

3) Minimum setback: In accordance with applicable county building codes (Title 15).

**E. Development Standards.**

1. Minimum site area: None, all permitted zones.

2. Average site area per dwelling unit (maximum density factor):

a. ML/CR-1/GR-1: Thirty-six thousand square feet;

b. SR: One hundred forty-four thousand square feet;

c. SH: Eighteen thousand square feet;

d. CR-2: Sixteen thousand square feet;

e. CMH-1: Eight thousand square feet;

f. CR-3: Eight thousand square feet;

g. RH: One hundred eighty thousand square feet.

3. Minimum lot area per dwelling unit (minimum allowable lot size):

a. Sewered lots: No minimum lot size, as may be approved by the review committee.

4. Minimum setback requirements: As may be approved by the review committee, consistent with the requirements of major streets and routes plan and the Arizona Department of Health Services.

5. Maximum height: Thirty-four feet.

6. Minimum distance between buildings: As may be approved by the review committee, consistent with county building code requirements.

7. Minimum distance between cluster groupings: As may be approved by the review committee.

8. Cluster groupings:

a. All residential units may be common-walled or detached, but shall not be formed into cluster groupings that exceed six common-walled residential units each, unless approved by the review committee.

b. Cluster groupings shall be separated by cluster open space to provide spatial definition between groupings, and shall be as approved by the review committee.

9. Utilities:

a. Utilities and sewers shall be located within the developed portion of the site wherever possible to reduce the future impact of maintenance and repair activities on cluster open space.

b. Public sewers shall be designed such that manholes are located in paved areas which have paved access, unless otherwise approved by the director of the wastewater management department.

10. Excess cut and fill material shall be disposed of in accordance with Chapter 18.81 (Grading).

11. Roads: All streets and highways must have horizontal and vertical alignment consistent with an approved design speed, and roadway



geometrics consistent with an approved design vehicle, as specified in criteria available from the department of transportation and flood control district.

12. Landscaping: In accordance with Chapter 18.73 (Landscaping Standards).

13. Buffers:

a. Buffers shall be provided to protect existing neighborhoods by mitigating the adverse impacts of sound, visibility and traffic.

b. Buffers may include landscaping, walls, fences, pathways, drainageways, natural features, existing vegetation and natural open space (refer to Chapter 18.73, Landscaping Standards).

14. Exterior lighting: Any lights used to illuminate parking spaces, drives and recreation facilities shall be of a design and so arranged to shield and reflect light away from residential lots.

F. Open Space Requirements.

1. Cluster open space area and ratio requirements: Cluster open space shall comprise at least thirty percent of the gross site area and be equal to or greater than the difference between the total area of the residential lots to be subdivided and the required average site area per dwelling unit total in the applicable zone.

2. Cluster open space ownership and control shall be only:

a. As part of an individual, private lot with recorded covenants running with the land;

b. By a homeowner's association, as specified in this section; or

c. By Pima County, as legally dedicated to and approved by the board of supervisors.

3. Third-party ownership of cluster open space shall not be allowed. The association may enter into contracts or lease agreements to allow third-party operation of uses permitted within functional open space, as defined in this option.

4. Natural open space adjacent to public parks, preserves or county-maintained stream channels may be deeded by Pima County as public open space, if approved by the board of supervisors.

5. Cluster open space shall be an integral part of the site design and shall be within the boundaries of the cluster development it serves.

6. Phased developments shall provide cluster open space for each phase, so that each phase may stand alone in conformance with Section 18.09.040K.

7. Cluster open space shall not include public or private streets, driveways, parking areas channeled drainageways, and disturbed, unvegetated areas.

8. Final plats shall be delineated and annotated to reflect the cluster open space requirements.

G. Cluster Development Plan Requirements.

1. A cluster development procedures checklist, to aid in the preparation of the plan, shall be

available from the planning and development services department.

2. The development plan for cluster review shall include:

a. A site analysis, in accordance with county "Site Analysis Requirements" document, Section IV, A through L;

b. A preliminary development plan, in accordance with Section 18.91.030E (Zoning Code Amendments and Zone Changes);

c. An evaluation of the effect of the proposed development, in accordance with county "Site Analysis Requirements" document, Section V, B through P;

d. Architectural renderings, elevations and perspectives, as required, to present the style, color, materials and context of proposed structures;

e. Delineation of cluster open space and calculations for its derivation;

f. Landscape plan, in accordance with Section 18.73.030 (Landscaping Standards); and

g. Any descriptive data that may be appropriate, including drafts of the proposed covenants, conditions and restrictions that will apply to the cluster project.

H. Review Committee. Proposed plans in a cluster development shall be reviewed by the design review committee (refer to Section 18.99.030, DR).

I. Cluster Development Review Procedures.

1. Preliminary review:

a. Preliminary review by the department and planning and development services is required for all proposals prior to the submittal of a cluster development plan.

b. The developer shall consult with other agencies and parties potentially interested in the development, such as other county departments, all affected utility companies, and homeowner associations, and property owners within three hundred feet of the site.

2. Submittal: Application for cluster development plan review shall be submitted in writing together with required fees to the planning and

development services department, along with the required number of copies of the plan, as prepared in accordance with Section 18.09.040G.

3. Compliance review: The department shall review the plan for compliance with the cluster development checklist and this article, and shall, in writing, either accept or reject the plan for further review within five working days of plan submittal:

a. If accepted, copies of the plan shall be transmitted to the members of the review committee, and a committee meeting shall be held within twenty working days of written compliance approval.

b. If rejected, the developer may:

1) Resubmit the plan with the appropriate corrections; or

2) Appeal to the committee at a regularly scheduled meeting. The committee may then either accept or reject the plan for future review.

4. Committee review:

a. The committee shall review the cluster development plan for conformance with the purpose and requirements of this section and of this code, and refer to design guidelines and standards contained in the cluster design review manual.

b. The committee shall also specify the general conditions and revisions that must be complied with before the plan can be approved.

c. Written minutes of the meeting shall be available within five working days of the meeting.

d. Review criteria:

1) In acting on a proposed cluster plan, the review committee shall give particular consideration to the following criteria:

a) Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural and historic site features and structures to be preserved.

b) The utility of functional open space shall be determined by the size, shape, topographic,



and location requirements of the particular purpose proposed for the functional open space.

c) Cluster open space shall include irreplaceable natural features if located in the site (such as, but not limited to, stream beds, significant stands of vegetation and trees, individual trees and cacti of significant size, rock outcroppings, peaks, ridges and slopes).

d) Cluster open space intended for a recreation or common use shall be easily accessible to pedestrians, and accessibility shall meet the needs of the handicapped and elderly.

e) The suitability of cluster open space intended for scenic purposes shall be determined by its visual impact and quality as seen from a significant number of units, buildings or by its visibility along the nearest lengths of public or private streets, and shall be validated in the site analysis.

f) Suitability of individual building types and designs shall be determined by how well they function and relate to the natural constraints of the site.

g) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view of buildings, and to minimize the land area devoted to motor vehicle access.

h) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of pollution, noise, lighting and traffic on the residents of the site.

i) Sites, structures and landmarks having a potential for historic preservation shall be identified and, where possible, be integrated into the development plan as a designed feature of the project.

#### 5. Review committee decision:

a. If approved without modification, the developer may now comply with Chapter 18.69 (Subdivision Standards) and submit the required documents and fees to the planning and development services department.

b. If approved subject to modification, the developer may:

1) Submit the revised plan to the department for final compliance review; or

2) Appeal any committee requirements in accordance with Section 18.09.040I6.

c. If the plan approved by the review committee constitutes a substantial change from a previously approved preliminary development plan, the following applies:

1) The subdivision coordinator shall schedule a duly noticed public hearing within twenty work days of the review committee approval, at which the board of supervisors shall be requested to approve the cluster development option plan in lieu of the previously approved preliminary development plan.

2) The request shall be at no additional fee to the petitioner, and shall specifically cite the substantial change or difference between the two plans. The request shall provide the rationale for the design review committee's recommendation.

3) The supervisors' directions shall be applied to the cluster option plan, which shall be further processed in accordance with Section 18.09.040I (Final Compliance Review).

#### 6. Appeal of review committee decision:

a. Appeals of the conditions and requirements specified by the committee may be directed in writing by the developer to the planning and zoning commission within ten working days of the committee decision. A hearing shall be held within forty-five calendar days of receipt of the appeal. Notice of the appeal hearing shall be provided to all who received notice of the committee meeting at which the condition or requirement being appealed was established.

b. Appeals from the decision of the commission by the petitioner shall be made in writing to the board of supervisors within twenty working days of the action of the commission. Reasons for and evidence to support the appeal shall be presented for review. Scheduling of the appeal at a public hearing will be accomplished by the zoning administrator.

7. Final compliance review: All plans revised

in conformance with the decisions of the committee, the commission or the supervisors shall be submitted to the planning and development services department for final compliance review prior to submittal of a tentative plat. A compliance decision shall be provided within five working days of the revised plan submittal.

8. Tentative plat submittal: Following final cluster development option compliance approval, the developer shall submit to the planning and development services department the following:

- a. A tentative subdivision plat for review, in accordance with Chapter 18.69 (Subdivision Standards);
- b. Approved cluster arrangements and schematic elevations, keyed to the approved cluster site plan;
- c. A type 2 grading plan, in accordance with Section 18.81.060 (Grading);
- d. Delineation of cluster open space;
- e. Landscape plan, in accordance with Section 18.73.030 (Landscaping Standards);
- f. Proposed covenants for the development; and
- g. Documentation outlining the proposed percentage of development to be accomplished prior to the homeowners' association assuming responsibility for the maintenance of common areas and property. (reference..Section-18.09.040J2).

9. Time limits:

a. Approval of a cluster development plan shall be effective for two years from the date of final compliance approval, unless a tentative plat has been approved in accordance with Chapter 18.69 (Subdivision Standards).

b. Failure to record a final plat within four years of the review committee approval date shall require a project feasibility review and approval to proceed by the planning and development services director, who shall determine the need for additional cluster option review, based on land use changes surrounding the site area during the four-year period.

J. Homeowners' Association. The applicant shall submit for recording a set of covenants, running with the land, providing for the creation of a homeowners' association. The covenants shall contain the following provisions:

1. A hold-harmless clause assuring that Pima County is not responsible for maintenance or liability of the private and common areas of the development, which shall include, but not be limited to:

- a. Cluster open space,
- b. Parks,
- c. Buffers,
- d. Landscaping,
- e. Recreational facilities,
- f. Streets and trails, and
- g. Private sewers, utilities and septic systems;

2. The association's structure and its operating rules and regulations must be documented and approved before any lots or residential units are sold. The developer shall present, for design review committee approval, a plan for the transfer of all common areas and facilities control to the homeowners. The transfer of control may be based on an elapsed time period or the number or percentage of lots sold.

3. All common open space and improvements shall be established and maintained in accordance with the following requirements:

a. The applicant or developer shall provide for and establish a nonprofit organization or other legal entity under the laws of Arizona for the ownership, care, and maintenance of all such lands and improvements.

b. Such organization shall be governed by covenants running with the land and shall be composed of all persons having ownership within the subdivision. Such organization shall be responsible for the perpetuation, maintenance and function of all common lands, uses, and facilities.

c. All common open space and improvements shall be described and identified as to location, size, use, and control in the covenants, and such covenant shall set forth the method of

assessment for the maintenance of such land. The covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five years, and shall be automatically extended for successive periods of twenty-five years unless terminated in a manner set forth hereinafter. The covenants shall become part of the deed to each lot or parcel within the development,

d. Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities or uses. Such organization shall not be dissolved, nor shall such organization dispose of any common open space, by sale or otherwise,

e. No common open space shall be denuded, defaced, nor otherwise disturbed in any manner not previously approved without the approval of the board of supervisors,

f. The covenants shall provide that in the event the homeowner's organization established to own and maintain such common open space and improvements shall at any time after establishment of the development fail to maintain the common open space and improvements in reasonable order and condition in accordance with the approved plans, the county may serve notice in writing upon such homeowner's organization or upon the homeowners within the development setting forth the manner in which the homeowner's organization has failed to maintain the common open space and improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty days of the notice,

g. At such hearing the county may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured,

h. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty days or any extension thereof, the county, in order to preserve the taxable values of the properties within the development and to prevent the common open space and improvements from becoming a public nuisance, may enter upon said common open space and maintain the same for one year,

i. Said entry and maintenance shall not vest in the public any rights to use the common open space and improvements, except when the same is voluntarily dedicated to the public by the owners,

j. Before the expiration of said one-year period, the county shall, upon its initiative or upon the request of the homeowner's organization responsible for the maintenance of the common open space and improvements, call a public hearing upon notice in writing to such organization or to the homeowners within the development, to be held by the supervisors, at which hearing the organization shall show cause why such maintenance of the county shall not, at the election of the supervisors, continue for a succeeding one-year period.

k. If the supervisors determine that such organization is ready and able to maintain the common open space and improvements in reasonable condition, the county shall cease to maintain the common open space and improvements at the end of said one-year period.

l. If the supervisors determine that such organization is not ready and able to maintain the common open space and improvements in a reasonable condition, the county may, in its discretion, continue to maintain the common open space and improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter.

m. The covenants shall further provide that the cost of such maintenance by the county shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and improvements.

and shall become a charge on said properties, and such charge shall be paid by the homeowners of said properties within thirty days after receipt of a statement.

**K. Phased Development.**

1. Approval may be given for the development of delineated phases of the site, after submittal of a unified cluster site plan for the total project. The phased portions shall be shown on the subdivision plat.

2. Open space requirements for each phase shall be the same as stated in Section 18.09.040F. Separate homeowners' associations with provisions for expansion or consolidation may be created. Prior to the sale of any lot, site, unit or dwelling in a phased portion, the open space and recreation areas in that portion shall be designated, recorded and developed or maintained in conformance with the approved development plan.

**L. Amendments to Final Plan.**

1. Nonsubstantial changes in the location, siting or character of buildings may be authorized by the planning and development services director, if required by engineering or other circumstances not foreseen at the time of the final subdivision plat approval.

2. Substantial changes to the approved cluster site plan shall require a complete, new review of the entire project, to include additional fees, plan submittals and meetings in accordance with this section. (Ord. 1988-116 § 4, 1988; Ord. 1986-187 § 1 (part), 1986; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-111 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.09.050 Lot reduction option.**

**A. Scope:**

1. Minimum lot size requirements for lots in a subdivision may be approved by the board of supervisors for reduction where the conditions of Section 18.09.050B exist and the planning and zoning commission finds and certifies them to the supervisors.

2. The lot reduction option is permitted in the following zones:

- a. CR-1: Refer also to Section 18.21.060;
- b. CR-2: Refer also to Section 18.23.060;
- c. CR-3: Refer also to Section 18.25.060.

**B. Conditions:**

1. That in total there are no more individual one-family lots than provided for in the lot reduction option provisions of the individual zones;

2. That the subdivision and all park, recreation areas, and drainage areas (CR-1 only) conform to this code, including area and neighborhood plans, as supplemented and amended;

3. That full and adequate provision is made for surface drainage, including dedication of rights-of-way for existing and natural watercourses; and

4. That to promote parks and recreation:

a. An area is dedicated for drainage purposes (CR-1 only) or otherwise permanently reserved for park or recreation purposes, either by dedication to the public or by conveyance of an undivided interest to each lot owner within the subdivision or by appropriate deed restrictions or by other governmental acquisition processes,

b. The total extent of said park, recreation area, or drainage area (CR-1 only) is no less than the sum total of the number of square feet by which the area of each lot in the subdivision is less than that required by the zone,

c. In no event is the size of any single park or recreation area any less than four acres, and

d. Said park and recreation areas, whether dedicated to the public or not, are reasonably available to all lot owners within the subdivision.

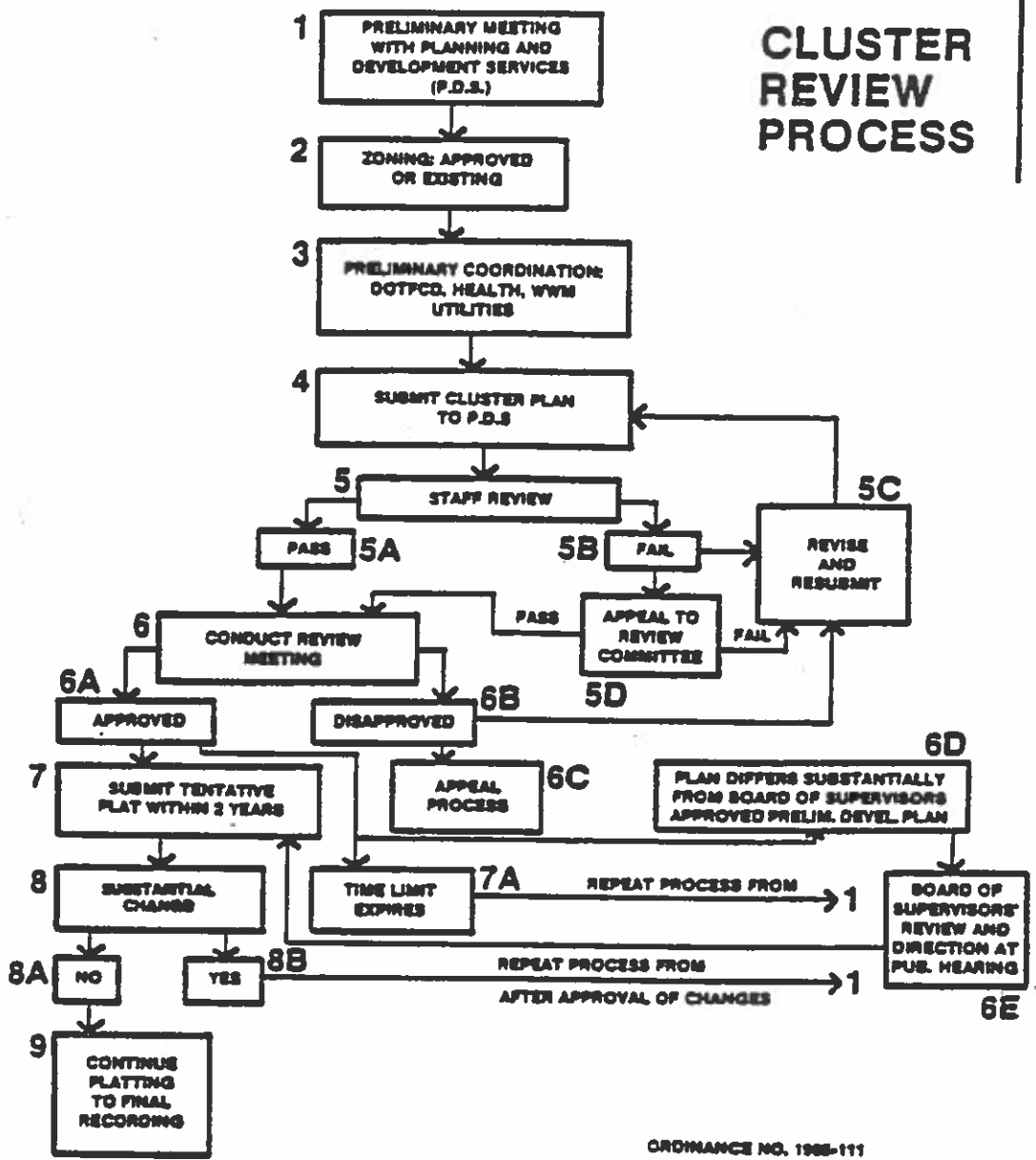
**C. Approved plat recordation required:** No approval on a minimum lot size reduction shall be effective until a subdivision plat complying with the commission's findings and certification and approved by the commission and supervisors is recorded in the office of the county recorder. (Ord. 1985-82 (part), 1985)

**18.09.060 Lot development option.**

**A. Purpose.** The purpose of this option is to:

- 1. Permit the efficient use of land;

# CLUSTER REVIEW PROCESS



ORDINANCE NO. 1988-111

2. Encourage originality, flexibility and innovation in site planning and architectural design; and

3. Permit building location and construction which conserve energy.

**B. Yard Requirements.**

1. Front and rear yards shall each be a minimum of twenty feet;

2. Side yards shall each be a minimum of eight feet; or

3. A main structure may be placed on a side lot line, if the distance between main structures is sixteen feet.

**C. Application.**

1. This option shall apply only to new developments which take place entirely under this option unless fifty percent of the owners of the developed lots within the subdivision approve the use of this option.

2. It shall apply to properties zoned CR-2, CR-3, CR-4, CR-5, MU, CB-1, and CB-2.

3. Structures shall be subject to all other setback requirements of the zone they are in. This option shall not waive any provisions of the county building codes (Title 15 of this code) or any other codes or policies.

**D. Permits.**

1. The zoning inspector shall issue lot development permits to applicants fulfilling the requirements of this section.

2. The applicant shall submit to the zoning inspector:

a. A development plan showing to scale all proposed and existing structures on the lot or parcel and all structures on abutting lots or parcels;

b. A covenant of record running with the land establishing the rights and responsibilities of abutting property owners where a main structure is on a common lot line; and

c. A covenant providing for review by the zoning inspector of additions and modifications to structures in the development after the project is completed.

3. No permit shall be issued if:

a. Drainage from the proposed structures will adversely affect adjoining property or public rights-of-way;

b. Roofs will drain on abutting properties; or

c. The location of and activities in the proposed structures will impose objectionable noise on adjoining property.

4. Structures other than patio walls shall not be placed on a lot line with another property not a part of the same development. (Ord. 1985-82 (part), 1985)

**18.09.070 Multisectional manufactured home subdivision option.**

**A. Required Public Hearing.**

1. Multisectional manufactured homes shall be permitted in all residential subdivisions recorded after June 15, 1981, if the designation "multisectional manufactured homes permitted" is approved by the board of supervisors at the time of conditional rezoning and is placed on the plat at the time of recording.

2. The provisions of Section 18.09.070A1 shall not apply to subdivisions recorded to satisfy the requirements of a conditional rezoning granted prior to June 15, 1981, unless approval is granted by the supervisors at an advertised public hearing.

**B. Required Notice.** Notice of hearing shall be given by mail to all owners of record within three hundred feet of the subdivision. (Ord. 1985-82 (part), 1985)

**18.09.080 Small lot subdivision option.**

**A. Scope:** This option is permitted in the following zones:

1. CR-4: Refer also to Section 18.27.050:

2. CR-5: Refer also to Section 18.29.050.

**B. Procedure:**

**1. Public hearing:**

a. Single detached dwellings shall be permitted on individual lots with area less than that required by the zone in a subdivision of five acres or greater, recorded after April 4, 1983, if the designation "small lot single detached dwelling



permitted" is approved by the board of supervisors at an advertised public hearing and is placed on the final plat at the time of recording.

b. The provisions for single detached dwellings on individual lots with area less than that required by the zone shall not apply to subdivisions recorded to satisfy the requirements of a conditional rezoning granted prior to April 5, 1983, unless approval is granted by the supervisors at an advertised public hearing.

2. Notice: Notice of hearing shall be given by mail to all owners of record within three hundred feet of the subdivision.

C. Development standards: As provided for in the small lot subdivision option provisions of the individual zones.

D. Recreational facilities:

1. Requirement: Recreational facilities shall be required when this option is used.

2. Minimum recreational facility area standards:

a. A minimum of five percent of the subdivision area, excluding private and public streets, designated for the small lot subdivision option shall be devoted to, and designated as, "recreational area" on the final subdivision plat.

b. The recreational area shall be designed as an integral part of the subdivision and be usable and accessible by all subdivision residents.

c. Drainageways, floodways, natural open space, or required buffers may constitute the recreational area, if approved by the director of parks and recreation. The developer must clearly explain and justify, in detail, how these areas will be used for recreation.

d. Recreational areas shall not include land, such as peaks, ridges or land fragments, determined unusable for recreational purposes by the director of parks and recreation.

3. Recreational area plan submittal and approval:

a. The developer shall submit a recreational area plan with the tentative plat.

b. The plan shall show all recreational

improvements, including structures and facilities.

c. Approval of the plan by the director of parks and recreation shall be a prerequisite to approval of the final plat.

4. Facilities installation, ownership and maintenance:

a. Private recreational facilities and landscaping shall be completed and in place by the time twenty-five percent of the dwelling units are occupied, or as otherwise approved by the director of parks and recreation.

b. The recreational area and improvements shall be owned and maintained by a mandatory membership homeowners' association created by covenants, unless the area and improvements are dedicated to, and accepted by, Pima County.

5. Optional method:

a. In lieu of the required recreational area:

1) The board of supervisors may approve an alternative proposal which aids in the implementation of the county parks and recreation master plan; or

2) If the developer can demonstrate that adequate recreational facilities exist, the requirements of this section may be waived at the time of public hearing before the supervisors.

b. The proposal shall be prepared with the director of parks and recreation and approved by the supervisors after an advertised public hearing.

c. The terms of the agreement shall be made a matter of record and a condition of approval of any final plat or issuance of any permits for the subdivision.

d. The agreement shall provide parks and recreational facilities which benefit the residents of the subdivision. (Ord. 1985-82 (part), 1985)

#### 18.09.090 Model home permits.

A. Scope. Building permits for not more than ten model units may be issued prior to the adoption of a rezoning ordinance if the property has

been conditionally approved for rezoning subject to acceptance of a subdivision plat or development plan.

B. Issuance of Permits. The permits may be issued when the following conditions are met:

1. The tentative plat and model home landscape plan have been approved by the subdivision review committee;

2. The site and setbacks of the model units are in conformance with the approved tentative plat and the proposed rezoning;

3. Written approval has been granted by the directors or authorized representatives of:

a. The planning and development services department,

b. The department of transportation and flood control district,

c. The wastewater management department, and

d. The property management division;

4. The applicant for such model permits shall acknowledge in writing that:

a. Such permitted models shall not be sold or occupied for residential purposes until the proposed zoning ordinance has been adopted by the board of supervisors,

b. The issuance of model permits shall not be construed as a commitment by the county to approve the subdivision plat or grant the proposed zoning, and

c. The applicant is solely responsible for any financial expenditures or obligations made as a result of the issuance of such model permits.

(Ord. 1985-171 § 1 (part), 1985; Ord. 1985-82 (part), 1985)



**Chapter 18.61**

**HILLSIDE DEVELOPMENT OVERLAY  
ZONE**

**Sections:**

- 18.61.010 Purpose.**
- 18.61.020 Scope and exceptions.**
- 18.61.030 Definitions.**
- 18.61.040 Prohibited uses.**
- 18.61.050 Protected peaks and ridges.**
- 18.61.060 Natural areas.**
- 18.61.070 Slope density requirements.**
- 18.61.080 Development standards.**
- 18.61.090 Platting and development plan requirements/review/compliance.**
- 18.61.100 Variances/special use permits.**
- 18.61.110 Illustrations.**
- 18.61.120 Maps.**

**18.61.010 Purpose.**

A. The purpose of this chapter is to establish standards for hillside areas which conserve and

18.61.010

promote the public health, safety, convenience and general welfare by:

1. Conserving the unique natural resources of hillside areas;
2. Minimizing water runoff and soil erosion problems incurred in development alteration of the terrain;
3. Providing safe and convenient access to hillside development;
4. Ensuring the efficient expenditure of public funds; and
5. Maintaining the character, identity, and image of Pima County. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.61.020 Scope and exceptions.

- A. The overlay zone shall apply to any land parcel with an average cross slope of fifteen percent or greater, or to land parcels with any slopes of fifteen percent or greater.
- B. Fractions of numbers shall be rounded off to the nearest whole number. When .5 or higher is computed, the number shall be rounded off to the next highest whole number.
- C. The provisions of Section 18.61.070A shall not apply to land parcels recorded in the county recorder's office prior to July 1, 1976. If land parcels are divided or used for multifamily development after that date, all appropriate provisions of this chapter shall apply.
- D. The provisions of this ordinance shall not apply to construction done pursuant to building permit issued or recorded subdivision plat filed prior to February 5, 1986, if granted a hardship variance by the board of supervisors through the public hearing process. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.61.030 Definitions.

- A. Certain terms used in this chapter shall be defined for purposes of this chapter only, as follows:
  1. Average cross slope: A method of determining the natural cross slope of a project site, by using the following equation:

$$\frac{I \times L \times .0023}{A} \text{ where:}$$

- I = Contour interval in feet;
- L = Combined length in feet of all contour lines measured on the project site, not to include contours in natural areas meeting the requirements of Section 18.61.060;
- .0023 = Conversion of square feet into acres × 100;
- A = Project site area in acres.

2. Building envelope: The area to be occupied by any structure and associated development.

3. Building site slope: The average natural slope of the area designated as the building envelope measured at right angles to the natural contours along a line passing through the center of the building envelope; such line shall terminate at the opposite edges of the proposed building, or at the opposite edges of the proposed cut or fill, whichever distance is greater. Illustration: Section 18.61.110, Figure 18.61-1.

4. Development: Any alteration of the natural or existing configuration of the earth's surface or vegetative cover creating commercial, industrial, residential and accessory facilities, including any and all utility services and circulation areas, such as streets, private roads, parking areas or driveways. An alteration of or any addition to a structure or circulation area which existed prior to July 1, 1976, and does not exceed either one thousand square feet or twenty-five percent of the area covered by the existing structure, whichever is greater, shall not be considered "development."

5. Divide: To separate into two or more land parcels.

6. Enclosed area of dwelling unit: The dwelling unit and all attached roofed structures, including carports and patio ramadas.

7. Exposed slope: All the face of a cut or fill, from the toe to the top, whether the surface is

retaining walls, rip-rap, natural vegetation or other materials.

8. **Hillside building height:** The vertical distance from the lowest finish floor elevation of the building to the highest elevation point of the building or roof.

9. **Land parcel:** An area of land with boundaries recorded in the Pima County recorder's office.

10. **Natural area:** A land area, unimproved and not occupied by any structures or manmade elements, set aside for the conservation of permanent, undisturbed open space.

11. **Peak point:** The single highest elevation spot of a peak.

12. **Project site:** An area consisting of one or more land parcels that is planned, reviewed and developed as a unified project, including designated natural areas.

13. **Ridge line:** A ground line connecting the series of highest elevational points of a ridge, running center and parallel to the long axis of the ridge.

14. **Slope plan:** A plan for development, clearly depicting all proposed grading including the location, extent and treatment of all exposed slopes. (Ord. 1986-187 § 1 (part), 1986; Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### **18.61.040 Prohibited uses.**

A. No RVC, CB-1, CB-2, CPI, CI-1, CI-2 and CI-3 zone shall be permitted on land parcels having average cross slopes of fifteen percent or greater, or on any building envelope with a slope of fifteen percent or greater. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### **18.61.050 Protected peaks and ridges.**

A. There shall be no development within a horizontal radius (map distance) of one hundred fifty feet from a protected peak point or one hundred fifty feet from a protected ridge line, as designated in Section 18.61.120. Illustration: Section 18.61.110, Figure 18.61-2.

B. When development is proposed within five hundred feet of a protected peak or ridge, the developer shall submit to the department of transportation and flood control district (DTFCD) a topographic map (scale no smaller than one inch equals one hundred feet with ten-foot contour intervals) delineating the protected peak or ridge, the peak point or ridge line and elevation, and the resulting area protected from development. Prior to any other plan review or permit issuance, this map shall be submitted to the DTFCD and, if DTFCD finds that it is accurate and in conformance with the requirements of this chapter, the map shall be approved and stamped by the DTFCD. This requirement shall also apply when a road or development is proposed within a protected area, subject to the granting of a variance or special use permit in accordance with Section 18.61.100. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### **18.61.060 Natural areas.**

A. **Scope.** Natural areas set aside in any division of land shall not be included in the average cross slope analyses. The total acreage of the project site may be used for dwelling unit density calculations; provided, that all other applicable provisions of this section are met.

B. Development shall not be permitted within the legally described boundaries of a natural area. However, if utility or service trenches cannot reasonably be provided without crossing natural areas of the project site, such trenches may be permitted, provided they are revegetated in accordance with Section 18.61.080D.

C. Natural areas shall be clearly delineated, in a surveyable manner, on all final plats and development plans (Section 18.61.090).

D. Natural areas shall be incorporated into the subdivision plat as either a portion of privately owned lots or as land parcels under the ownership of a homeowners association. Deed

restrictions which prohibit development in natural areas shall accompany the plat. Where natural areas are located adjacent to major public parks, such areas may be deeded to Pima County, subject to approval by the county parks and recreation department and by acceptance of the board of supervisors.

E. For project sites that will have more than one plat, a legal description and covenant restricting the use of the entire natural area shall be recorded by the developer in the county recorder's office prior to the issuance of any building permit for the development of the project site.

F. Land parcels which include a natural area designation shall not be further divided. Recorded subdivisions within project sites that include relocated densities due to natural area designations shall not be further divided. (Ord. 1985-113 § 1 (part), 1985: Ord. 1985-82 (part), 1985)

**18.61.070 Slope density requirements.**

A. On land parcels with average cross slopes of fifteen percent or greater, average dwelling unit density shall not exceed that allowed by either the existing zoning on the parcel or the following table, whichever is more restrictive.

Average Cross Slope (%)	Average Area per Dwelling Unit (acres)
15	1.0
16	1.0
17	1.25
18	1.37
19	1.5
20	2.0
21	2.25
22	2.5
23	3.5
24	4.5
25	6.0
26	7.0
27	8.6

28	10.4
29	12.8
30	16.0
31	18.0
32	23.5
33 and greater	36.0

B. The provisions of this section shall not apply when the cluster option is used on land parcels with average cross slopes of less than twenty percent. (Ord. 1985-113 § 1 (part), 1985: Ord. 1985-82 (part), 1985)

**18.61.080 Development standards.**

A. Scope. This section shall apply to that portion of any development which occurs on slopes of fifteen percent or greater.

B. Site Grading Requirements.

1. Scope. The total area of all grading (other than the enclosed area of dwelling unit) for driveways, parkings areas, yards, swimming pools, walls, and accessory structures shall conform with the following requirements (See Table 18.61.080):

2. A building site slope analysis and a slope plan sealed by a civil engineer or land surveyor shall be submitted to the county engineer for review and approval of conformance with this chapter prior to any clearing, grading or the issuance of a building permit or grading permit (when required).

3. All grading shall be performed in accordance with Chapter 18.81.

C. Cut and Fill Requirements.

1. The vertical distance of exposed slopes shall not exceed fifteen feet. Illustration: Section 18.61.110, Figure 18.61-3.

2. No cut or fill shall encroach upon any floodplain, except as provided for in the floodplain management Ordinance No. 1985-FCI or any adjacent properties except by the mutual written consent of all parties affected. Such consent is to be filed with the DTFCD.

3. Cut or fill material in excess of that approved

Table 18.61.080

Development Type	Zone/Lot Size Per Dwelling Unit	Maximum Grading
Cluster-attached	CR-1, CR-2	50% of the project site remaining after exclusion of natural areas
Single detached dwelling units	20,000 sq. ft. or less	50% of the project site remaining after exclusion of natural areas
Single detached dwelling units	Over 20,000 sq. ft. to 1 acre	50% of first 20,000 sq. ft., or 30% of lot, whichever is greater
Single detached dwelling units	Over 1 acre to less than 4 acres	30% of first acre, or 10% of lot, whichever is greater
Single detached dwelling units	4 acres to less than 15 acres	10% of first 4 acres, or 7% of lot, whichever is greater
Single detached dwelling units	15 acres to less than 36 acres	7% of first 15 acres, or 5% of lot, whichever is greater
Single detached dwelling units	36 acres and over	5% of first 36 acres, or 3% of lot, whichever is greater
Multiple dwellings/ business offices/ existing commercial and industrial		80% of the project site remaining after exclusion of natural areas

for use shall not be disposed of over the sides of hills or ridges.

**D. Site Restoration Requirements.**

1. The restoration of a site shall be in accordance with Section 005-I of the Grading Design Manual (Refer to Chapter 18.81, Grading).

2. All slope treatment for local and minor collector streets shall be completed prior to final acceptance of streets and drainage improvements by the county, and prior to the release of assurances for the development.

3. All slope treatment for lots shall be completed prior to the final inspection of single-family residences or the issuance of a certificate of occupancy.

**E. Color Requirements.** All exposed exterior walls of dwelling units, retaining walls, and accessory structures shall be earthtone in color and shall blend in with the natural setting. White shall not be permitted. (Ord. 1986-187 § 1 (part), 1986; Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.61.090 Platting and development plan requirements/review/compliance.**

**A. Requirements.**

1. In addition to the requirements of Chapters 18.69 (Subdivision Standards) and 18.71 (Development Plan Standards), tentative plats and development plans submitted for county review shall include:

a. A topographic map of the existing terrain utilizing a scale no smaller than one inch equals one hundred feet, with contour intervals no greater than:

- 1) Two-foot intervals for slopes of twenty percent or less,
- 2) Five-foot intervals for slopes over twenty percent, but less than thirty-five percent,
- 3) Ten-foot intervals for slopes of thirty-five percent and greater;

b. The average cross slope of the project site analysis shall be sealed by a civil engineer or land surveyor registered in the state of Arizona;

c. A building site slope analysis and a slope plan, similarly sealed;

d. The location of all local and minor collector streets.

2. For project sites with an average cross slope of less than fifteen percent, but with portions that are fifteen percent or greater, the following shall be noted on the tentative plat, final plat and development plan: "Lots (list which lots), may be subject to the Hillside Development Overlay Zone as determined by review of a building site slope analysis by the County Department of Transportation and Flood Control, and any development to be placed thereon shall be shown to conform to the requirements of the Hillside Development Overlay Zone prior to the issuance of any building permits."

3. For project sites with an average cross slope of fifteen percent or greater, the following shall be

noted on the tentative plat, final plat and development plan: "This project is subject to the Hillside Development Overlay Zone, and any development to be placed thereon shall be shown to conform to the requirements of the Hillside Development Overlay Zone prior to the issuance of any building permits."

4. The final plat shall indicate for each lot affected by this ordinance a building envelope, dimensioned in a surveyable manner. Each building envelope shall be consistent with the approved slope plan for the development. The building envelope may be amended after recordation of the plat upon approval by the DTFCO.

B. Review. The county department of transportation and flood control district or their agents shall provide technical review of all plans for development of land parcels affected by the provisions of this chapter and shall require adherence to all requirements to establish conformance with the county approved plans prior to final approval. An HDZ review fee shall be submitted at the initiation of hillside development plan review, payable to the Pima County treasurer, in accordance with the fees schedule adopted by Pima County ordinance.

C. Compliance.

1. Prior to the issuance of building permits, the developer's engineer shall review and seal all final plans to certify to the county engineer that the proposed development complies with this chapter. No building permits shall be issued prior to approval by the county engineer that these final plans meet all applicable provisions of this chapter.

2. The chief zoning inspector shall enforce the provisions of this chapter. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

#### 18.61.100 Variances/special use permits.

A. Variances. The board of supervisors may grant variances to Section 18.61.050A for the purpose of allowing a road to serve otherwise inaccessible portions of a land parcel or to Section 18.61.080 (Development Standards) of this

chapter, if the proposed alternative complies with the intent of this chapter, if the proposed alternative complies with the intent of this chapter and if the material, method or work offered meets equivalent standards prescribed in this chapter for quality, effectiveness, durability and safety.

B. Special Use Permit. The board of supervisors may grant a special use permit for development on a protected peak or ridge or for increased density when such development can be proven by the developer to serve a community need which outweighs the need for the restrictions imposed by Sections 18.61.050 and 18.61.070.

1. No permit shall be issued which:

a. Is contrary to the purpose and intent of this chapter;

b. Allows a use not allowed by other chapters of this code; or,

c. Allows a use which substantially injures the use of adjacent property conforming to the restrictions of this chapter.

2. Grounds for issuing a special use permit shall not include:

a. That the issuance of the permit would allow a more profitable use; or

b. Any condition resulting from a division of land parcels made after July 1, 1976.

3. When approving a special use permit, the supervisors shall make findings of fact showing the grounds for approval. The supervisors shall not approve a permit without a finding that the proposed development serves a community need and that there is no reasonable or preferable alternative to meet that need.

4. The supervisors may place conditions on the permit to carry out the purpose and intent of this chapter.

5. The permit shall run with the land only after the construction of any authorized structures and only for the life of the structures. The permit shall be void if not used to obtain building permits within two years of its issuance.

C. Procedures.

1. Applications for a variance or special use

permit shall be submitted to the planning and zoning department and shall be accompanied by at least the following:

- a. A legal description of the project site;
- b. Requirements listed in Section 18.61.090A1;
- c. A site analysis in conformance with approved departmental policy;
- d. The location of all existing structures, if any, and the location, dimensions, design and color of all proposed development;
- e. A revegetation plan (including rip-rapping) showing existing vegetation, graded areas to be revegetated, manner of revegetation and revegetation time schedule;
- f. An HDZ variance fee payable to the Pima County treasurer in accordance with the fee schedule adopted by Pima County ordinance.

2. After submittal of the above, the application for variance or special permit shall be forwarded to the board of supervisors for a public hearing, in accordance with the notification requirements of Section 18.91.050B (Zoning Code Amendments and Zone Changes). (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

**18.61.110 Illustrations.**

See Figures 18.61-1, 18.61-2 and 18.61-3. (Ord. 1985-113 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

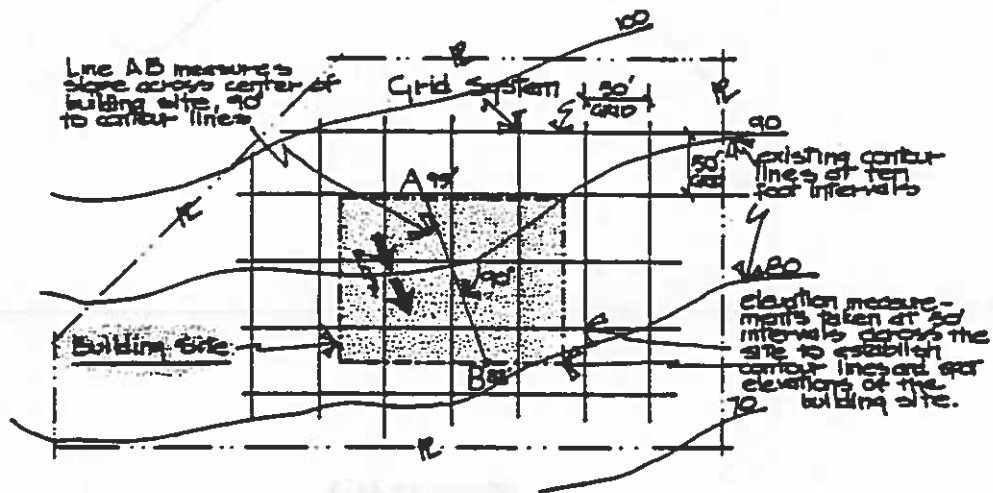


**Figure 18.61-1**  
**Determination of Building Site Slope**

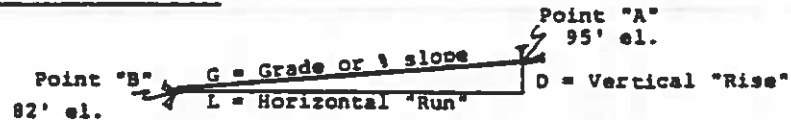
FORMULA:  $G = \frac{D}{L} \times 100$

**WHERE:**

- G = Grade, or percent slope
- D = Rise, or difference in elevation of two points on a map
- L = Run, or the horizontal distance between two points on a map



**FACTORS ILLUSTRATED**



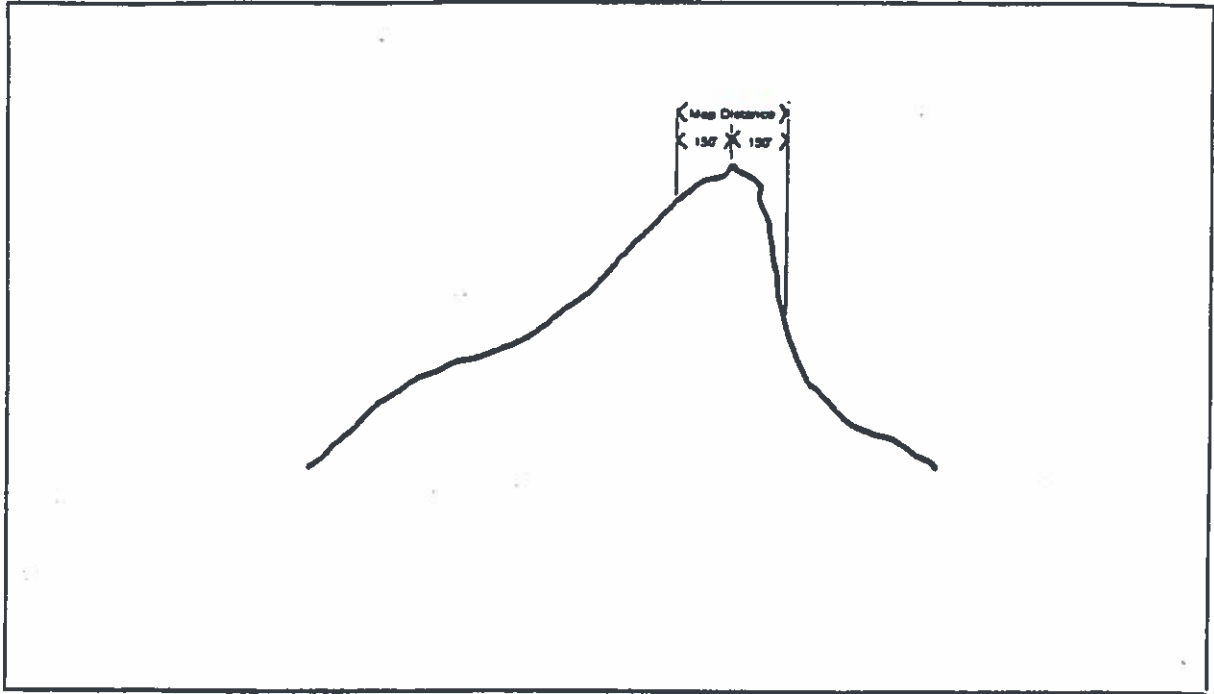
In this example, point "A" is 13 feet higher in elevation than point "B".

The horizontal distance "L" is measured with a map scale and is found to be 135 feet.

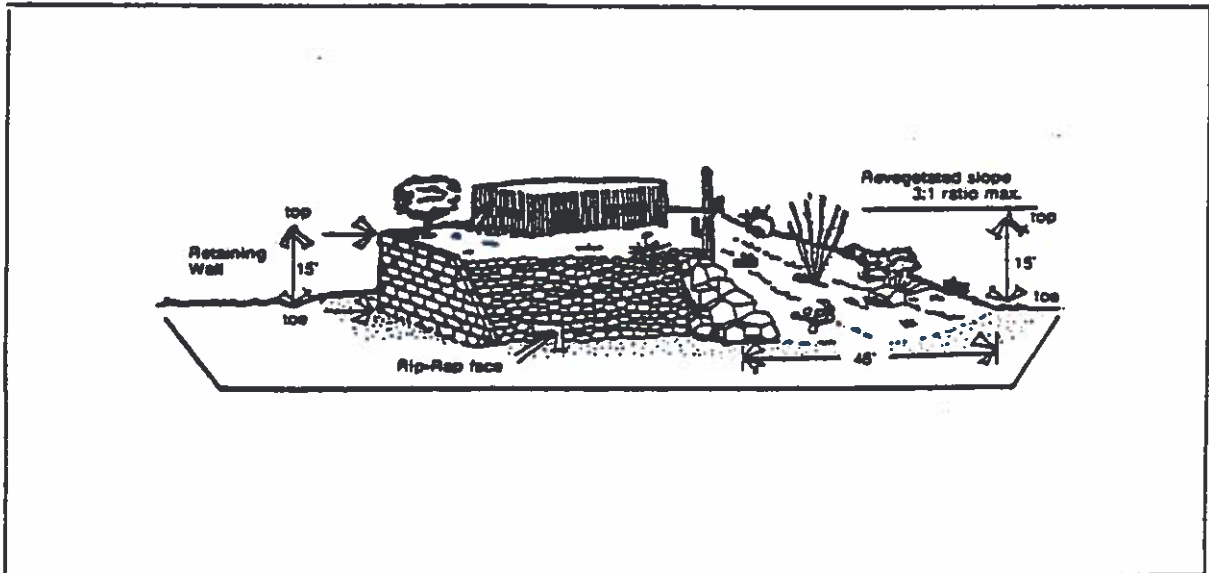
Apply the formula  $G = \frac{D}{L} \times 100$  to obtain

$$\text{Grade} = \frac{13}{135} \times 100 = .10 \times 100 = 10\%$$

**Figure 18.61-2**  
**Measurement of Protected Area**



**Figure 18.61-3**  
**Suggested Treatment for Exposed Fill**



### Chapter 18.73

#### LANDSCAPING, BUFFERING AND SCREENING STANDARDS\*

##### Sections:

18.73.010	Purpose and scope.
18.73.020	Definitions.
18.73.030	Performance standards.
18.73.040	Screening and bufferyard requirements.
18.73.050	Amenity landscaping requirements.
18.73.060	Landscape plan requirements.
18.73.070	Landscape plan review and appeal.
18.73.080	Maintenance provisions.

\* Prior ordinance history: Ord. 1985-82.

##### 18.73.010 Purpose and scope.

A. The purpose of this chapter is to provide landscaping requirements and performance standards which:

1. Enhance and promote the image of the community's desert environment;
2. Conserve groundwater resources in conformance with the Arizona Groundwater Code, Title 45, Chapter 2, by:
  - a. Specifying the use of arid landscape design principles and standards,

- b. Helping control and utilize stormwater runoff,
  - c. Specifying the use of plant materials from approved lists,
  - d. Encouraging the use of effluent;
3. Protect the public health, safety and general welfare by:
- a. Minimizing noise, air, water, dust and visual pollution,
  - b. Screening and buffering incompatible land uses,
  - c. Preserving property values and the character of neighborhoods,
  - d. Reducing the heat and glare absorbed and radiated by development,
  - e. Conserving energy resources,
  - f. Helping to control soil erosion,
  - g. Controlling the use of noxious plants, and
  - h. Increasing traffic safety.

B. The intent of this chapter is to ameliorate adverse impacts between potentially incompatible uses and zones by requiring a minimum level of buffering and screening. This chapter does not determine the compatibility of two different uses or zones, which is determined by the board of supervisors through the planning and zoning process. Additional buffering and screening may be required by the board in particular cases.

##### C. Scope.

1. The provisions of this chapter shall apply to all development except individually owned residential lots which:

- a. Require less than ten motor vehicle parking spaces on site,
- b. Do not back or side on a public street or road, and
- c. Have a land use intensity of less than three residences per acre;

2. New development. The provisions of this chapter apply to all new tentative plans and development plans submitted after the effective date of this chapter;

3. Expansion of existing uses. Approved plans and development existing prior to the effective date of this chapter shall comply with the regula-

tions under which approval was given, and shall be subject to the provisions of this chapter if proposed expansion will exceed twenty-five percent of the gross floor or lot area of the existing development. The area and type of landscaping required shall be determined relative to the entire area of the development.

4. Scope of landscape plan application. A landscape plan shall be submitted to the planning and development services department for the following:

a. Any development plan or subdivision plat that requires ten or more parking spaces, except

for single-family dwellings where all parking is contained within structures and carports on individual, subdivided lots,

b. Any development plan or subdivision plat that contains common areas, open space or natural areas owned or controlled by a homeowners' association or group (e.g. cluster option developments),

c. When screening, buffering or landscaping is required elsewhere in this code,

d. When screening, buffering or landscaping is required by the board of supervisors as a condition of rezoning or other reason,

e. Any recreation activity site plan,

f. Any plan or plat for a nonresidential use or zone that abuts a residential use or zone,

g. Any plan or plat for apartments or other rental projects,

h. Model home lots and areas (prior to issuance of any permits),

i. Historic zone and historic preservation plans,

j. Any landscaping on medians or roadsides within the public right-of-way,

k. Any landscaping required to fulfill requirements of the Golf Course Zone (Chapter 18.59), Hillside Development Overlay Zone (Chapter 18.61), Major Resort Zone (Chapter 18.40), Sign Standards (Chapter 18.79) or Grading Standards (Chapter 18.81). (Ord. 1986-187 § 1 (part), 1986; Ord. 1985-171 § 1 (part), 1985)

#### 18.73.020 Definitions.

A. Certain terms used in this chapter shall be defined as follows:

1. **Amenity landscaping:** Any landscaping that is provided in addition to the screening requirements of this chapter;

2. **Buffering:** The on site use of landscaping elements, screening devices, open space, drainageways and landforms for reduction of the potentially adverse impacts of adjoining, dissimilar land uses;

3. **Effluent:** Reclaimed wastewater;

4. **Environmental zone design principle:** The

landscape management and design principle of identifying planting areas throughout the site that have, or will be designed to have, similar maintenance, irrigation and exposure requirements. Zones may range from arid to wet. The plant palette for each zone should clearly reflect the function and design objective of the zone. Application of this principle promotes rational site planning and efficient, attractive, cost-effective landscaping;

5. **Gross parking area:** The total square footage of the development site minus the first floor square footage of all buildings and storage yards;

6. **Landscaping:** The combination of landscape elements in a designed, specific application which meets the purposes of this chapter. Landscape elements may include vegetation, such as trees, cacti, shrubs and groundcovers and other elements such as walls, earth berms, planters, walkways, patios and other architectural or structural elements;

7. **Mini-oasis design concept:** The landscape design technique of allocating a generous portion of a site's landscape water where it will return maximum benefit in terms of cooling, aesthetic pleasure and exposure to people;

8. **Plant size:** "Gallons," in regard to plant size is the container size generally accepted by trade professionals to denote or specify plant materials size;

9. **Screening device:** Any landscaping or structure used to conceal or reduce the negative visual and audio impacts of certain land uses or activities from streets or adjacent development. The height of a screening device is measured from the highest finished grade abutting the element to be screened;

10. **Walls or fences:** Any structure intended for confinement, prevention of intrusion, boundary identification or screening of an activity or land use. (Ord. 1985-171 § 1 (part), 1985)

#### 18.73.030 Performance standards.

A. **Scope:** This section provides general standards for bufferyards, landscape designs and

landscape plans. Specific design references, standards and plant lists in the form of a landscape design manual are hereby adopted to ensure compliance with this chapter. The landscape design manual may be amended by resolution of the board of supervisors after a noticed public hearing. Landscape reference materials and plant lists are available at the planning and development services department.

**B. General standards:**

1. Landscape designs shall be in harmony with the environmental context of the development site. Preservation of native, on-site vegetation shall be a primary objective of site planning for development. Specimen plants shall be given particular consideration for retention on site. Property owners shall comply with the provisions of Arizona Revised Statutes, Section 3-904;

2. Wherever the undisturbed natural desert landscape cannot be preserved, landscape design and construction shall promote the use of transplanted, on-site desert plants, container plants, seeded desert plants and inorganic groundcover. This standard shall be particularly emphasized on all landscaped areas abutting public rights-of-way, scenic routes and landscaping having high public visibility;

3. The environmental zone design principle of appropriate plant selection and placement, based on the function, water requirement and most suitable environmental exposure of the plant materials, shall be used in all proposals. The mini-oasis design provision may be permitted when proposed water-intensive planting designs are found by the department of planning and development services to substantially meet criteria found in the landscape design manual;

4. Turf applications over ten acres, such as required for parks and recreational facilities, school grounds, institutions and cemeteries are regulated by the Arizona Department of Water Resources and the Tucson AMA Management Plan, and are not specifically regulated by this chapter. Golf course design within Pima County

is regulated by the Golf Course zone (Chapter 18.59);

5. Plants shall be selected from the planning and development services department's approved plant lists:

a. The director shall conduct an annual review of the plant lists,

b. Requests for changes in the plant lists may be made to the director, who shall review the request and enter all approved changes on a plant list addendum which shall be available from the department;

6. Trees and shrubs:

a. Trees shall be at least five gallons in size, or of comparable height if bare-rooted, at planting time,

b. Shrubs shall be at least one gallon in size at planting time,

c. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, traffic sight lines and the property rights of adjacent property owners, and

d. Trees planted near public sidewalks or curbs shall be provided with suitable root divertors to minimize heaving of those improvements;

7. Groundcovers:

a. When inorganic groundcover is used it shall be in combination with live plants and not exceed two-thirds of the total area of applied groundcover,

b. Turf use shall not exceed twenty percent of the total project site landscaped area, and shall be located, when used, on the development site:

1) To mitigate glare and reduce heat near buildings and their openings, windows and patios,

2) To enhance a mini-oasis,

3) To enhance a pedestrian entryway,

4) In an environmental zone compatible with the context of the landscape and architectural design,

5) To provide functional and aesthetic benefit to the users of the site,

6) To conserve water and demonstrate this ethic to the public;

c. Unpaved areas in any plant bed, median or tree understory within a planter shall be planted with shrubs, accents or vines, or covered with appropriate organic and inorganic groundcover;

8. Irrigation and water accent features:

a. All water use for landscape irrigation and enhancement shall conform to the Arizona Groundwater Code (Title 45, Chapter 2) and the adopted groundwater management plan for the Tucson active management area,

b. Each introduced planting shall be served by a water-conserving, underground irrigation system, unless otherwise approved by the department of planning and development services. Stormwater harvesting and drip irrigation are the preferred irrigation methods,

c. Encouragement shall be given to the use of effluent to irrigate landscaped and turfing areas. A written statement or note of effluent use feasibility shall be made on landscape plans indicating briefly: cost-effectiveness, potential sources and availability,

d. Landscape designs shall be integrated with hydrology, grading and earthwork plans for the site and shall make maximum use of site stormwater runoff for irrigation purposes, and

e. Water design features, such as ponds and fountains, shall be at a scale and of a design compatible with the arid lands environment and the water conservation ethic;

9. Natural features:

a. Earth berms shall be designed to transition to existing grades, shall not exceed a slope of 2:1, and shall be adequately covered with plant material, groundcover or rip-rap to control erosion,

b. Natural drainageways and existing, natural vegetation may be used for screening and amenity landscape credit if approved by the department of planning and development services, provided such uses are consistent with the county floodplain management ordinance;

10. Streetscape sculpture and furniture: Streetscape bufferyards may be reduced by ten

percent of their required width, each one hundred linear feet, for each approved public sculpture or furniture piece installed and maintained within the bufferyard. Public sculpture and furniture shall be approved by the design review committee (reference Chapter 18.99), subject to standards contained in the landscape design manual;

11. Safety design standards:

a. Walls, fences, signs, landscaping and other potential obstructions to view in excess of two feet in height shall be placed in accordance with the requirements of Section 18.77.020 (Roads);

12. Public right-of-way standards:

a. Landscaping in publicly owned or controlled areas shall be consistent with the purpose and requirements of this chapter, design requirements as specified in the county development standards code, the scenic routes ordinance (pending) and the landscape design manual of the Pima County department of planning and development services,

b. A right-of-way use permit and maintenance agreement must be obtained from the department of transportation and flood control district prior to installation of any landscaping within the public right-of-way;

13. Plant materials spacing: Plants may be grouped, clustered or unevenly spaced to prevent the creation of an unnatural appearance in the landscape. (Ord. 1985-171 § 1 (part), 1985)

#### 18.73.040 Screening and bufferyard requirements.

A. Scope:

1. Land use zones permitted by this code are ranked according to their land use intensity and restrictiveness (reference Section 18.05.010B). Ranking is based on the type and degree of nuisance or negative impact the more intensive use is likely to impose on less intensive, adjacent land uses. Bufferyards shall be provided between uses to minimize the negative effects of their dissimilarity.

B. Bufferyards:



1. **Purpose:** The bufferyard is a unit of yard together with required landscaping. Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to ameliorate nuisances between adjacent land uses or between a land use and a public street or road. The planting units required of bufferyards are calculated to function as "buffers."

C. **Location of bufferyards:** Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Portions of bufferyards may be located on an existing or dedicated public or private street or right-of-way in accordance with the adopted subdivision street standards.

D. **Determination of bufferyard requirements:**

1. To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

a. Identify the land use zone category of the proposed use on Table 1, "Bufferyard Requirements," codified in this chapter, and located in the landscape design manual,

b. Identify the land use zone category of the existing land use zones adjacent to the proposed use on Table 1,

c. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring the indicated letter designation from Table 1 to the bufferyard standards illustrated in the landscape design manual.

2. Bufferyard specifications detailed and illustrated in the manual constitute the bufferyard required between the two adjacent land uses. Any of the options contained in the letter designated bufferyard shall satisfy the requirement of buffering between the adjacent land uses.

3. **Responsibility for bufferyard:**

a. When a use is the first to develop on two adjacent vacant parcels, this first use shall provide the required buffer,

b. The second use to develop shall, at the time it develops, provide any additional plant mate-

rial and land necessary to provide any additional bufferyard required between those two uses;

4. Existing plant material, structures and land located on the preexisting (first developed) land use which meets the requirements of this chapter may be counted as contributing to the total bufferyard between it and the second (adjacent) land use to develop.

E. **Use of bufferyards:**

1. A bufferyard may be used for passive recreation; it may contain sculpture, furniture and pedestrian, bike or equestrian trails, provided that:

a. No plant material is eliminated,

b. The total width of the bufferyard is maintained, and

c. All other regulations of this chapter are met;

2. In no event shall the following uses be permitted in bufferyards:

a. Playfields,

b. Stables,

c. Swimming pools,

d. Racquetball and tennis courts.

F. **Excess bufferyard:** Where the bufferyard originally required between a land use and vacant land turns out to be greater than that bufferyard subsequently required between the first use and the subsequently developed use, the following options apply:

1. The subsequent establishment of compatible adjacent land uses, as indicated in Table 1, may eliminate the requirement for a bufferyard. If the requirement is reduced, but not eliminated, the existing use may expand into the excess buffer area, provided that the resulting total bufferyard between the two uses meets the revised bufferyard requirements;

2. The existing use may enter into agreements, subject to the approval of the county, with abutting landowners to use adjoining land to provide some or all of the required bufferyard. The total buffer shall equal the requirements of this chapter. Nonconforming uses and plats shall not be created, expanded or allowed by this option, nor



shall designated, platted open space be compromised or transferred.

G. Contractual reduction of bufferyard abutting vacant land: When a land use is proposed adjacent to vacant land and the owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by the first use, provided that: the contract contains a statement by the owner of the vacant land of an intent to develop at no greater than a specified land use intensity class; and an agreement by that vacant landowner to assume all responsibility for any additional buffer, if needed by the subsequent development of a less intense use than had been agreed upon, is transferred to the present and subsequent owners of the vacant (second in time to be developed) land. (Ord. 1990-1 § 1 (part), 1990; Ord. 1987-92 § 1 (part), 1987; Ord. 1985-171 § 1 (part), 1985)

#### **18.73.050 Amenity landscaping requirements.**

##### **A. Specific plan landscape requirements:**

1. Scope: Amenity landscaping shall be provided for certain specific plans, development plans and land uses in addition to the screening requirements of Section 18.73.040 of this chapter. For example, amenity landscaping can be required: as a condition of rezoning; as a requirement of cluster option approval or other action of the design review committee (Historic, Campus Park Industrial, Rural Village Center, Major Resort, Scenic Routes, etc.), or for Hillside Development zone revegetation compliance. Buffer areas provided to satisfy screening requirements may be used to reduce site gross area in calculating the amenity landscaping for these land uses. Where amenity landscaping is required or used, but is not determined by parking area calculations, the area, type, density and height of the amenity landscaping shall be approved by the specific review body assigned the review function; (e.g. design review committee; subdivision and development review com-

mittee).

##### **B. Parking area amenity landscape requirements:**

1. Scope: Any development that requires ten or more parking spaces (except for single-family dwellings where all parking is contained within structures or carports on individual, subdivided lots);

2. Standard: An area equal to at least ten percent of the gross parking area shall be devoted to amenity landscaping. Required buffer areas may be subtracted from the gross parcel area in order to determine the gross parking area for purposes of landscaping calculations only;

3. Amenity options: The ten percent requirement may be satisfied with the use of combinations of the following elements:

a. Pedestrian median walkways within parking lots,

b. Twenty-five percent of the area of standard nondecorative concrete sidewalks on site,

c. One hundred percent of the area of decorative sidewalks (embossed concrete, exposed aggregate, tile, brick, etc.) on site,

d. Landscaped traffic islands, planters or medians within parking areas,

e. Interior project landscaping; such as building foundation planting, planters, mini-oases, landscaped entryways and assembly areas, sculpture gardens, fountains, demonstration gardens, and

f. Courts, ramadas and covered walkways.

4. For additional requirements, refer to Chapter 18.75, Off-Street Parking and Loading Standards. (Ord. 1985-171 § 1 (part), 1985)

#### **18.73.060 Landscape plan requirements.**

A. Submittal and approval of a landscape plan shall be required prior to approval of a development plan, final plat or the issuance of building permits where no development plans are required.

##### **B. Landscape plans shall include the following:**

1. North arrow, scale, project name and number, name and address of preparer, property

18.73.060

lines and project limits, topographic lines and elevations;

2. Identification of areas that require materials

for screening, buffering and landscaping, and the abutting uses protected or screened;

3. The screening area in square feet;
4. Identification of amenity landscaping areas and the square footage provided;
5. Graphic representation of all landscape elements, including significant existing, preserved, relocated and introduced plant materials, inorganic groundcover, architectural features and their functions;
6. A plant list and legend, indicating the scientific and common name of each plant, plant size, location and symbol and whether preserved, transplanted or introduced;
7. A design concept statement, plan notes or sketches that explain:
  - a. Plant selection,
  - b. Environmental zone and mini-oasis concepts, and where applicable,
  - c. Irrigation: groundwater, effluent and stormwater runoff detention and use,
  - d. Site grading and how it benefits landscaping,
  - e. Use of groundcover, both organic and inorganic, and
  - f. Use or disposal of existing, on-site vegetation and a statement indicating compliance with ARS Section 3-904.
8. If the plan is a phase or portion of an overall landscape plan the following shall apply:
  - a. Boundary limits of the phase must be clearly noted on a copy of the overall plan,
  - b. Plant selection and design must conform to the overall plan. (Ord. 1985-171 § 1 (part), 1985)

#### 18.73.070 Landscape plan review and appeal.

##### A. Submittal:

1. Prior to the submittal of a landscape plan, the petitioner should consult with the department of planning and development services concerning specific submittal requirements.
2. Landscape plans shall be submitted to the office of the subdivision coordinator for further processing.
  - a. Copies required:

1) Four for tentative plats, final plats or development plans;

2) One per each cluster option plan (reference Section 18.09.040);

3) As determined during preliminary consultation for all other plan submittals.

3. Within ten working days of plan submittal, the planning and development services department shall notify the petitioner in writing as to any further requirements or amendments necessary for final approval.

##### B. Landscape plan review:

1. The planning and development services department shall review the landscape plan for compliance with all code and special requirements.

2. The petitioner shall resubmit any revised plans for final compliance review. A written decision will be provided the petitioner within five working days of resubmittal.

3. Any change to the underlying development plan or subdivision plat may require resubmittal of a new or revised landscape plan as determined by the planning director.

C. All landscaping shall be completed within six months of programmed building construction. If a project is developed in phases, or is a lot sale project, landscaping and screening requirements shall be completed in sequence with phased development. The director of planning and development services department may authorize or require the use of assurances in accordance with Section 18.69.070 for phased development, delayed construction projects or to accommodate petitioners requesting to postpone installation of bufferyards along property lines that abut vacant, undeveloped property.

D. Appeals: Appeals to the decisions or requirements of the planning and development services department may be directed, in writing by the petitioner or other affected individuals, to the design review committee. The appeal must be made within fifteen working days of the date of the departmental decision. (Ord. 1985-171 § 1 (part), 1985)

**18.73.080 Maintenance provisions.**

A. Maintenance of approved landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems and architectural features.

B. Maintenance assurances: The final approval of any subdivision plat or development plan that includes an approved final landscaping plan shall require covenants or assurances which:

1. Ensure the continued maintenance of required landscaping, buffering and associated irrigation systems; and

2. Assign the responsibility of maintenance to the property owner or agent, a homeowners' association or other liable entity.

C. Compliance: Planning and development services department personnel, qualified in landscape architectural review will periodically spot-inspect landscape installations for compliance with this chapter and approved landscape plans.  
(Ord. 1985-171 § 1 (part), 1985)



## Chapter 18.79

### SIGN STANDARDS\*

#### Sections:

- 18.79.010 Purpose.
- 18.79.020 Definitions.
- 18.79.030 General development standards.
- 18.79.040 Prohibitions.
- 18.79.050 Exceptions.
- 18.79.060 Nonconforming signs.
- 18.79.070 Permits and fees.
- 18.79.080 Waivers.
- 18.79.090 Enforcement.
- 18.79.100 Permitted signs by zones.
- 18.79.110 Development standards by sign type.

\* Prior ordinance history: Ords. 1985-82, 1985-117 and 1985-201.

#### 18.79.010 Purpose.

A. It is the purpose of this chapter to establish a framework of comprehensive sign standards for Pima County that reflect the community decision to preserve and enhance the natural, scenic desert environment of Pima County and to promote the health, safety and welfare of the community. It is the intent of this chapter to authorize the use of signs that:

1. Encourage an aesthetic appearance compatible with the surrounding human and natural environment along street frontages;
2. Encourage the clear visibility of the mountain and desert environment and improve the quality of the visual appearance of the community;
3. Promote signs that are appropriate to the type of activity to which they pertain;
4. Encourage legibility of sign information along street frontages;
5. Protect astronomical observation and minimize light intrusion onto adjacent property; and
6. Reduce visual clutter and glare in order to:
  - a. Promote traffic and pedestrian safety; and
  - b. Encourage the clearest possible visual perception of existing adjacent businesses and existing signs.

B. Whenever a conflict arises in the enforcement of this chapter or more than one interpretation is possible, the purpose statement shall serve as a guideline in reaching a decision. (Ord. 1986-65 § 1 (part), 1986)

**18.79.020 Definitions.****A. General Definitions:**

1. **Awning:** A shelter or cover projecting from and supported by an exterior wall of a building.
2. **Background panel:** An area that is constructed as a background for sign copy.
3. **Building frontage:** The measurement between two straight lines projecting from the outermost edges of a building or tenant space wall, that are perpendicular to a straight line running along the ground level of the front of the measured wall.
4. **Detached canopy:** A freestanding building without walls but with columns and a roof covering one or more gasoline pumps or drive-through stalls.
5. **Development complex:** A site, having common vehicular access points, which is subject to the development plan requirements of Chapter 18.71, including waiver.
6. **Freeway:** A divided arterial highway on the interstate or primary system, with full control of access and with grade separations at intersections.
7. **Kiosk:**
  - a. A detached building with one or more sides containing openings for commercial activity;
  - b. **Examples:** Refreshment stand, retail film stand and automatic teller machine enclosure.
8. **Landscaped area:** The square footage of a ground cover surrounding a sign creating an aesthetic effect by the use of plant material and inorganic material including but not limited to grass, trees, shrubs, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, but not including the use of concrete, asphalt or outdoor carpeting.
9. **Landscape ratio:** The relationship between the landscape area surrounding a sign and the sign area.
10. **Light source:** A lamp or light emitting tube placed within a lighting fixture.
11. **Outline lighting:** The outlining of a building by artificial lighting.
12. **Roof line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

13. **Sign area allotment:** The permitted amount of identification sign area in ratio to the linear footage of building frontage.

14. **Sign copy:** Any word, letter, number, design, figure or other symbolic representation incorporated into a sign.

15. **Sign structure:** A freestanding wall, pole, pedestal or object erected for the purpose of supporting a sign.

**B. Definitions of Sign Types:**

1. **Abandoned sign:** A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred. A permanent on-site sign which applies to a temporarily suspended business shall not be deemed to be abandoned unless the suspension exceeds six months.

**2. Accessory wall sign:**

a. An on-site sign attached to or painted on a building or tenant space wall, mansard or other vertical building surface, excluding the main wall identification sign;

b. **Examples:** Menu board, awning, changeable copy, directory, directional, incidental, projecting, suspended, time and temperature and permanent window signs.

3. **Awning sign:** An on-site sign attached to or painted on an awning.

4. **Billboard:** An off-site sign displaying advertising sign copy that is pasted, painted or fastened in a manner to permit its periodic replacement and that does not pertain to the sign location.

**5. Changeable copy sign:**

a. An on-site sign designed to permit the changing of messages by means of nonelectronic sign copy;

b. **Examples:** movie theater marquee and bulletin board for a school or church.

**6. Concealed sign:**

a. An on-site sign designed and located so as not to be visible from a street or an adjacent property;

b. **Examples:** indoor sign and a sign located within an outdoor courtyard.

7. **Construction sign:** An on-site temporary sign for a project under construction, listing the name of

the project and any three items of the following information: opening date and names of the principal contractors, subcontractors, architects, lending institutions and major tenants.

8. **Detached canopy sign:** An on-site sign attached to or painted on a detached canopy.

9. **Directional sign:** An on-site sign that includes traffic information for drivers and pedestrians.

10. **Directory sign:** An on-site sign listing only the names and locations of the businesses or activities within a building or a multi-tenant development.

11. **Electronic message sign:** A sign that permits the movement or frequent changing of messages by means of electronically controlled sign copy.

12. **Freestanding sign:**

- a. A sign supported independently of a building;
- b. Does not include billboard.

13. **Future facility sign:**

- a. A sign announcing a proposed development or project;
- b. Does not include construction sign.

14. **Governmental sign:**

- a. A sign installed or required by a public agency;
- b. Examples: traffic, public transit and public information signs.

15. **Grand opening banner:** An on-site temporary sign advertising the establishment, expansion or change of ownership of a commercial enterprise.

16. **Identification sign:** An on-site sign that includes as copy the use, name, logo or address of a building, development or business.

17. **Incidental sign:** An accessory wall sign identifying or advertising on-site business associates, products, services or facilities.

18. **Indirectly illuminated sign:** A sign that:

- a. Reflects light from a source intentionally directed upon it; or
- b. Has unlit sign copy mounted in front of a background of reflected light that has the effect of silhouetting the letters or symbols.

19. **Internally illuminated sign:** A sign made visible in darkness by a source of light, concealed or contained within the sign, that shines through a translucent surface.

20. **Kiosk sign:** An on-site sign attached to or painted on a kiosk.

21. **Main wall identification sign:** An on-site sign that is the primary identification sign attached to or painted on a building or tenant space wall or other building surface.

22. **Menu board:** An on-site sign displaying the bill of fare of a drive-through or drive-in restaurant.

23. **Moving sign:**

a. A sign that flashes or blinks light, changes physical position or conveys the illusion of movement by mechanical means, illumination or air movement.

b. Does not include time and temperature sign.

24. **Neon sign:** A sign with a neon tube which is bent to form letters, symbols or other shapes.

25. **Nonconforming sign:** A sign, constructed with a valid permit, existing on April 1, 1986, which does not comply with this chapter.

26. **Off-site sign:** A sign that is not an on-site sign.

27. **On-site sign:** A sign directing attention to a use, activity, facility, product or service existing at the property on which the sign is placed.

28. **On-site subdivision sign:** An on-site temporary sign located at the entrance to a subdivision advertising that the development currently has lots or units for sale.

29. **Political sign:** A temporary sign relating to a political candidate, political party or issue in a public election.

30. **Portable sign:** An outdoor temporary sign not designed to be permanently attached to the ground or a structure.

31. **Projecting sign:** An on-site sign attached to and extending more than twelve inches from a structure not designed exclusively for the support of the sign.

32. **Real estate property sign:** An on-site temporary sign advertising that the property is currently for sale, rent or lease.

33. **Residential entryway sign:** A permanent freestanding, on-site sign identifying the names and addresses of up to three adjacent subdivisions or separately named portions of recorded subdivisions.



34. **Roof sign:** A sign that projects above the roofline of a building to which it is attached.

35. **Sign:** A lettered, numbered, pictorial or illuminated device or object designed to advertise, announce, direct or inform.

36. **Service club sign:** An off-site sign displaying logos, names and accessory information of service clubs such as the Lions International, Kiwanis International, Rotary International, Soroptimist International and similar clubs organized as nonprofit corporations and established to serve the social and welfare needs of the community.

37. **Subdivision directional sign:** An off-site temporary sign directing buyers to a subdivision that currently has lots or units for sale.

38. **Suspended sign:** An on-site sign hanging under or from a covered walkway, porch or roof overhang.

39. **Temporary sign:** A sign that is not permanently mounted and is intended to be displayed at the site for a limited period of time.

40. **Time and temperature sign:** An on-site sign displaying the current time and temperature.

41. **Vehicle sign:** A sign with identification or advertising sign copy on a vehicle or trailer parked for the primary purpose of functioning as a sign.

42. **Window sign:** An on-site sign inside of or painted on a window, intended to be seen from the outside. (Ord. 1993-35 § 1 (part), 1993; Ord. 1991-35 § 1, 1991; Ord. 1991-1 § 1, 1991; Ord. 1986-65 § 1 (part), 1986)

#### 18.79.030 General development standards.

A. **Scope:** This section provides development standards for signs in all zones.

#### B. Measurement and Location Standards:

##### 1. Sign area measurement:

a. **Background panel:** A sign placed on a background panel is measured as the area contained within the outside dimensions of the background panel;

b. **Individual letters or symbols:** A sign with individual letters or symbols placed separately on a building wall, awning or other structure without

a background panel, is measured as the sum of the smallest rectangular shape needed to enclose each letter or symbol;

c. **Illuminated panel:** A sign in an illuminated panel is measured as the entire illuminated surface area;

d. **Multiple components:** A sign displayed in more than one component, e.g., a service station identification and price sign, is measured as the area enclosed by the smallest rectangle encompassing all the components;

##### e. Multiple face sign:

1) A sign with two faces is measured as:

a) The area of one face, if the interior angle between the faces is forty-five degrees or less;

b) The sum of the area of the two faces, if the interior angle is greater than forty-five degrees;

2) A sign with three or more faces is measured as the sum of the area of all faces.

2. **Sign height measurement:** The sign height is measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign; except that if the sign location has an average finished grade lower than the adjoining grade of the road, the sign height is measured from the top of the curb (or crown of the road nearest the property if no curb exists) to the topmost feature of the sign.

3. **Clearance measurement:** Clearance is measured as the shortest vertical distance between the underside of the sign and the average finished grade beneath the sign.

4. **Setback measurement:** Setback is measured from the edge of the sign structure closest to the property line.

##### 5. Freestanding sign located on corner lots:

a. If a freestanding sign is located on a corner lot so as to be visible from only one street, that street shall be used to calculate sign area which is a function of street frontage;

b. If a freestanding sign is located on a street corner so as to be visible from both streets, only the longest street frontage shall be used to calcu-

late sign area which is a function of street frontage;

c. If a freestanding identification sign is located on a street corner so as to be visible from both streets, a second freestanding identification sign shall not be permitted.

**C. Address Identification:**

1. A sign shall conform to the requirements of the County Street Naming and Addressing Manual (Ord. 1981-14).

2. At least one sign visible from the street shall contain the street address of the development complex in numerals at least three inches tall.

3. The site address may be included in the sign copy of a freestanding identification sign.

4. The sign area allotment shall include the area for a street address exceeding sixteen square feet.

**D. Building Standards:**

1. A sign shall meet the standards of the county building codes (Title 15).

2. An electrical sign shall be erected by an applicant that has registered with the county its file number as an authorized manufacturer with Underwriters Laboratories, Inc., or by an applicant that has received an inspection approval by an inspection agency approved by the county building official.

**3. Certified welder:**

a. The applicant for a sign requiring structural welding shall register with the county the name and state of Arizona certification number of the welder;

b. The certified welder shall be responsible to weld or supervise and inspect all structural welding required under the sign permit.

**E. Landscaping:**

1. A sign shall conform to the requirements of Chapter 18.73 (Landscaping, Buffering and Screening Standards).

2. A sign with a landscape ratio requirement shall submit a landscape plan in accordance with Section 18.79.070A2b4.

3. Design shall not permit plant or other materials to obstruct the visibility of the sign face from the street.

4. A sign placed in a bufferyard required by Section 18.73.040 (Landscaping, Buffering and Screening Standards) shall be approved by the design review committee as compatible in materials and size with the landscaped area.

**F. Maintenance:** A sign shall be properly maintained in the following manner:

1. Defective or broken parts shall be replaced.

2. Exposed surfaces determined by the zoning inspector to be substantially deteriorated shall be painted or cleaned.

3. A sign posing a safety hazard or a sign damaged to the extent of requiring a new building permit shall be removed or repaired unless regulated under Section 18.79.060C.

**G. Illumination:**

1. A sign shall comply with the standards of the county Light Pollution Code (Title 15).

2. An illuminated sign shall be turned off no later than ten p.m., unless the business remains open. If the business remains open after ten p.m., an illuminated sign must be turned off between the closing time and sunrise.

3. No illumination of a sign is permitted in a rural or residential zone unless it is associated with a business or an office that remains open or is associated with a medical or public service.

4. A light source of a sign shall not be visible from above, except as permitted in the county Light Pollution Code (Title 15), or from an adjacent property or street.

**H. Inconsistent Requirements:** A sign subject to inconsistent requirements of any federal, state or county statute, ordinance or regulation shall meet the most restrictive requirement. (Ord. 1986-65 § 1 (part), 1986)

**18.79.040 Prohibitions.**

**A. Prohibited Signs:**

1. Abandoned Sign.

2. Cloth or paper sign attached to the exterior surface of a window or a building. This prohibition does not include a political sign, lost pet sign or a grand opening banner.

3. Electronic message sign.

4. Fixed balloon sign.

5. More than six pennants or flags on a site; pennants or flags on poles greater than twenty feet in height.

6. Bench sign in a residential zone; more than one bench sign per bus stop in a commercial or industrial zone.

7. Future facility sign.

8. Off-site sign, except those specifically permitted.

9. Portable sign.

10. Roof sign.

11. Satellite dish containing sign copy.

12. Searchlight.

13. Statue used for advertising.

14. Temporary sign, except those specifically permitted.

15. A sign emitting visible matter or sound (except a menu board).

16. A sign resembling an official traffic sign.

17. Outline lighting of a building, excluding temporary decorative holiday lighting.

18. Vehicle sign.

19. Moving sign.

20. A sign on a permanent storage tank (except signs necessary to warn of danger).

B. A sign shall not be located:

1. Within a right-of-way or on public property.

2. Within twenty feet of a street corner or so as to interfere with traffic visibility across the corner.

3. So as to obstruct the view of an authorized traffic sign, signal or device.

4. So as to obstruct the view of a motorist entering a road from a parking area, alley or other vehicular access point. (Ord. 1986-65 § 1 (part), 1986)

#### 18.79.050 Exceptions.

A. The following signs shall be exempt from the application, permit and fee regulations of this chapter, although an electrical or building permit may be required:

1. Barber pole, provided it is attached to a wall and is not more than three feet in length nor more than eight feet in height.

2. Concealed sign.

3. Six or fewer flags with poles no greater than twenty feet in height.

4. Governmental sign.

5. Professional nameplate and home occupation sign, provided:

a. Maximum area: two square feet;

b. Setback: Main building setbacks for that zone.

6. House numbers, nameplates and addresses with numbers or letters no more than three inches high.

7. Memorial sign, tablet or cornerstone, not exceeding eight square feet in area.

8. Noncommercial mural.

9. Open house directional sign used to direct customers to a single residential lot for sale or subdivision sales center, provided:

a. Maximum area: Four square feet;

b. Maximum height: Three feet;

c. Maximum number: Four or six signs at a grand opening for two weekends;

d. The sign shall carry the identity and address of the sign owner;

e. The sign shall be removed by six p.m. of the day of posting.

10. Trespassing sign, not exceeding two square feet in area.

11. Sign that is necessary to warn of danger; the sign shall be of no greater height or size than is required to give the public adequate warning.

12. Sign that indicates physical disabilities, not exceeding two square feet in area.

13. Sign attached to a service station pump. (Ord. 1986-65 § 1 (part), 1986)

#### 18.79.060 Nonconforming signs.

A. This chapter shall not apply to a sign, constructed with a valid permit, existing on April 1, 1986, which does not comply with this chapter, except as provided below.

B. Change of Use: A nonconforming sign shall comply with this chapter before the issuance of a certificate of occupancy which creates a change of use.

C. Damaged or Destroyed Sign: A nonconforming sign damaged to the extent of requiring a new building permit shall be replaced with a conforming sign.

D. Relocation: A nonconforming sign shall not be relocated without compliance with this chapter.

E. Alteration: A nonconforming sign shall not be altered to the extent of requiring a new building permit without being brought into compliance with all the regulations of this chapter.

1. Exception: A freestanding identification sign remaining in the same location may be altered, subject to the following conditions:

a. Maximum sign area may be the greatest of:

1) That permitted in the zone;

2) Sixty-four square feet in commercial or industrial zones only; or

3) Fifty percent of the area of the nonconforming sign;

b. Maximum sign height may be the greatest of:

1) That permitted in the zone; or

2) The height of the roof line of the tallest main building on the site;

c. Setback: Ten feet from the front property line;

d. All structural components and braces (such as pipes, angle iron, cables, internal or back framing) shall be concealed with a pole cover or architectural embellishment.

F. Landmark Sign: A sign erected prior to the effective date of the ordinance codified in this chapter shall be given the status of a landmark sign and shall be exempt from the regulations of this chapter if the design review committee finds it has significant cultural or historical character as a landmark.

G. Two for One Replacement of Billboard Support Structure: A billboard with a wooden support structure may be replaced with a metal support structure for a billboard of the same sign area provided it meets the following requirements:

1. Illumination: None;

2. Maximum height: Twenty-four feet; and

3. A second existing billboard with a wooden support structure is removed within thirty days of the issuance of a permit for the replacement support structure. (Ord. 1986-65 § 1 (part), 1986)

#### 18.79.070 Permits and fees.

##### A. Permits:

##### 1. Applicant:

a. A property owner or authorized agent may apply for a sign permit.

b. An agent shall provide an authorized letter from the owner of the property on which the sign is to be installed.

2. Submittal: The applicant shall submit to the zoning inspector:

a. A sign plan approved as part of the development plan review process in Chapter 18.71 (Development Plan Standards); or

b. The following information as required by the zoning inspector:

1) A site plan for freestanding signs, including a north arrow, a legal description, dimensions of the required setbacks and location of the property lines, buildings frontages, roads and proposed signs;

2) A description in the form of a sketch of signs attached to a building, the building wall, building frontage and proposed and existing signs with their sign areas;

3) A sign description in the form of a sketch of the proposed sign, showing the sign area dimensions, structural supports, height, clearance, copy, illumination, colors and materials; and

4) A landscape plan, if required, in the form of a sketch of the site showing the type, size and location of materials used, means of irrigation of plants and the square footage of the area included in the landscape ratio;

a) Refer to Chapter 18.73 (Landscaping, Buffering and Screening Standards) for landscape material standards.

##### B. Fees.

1. Fee schedules shall be adopted by resolution of the board of supervisors.

##### 2. Renewal Fee:

a. A sign permit shall require an annual renewal fee in order to remain valid.

b. An annual renewal fee identification sticker shall be displayed upon the sign or at an alternate location noted on the permit.

c. An annual blanket permit is required of real estate brokers for real estate property signs located on a single residential lot with a dwelling unit and

for real estate property signs located at each apartment complex.

d. The application fee for a public hearing before the board of supervisors concerning a CB-2 zone billboard sign use permit shall be twenty-five dollars.

e. The application fee for a setback or landscape ratio waiver request and an appeal to the granting of a setback or landscape ratio waiver is twenty-five dollars. (Ord. 1986-65 § 1 (part), 1986)

#### 18.79.080 Waivers.

A. A waiver to the setback and landscape ratio requirements for freestanding signs may be granted by the director of the planning and development services department when there exists an unnecessary hardship substantially limiting the preservation of property rights.

B. A waiver shall not be granted unless:

1. The strict application of this chapter creates an unnecessary hardship limiting the use of the property such as obscuring the sign face, reducing the required number of parking spaces, obstructing an access point or creating a similar problem caused by a physical condition that is unusual or peculiar to the property;

2. The waiver is the minimum necessary to afford relief;

3. The waiver will not adversely affect the rights of surrounding property owners;

4. The waiver will comply with all other requirements of this chapter;

5. The waiver will be compatible with the purpose of this chapter.

C. Submittal Requirements:

1. The petitioner shall submit a site plan per Section 18.79.070A2b showing required setbacks and landscaping, the conditions that will result from the proposed waiver, and a written statement explaining the need for a waiver.

2. If the sign is proposed to be set back ten feet or less from a common lot line, the petitioner shall obtain a signed and notarized letter from the adjoining property owners consenting to sign an agree-

ment to be recorded before final approval for the proposed waiver is given by the director.

D. Action by the Director: The director or the appointee shall review all the submitted information and provide a written response to the petitioner of the action. The response shall state the reasons for the decision if the request is denied.

E. Appeals or Referrals to the Board of Adjustment:

1. Application for a waiver is not required before appeal to the board of adjustment.

2. The decision of the director may be appealed to the board of adjustment.

3. The director may refer any waiver request to the board of adjustment. (Ord. 1986-65 § 1 (part), 1986)

#### 18.79.090 Enforcement.

A. In addition to the general manner of enforcement provided in Chapter 18.95 (Compliance and Enforcement), the following provisions shall apply:

1. A sign erected without a permit shall be removed prior to the issuance of any sign permit for the site.

2. Seizure of a prohibited temporary sign: The zoning inspector shall seize a prohibited temporary sign after proceeding as follows:

a. If the sign is within the right-of-way of a state or county road, the zoning inspector may seize the sign after confirming through the appropriate authority that the sign is in the right-of-way.

b. If the sign is not within the right-of-way of a state or county road, the zoning inspector shall give notice that the sign violates the provisions of this chapter. The notice shall:

1) Cite the Zoning Code provision being violated;

2) State the date by which compliance must occur, allowing a reasonable time for compliance;

3) Set forth the right to a hearing provided in Chapter 18.95 (Compliance and Enforcement); and

4) Be posted on the sign or in a conspicuous place on the property.

c. The seizure shall occur after the compliance date in the notice.



d. At any time before the date of compliance, the party responsible for the prohibited sign may request a hearing before the hearing officer pursuant to Chapter 18.95 (Compliance and Enforcement). At the conclusion of the hearing, if the hearing officer determines that the sign is prohibited, the sign shall be removed by the party responsible for the sign within twenty-four hours of the hearing officer's decision. If it is not removed, the zoning inspector shall seize the sign.

3. The cost of removal of a temporary sign by the county shall be borne by the party responsible for the erection and maintenance of the prohibited sign. An action for recovery of costs may be brought by the county attorney upon certification of costs by the zoning inspector.

4. A sign seized by the zoning inspector may be redeemed by the owner of the sign upon payment of all costs incurred by the county for removal and storage of the sign. If not redeemed within sixty days of seizure, a sign shall become county property and may be sold or otherwise disposed of as provided by law.

B. Penalties: In accordance with Section 18.95.040 (Compliance and Enforcement), except that in the event enforcement is sought through the hearing officer (refer to Section 18.95.030B, Compliance and Enforcement), the minimum fine imposed by the hearing officer for violation of this chapter shall be fifty dollars per violation per day. (Ord. 1986-65 § 1 (part), 1986)

**18.79.100 Permitted signs by zone.**

A. Scope: This section specifies the signs permitted in the various zones.

**B. Key to Table Notations:**  
 ● = Permitted Sign Type  
 Blank = Not Permitted Sign Type  
 ? = Reference in Table Notes Section 18.79.100D

**C. Table 1:**

ZONE	SIGN TYPE	AWNING SIGN	BILLBOARD	CHANGEBL COPY SIGN	CONSTRUCTION SIGN	DIRECTIONAL SIGN	DIRECTORY SIGN	DETACHED CANOPY SIGN	GRAND OPENING BANNER SIGN	FREESTANDING ID SIGN	INCIDENTAL SIGN	KIOSK SIGN	MAIN WALL ID SIGN	MENU BOARD	ON-SITE SUBDIVISION	POLITICAL	PROJECTING	REAL ESTATE PROPERTY	RESIDENTIAL ENTRYWAY	SERVICE CLUB SIGN	SUBDIVISION DIRECTIONAL	SUSPENDED	TIME AND TEMPERATURE	WINDOW SIGN	
IR, RH, GR-1																									
ML				● <sup>1</sup>						● <sup>1</sup>			● <sup>1</sup>							●					
SR, SH, CR-1, CR-2, CR-3, CMH-1				● <sup>1</sup>		●				● <sup>1</sup>			● <sup>1</sup>							●					
CR-4, CR-5, CMH-2				● <sup>1</sup>		●				● <sup>1</sup>			● <sup>1</sup>							●					
MU																									
TH, TR, Resort		●		● <sup>1</sup>		●			●	● <sup>1</sup>		●	● <sup>1</sup>							●					
RVC, H-1		●		● <sup>1</sup>		●			●	● <sup>1</sup>		●	● <sup>1</sup>							●					
H-2						●														●					
CB-1		●		● <sup>1</sup>		●			●			●	●							●					
CB-2		●		● <sup>1</sup>		●			●			●	●							●					
CFI		●		●		●			●			●	●							●					
CI-1, -2, -3		●		● <sup>1</sup>		●			●	● <sup>1</sup>		●	● <sup>1</sup>							●					
Golf Course																									

D. Table Notes to Table 1 in Section 18.79.100C:

1. Conditional uses in IR, RH and GR-1 shall comply with the sign regulations for the most restrictive zone permitting outright the conditional use; signs for all other permitted uses shall comply with the sign regulations for the SR zone.
2. Churches, private schools and governmental facilities only.
3. Nonresidential uses only.
4. Home occupations only.
5. Apartments and nonresidential uses only.
6. Conditional uses in MU shall comply with the sign regulations for the CB-1 zone; all other permitted uses shall comply with the sign regulations for the CR-4 zone.
7. Trailer parks, commercial uses, apartments, churches, private schools and governmental facilities only.

8. Changeable copy signs are permitted:

- a. As a component of a freestanding identification sign for gasoline price signs, churches, private schools and governmental facilities;
  - b. As an accessory wall sign for churches, private schools, governmental facilities and commercial and industrial uses; and
  - c. As a detached canopy sign for commercial and industrial uses.
9. All signs shall be regulated by the underlying zone. (Ord. 1993-35 § 1 (part), 1993; Ord. 1986-65 § 1 (part), 1986)

18.79.110 Development standards by sign type.

A. Scope: This section provides development standards for sign type.

B. Key to Table Notations:  
 P/T = Permanent/Temporary  
 Y/N = Yes/No - None  
 NR = Not Restricted  
 ●'/ = Reference is in Table Notes Section 18.79.110D  
 \* = Reference is in Additional Sign Type Requirements Section 18.79.110E

C. Table 1:

SIGN TYPE	STANDARDS	CLASSIFICATION	PERMIT REQUIRED	MAXIMUM AREA (SQUARE FEET)	MAXIMUM HEIGHT (LINEAL FEET)	MINIMUM CLEARANCE (LINEAL FEET)	FRONT AND SIDE SETBACK (LINEAL FEET)	MAXIMUM NUMBER	MAXIMUM NUMBER OF FACES PER SIGN	ILLUMINATION	LANDSCAPE RATIO	CALCULATED AS PART OF WALL SIGN AREA ALLOTMENT	ADDITIONAL REQUIREMENTS IN SECTION 18.79.110E
Awning		P	Y	•	15'	7	N	●'	1	Y	N	Y <sup>3</sup>	Y
Billboard		P	Y	•	•	10	•	N	2	N	N	N	Y
Changeable Copy:													
	Freestanding style	P	Y	●'	●'	N	●'	●'	2	●'	4:1	N	Y
Accessory wall style				•	15'		N	1	1	Y	N	Y <sup>3</sup>	
Construction sign		T	Y	•	•	8	NR	●'	2	N	N	N	Y
Detached canopy		P	Y	•	●'	8	N	●'	2	Y	N	N	Y
Directional:		Refer to Section 18.79.110E6											
Directory:													
	Freestanding style	P	Y	40	8	N	•	●'	4	Y	2:1	N	Y
Accessory wall style				8'			N	1	1	Y	N	N	Y
Freestanding identification sign		P	Y	•	•	N	•	●'	4	Y	4:1	N	Y
Grand opening banner		T	Y	60	●'	N	N	●'	1	N	N	N	Y



C. Table 1 (Continued):													
SIGN TYPE	STANDARDS	CLASSIFICATION	PERMIT REQUIRED	MAXIMUM AREA (SQUARE FEET)	MAXIMUM HEIGHT (LINEAL FEET)	MINIMUM CLEARANCE (LINEAL FEET)	FRONT AND SIDE SETBACK (LINEAL FEET)	MAXIMUM NUMBER	MAXIMUM NUMBER OF FACES PER SIGN	ILLUMINATION	LANDSCAPE RATIO	CALCULATED AS PART OF WALL SIGN AREA ALLOTMENT	ADDITIONAL REQUIREMENTS IN SECTION 18.79.110E
H-2 zone signs		Refer to Section 18.79.110E9											
Incidental	P	Y	•	15'	N	N	6	1	Y	N	Y	Y	
Kiosk	P	Y	30	•	N	N	•	2	Y	N	N	Y	
Main wall identification	P	Y	•	•	N	N	•	1	Y	N	Y	Y	
Menu Board: Freestanding style	P	Y	30	6	N	•	1	2	Y	N	N	Y	
Accessory wall style				•				1					
On-site subdivision	T	Y	•	•	N	10	•	2	•	N	N	Y	
Political	T	NR	16	10	N	10	NR	2	N	N	N	Y	
Projecting	P	Y	6	15'	B	N	•	2	Y	N	Y	Y	
Real Estate Property: Site with buildings, except single-family dwellings	T	Y	16	8	N	10	•	2	N	N	N	Y	
Site with no buildings			32'	10'			10						
Lot with a single-family dwelling			6	5			NR						1
Residential entryway	Refer to Section 18.79.110E20												
Service club signs	Refer to Section 18.79.110E18												
Subdivision directional	T	Y	32	10	N	10	4	2	N	N	N	Y	
Suspended	P	Y	6	15'	B	N	•	2	Y	N	Y	N	
Time and Temperature: Freestanding style	P	Y	50	•	N	•	•	2	Y	4:1	N	Y	
Accessory wall style			36	15'		B		N					1
Window: Permanent	P	Y	•	•	N	N	•	1	Y	N	Y	Y	
Temporary	T	N	•	•			NR						

**D. Table Notes to Table 1 in Section 18.79.110C:**

1. Shall not extend above the roofline.
2. Subject to the regulations for freestanding identification signs in the zone.
3. Subject to:
  - a. No more than four accessory wall signs are permitted on any two sides of a building.
  - b. Up to five incidental signs shall be counted as one sign.
4. Two, and no more than one on each street frontage unless regulated under Section 18.79.110E8f.

5. Two, and no more than one on each side of a building unless regulated under Section 18.79.110E13a5b.

6. One sign is permitted for each vehicular access point.

7. One sign is permitted on each site.

8. The signs for the same subdivision shall be placed at least three hundred feet apart.

**E. Additional Requirements by Sign Type and Zone:**

1. Awning sign:

a. **Maximum area:** Twenty square feet or forty percent of the total wall sign area allotment, whichever is greater;

**2. Billboard:**

a. A billboard shall not be located:

1) Within two hundred feet of a residential zone or one hundred feet of a building erected prior to the issuance of the billboard permit;

2) On a designated scenic route, except Interstate 10 or Interstate 19; or

3) On a lot or parcel with a building or structure. A billboard constructed after November 19, 1985, shall be removed prior to the issuance of a certificate of occupancy for a building on the same lot or parcel.

b. No on-site business identification sign shall be a part of or attached to a billboard.

c. No sign face area or object shall extend beyond the surface or rectangular perimeter of the billboard face.

d. All visible portions of the supporting structure shall be an earthtone shade of brown or green.

e. A billboard within three hundred feet of a county road constructed after January 1, 1984, or within a CB-2 zone shall require a sign use permit issued by the board of supervisors. The permit shall be:

1) Issued after a public hearing for which all owners of property within six hundred feet of the proposed billboard have been notified by mail;

2) Subject to the requirements of Section 18.79.110E2; and

3) In conformance with the purpose statement Section 18.79.010A of this chapter.

f. **Permitted zones:**

1) CB-2 and CI-1:

a) **Maximum area:** Seventy-five square feet;

b) **Maximum height:** Sixteen feet;

c) **Setbacks:** Twenty feet from any property line;

d) **Location:** Not within six hundred sixty feet of another billboard;

2) CI-2 and CI-3:

a) **Maximum area:** Three hundred square feet;

b) **Maximum height:** Twenty-four feet;

c) **Maximum faces:** Two;

d) **Setbacks:** Twenty feet from any property line, except a thirty-foot front setback is required for a billboard with an area of more than seventy-five square feet; and

e) **Location:** A billboard with an area of seventy-five square feet or less shall not be within six hundred sixty feet of another billboard, and a billboard with an area more than seventy-five square feet shall not be within one thousand three hundred twenty feet of another billboard.

**3. Changeable copy sign:**

a. The total combined sign area for all changeable copy signs relating to a business shall not exceed eighty square feet;

b. **Freestanding sign style:** No freestanding sign shall consist exclusively of changeable copy; however, changeable copy may be a component of freestanding identification sign (refer to Section 18.79.100D8).

c. **Accessory wall sign style:**

1) **Maximum sign area:**

a) **Movie marquee:** Eight square feet;

b) **Commercial uses:** Twenty square feet except the wall sign area allotment for incidental signs may be transferred to permit up to forty square feet of changeable copy sign area.

**4. Construction sign:**

a. **Maximum area:**

1) Sixty-four square feet for industrial zones.

2) Thirty-two square feet for commercial zones and TR commercial uses.

3) Sixteen square feet for residential, rural zones and TR residential uses.

b. **Maximum height:**

1) Ten feet in industrial and commercial zones and for TR commercial uses.

2) Eight feet in residential zones and TR residential uses.

c. The sign shall not be erected until building permits are obtained;

d. The sign shall be removed upon completion of construction.

5. Detached canopy sign:

a. Maximum area: forty square feet for the entire detached canopy.

b. Incidental, suspended and identification signs placed on the canopy or its supports shall be

calculated as part of the sign area of the detached canopy sign, unless the sign copy has numbers and letters no more than three inches high.

6. Directional sign:

- a. Maximum area shall be six square feet;
- b. May be illuminated;
- c. Shall not be a temporary sign;
- d. Shall require a sign permit;
- e. A freestanding style directional sign shall not exceed three feet in height, shall have two square feet of landscaping for every one square foot of sign area and, if visible from a public street, shall be located a minimum of twenty-six feet from any other freestanding style directional sign and only at an access point of a development;

f. An accessory wall style directional sign shall not extend above the roofline.

7. Directory sign setback: Forty-three feet from the front and side lot line except from a side lot line not adjacent to a street the setback may be thirty feet.

8. Freestanding identification sign:

a. ML, SR, SH, CR-1, CR-2, CR-3, CR-4, CR-5, CMH-1 and CMH-2:

- 1) Maximum area: Thirty-two square feet;
- 2) Maximum height: Six feet;
- 3) Setback: Ten feet from front and side lot lines;

b. TH, TR, RVC and Resort Zones:

- 1) Maximum area: Forty square feet;
- 2) Maximum height: Eight feet;
- 3) Setback: Ten feet from front and side lot lines;

c. CB-1, CB-2 and CPI zones:

Street Frontage	Maximum Area in Square feet	Maximum Height	Front Setback
below 300'	50'	10'	10'
300' to 549'	64'	14'	18'
above 549'	90'	18'	24'

1) Side setback: The sign shall be thirty feet from a side lot line or a distance equal to one-fourth of the lot frontage, whichever is less;

2) If a sign height less than the maximum permitted is used the applicable front setback for that height may be used.

d. CI-1, CI-2 and CI-3 zones:

Street Frontage	Maximum Area in Square feet	Maximum Height	Front Setback
below 300'	50'	10'	10'
300' to 549'	64'	14'	18'
above 549'	100'	20'	24'

1) Side setback: The sign shall be thirty feet from a side lot line or a distance equal to one-fourth of the lot frontage, whichever is less;

2) If a sign height less than the maximum permitted is used the front setback for that height may be used.

e. Sign copy: The sign copy at a development complex shall have sign copy limited by one of the following options: the sign may contain the complex name and the names of up to three businesses at the development complex. As an alternative, the sign copy shall be limited to any combination of seven words, groups of numbers including prices, or symbols concerning activity at a development complex.

1) The sign copy shall have a uniform background color. The size of the sign copy shall be uniform or be placed on identical, individual panels,

2) A development complex name may contain the name of the major tenant and the development address;

3) Exceptions. The sign copy for a development complex name or the name of a single on-site business may have a different letter or panel size and background color. Words, numbers or symbols of three inches or less in height that are incidental to the main sign copy and sign copy identifying a church, or government facility are exempt from the limits on the amount of words, numbers or symbols.

f. Development complex:

1) A development complex having a street frontage of at least five hundred feet may place at each vehicular access point to the complex an illuminated sign with the following conditions:

a) Maximum sign area: Fifty square feet for each vehicular access point;

b) Maximum height: Eight feet;

c) Setback: Ten feet from front and side lot lines;

d) **Illumination:** Internally illuminated sign shall have an opaque background panel with light colored sign copy;

e) **Landscape ratio:** 6:1;

f) No other freestanding identification signs shall be permitted.

2) A development complex not using a separate freestanding identification sign may place an identification sign on a perimeter wall enclosing at least one side of the site with the following conditions:

a) **Maximum sign area:** Fifty square feet;

b) **Number of sign faces:** Two;

c) **Maximum height** shall be regulated under Section 18.07.050B.

g. **Freeway style:** A business located on a freeway may have one freestanding identification sign greater in area and height than the zone allows provided:

1) **Maximum area:**

a. Sign may not exceed one hundred fifty square feet in area with a zero setback from the freeway right of way;

b. The area may be increased .83 square feet per foot of setback from the freeway right of way, but may not exceed a maximum area of three hundred square feet.

2) **Maximum height:**

a. Fifteen feet above the grade of the freeway.

b. The height may be increased one-half a foot per foot of setback from the freeway right-of-way, but may not exceed a maximum of twenty-five feet above the freeway grade.

3) **Location:**

a) The business is located within two hundred fifty feet from the edge of the freeway right-of-way.

b) The business is located within one thousand feet parallel to the freeway (this area is measured toward the exit or entrance ramp from a point where the centerline of a ramp meets with the edge of the right of way of a contiguous road which is part of the freeway interchange).

4) The business has at least one of the following motorist services: lodging, gas, vehicle repair, camping or food;

5) **Minimum clearance:** Ten feet.

6) The sign face shall have an opaque background panel with light colored letters, or a combination of a white and opaque background panel may be used if the most dominant color in the sign is opaque;

9. **Grand opening banner:** The sign shall be permitted for one time only, for a maximum of fourteen consecutive days.

10. **H-2 zone signs:** All permitted signs shall be regulated in the following manner:

a. **Maximum area:** Eight square feet;

b. **Maximum height:**

1) **Permanent wall sign** shall not extend above the roof line;

2) **Freestanding sign:** Six feet;

c. **Setback:** Ten feet;

d. **Clearance:** Eight feet;

e. **Maximum number:** Two, and no more than one sign per street frontage;

f. **Maximum number of faces:** Two;

g. **Illumination:** A permanent sign may be illuminated only by indirect light;

h. A sign may not use plastics or luminous paints;

i. If a sign is found to be a close replica of an original historic sign by the historic district advisory board it may be erected even though it does not comply with the requirements of this chapter.

11. **Incidental sign:** Maximum area is twenty square feet per building frontage, except the sign area allotment for a changeable copy sign may be transferred to permit up to forty square feet of incidental sign area.

12. **Kiosk sign:**

a. Identification or incidental signs may be placed on a kiosk;

13. **Main wall identification sign:**

a. **Maximum area:**

1) **ML, SR, SH, CR-1, CR-2, CR-3, CR-4, CR-5 and CMH-1:** Thirty square feet; a hospital is permitted one hundred square feet;

2) **TH, TR, RVC and Resort Zone:** Thirty square feet or one square foot of area for every lineal foot of building frontage, whichever is greater, but no more than 80 square feet;

3) CB-1, CB-2 and CPI: 30 square feet or 1.5 square feet of area for every lineal foot of building frontage, whichever is greater, but no more than 150 square feet;

4) CI-1, CI-1 and CI-3: Thirty square feet or two square feet of area for every lineal foot of building frontage, whichever is greater, but no more than two hundred square feet;

5) If a business has no separate freestanding identification sign:

a) The total wall sign area for two building walls may be increased by ten percent for each wall but may not exceed the maximum allowable wall sign area for that zone;

b) A third and fourth building wall may each contain a main wall identification sign not exceeding thirty square feet in area and sixteen square feet in area for sign regulated under Section 18.79.110E13b.

b. Interior tenant spaces: A building with interior tenant spaces using centralized entrances may have up to three main wall identification signs on each story:

1) The total area for each sign shall not exceed sixteen square feet;

2) The total number of identification signs on one building facade shall not exceed nine signs per street frontage;

3) No other accessory wall sign other than directional or directory signs are permitted.

#### 14. Menu board:

a. The sign shall be positioned so as not to be read from a street;

b. The sign shall not have a two-way speaker which is audible from an adjoining residential zone.

#### 15. Political sign:

a. The individual or organization erecting the sign shall file with the zoning inspector the name, address and telephone number of the individual responsible for the installation and removal of the sign.

b. A sign shall not be installed more than thirty days prior to the election;

c. A sign shall be removed no more than ten days after the election;

d. Signs erected for a primary election may remain if they continue to be valid for the general election.

#### 16. Projecting sign:

a. The sign copy shall identify the business only;

b. The projection shall not exceed two feet from the supporting surface.

#### 17. On-site subdivision sign:

a. Maximum area and number:

1) Sixty-four square feet per sign if two signs are used;

2) One hundred twenty-eight square feet if one sign is used;

b. Maximum height: Twelve feet except a sign located behind a fence or a wall which obscures a twelve-foot high sign may be sixteen feet.

c. Sign copy may contain the subdivision name and any four of the following items of information: name of developer, price, residential type, logo, phone number and number of units;

1) Copy changes relating to items such as sales price, phone or number of units are allowed without a new permit.

d. Illumination is permitted subject to Section 18.79.030G3, but must be turned off no later than nine p.m.

e. The first permit is valid for a period of one year. Three one-year renewal permits may be granted.

f. The sign shall be removed upon termination of an active on-site sales program;

#### 18. Service club sign:

a. The sign structure shall require a sign permit;

b. Maximum height: Fifteen feet;

c. Setback: Ten feet from lot lines;

d. Maximum number of logo signs: Six per sign structure;

e. Illuminated is prohibited.

#### 19. Subdivision directional sign:

a. Single-temporary style:



1) The permit is valid for one year or until all lots in the subdivision are sold, whichever comes first.

2) Location:

a) The sign shall be six hundred feet from the same sign type and one hundred fifty feet from any building; however, in a residential development of three hundred twenty acres or more developed under one main developer or landowner, a sign within the development may be one hundred fifty feet from the same sign type and thirty feet from any building;

b) At an intersection of two major streets, two signs may be placed less than six feet apart but not on the same corner of an intersection.

3) Sign copy may contain any three of the following: developer's name, the subdivision name, direction, logo, distance or location of the site.

4) The sign may be placed within six miles of the subdivision advertised except that no directional sign shall be permitted on a scenic route after October 1, 1987.

b. Directory style: A sign capable of containing up to nine subdivision directional signs is allowed provided:

1) The sign shall be six hundred feet from a single-temporary style, and at least one mile from another directory style sign.

a) Exception: In a residential development of three hundred twenty acres or more developed under one main developer or landowner, a sign within the development may be six hundred seventy feet from another directory style and one hundred fifty feet from a single-temporary style sign;

2) Two directory style signs may be placed at an intersection of two designated major streets as long as both streets are not scenic routes.

a) Two such signs may not be placed on the same corner of an intersection;

3) Maximum area: Forty-eight square feet, but no separate directional sign may exceed twelve square feet;

4) Maximum height: Eight feet;

5) Setbacks: Ten feet from any property line and seventy-five feet from a building.

a) Exception: A sign regulated under Section 18.79.110E19b1a shall require no setback from property lines and twenty feet setback from a building;

6) The materials used and the sign structure design shall be approved by the design review committee;

7) The permanent sign structure is permitted separately and all the inserted subdivision directional signs shall be regulated under Section 18.79.110E19a1;

8) Sign copy:

a) One sign may contain sign copy stating the three words "model home information" and a directional arrow,

b) The inserted directional signs may contain the subdivision name and either the name or logo of the developer;

9) The location of the sign from the development shall be regulated under Section 18.79.110E19a4;

10) If a sign structure does not contain a valid permitted subdivision directional sign for a period of one year, the structure shall be removed.

20. Real estate property sign:

a. A site with no buildings and an approved development plan may have a sign for one year advertising commercial or industrial tenant spaces, provided:

1) Maximum area and number:

a) Sixty-four square feet per sign if two signs are used;

b) One hundred twenty-eight square feet if one sign is used;

2) Maximum height: Sixteen feet;

3) Requirements in Section 18.79.110C in the horizontal column labeled real estate property sign-site with no buildings shall be met except as provided above in this subsection.

b. The sign shall be removed within seven days after the sale, rental or lease of the property

except for a sign regulated under Section 18.79.110E20a;

c. A sign placed on a single residential lot or at an apartment complex shall require a permit per Section 18.79.070B2C.

**21. Residential entryway sign:**

- a. Maximum area: Forty square feet;
- b. Maximum height: Eight feet;
- c. Front and side setbacks: Ten feet;
- d. Maximum number: Two on-site sign structures per subdivision or separately named portion of a subdivision;

e. Landscape ratio: 2:1;

f. Up to three names of adjacent subdivisions or separately named portions of subdivisions may be placed on a sign structure. All letters and numbers shall have a uniform style, color, and background panel.

**22. Time and temperature sign:**

a. A freestanding time and temperature sign shall be a component of a freestanding identification sign;

b. A time and temperature sign shall not be within six hundred feet of another time and temperature sign not including a swing hand clock mounted on a wall.

**23. Window sign:**

a. Maximum area:

1) Permanent: Thirty percent of the total window surface area;

2) Temporary: Fifteen percent of the total window surface area.

b. Maximum height: Below the third floor of a building.

c. Sign copy on a permanent window sign with letters or symbols no more than three inches high shall not be counted as part of the sign area allotment. (Ord. 1993-35 § 1 (part), 1993; Ord. 1991-35 § 2, 1991; Ord. 1991-1 §§ 2, 3, 1991; Ord. 1987-118 § 1 (part), 1987; Ord. 1986-65 § 1 (part), 1986)

## Chapter 18.81

### GRADING STANDARDS

**Sections:**

18.81.010	Purpose and interpretation.
18.81.020	Applicability and exemptions.
18.81.030	Definitions.
18.81.040	General grading performance standards.
18.81.050	Submittals and procedures: Type 1 (grading sketch).
18.81.060	Submittals and procedures: Type 2 (grading plan).
18.81.070	Inspections and performance defaults.
18.81.080	Enforcement and penalties.
18.81.090	Administrative modification.
18.81.100	Waivers and interpretation review.
18.81.110	Illustrations.

**18.81.010 Purpose and interpretation.**

**A. Purpose:**

1. The purpose of this chapter is to protect the public health, safety, general welfare, and aesthetics by regulating grading (including initial clearing, brushing or grubbing, and subsequent excavating or filling) on private and public land, including county-owned land, within the unincorporated area of Pima County.

2. It establishes grading standards designed to:

a. Regulate the development of potentially hazardous terrain;

b. Conserve the general visual character of grading sites and settings;

c. Enhance the value of new development; and

d. Conserve the value of existing, affected properties.

3. The guidelines and standards of this chapter and the Grading Design Manual have been prepared in the context of Pima County's specific desert environment. They are intended to complement the applicable provisions of Chapter 18.61 (Hillside Development Overlay Zone) and



the Floodplain Management Ordinance, and not to authorize any grading activity prohibited by this chapter or any county ordinance.

**B. Interpretation:**

1. This section shall be used as a guide whenever a conflict arises in the interpretation or enforcement of this chapter. The design, implementation and mitigation of grading regulated by this chapter (refer to Section 18.81.020) shall be reviewed prior to the issuance of any grading permit, to ensure compliance with the guidelines of this section and the specific standards and requirements of this chapter.

2. The design and implementation of all grading shall:

a. Minimize scars and other adverse visual impacts resulting from cut and fill;

b. Blend with the natural contours of the land;

c. Conserve the natural scenic beauty and vegetation of the site;

d. Be for purposes other than enabling buildings to penetrate the building height contour line; and

e. Restrict the areas and volumes to the minimum necessary to implement the planned development.

3. In all grading projects, measures shall be taken to:

a. Ensure that graded hillside, slopes or other areas subject to erosion are stabilized;

b. Reduce the erosion effects of stormwater discharge, preserve the flood-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainageways from siltation;

c. Minimize dust pollution and surface water drainage from graded areas during grading and development; and

d. Ensure that development activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures. (Ord. 1986-187 § 1 (part), 1986)

**18.81.020 Applicability and exemptions.**

**A. Scope:**

1. All development projects shall require a Type 1 or Type 2 grading permit, except as exempted in subsection D of this section. In general, small private grading operations do not require a grading permit; major grading for custom home development requires a Type 1 permit, and general grading for larger development projects requires a Type 2 permit.

2. County development project shall abide by the requirements of Section 18.41.040, general grading performance standards, of this chapter. The board of supervisors may grant a special exception at a public hearing to a requirement of said section for a county development project.

**B. Type 1 (grading sketch) permit applicability:** A Type 1 grading permit is required for:

1. Single dwelling residential development on a single lot with a development envelope of fourteen thousand square feet or greater.

2. Nonresidential development which does not require a subdivision plat or development plan.

3. Stockpiling of between one hundred cubic yards and fifty thousand cubic yards of material.

4. Grading which requires a permanent cut or fill slope greater than five feet in height and steeper than a 3:1 slope, or grading on slopes of fifteen percent or greater.

5. New pavement of more than three thousand square feet.

**C. Type 2 (grading plan) permit applicability:** A Type 2 grading permit is required for:

1. Residential development which requires a subdivision plat or development plan.

2. Nonresidential development which requires a subdivision plat or development plan.

3. Stockpiling of more than fifty thousand cubic yards of material.

**D. Exemptions:** The following activities are exempted from this chapter:

1. Residential development on a single lot, with a development envelope of less than fourteen thousand square feet;

2. The subsequent expansion, by less than twenty-five percent and not violating the spirit of this chapter, of an exempted or approved graded area;

3. The clearing, brushing or grubbing of an area of less than fourteen thousand square feet or for activities exempted in this subsection;

4. Stockpiling of less than one hundred cubic yards of material;

5. Resurfacing or maintenance of an existing paved surface;

6. New pavement of less than three thousand square feet;

7. Individual sewage disposal system with a county health department permit;

8. Excavation below finished grade for a basement, foundation, wall, or swimming pool authorized by a building permit or zoning construction permit (refer to Section 18.01.030E, General Provisions);

9. Cemetery graves;

10. Refuse disposal site controlled by other regulations;

11. Exploratory excavation under the direction of a soil engineer or engineering geologist, provided all excavation is properly backfilled;

12. Archaeological exploration conducted under state permit by a qualified archaeologist;

13. Removal of selected individual plants for storage and replanting;

14. Underground utility installations under a paved roadway surface or a continuously-maintained unpaved roadway surface;

15. Grading for the maintenance of an existing private access road or driveway, provided that if either existed prior to adoption of, or was established in conformance with, this chapter. Proof of such may be required by the county engineer;

16. Grading for an appurtenant access or utility easement;

17. Land uses under statutory exemption (refer to Section 18.01.030C, General Provisions). (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

**18.81.030 Definitions.**

**A. General usage:** The definition and usage of terms in this chapter are as contained within this code, except that the definition and usage of terms describing drainage are as contained within the county Floodplain Management Ordinance.

**B. Definitions:** For purposes of this chapter only, the following words and terms shall mean:

1. **Access road:** A road within one mile of the grading site, designated on the approved grading plan, and used, during grading, for the transport of grading equipment, hauling of fill and other equivalent vehicular traffic to and from the grading site.

2. **Approval:** Written notice by the county engineer approving the design, progress or completion of work.

3. **Approved plan:** The most current grading sketch or grading plan which bears the authorized signature of approval of the county engineer.

4. **Approved testing agency:** A facility which is equipped to perform and certify the tests required by this chapter and whose testing operations are controlled and monitored by a civil engineer.

5. **Borrow:** Earth material acquired from an off-site location for use in grading a site.

6. **Brushing:** The selective removal of vegetation.

7. **Building height contour line:** A contour elevation line set at the existing grade elevation, plus the maximum building height permitted by site rezoning conditions or this code and fifty percent of the additional height added by permitted fill. Refer to Illustration 18.81-1 (Section 18.81.110).

8. **Clearing:** The substantial removal of vegetation.

9. **Envelope, building:**

a. A dwelling unit and all attached roofed structures, including carports or patio ramadas;

b. For nonresidential development, the building envelope shall be the main building and all attached roofed structures.

10. **Envelope, development:** The sum of the areas of the permit holder's land to be graded,

including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.

11. **Erosion:** The wearing away of the ground surface as a result of the movement of wind, water or ice.

12. **Excavation:** The artificial (i.e., mechanical, manual, blasting or other such) means for removal of earth material.

13. **Final inspection:** Field inspection conducted by the county engineer prior to project acceptance or release of assurances (if required).

14. **Grade:** The vertical location of the ground surface.

15. **Grade, existing:** The actual, current ground surface as of the date of adoption of the ordinance codified in this chapter.

16. **Grade, finished:** The final grade conforming to the approved grading sketch or plan.

17. **Grade, rough:** The stage at which grading substantially conforms with the approved grading sketch or plan.

18. **Grading:** The initial clearing, brushing or grubbing, and subsequent excavating or filling, of a site.

19. **Grading permit:** An official document issued by the county engineer authorizing the grading activity specified by the grading permit conditions.

20. **Grading permit conditions:** The specifications and requirements of the approved grading sketch or grading plan, grading statement, soils report or other documents necessary for grading permit approval.

21. **Grubbing:** The removal of trees and other large plants by their roots.

22. **Inspector:** A person authorized by the county engineer or building official to perform inspection on grading work.

23. **Retaining wall:** A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding, and which is two feet or greater

in height from the lowest point of earth at the foundation to the top of the wall.

24. **Revegetation:** Placement of living plant material on sites or cut and fill slopes where the natural vegetation has been removed.

25. **Site:** Any lot or parcel of land, or contiguous combination of lots and parcels under the same ownership or unified control, where grading is to be performed.

26. **Slope:** An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance (refer to Illustration 18.81-2, Section 18.81.110).

27. **Soil:** Naturally occurring deposits overlying bedrock.

28. **Stabilization:** Treatment with mitigation measures in accordance with the grading design manual, and approved by the county engineer that contribute to the erosion or siltation resistance, or the structural strength, of a graded area.

29. **Stockpile:** The storage of uncompacted earth material. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

#### 18.81.040 General grading performance standards.

##### A. Scope:

1. The performance standards of this section are general grading performance requirements. A companion Grading Design Manual elaborates minimum performance standards referenced by this section and includes nonregulatory guidelines for superior grading performance.

2. The Grading Design Manual shall be adopted and amended in accordance with Section 18.01.070 (General Provisions). \* The commission may hold the preliminary and public hearings concurrently. The technical review committee (refer to Section 18.99.040, Review Committees) shall provide a recommendation prior to commission public hearing.

B. **Site revegetation and stabilization:** All graded areas except those to be used for agriculture or livestock purposes, not revegetated, stabilized or

constructed on upon expiration of the grading permit shall be revegetated or stabilized within sixty days of permit expiration in accordance with the Grading Design Manual, and furthermore, in cases where the purpose of the grading permit is not met, shall be designed to restore the native vegetative community.

C. **Slopes:** All exposed cut or fill slopes shall be revegetated or stabilized in accordance with the Grading Design Manual and the approved grading sketch or plan.

D. **Terracing:** Terracing to control surface drainage and debris on cut or fill slopes may be required in accordance with the Grading Design Manual. The width of a terrace shall be a minimum of six feet.

E. **Fill:** Fill shall be compacted and soil tested in accordance with the Grading Design Manual.

F. **Setbacks:** The following setbacks shall be increased by the county engineer if considered necessary for safety or stability, or to prevent possible damage from water, soil or debris:

1. **Top of Cut Slope:** The top of cut slopes shall be made not nearer to a site boundary line than one fifth of the vertical height of cut, with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains.

2. **Toe of Fill Slope:** The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope, with a minimum of two feet and a maximum of twenty feet.

3. **Buildings:** Buildings shall be set back from the toe and top of slopes in accordance with the county building codes (Title 15), Illustration 18.81-3 in Section 18.81.110 or the approved soils report. This shall not reduce the required building setback from property line.

4. **Rights-of-way:** The required setback of a slope toe adjacent to a public right-of-way may be reduced with the approval of the county engineer, if there will be no adverse effect and:

- a. Easements are not required; or
- b. Retaining walls are used.

**G. Building height:** The finished grade and building pads shall be established so that the maximum building height shall not exceed the building height contour line (refer to Illustration 18.81-1, Section 18.81.110).

**H. Drainage control systems:**

1. Permanent systems:

a. Erosion control shall be constructed and maintained to prevent erosion of slopes, and cleared, brushed, grubbed or graded areas, in accordance with the Grading Design Manual.

b. Where cut slopes are not subject to erosion due to the erosion-resistant character of the native materials, erosion control may be omitted upon approval by the county engineer.

c. Erosion control devices to prevent erosion or sediment deposition on off-site property may be required in accordance with the Grading Design Manual.

d. The shoulders of a paved public or private roadway shall be protected against erosion wherever curbing or constructed spillways are not provided, in accordance with the Grading Design Manual.

e. Surface drainage:

1) Cut and fill slopes shall be provided with approved surface drainage for stability and erosion protection of affected properties in accordance with the Grading Design Manual;

2) Surface drainage interceptors shall be provided at the top of cut and fill slopes where there is surface runoff and erosion potential in accordance with the Grading Design Manual;

3) Drainage slopes to protect foundations shall be provided in accordance with the Grading Design Manual.

f. Subsurface drainage: Subsurface drainage for stability and protection of affected properties from ground water seepage may be required in accordance with the Grading Design Manual.

2. Interim systems: Interim drainage control systems shall be provided in accordance with the Grading Design Manual.

**I. Import and export of earth material:**

1. Loading of earth material shall occur only within the time limits of subsection J of this section, and dust palliatives shall be applied in accordance with the Grading Design Manual.

2. The transportation of earth material on public rights-of-way shall be in a manner that minimizes blowing soil and other hazards.

**J. Hours of grading:**

1. Grading equipment operation within one-half mile of a structure occupied by humans shall not be conducted between sunset and seven a.m.

2. Normal equipment maintenance involving lights, motors or generators, and occurring within six hundred feet of a structure occupied by humans, shall not be conducted between nine p.m. and seven a.m.

3. The county engineer may allow grading equipment operation or maintenance during other hours if such operations are not detrimental to the health, safety or welfare of the inhabitants of the structure.

4. Permitted hours of operation or maintenance may be shortened by written notice, if the county engineer finds a substantial adverse effect on the health, safety or welfare of the surrounding community.

**K. Restriction of vehicles:**

1. No vehicles shall be driven over "natural open space areas," as designated on the approved grading sketch or grading plan.

2. Points-of-entry to the site during grading shall be only as designated on the approved grading sketch or grading plan.

3. For Type 2 permits, access roads to the site during grading shall be only as designated on the approved grading plan.

**L. Additional requirements:**

1. During grading, and until revegetation or stabilization has taken place, dust shall be minimized through application of approved dust controls in accordance with the Grading Design Manual.

2. Public rights-of-way, sidewalks and other improvements shall be maintained during grading in



a neat and clean condition, free of loose soil, construction debris and trash.

3. Debris, fill or equipment shall not be stored within a public right-of-way without the written approval of the county engineer.

4. Cut or fill material in excess of that allowed by the grading permit shall be disposed of in accordance with the Grading Design Manual. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

\*Editor's note: Section 2 of Ordinance No. 1990-61 states as follows: "The Grading Design Manual, which is attached to and incorporated in this ordinance as Exhibit A, and which contains technical requirements for grading, is hereby adopted and shall have all of the force and authority of an ordinance. The Grading Design Manual shall not be published as a part of the Pima County Zoning Code, but shall be published as a separate booklet."

**18.81.050 Submittals and procedures: Type 1 (grading sketch).**

A. Scope: A Type 1 application for a grading permit requires a completed grading permit application, grading sketch and grading statement. A survey sealed by a registered land surveyor is not required.

**B. Grading sketch requirements:**

1. The existing and proposed finished grade of the area to be graded, based on spot elevations or two-foot contour interval maps;

2. The extent of graded areas, shaded and labeled "graded area," and, where structures are to be constructed:

a. The existing grade at the primary building corners and proposed finished floor elevations; and

b. The proposed building heights, shown to conform to the building height contour line requirements;

3. The location of proposed mitigative measures, such as revegetation or retaining walls;

4. The exterior boundaries of the site;

5. Access roads and points-of-entry to the grading site.

C. Grading statement: A written grading statement shall be submitted with an application for a

grading permit. The statement shall include, where applicable:

1. A description of stabilization, erosion and drainage control measures;

2. The off-site disposal location and estimated quantity of earth material and vegetation to be removed from the site during grading;

3. Estimated starting and completion dates;

4. A description of the dust control method to be used during grading and until revegetation or stabilization has been completed.

**D. Documents preparation:**

1. Documents shall be prepared in accordance with the Grading Design Manual; and

2. Information shall conform with rezoning conditions (when applicable) and shall be consistent with the rezoning site analysis (refer to Section 18.91.030(F), Rezoning Procedures) and other applicable regulations.

**E. Application:**

1. The grading permit application, grading sketch and other required materials shall be submitted for review to the central permits division of the county planning and development services department.

2. When desired, a letter of intent to exercise the inspection certification option (refer to Section 18.81.070B) shall be submitted with the application.

3. The grading permit application shall be completed and signed by the owner or authorized representative.

4. Fees are payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.

**F. Application review:**

1. The grading sketch and statement shall be reviewed for consistency with applicable regulations and standards, and, if approved, a grading permit shall be issued within five working days of application.

2. If determined inadequate, the application shall be returned within five working days and the

owner may resubmit, without additional fees, an amended grading sketch or statement.

3. The county engineer shall require that plans and specifications be modified to make them consistent with this code or other applicable regulations. A grading permit may be issued with additional conditions.

**G. Grading permit issuance and expiration:**

1. **Issuance:** Grading permits are issued by the county engineer. A copy of the grading permit and approved grading sketch shall be kept in an easily accessible location on the site.

2. **Expiration:** A grading permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

**H. Grading permit extension and reapplication:**

1. **Extensions:** Upon written request by the permit holder, the county engineer may approve a single one-hundred-eighty-day time extension of a grading permit.

2. **Reapplication:** Reapplication for a grading permit may be made in accordance with this chapter. Assurances of additional conditions may be imposed by the county engineer on a permit, as a consequence of reapplication.

**I. Changes to grading permit:**

1. **Hazardous conditions:** If drainage problems, flood hazards or other hazards occur that were not considered at the time the permit was issued, the county engineer shall require that any substantial engineering modifications be submitted in a report and that the grading design be modified.

2. **Nonhazardous conditions:** If unanticipated nonhazardous conditions are encountered during grading and are beyond the scope of the grading permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the county engineer. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

**18.81.060 Submittals and procedures: Type 2 (grading plan).**

**A. Scope: A Type 2 application for a grading**

permit requires a completed grading permit application, grading plan, grading statement and soils report. Where applicable and not otherwise submitted, drainage improvement plans shall be required also.

**B. Grading plans requirements:**

1. The existing and proposed finished grade contours, or sufficient spot elevations (except as amended in subdivision 2 of this subsection) of the area to be graded, at a minimum of two-foot contour intervals for slopes up to fifteen percent. Slopes over fifteen percent shall be shown in accordance with Chapter 18.61 (Hillside Development Overlay Zone).

2. The extent of graded areas, shaded and labeled "graded area," and, where structures are to be constructed:

a. Spot elevations may be shown for the finished grade within the building envelope;

b. All building pads, showing the existing grade at the primary building corners and proposed finished floor elevations; and

c. The proposed building heights, shown to conform to the building height contour line requirements.

3. The general topography for one hundred feet, or as specified by the county engineer, outward from sites greater than five acres; the county engineer may determine that such information is necessary for smaller sites.

4. A description of the mitigation methods, specifying elevations, dimensions, quantities and locations, to be used during grading and until revegetation or stabilization has been completed.

5. The exterior boundaries of the site, the basis of bearing and a benchmark to establish the vertical datum.

6. The extent and manner of preserving, relocating, clearing and disposing of vegetation.

7. The final ground cover, revegetation (if any), erosion control and proposed methods for cut or fill stabilization, based upon the soils report (refer to subsection C of this section).

8. Access roads, haul routes and points-of-entry to the grading site.

9. Where drainage improvement plans have not been submitted separately or where interim drainage conditions exist because of project phasing, plans for:

a. Drainage or other protective devices to be constructed as part of the grading;

b. The drainage area and estimated runoff of the area served by drains.

10. A general description of potential paleontological, archaeological or historical resources, and proposed mitigation measures from a qualified archaeologist or archaeological institute.

11. The off-site disposal location and estimated quantity of earth material to be removed from the site during grading.

12. Estimated starting and completion dates for each grading phase.

13. For superior project design and grading performance, it is encouraged that the project designer prepare for project design use an existing site inventory, identifying and quantifying vegetation, soils, on- and off-site viewshed constraints, slope analysis and drainage.

C. Grading Statement: Refer to Section 18.81.050C.

D. Soils report:

1. The report shall contain all geotechnical engineering information and recommendations applicable to the project, in accordance with the Grading Design Manual, and shall be sealed by the soils engineer prior to submittal.

2. The civil engineer or qualified registrant responsible for preparing the grading plan shall incorporate all report recommendations into the plan and statement.

3. Approved report recommendations shall become conditions of the grading permit.

4. The civil engineer or soils engineer of the developer shall be required to provide written certification to the building official that the foundation sub-base requirements have been met.

E. Documents preparation:

1. Documents shall be prepared in accordance with the Grading Design Manual.

2. Information shall conform with rezoning conditions (when applicable) and shall be consistent with the rezoning site analysis (refer to Section 18.91.030F, Rezoning Procedures) and other applicable regulations.

3. Grading plan preparation: The plan shall be prepared by, or under the direction of, a civil engineer or qualified registrant (who may consult with, or submit information in conjunction with, a landscape architect or other qualified person with expert knowledge of the subject).

F. Application:

1. The grading permit application, grading plan and other required materials shall be submitted to the county department of transportation for distribution to the applicable county review agencies.

2. When desired, a letter of intent to exercise the inspection certification option (refer to Section 18.81.070B) shall be submitted with the application.

3. The grading permit application shall be completed and signed by the owner or authorized representative.

4. Fees are payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.

5. At the discretion of the county engineer, grading assurances may be required in the form of a performance bond or other security acceptable to the county engineer. The assurances shall be applied only to:

a. Eliminate potential hazardous conditions; or

b. Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions, in accordance with the Grading Design Manual;

G. Application review:

1. Grading plans and related submittals shall be reviewed concurrent with the tentative plat or development plan review process for the project;

2. Plans and reports shall be reviewed for consistency with applicable regulations and stan-



dards, and the approved rezoning site analysis (if required). If determined inadequate, they shall be returned within five working days.

3. Written review comments shall be provided to the applicant within twenty working days for the first submittal, and within five working days of each resubmittal, until approved and permits issued.

4. Prior to approval of the grading plan, the county engineer shall inspect the site to determine that the submittals are current and reflect existing conditions.

#### H. Preliminary grading:

1. Preliminary grading approval: A preliminary grading permit for clearing, brushing, grubbing, preliminary excavation or filling may be issued in special circumstances at the discretion of the county engineer, provided:

a. The county engineer finds that the proposed grading is consistent with this chapter and code;

b. The county engineer finds that the proposed grading will not have an adverse effect on the existing site and surrounding area;

c. Preliminary grading shall occur in accordance with an approved preliminary grading plan, and shall occur no less than twenty feet from the boundaries of the future development envelope, exclusive of approved points-of-entry; and

d. Preliminary grading assurances have been provided in accordance with subdivision 2 of this subsection.

2. Preliminary grading assurances:

a. When approval has been granted for preliminary grading, grading assurances shall be posted in an amount not to exceed the approved preliminary grading cost estimate made by a civil engineer;

b. The assurances shall be applied only to:

1) Eliminate potential hazardous conditions;

or

2) Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions, in accordance with the Grading Design Manual;

c. The assurances shall be released by the

county when the preliminary grading has been inspected and received the written approval of the county engineer. Final approval of a grading permit shall not require the release of the assurances in the event of preliminary grading noncompliance.

#### I. Grading permit issuance and expiration:

1. Issuance: Grading permits shall be issued by the county engineer no earlier than at the time of written staff approval of the tentative subdivision plat or development plan. A copy of the grading permit and approved grading plan shall be kept in an easily accessible location on the site.

2. Expiration: A grading permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

#### J. Grading permit extension and reapplication:

1. Extensions: Upon written request by the permit holder, the county engineer may approve a single one-hundred-eighty-day time extension of a grading permit.

2. Reapplication: Reapplication for a grading permit may be made in accordance with this chapter. Assurances or additional conditions may be imposed by the county engineer on a permit, as a consequence of reapplication.

#### K. Changes to grading permit:

1. Hazardous conditions: If drainage problems, flood hazards or other hazards occur that were not considered at the time the permit was issued, the county engineer shall require that any substantial engineering modifications be submitted in a report and that the grading design be modified.

2. Nonhazardous conditions: If unanticipated nonhazardous conditions are encountered during grading and are beyond the scope of the grading permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the county engineer. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

#### 18.81.070 Inspections and performance defaults.

##### A. General inspections:

1. All grading which requires a permit shall be inspected by the county engineer in accordance with the grading permit:

a. The inspection schedule shall be prepared in accordance with the Grading Design Manual. Fees shall be based on the inspection schedule and payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.

b. The permit holder shall provide notification twenty-four hours prior to an inspection request, or as specified on the grading permit;

c. The county shall provide an inspector within two working days of the requested time.

2. If the county engineer finds site conditions are not as stated in the approved grading permit conditions, the county engineer may order work authorized by the grading permit to stop until a revised grading sketch or plan has been approved.

3. Whenever grading work requiring county inspection is concealed by additional work without first having been inspected, the county engineer may require, by written notice, that such work be:

a. Exposed, for inspection by the county; or

b. Certified by the project civil engineer as being in conformance with applicable regulations.

B. Inspection certification option:

1. The owner may retain a civil engineer to:

a. Perform the required grading construction inspections; and

b. Certify, upon notification of completion, that grading has been performed in conformance with approved plans and permit conditions.

2. The owner shall submit a letter of intent to invoke the certification option, which shall include a written agreement of certification responsibility from a civil engineer, with the grading permit application.

3. Inspection fees are waived, with the exception of the final grading inspection fee.

4. The civil engineer shall maintain project logs and records consistent with accepted engineering practice for a minimum of three years after project completion.

5. The county engineer may periodically inspect

the grading to determine that adequate control is being exercised by the civil engineer.

6. The county engineer shall conduct a final inspection and the owner shall be liable for any corrective action deemed necessary.

C. Final inspection of rough grade:

1. All rough grading shall be completed in accordance with the grading permit prior to final rough grade inspection by the county engineer.

2. The final inspection shall be conducted by the county engineer prior to issuance of a certificate of substantial grading conformance or release of grading assurances (if required). The permit holder shall provide a minimum of twenty-four hours' notice to the county engineer when any phase of rough grading is ready for final inspection.

3. The county engineer may approve completed rough grading prior to completion of related work in cases of extreme hardship or where grading has been designed to be completed in phases, provided that no hazards exist and a performance bond has been posted to ensure completion of remaining grading work of that phase.

4. The soils report and certification of sub-base requirements shall be submitted to the building official prior to any foundation inspections.

D. Final grading inspection:

1. All required grading work shall be completed in accordance with the grading permit prior to final grading inspection by the county engineer and issuance of a certificate of final grading approval.

2. Where the conditions of a grading permit include the establishment of vegetation or other final site grading work that extends beyond the expiration of the grading permit, the county engineer shall make a post-grading inspection within six months of permit expiration or as required by the grading permit.

E. Maintenance of revegetation: The maintenance of revegetated graded areas shall be in accordance with Section 18.73.080 (Landscaping,

Buffering and Screening Standards). (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

#### **18.81.080 Enforcement and penalties.**

##### **A. Grading permit enforcement:**

1. The enforcement of this chapter and conditions of the grading permit shall be in accordance with this section and Chapter 18.95 (Compliance and Enforcement).

2. When the county engineer determines a substantial noncompliance with the conditions of the grading permit, the county engineer shall issue a stop-work order and hold in abeyance, by written notice, the county review of other submittals related to the development project and the issuance of county permits for any aspect of the development project until remedial actions have received the written approval of the county engineer.

##### **B. Stop-work orders:**

1. Whenever the county engineer determines that grading does not comply with this chapter or the grading permit conditions, or that the soil or conditions are not as stated on the permit, the county engineer may order the work stopped by written notice served on any person engaged in doing or causing such work to be done.

2. Any such person shall immediately stop such work until authorized by the county engineer to proceed with the work.

##### **C. Penalties:**

1. Failure to obtain grading permit: Unless exempted by this chapter (refer to Section 18.81.020D), failure to obtain a grading permit prior to commencement of grading shall be a violation of this code. However, the county engineer may issue an exception permit if the county engineer finds that an emergency existed which made it impossible first to obtain a permit.

2. Violations: A violation shall result in issuance of a stop-work order and penalties in accordance with Section 18.95.040 (Compliance and Enforcement). Payment of a fine shall not relieve any

person from complying with the requirements of this chapter. (Ord. 1986-187 § 1 (part), 1986)

#### **18.81.090 Administrative modification.**

A. Quantifiable requirements of Section 18.81.020B Type 1 (grading sketch) permit applicability, Section 18.81.040 general grading performance standards, and Section 005 grading mitigation of the Grading Design Manual, may be modified up to a maximum of twenty percent by the county engineer when it is demonstrated that an unusual site or use condition exists and when such adjustment will not result in a danger to persons or property.

B. In determining whether to grant the adjustment, the county engineer shall follow the board of adjustment standards for granting variances set forth in Section 18.93.030B, and enumerated below:

1. The strict application of the provision would work an unnecessary hardship;

2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;

3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;

4. The variance is the minimum necessary to afford relief;

5. The variance does not allow a use which is not permitted in the zone by the code;

6. The variance is not granted solely to increase economic return from the property;

7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;

8. The variance is in harmony with the general intent and purposes of the code and the provision from which the variance is requested;

9. The variance does not violate state law or other provisions of Pima County ordinances;

10. No condition attached to the variance by the

board is personal to the appellant. (Ord. 1990-61 § 1 (part), 1990)

**18.81.100 Waivers and interpretation review.**

**A. Waivers:**

1. **Scope:** A waiver from a provision of this chapter may be granted by the technical review committee (refer to Section 18.99.040, Review Committees) when the strict application of the provision would require work by the permit holder detrimental to the purposes of this chapter and cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights.

2. **Standards:** A waiver shall not be granted unless:

a. The hardship is not generally caused to other properties subject to the provision;

b. The waiver is the minimum necessary to afford relief;

c. The waiver will not be materially detrimental to the rights of owners and residents of other affected properties; and

d. The waiver is in harmony with the intent and purposes of this code and the provision of this chapter from which the waiver is requested.

3. **Conditions:** Conditions may be imposed on a waiver that will:

a. Secure the intent and purposes of this code and the provision of this chapter from which the waiver is granted; and

b. Provide adequately for the protection of surrounding property owners and residents.

4. **Application:** The request for waiver shall be made on a form provided by the planning and development service department and shall be heard within sixty days. Hearing fees shall be required.

5. **Review and notice:** The committee shall hold a hearing on the waiver request and, within five working days, notice of the decision shall be mailed to all property owners within three hundred feet of the grading site. Failure to provide

notice shall not invalidate an action of the committee.

6. **Appeal:** A decision of the committee may be appealed within fifteen days of the decision to the board of adjustment in accordance with Chapter 18.93.

**B. Interpretation review:**

1. **Scope:** Upon request by an affected person who believes there has been a misinterpretation, the technical review committee shall review an interpretation of a provision of this chapter made by a county official.

2. The request for review shall cite:

a. The disputed interpretation made by the county official; and

b. The words alleged to have been misinterpreted.

3. **Application:** The request shall be made on a form provided by the planning and development services department and shall be heard within sixty days. Hearing fees shall be required.

4. **Review and notice:** The committee shall hold a hearing on the waiver request and, within five working days, notice of the decision shall be mailed to all property owners within three hundred feet of the grading site. Failure to provide notice shall not invalidate an action of the committee.

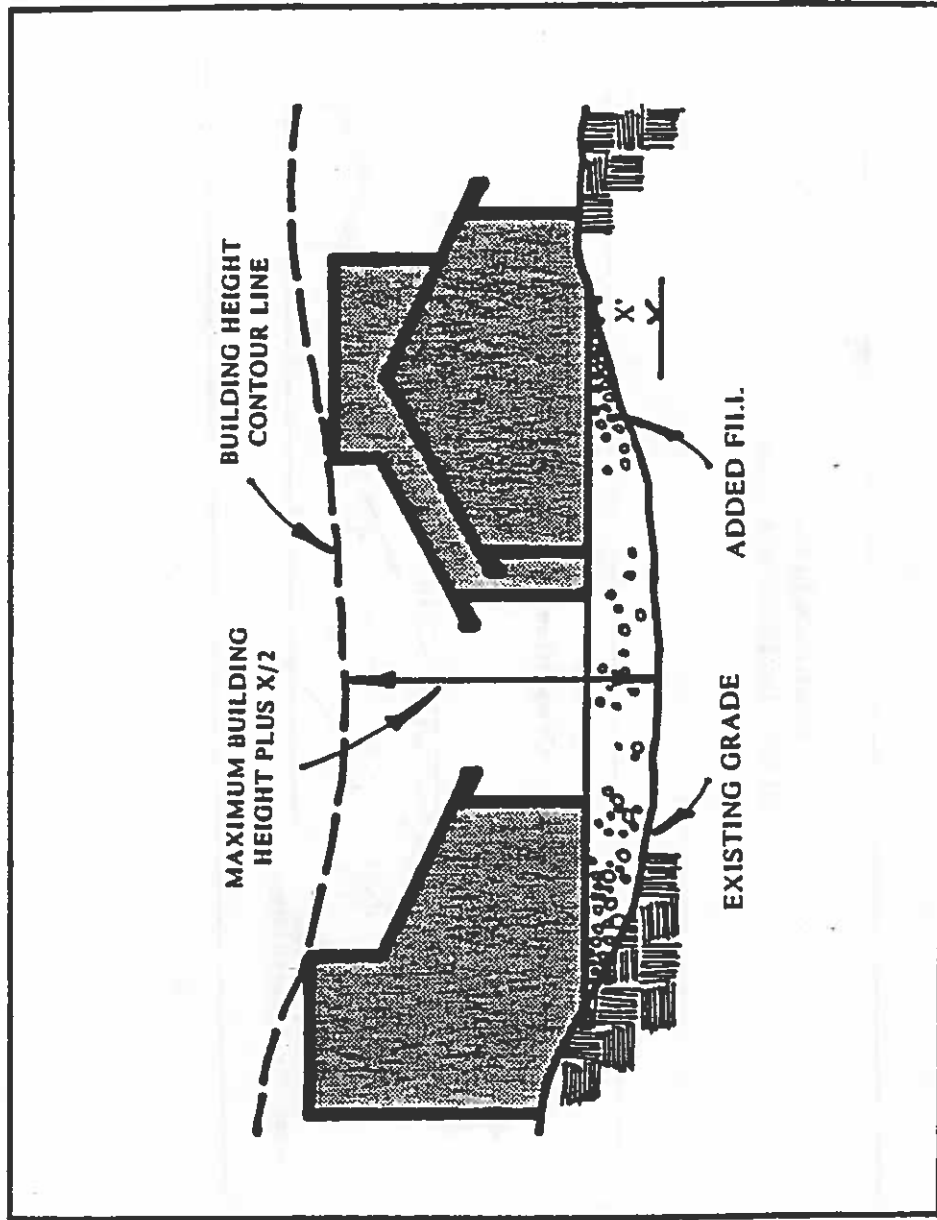
5. **Appeal:** A decision of the committee may be appealed within fifteen days of the decision to the board of adjustment in accordance with Chapter 18.93.

**C. Appeal to superior court:** Appeal from a decision of the board of adjustment may be made to the superior court by the owner or affected persons. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

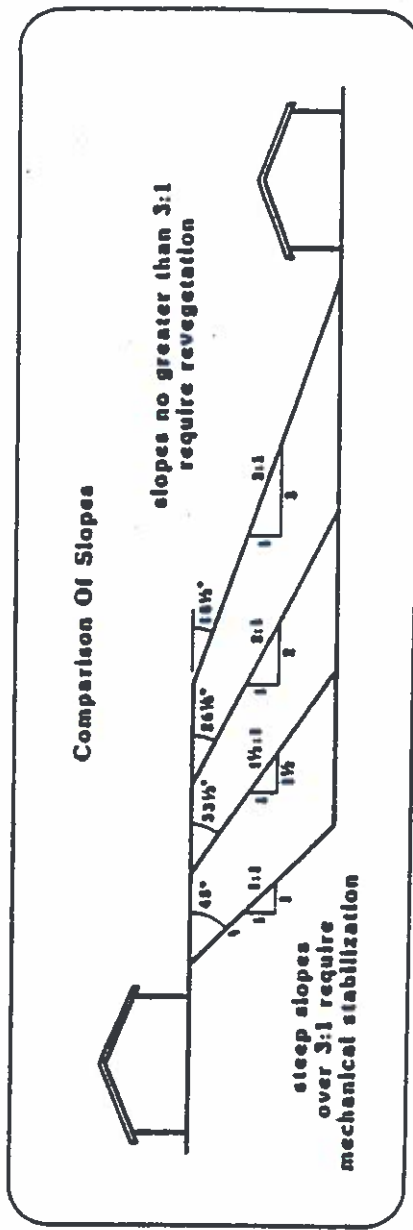
**18.81.110 Illustrations.**

See Illustrations 18.81-1, 18.81-2 and 18.81-3. (Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

**Illustration 18.81-1**  
**BUILDING HEIGHT CONTOUR LINE**



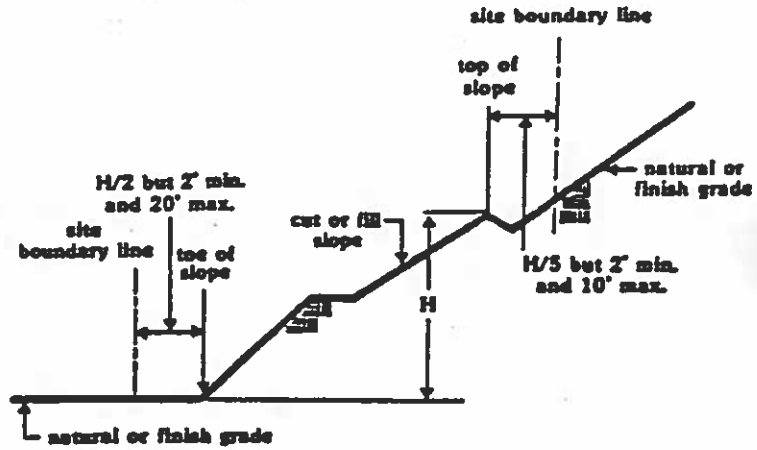
### Illustration 18.81-2 SLOPE DETERMINATION



# Illustration 18.81-3

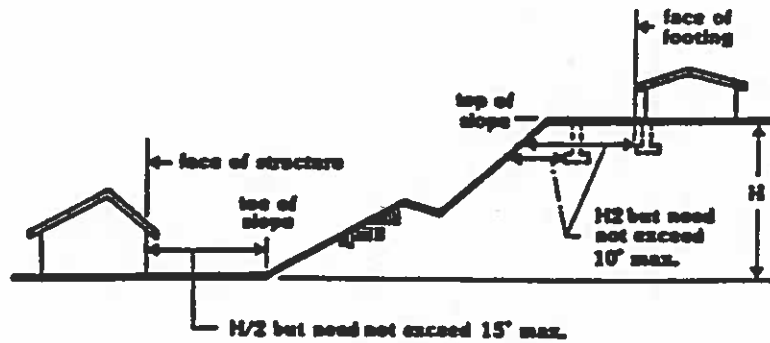
## SETBACKS

### Setbacks



refer to section 18.81.040F.1 and 2

### Setbacks



refer to section 18.81.040F.3

**APPENDIX C**

**PIMA COUNTY APPROVALS**

**C-2 DESIGN GUIDELINES AND STANDARDS**



## DESIGN GUIDELINES AND STANDARDS

### UPLANDS AT RIVER'S EDGE

Revised 3/24/94

#### INTRODUCTION

Uplands at River's Edge is a 183.1 acre estate lot subdivision of 180 to 210 lots on south facing alluvial terraces overlooking the Canada del Oro Wash on the far north side of Tucson, Arizona. Lots will range in size from as small as 5,000 square feet to over two acres in area. Sensitive site planning will preserve the natural character of this environmentally diverse site. The major open spaces define a framework within which development can occur on upland ridges with excellent views in all directions.

This document is designed to focus on the features and opportunities of the site and to establish a community concept and guidelines for future development. It provides information to owners, architects and builders on which to base design, and it serves as a regulatory device to ensure that site alterations and buildings are carried out in an environmentally sensitive manner.

#### COMMUNITY THEME

The combination of the elements described in these guidelines will provide the opportunity to develop a unified community theme. The development program calls for implementing planning and development of high quality and in a manner sensitive and responsive to site features. Thirty-four (34) percent of the site will be preserved as restricted open space within floodplains, steep slopes, cluster separators and no-build buffer yards. Within the remaining area, grading limitations and landscaping requirements apply. Identity will be further enhanced by architectural restrictions, desert landscaping at street intersections and entry points and specially designed mailbox units.

While Uplands at River's Edge is technically a "cluster" development, the lot sizes are still greater than those in most of the metropolitan area, and so the identity of the project will reflect very strongly a spacious setting for estate homes in a Sonoran desert environment.

#### UPLANDS AT RIVER'S EDGE ARCHITECTURAL REVIEW COMMITTEE

An Architectural Review Committee (ARC) shall be established as defined in Covenants, Conditions and Restrictions which are recorded along with the subdivision plat. The ARC will adopt procedures and regulations for application for -- and approvals of -- any improvements on the property. The ARC shall consist of regular and alternate members as appointed by the

declarant and by the Board of the Homeowners' Association. The ARC shall consult these guidelines and standards in rendering its decisions and making its rules.

## UPLANDS AT RIVER'S EDGE SPECIFIC DESIGN GUIDELINES

### PURPOSE

It is the purpose of these guidelines to protect and enhance the quality of the developed and natural environment in Uplands at River's Edge. These guidelines address the treatment of site planning, site improvements, open space, circulation, recreation, drainage, architecture, landscaping and natural habitat to create an aesthetically pleasing and functioning, efficient residential community. Without restricting creativity and innovation, these guidelines will provide consistent yet flexible direction to developers and designers in order to maintain the highest quality of development, conserve natural habitat, enhance community identity and preserve the character of Uplands at River's Edge.

### CIRCULATION

Because of the low density and limited number of lots, a collector street is not required. Thus, all streets within Uplands at River's Edge will be built to Pima County local street standards for rural roads, including hillside variations. These standards call for 24 feet of pavement with reinforced edge, plus 4 to 8 foot wide shoulders on either side. All streets will end with cul-de-sac turnarounds. Landscaping in the right-of-way will consist of hydroseeding the roadway shoulders with a mix of native grasses and forbs, and will include planting of palo verde trees and associated shrubs in center portions of culs-de-sac. Additional right-of-way will be provided at intersections to accommodate desert landscaping gardens consisting of boulders, shrubs and transplanted trees and cacti. Individual lot owners shall not install other improvements in the right-of-way nor remove vegetation therefrom, other than normal maintenance and thinning, without prior approval by the ARC.

### OPEN SPACE

All of the open space delineated in the development plan is restricted in one manner or another, as follows:

Hillside Development Zone (HDZ) Open Space -- At the time a tentative plat is submitted, HDZ Open Space will be delineated if required, and a set of calculations will be provided by a registered civil engineer demonstrating that, with the restriction of that open space as natural open space, the average cross slope of the property is reduced to less

than 14.5 percent. That HDZ Open Space shall remain natural and inviolate in perpetuity, except for trail crossings.

Floodplain -- At the time of platting, a similar restriction will be placed on floodplain areas conveying a 100-year stormflow of 50 cubic feet per second or greater where such floodplain areas are not specifically designated for encroachment and development. These areas may be altered by wash crossings, trails, paths, rest areas and other recreational improvements as may be placed thereon by individual property owners or the homeowners' association.

Cluster Separators -- Open space is delineated for the purpose of separating clusters at several locations on the development plan. These areas are intended to remain basically as natural desert but may be altered by pruning and enhanced by supplemental planting of approved plant materials at the discretion of individual lot owners.

Buffer Yard -- A 60 foot buffer yard is depicted along the north boundary of the property. This will remain as natural desert subject to minor alteration for drainage, landscaping and irrigation.

Other Restricted Areas -- Site grading on upland lots will be limited to a maximum of 16,000 square feet (excluding driveways) on any lot, subject to approval by the ARC. Any amount of graded area not used for access, circulation, parking, house, yards, patios and similar normal appurtenant structures and areas will be restored by planting of native grasses, forbs, shrubs and trees. The remaining ungraded lot area will be preserved as open space restricted against paving, grading and parking of vehicles, but may be fenced or improved for recreation (ramadas, barbecues, picnic tables). Planting with non-native species in this area is prohibited.

The area that has been totally altered shall be referred to as the private area, and shall not exceed 10,000 square feet exclusive of driveways. The area that has been relandscaped with native plant materials shall be referred to as the restricted private area, and the remainder of the lot, exclusive of driveways and fences, shall be ungraded open space. The ARC shall require that a restriction be recorded reflecting the above following approval of the site plan.

#### COMMON AREAS AND CONSERVATION EASEMENTS

As in any "planned unit development," the common areas are collectively owned in proportionate ratio by the individual lot owners who are members of the homeowners' association. Conservation easements denote restricted areas that may or may not be part of each individual lot, and the conservation easement is owned as part of the fee title of that lot. This is amply demonstrated in several high profile Pima County subdivisions: Ventana, Rancho Sin Vacas and La Reserve, to name a few.

Use of common areas and conservation easements is restricted under the recorded Covenants, Conditions and Restrictions (CC&R's) which are recorded with the final plat. Outline CC&R's are part of this cluster submittal. CC&R's are enforceable by the association or by the individual homeowners.

#### COMMON AREAS

Areas designated "CA" on the preliminary development plan are common areas under joint, undivided ownership of all members of the homeowners' association, by number not by area. Common areas at River's Edge are intended to remain predominantly in their natural undisturbed state for the enjoyment and casual use by association members and their guests, with the following exceptions:

1. Common areas may be traversed by underground utilities, subject to replanting with native vegetation to eradicate the grading scar plus retention of minimal accessways to locations where servicing and maintenancing must be provided. Roadways and revegetated road cuts or fills may be located in common areas, and drainage, flood control and erosion protection improvements may all be constructed in common areas.
2. Construction and maintenance of pathways, trailways, picnic areas, other recreational facilities excluding golf courses, parking and rest rooms to serve recreational users, landscaping and appurtenant maintenance facilities, and similar minimally or nominally intrusive uses deemed appropriate by the homeowners' association, are permitted.

#### CONSERVATION EASEMENTS

Conservation easements are restricted areas on private property and shall remain in a natural and undisturbed state (other than pruning and supplemental planting) except as follows:

Driveways, roadway and driveway cut and fill slopes (revegetated), pathways, sewer and utility alignments (revegetated), facilities for picknicking and other casual outdoor activities such as horseshoes and volleyball, ramadas and barbecue pits, and similar outdoor uses associated with the private use of outdoor areas.

Corrals, keeping of livestock and grazing are prohibited. Cross fencing in conservation easements is prohibited. Storage of materials and vehicles is prohibited.

## GRADING

It is intended that the development pattern provide buffers of natural open space between residences and preserve natural drainage courses and other significant features. Grading is prohibited in HDZ Open Space and is limited in any other open space category defined above.

Cut and fill slopes and shoulders created by roadway grading are highly visible features that require sensitive treatment. The top of any cut slope regardless of steepness shall be rounded to blend with the uphill area. Fill slopes shall be minimized to the greatest degree practicable, except at drainage crossings. Graded slopes less than 2:1 shall be reseeded, as shall shoulders, with a desert flower, grass and shrub seed mix, while cut slopes flatter than 3:1 may be revegetated with trees and cacti as well. Slopes greater than 2:1 in steepness must be stabilized with rip-rap using native stone or, in some instances where the slope is determined to be stable and not susceptible to erosion, the slopes may be smoothed and unstabilized.

Site grading for driveways, building areas, patios and yards shall be designed to be compatible with surrounding desert environment and landforms. Specifically, corners and edges shall be rounded, and grading contours should meander and curve instead of being straight. There should be a gradual transition between graded slopes and natural terrain, and unstabilized graded material shall not spill over natural slopes. All graded slopes shall be stabilized to minimize erosion. Slope protection shall be of native materials. Generally any slope exceeding 2:1 in steepness shall require rip-rapping with native stone or terracing with a series of low retaining elements. Cut or fill slopes steeper than 1:1 must be stabilized with masonry retaining walls.

Grading to construct pads by creating a high cut slope and a flat area may be prohibited by the ARC unless it can be demonstrated that the cut slope will be laid back or terraced and generally screened from view from off-site by the building and landscaping.

On each lot, the maximum amount of grading, exclusive of the driveway, shall be 16,000 square feet, subject to ARC approval and to further zoning limitations. Within this area may be placed buildings, outbuildings, parking and circulation areas, outdoor recreational facilities, yards, patios, and recreational vehicle storage areas appurtenant to a residential homesite in the desert. However, the graded area so used in excess of 10,000 square feet shall be relandscaped with native plant materials, and all cut or fill slopes shall be stabilized as described above. The relandscaped area defined as the restricted private area may be used for recreation purposes including tennis, swimming, shuffleboard, horseshoes, picnicing and similar activities that customarily occur in a yard on a lot; for gardening; and, shall not be used for storage of vehicles or for buildings.

## NARANJA BUFFER

This is also a conservation easement but may be initially altered substantially by the developer and then regraded and relandscaped to enhance buffering and aesthetic appearance. No further grading is permitted in this area.

## LANDSCAPING

Existing native vegetation within Uplands at River's Edge is a significant visual asset to the residential community and defines the overall character of the project. Any plant materials used shall both complement and enhance existing natural landscape.

A list of approved plants uniquely suited to the site and area is provided to assist homeowners with landscape design and to guide the ARC in making review decisions. Landscaping with these plants will also help maintain the biologic integrity of the desert environment. Plant types identified in the prohibited list have characteristics that are incompatible with the area or its residents due to pollen emission, height, weed-like characteristics, water usage and color.

At the time a site grading and development plan is prepared, a companion landscaping plan shall depict the following:

Listing of each major existing plant, by species and size, within the area to be graded, with indication of whether it is to be salvaged.

Description of salvage/transplant methods, including consideration of soil type, slope, orientation, drainage, pest and disease control, temporary storage and irrigation.

Non-native or exotic plants that are not prohibited may be used in private areas behind patio walls and in atriums, provided they do not grow to heights exceeding 25 feet.

Landscaping Density Standard -- Front yards of all lots fronting on the collector street within the Highlands Wash sub-area shall be landscaped in accordance with the "standard" densities shown on the attached Exhibit A.

Revegetation -- Areas disturbed by grading or fill, and which must be revegetated, include:

- A -- graded lot areas exceeding 10,000 square feet: ENHANCED
- B -- treeway openings to Highland Wash: SUPER ENHANCED
- C -- cut sloped: ENHANCED
- D -- benches associated with cut slopes: STANDARD
- E -- drainage swales: STANDARD

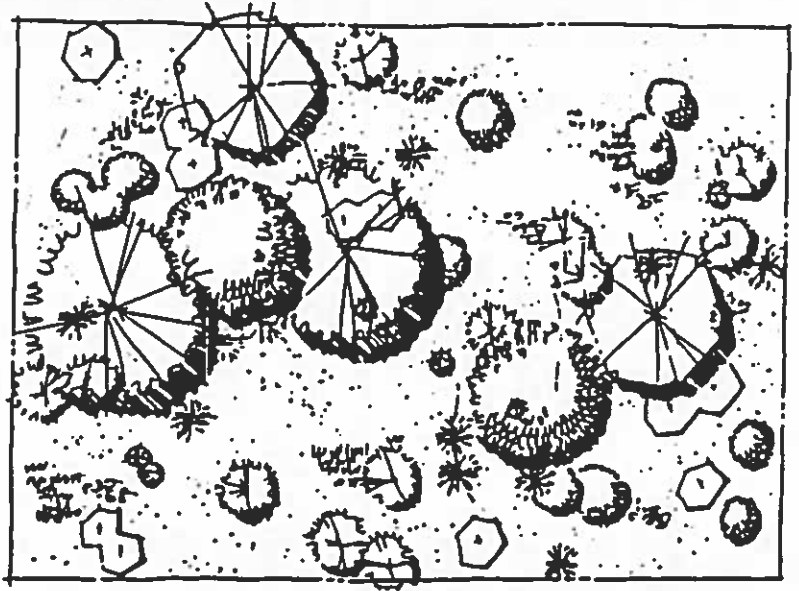
# TYPICAL REVEGETATION

## GRAPHIC A STANDARD TREATMENT

PLANTS PER 4000 SQ. FT.

6 TREES  
36 SHRUBS  
24 CACTI  
DESERT SEED MIX

720 PLANTS PER ACRE

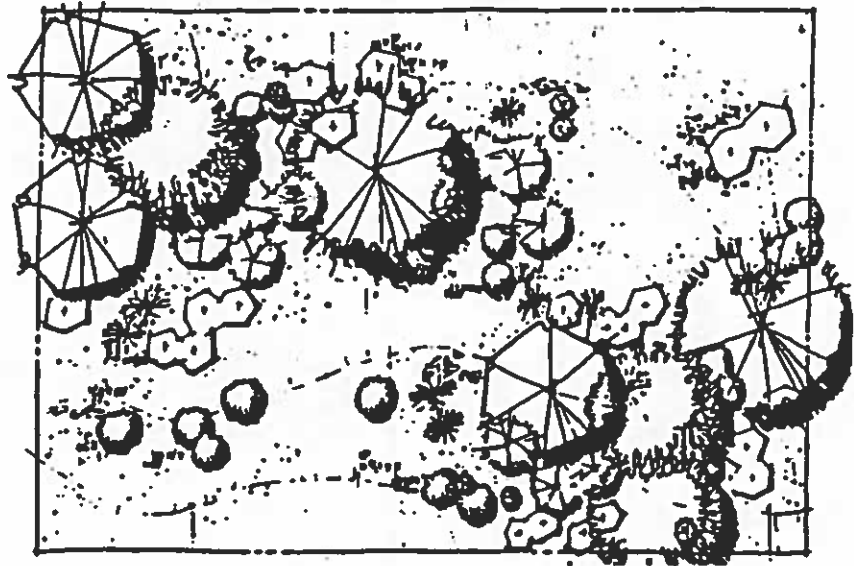


## GRAPHIC B ENHANCED DESERT

PLANTS PER 4000 SQ. FT.

8 TREES  
48 SHRUBS  
24 CACTI  
DESERT SEED MIX

870 PLANTS PER ACRE



## GRAPHIC C SUPER ENHANCED DESERT

PLANTS PER 4000 SQ. FT.

12 TREES  
60 SHRUBS  
32 CACTI  
DESERT SEED MIX

1130 PLANTS PER ACRE

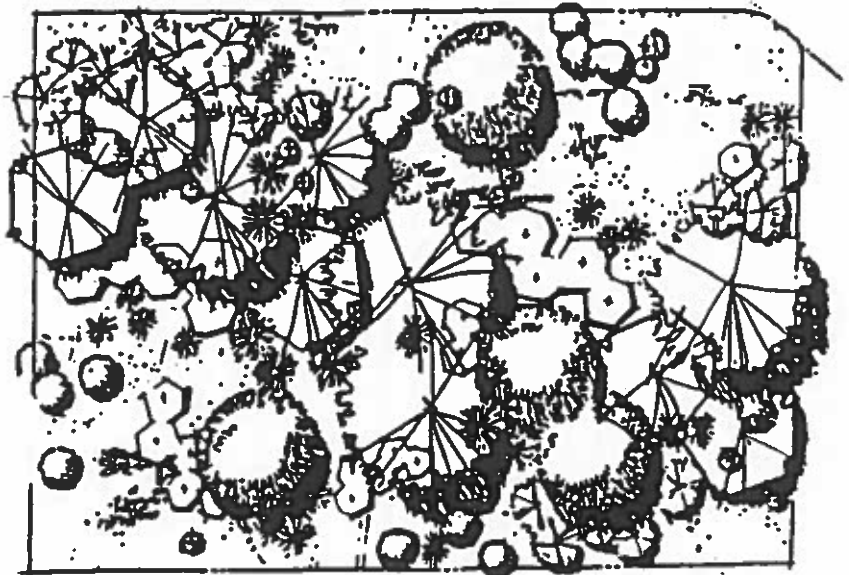


EXHIBIT A



## DRAINAGE

All development areas and lots shall be designed and graded so that surface drainage will be directed to natural watercourses, water harvesting areas or drainage easements, not lot to lot. Erosion control measures -- or the need for same-- shall be minimized through site planning and design. Erosion control devices and stabilization may be required. Every effort shall be made to achieve a natural appearance in grading method and selection of stabilizing materials, and to integrate the design of drainage features and landscaping.

Highlands Wash Bank Protection -- Where bank protection is required for erosion stabilization along Highlands Wash, the material shall either be dumped rip-rap or grouted rip-rap. The grouting, if used, shall not be coarsely sprayed on gunite, but shall be carefully applied to preserve as much as possible an aesthetic appearance of good quality.

## UTILITIES

All new on-site utility lines shall be placed underground. Use of low profile fixtures shall be encouraged. Meters, pedestals, transformers and any other appurtenances shall be located and screened with landscaping or an approved structure to reduce visual impact.

## DRIVEWAYS

All driveways will be dustproofed and protected against erosion. Drainage ditches and culverts shall be maintained by the owner. Surfacing shall be gravel, crushed rock, asphalt or exposed aggregate concrete.

Dual Driveways -- Where driveways must be steeper than 15 percent, it is strongly recommended that a single driveway with reciprocal easements to serve two or more lots be constructed in order to minimize required grading, with provisions for joint maintenance. This might require the establishment of general easements for access across the front of lots incorporating steeper slopes. Individual lot lines as established on the tentative and final plat should reflect as much forethought as possible regarding the location of driveways.

## ARCHITECTURAL REVIEW

The Architectural Review Committee shall review and approve all site plans, architectural plans and landscape plans which in any way alter the exterior appearance of any property within Uplands at River's Edge, including but not limited to:

Height  
Architectural Style  
Materials  
Colors  
Textures  
Walls and Fences  
Signage  
Mailboxes  
Trash Receptacles  
Lighting Systems  
Air Conditioning, Cooling and Heating Units  
Landscaping

## STRUCTURES

No building shall exceed two stories or 28 feet in height, measured per Pima County regulations, as a matter of right. The ARC may grant approval of two-story building heights up to 34 feet following review of sight lines and view corridors from nearby building sites.

The architectural style of buildings shall be "southwestern" in nature, as further defined by the terms "territorial, hacienda, New Mexico, ranch, Santa Fe, Spanish colonial, mission," and similar expressions. This is not intended to restrict architectural creativity in devising building solutions that are original and unique and which reflect appropriate adaptation to the site, the climate and views. Building types expressly prohibited are geodesic domes, Victorian and American colonial styles. No other clearly contrasting or bizarre architectural styles shall be permitted. Materials, colors and textures shall be compatible with architectural form. Contrast between light and shade should be emphasized in the design of buildings, porches, patios and attendant landscaping.

Exterior wall materials may be of stone, adobe, concrete, brick, block and/or stucco as well as glazing and wood or metal trim. Where a window wall is proposed, careful review of orientation and reflectivity may constitute a basis for design modification or disapproval by the ARC. Prohibited wall materials include mirror windows, vinyl or aluminum siding, wood or masonite siding when used as primary wall surfaces.

Natural clay tile roofs and alternative roofing materials of subdued texture and tone, including non-reflective metal roofs, are encouraged. The pitch shall not exceed 6 in 12. Parapet roofs shall be continuous around the roof perimeter. White or reflective roofs are prohibited unless completely shielded by parapets. No mechanical equipment of any kind will be permitted on roofs and all vents or projections shall be colored to blend with the roof.

The color of building materials shall be selected from a palette established

by the ARC. The palette shall include a full spectrum of colors of the earth, the vegetation and the sky. The colors will be subdued so as not to appear excessively bright or garish. Example: pale sky blue roof or wall colors are acceptable, while intense or shiny blue shall be limited to trim and doors. The same would apply to red or green or yellow. Orange or lavender tones shall be limited to trim and doors and not permitted on major building surfaces. Pink or peach hues shall be soft, not bright. A soft white is acceptable. Any other dominant colors may be accepted by the ARC or rejected without cause. Reflectivity shall not exceed 80%.

#### SETBACKS

On each upland lot CR-2 zoning restrictions shall define required setbacks, except that front yard setbacks may be reduced to 20 feet on certain lots as indicated on the plat. Lots in Highland Wash shall have a minimum front yard of 15 feet, no required side yard except when adjacent to a street (10 feet) and a 15 foot minimum rear yard.

#### MAILBOXES

In conjunction with installing other street and utility improvements, the developer will provide masonry mailbox installations at locations approved by the U.S. Postal Service. These will display addresses but not names. No modifications to these mailboxes may be made by any property owner or resident. The ARC may approve relocation and reconstruction subject to prior approval by the Postal Service.

#### TRASH RECEPTACLES

Each property owner/resident shall be responsible for maintaining an area for trash receptacles screened from view from roads or adjoining properties by a wall or a fence. Areas for storage for cut or composting plant materials shall likewise be screened. The area shall be accessible to garbage service vehicles and shall be specifically identified on the site plan.

#### WALLS AND FENCING

Patio walls should be of the same materials, colors and textures as the main residence. On lots larger than 22,000 square feet any walls placed within 20 feet of property lines shall be no greater than 4 feet in height and shall be stained and painted a color closely approximating a color of the native soil. Linear walls exceeding 100 feet in length shall be staggered horizontally for visual interest. No wall may exceed 6 feet in height without specific ARC approval. Ocotillo or wood fences may be used within

the private area or restricted private area only. Areas covered by conservation easements shall not be fenced, except along the boundary line between the easement and the remainder of the lot.

#### EXTERIOR LIGHTING

Lighting shall be used foremost to provide pedestrian/vehicular safety and to illuminate addresses and street names. Lighting fixtures shall be:

- Low level, low pressure sodium or incandescent
- Shielded away from adjoining properties
- Designed to be compatible with the streetscape and architecture
- Wired from underground sources
- Installed in bollards or other masonry elements wherever possible

Outdoor patio lighting shall be directed downward to produce "pools" of light, not outward or upward. Instead of large floodlights, a series of smaller or less intense light sources shall be utilized.

#### ANTENNAE

Satellite dishes shall be ground mounted and totally screened behind a wall, fence or dense landscape planting.

#### RECREATIONAL VEHICLES

No boats, trailers or recreational vehicles may be stored except in the private area and in an enclosed area that is attached to the main residence. The ARC may approve alternative storage plans if the owner can demonstrate that the stored item will be completely screened from view.

#### SOLAR

Any solar collectors shall be ground mounted or mounted flat on a flat roof below parapet height. The ARC may approve alternatives if the owner demonstrates that no adverse visual impacts will result.



DRAFT  
VILLA DEL ORO DESIGN GUIDELINES  
LAMBERT LANE CORRIDOR  
CR-5, TR, CB-1 & CB-2  
Co9-85-72  
December 9, 1986

NOT UPLANDS!

Villa del Oro is a planned community comprised of single-family residential, multi-family residential, recreational, office and commercial uses in a balanced distribution intended to provide a high-quality, amenity-oriented living environment in conjunction with facilities and services provided for use by residents of the planned community and nearby areas. For this reason, an overall design approach is required to protect and enhance property values and to project an image of quality and concern about compatibility between the various uses and with adjoining areas. The design guidelines set forth below are intended to provide both the framework and certain specifics to be used in future design review by the Villa del Oro Design Review Committee and by Pima County in its review of site-specific development plan proposals.

Design guidelines and their implementation can be approached in two phases: as a general zoning condition and as specific measures to be defined at a time closer to actual development.

**NEW ZONING CONDITION**

As part of each sub-area development plan proposal, in addition to the site plan, hydrology study and landscaping plan, the developer shall submit for review and approval by the Planning Director a set of design guidelines addressing building materials, colors, textures and form, in a format similar to those guidelines applicable to other significant developments in Pima County. In the event the Planning Director is unable to approve the design guidelines, the matter may be appealed to the Board of Supervisors.

**SPECIFIC DESIGN GUIDELINES (EXAMPLES)**

It is the intent of the developer that the design guidelines conform generally to the following:

**COMMERCIAL & RESIDENTIAL**

1. All development design proposals shall comply with or exceed Pima County landscaping, parking, grading and HDZ ordinances, as applicable.
2. No building north of Lambert Lane shall exceed 24 feet in height above finished grade.
3. Building walls, except for trim, shall be masonry or stucco in earthtone colors, and major elements shall not have a smooth texture. Reflectivity shall be less than 80 percent. Building design shall be four-sided to provide varying planes, interplay of light and shadow, alternating textures and visual interest.

Exposed wood shall be stained or painted. Exterior appearance shall blend with the natural surroundings and the landscaping. Colors other than earthtones shall be applied only to limited areas and shall be subject to Design Review Committee approval.

Natural clay tile roofs, alternative roofing materials having bulk, texture and subdued tone, and special roofing materials having unique architectural applicability shall be encouraged and shall be used as roof elements rather than as decoration. Roof pitch shall not exceed 6 in 12. Parapet roofs shall be continuous around the roof perimeter. White or reflective roofs are prohibited.

Materials, colors and textures shall be compatible with architectural form; i.e., no bizarre or commercial "theme" buildings will be permitted.

4. All mechanical equipment loading areas, storage areas and trash collection areas shall be shielded from view by architectural design, fencing, walls or landscaping. Receiving or transmitting antennae, except customary rooftop TV/radio antennae or fully screened dish antennae, shall be prohibited. Storage of recreational vehicles including boats and trailers is prohibited.
5. Lighting of buildings, grounds and parking areas shall be subject to the following:
  - a. Maximum wattage - 150 watt high pressure sodium
  - b. Maximum height of standard - 20 feet
  - c. Maximum height of standard at perimeter - 14 feet
  - d. Type of standard - down-throw
  - e. Type of standard at perimeter - house side shield, sharp cut-off, forward-throw
  - f. Average level of illumination - one-half foot-candle
  - g. Minimum level of illumination - one-fourth average

There shall be no night lighting in any designated buffer area.

6. The disturbed shoulders of Lambert Lane shall be re-landscaped by seeding with native grasses and wildflowers.

Any non-development areas disturbed temporarily during construction shall be re-landscaped/reseeded.

#### **COMMERCIAL**

1. Drive-through fast-food facilities veterinary clinics and nightclubs are prohibited.
2. Nighttime commercial operations except restaurant operations - beyond the hour of 11 PM are prohibited.

3. Commercial uses are restricted to retail and service uses serving the needs of the neighborhood, and which will inhibit longer vehicular shopping trips, including: market, drug, restaurant, laundry/cleaners, bank/S&L, personal service, retail shops, hardware, automobile service/repair, offices and similar uses customarily associated with neighborhood shopping centers.
4. Signage of commercial uses north of Lambert Lane shall be oriented to the roadway and shall be shielded from view from areas to the north and northeast by the building masses themselves or by landscaping.

DHL-297



**PRELIMINARY OUTLINE FOR COVENANTS, CONDITIONS AND RESTRICTIONS**

**UPLANDS AT RIVER'S EDGE**

**1. Definitions**

This section will define words, phrases and terms used in the declaration.

**2. Property and Persons Bound By The Declaration**

This section will describe the intent of the declaration, specifically, that the declarant intends to develop Saguaro Ridge Estates in accordance with the Master Development Plan and to sell and convey lots and parcels to individual builders. All covered property is subject to this Declaration which shall run with the covered property. The recorded document shall be binding upon all owners and occupants, the Association, and any subsidiary association that may be created by subsequent developments.

**3. Architectural and Landscaping Restrictions and Control**

An Architectural Review Committee (ARC) will be established to review all architectural and landscaping proposals and to grant approvals, denials or approvals with modification. Written notice of approval will be furnished and shall be presented to Pima County at time of plan submittal.

Guidelines and standards shall cover issues of harmony in design, landscaping design, color, reflectivity, materials, signage, mailboxes and wall design. The ARC must approve any site plan or improvements. The ARC shall not be liable for any damage, loss or prejudice. Any owner may appeal to the Board.

Landscaping shall be consistent with the natural desert and comply with the permitted and prohibited plant lists in the Architectural Review Committee Guidelines. Native plants must be protected and transplanted, where appropriate. All roadway rights-of-way and front yards shall be landscaped using plant materials on the recommended plant list. The Architectural Review Committee shall consider all proposals or plans submitted. Declarant shall have the right, up to a specified date, to appoint the members of the ARC and to amend the Guidelines.

#### 4. Use and Occupancy Restrictions

Each lot shall be used only for residential purposes, except for recreational amenities. No owner shall permit anything on his lot to result in cancellation of insurance. Other restrictions pertain to the following: animals, nuisances, boats and motor vehicles, lights, satellite dishes, antennas, garbage, mining, safe condition, fines, clothes drying area, mountain bicycles, obstruction to drainage, entry gates, rental of lots, enforcement, modification.

**5. Organization of Association**

The Association shall be a non-profit Arizona corporation vested with power prescribed by law and set forth in Articles, Bylaws and this Declaration. The affairs shall be conducted by a Board elected by the members. Owners of lots shall be class A members with rules to allow the transition of control from declarant to homeowners. The Association shall adopt rules to enhance the preservation and development of the covered property; no personal liability; any subsidiary association must be approved by the Board and subject to this Declaration.

**6. Membership and Voting**

Each owner of a lot or parcel which is subject to assessment is automatically a member of the Association and shall have one vote for each lot owned.

**7. Assessment and Creation of Lien**

This section specifies assessment and rate of assessments. There will be a maximum annual assessment. Other issues to be covered include: special assessments, annual assessment period, billing and collecting procedures, collection costs and interest on delinquent accounts, and exemption of declaration.

**8. Maintenance, Repairs and Replacements**

Each owner is responsible for all maintenance, repairs and replacements on his lot. Where any lot is crossed by a public trail easement, the Association may grant permission to Pima County or its nominee to maintain the trail.

**9. Insurance**

The Association shall purchase and maintain insurance for the Association Board including multi-peril type policy, comprehensive public liability, fidelity bond coverage against dishonest acts on the part of a director or agents; and, a workman's compensation policy, if necessary.

**10. Use of Association Funds**

The Association shall apply all Funds for the common good and benefits of the Covered Property, the Owners and Occupants. The Association may borrow money if the Board deems necessary; any surplus funds shall be carried over to the next year.

## 11. Homeowners' Association Formation

The Association will be formed in compliance with Homeowners' Association provisions as outlined in the Pima County Zoning Code, Section 18.09.040J2. The Association's structure and its operating rules and regulations will be documented and approved before any lots or residential units are sold. The developer shall present for County approval, a plan for the transfer of all review and regulatory control to the homeowners. The transfer of control may be based on an elapsed time period or the number or percentage of lots sold.

**APPENDIX C**

**PIMA COUNTY APPROVALS  
C-4 VEGETATION SALVAGE PLAN**

SYNOPSIS OF FINDINGS AND RECOMMENDATIONS  
OF THE VEGETATION AND WILDLIFE ANALYSIS,  
VEGETATION SALVAGE INVENTORY AND PRESERVATION  
PLAN FOR VILLA DEL ORO DEVELOPMENT

As Prepared By

SWCA, Inc.

VEGETATION AND WILDLIFE ANALYSIS

The site was found to be relatively undisturbed with few dirt roads and no trash dumping.

TOPOGRAPHY

The topography is complex with deeply incised gullies, ravines, broad floodplains and narrow ridges.

VEGETATION

The vegetation is described as Sonoran Desert Scrub Community within the Arizona Upland Subdivision of the Sonoran Desert, characterized by two types of association.

- Uplands - Cercidium microphyllum  
Encelia farinosa
- Lowlands - Prosopis and Acacias

There were no federally/state listed or endangered species found onsite, and only six saguaros.

None of the vegetative communities on the property could be classified as rare or unique. Dense canopy coverage was found only on a sporadic, occasional basis, associated with the edges of washes. This is due to the erodability of the coarse, unconsolidated soils, precluding the development of stable channels and associated riparian habitat.

WILDLIFE

Wildlife observed was typical of Sonoran Desert scrub communities; no federally listed threatened or endangered species were observed onsite. With the exception of a small portion of Class I habitat (Shaw, 1986), on the Canada del Oro, which is protected within a 300-foot setback designated on the development plan, the project does not contain critical or sensitive wildlife habitat.

The Canada del Oro is part of a "Major extension of riparian habitat from (a) protected area" in the Coronado National Forest. Shaw categorizes the remainder of the site as Class II habitat supporting Paloverde, Saguaro Sonoran Desert Community.]



### **RECOMMENDATION**

The study recommends that effort should be made to preserve the integrity of the wildlife habitats found on the site.

### **ACTION IMPLEMENTATION**

Natural undisturbed open spaces have been maintained, establishing corridors throughout the site which will support wildlife on the native vegetation which will be preserved in its natural state.

Portions of the open space - retention and detention basins, natural bottomed drainages and portions of the recreation areas - will support an enhanced native vegetation matrix by means of water harvesting techniques. This will provide richer habitat for wildlife.

Disturbed areas will be landscaped and revegetated with native plants.

### **PRESERVATION PLAN BY SWCA**

#### **RECOMMENDATIONS**

- Designated open space should be defined and clearly marked in the field.
  - Contractors should be held responsible for damages.
  - Trail system should be established within the natural open areas.
    - Reduces cross-country travel and consequent destruction of vegetation.
- Responsibility for open space should be clearly defined in the CC&Rs as that of the Homeowners' Association.

#### **WASHES**

- Will have increased flow and revegetated natural bottoms with landscaped terraces.
  - This will enhance the riparian habitat.
  - Terraces will provide visual barrier and aesthetic amenity.
- In order to achieve maximum wildlife value and to provide a diverse native plant community, multiple layers of vegetation should be incorporated.
  - Ground cover
  - Shrubs
  - Arborescent (cacti, tree canopies)

- Class I habitat along the Canada del Oro shall be preserved.

#### *DETENTION BASINS*

- Retention and detention basins will function as multiple structures.
  - Flood control
  - Open space for recreation
  - Enhanced native habitat

#### *RECOMMENDATIONS*

- Inundation-tolerant grasses in basin
- Drought-tolerant trees and shrubs in margin
- Provides:
  - Open recreation area in center
  - Screening on outside margins

#### *IMPLEMENTATION*

- Central basins will have a mix of open space and riparian vegetation types.
  - Inundation-tolerant grasses will be seeded over entire area.
  - By utilizing imaginative grading schemes, effort will be made to preserve areas of native vegetation wherever possible.
  - Within the central basins, preserved vegetation and seeded areas will be supplemented with inundation tolerant riparian trees. Group plantings will provide visual relief and oasis areas for passive recreation uses.
- Retention/detention basins and recreation facility design should be served by a trail system which serves the rest of the project.
  - These walkways should be delineated to protect vegetation and define use areas.

#### LANDSCAPE STANDARDS

#### *RECOMMENDED GUIDELINES*

1. Trees and shrubs should be salvaged onsite or be native nursery stock.

Broad-leaved deciduous trees enhance:

- Wildlife habitat
  - Provide shade
  - Provide visual contrast and accent.
  - Should be planted early.
2. Use native shrubs for landscape design.
    - No palms should be used.
  3. Use onsite materials wherever possible.
    - Establish holding nursery
      - Fenced
      - Water made available as soon as possible.
  4. Notify the Arizona Commission of Agriculture and Horticulture 30 days prior to clearing.

*RECOMMENDATIONS FOR SALVAGE*

1. It is not feasible to salvage all salvageable trees for use on project.
2. Recommend that one tree be used per lot.
3. Additional trees can be planted elsewhere.
  - At entries
  - Along streets
  - In bufferyards
4. For trees lost, a replacement ratio of 3:1 for trees lost would be an acceptable mitigation.
5. Restrictions should limit the removal or destruction of salvaged or container plant materials.
6. Any remaining trees should be made available to the public through the State Department of Agriculture and Horticulture.

*IMPLEMENTATION*

- Salvaged trees will be utilized as follows:
  - Project entries
    - Salvaged specimen trees will be utilized in combination with drought-tolerant nursery stock to provide an immediate effect of an established project identity.

- Primary intersections
  - Specimen natives will be utilized in combination with desert accents to enhance key intersections and establish local identity.
- Landscape Focal Points
  - At intervals along interior streets salvaged trees will be used to
    - a. Provide visual relief from lengthy unbroken corridors.
    - b. Establish local identity.
    - c. Establish continuity between the project and the surrounding desert environment.
    - d. Make common areas pedestrian links to natural open space
- Recreation Areas
  - Salvaged trees will be used in combination with drought-resistant nursery stock to provide immediate effect.
  - Establish continuity with community design theme.
  - Provide established vegetation for immediate shade.
- Any remaining trees will be made available to the public through the State Department of Agriculture and Horticulture.

Tree Canopy

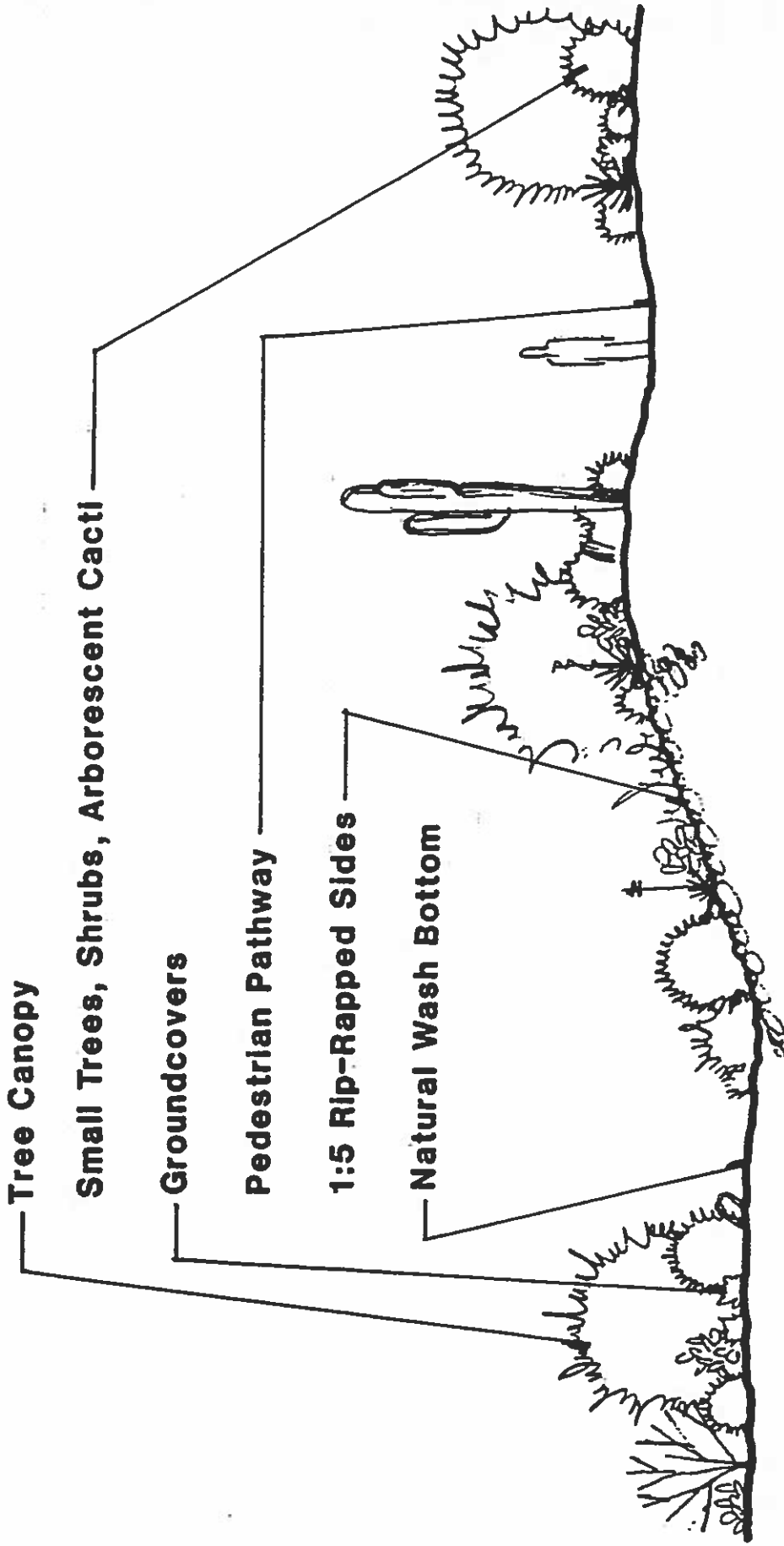
Small Trees, Shrubs, Arborescent Cacti

Groundcovers

Pedestrian Pathway

1:5 Rip-Rapped Sides

Natural Wash Bottom



# TYPICAL REVEGETATION SECTION

Table 1. List of plant species observed in the Villa del Oro project areas and their occurrence within the vegetation communities. (A = uplands, B = lowlands). ( ) designates infrequent occurrence.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Occurrence</u>
Brickle-bush	Brickellia spp.	B
Bursage	Ambrosia deltoidea	A B
Brittle-bush	Encelia farinosa	A B
Foothill Palo Verde	Cercidium microphyllum	A B
Blue Palo Verde	Cercidium floridum	B
Mesquite	Prosopis juliflora	A (B)
Creosote	Larrea tridentata	(A) (B)
Whitethorn Acacia	Acacia constricta	(A) B
Catclaw Acacia	Acacia greggii	(A) B
Wolfberry	Lycium spp.	(B)
Desert Hackberry	Celtis pallida	B
Graythorn	Zizyphus obtusifolia	B
Desert Marigold	Baileya multiradiata	A (B)
Saltbush	Atriplex spp.	B
Canyon Ragweed	Ambrosia ambrosioides	B
Burro-weed	Isocoma tenuisetta	A (B)
Brittlebush	Encelia farinosa	A (B)
Paper Flower	Psilostrophe cooperi	B
Desert Broom	Baccharis sarathroides	B
Mormon Tea	Ephedra trifurca	B
Burro Brush	Hymenoclea salsola	(A) B
Limberbush	Jatropha cardiophylla	(B)
Janusia	Janusia gracilis	B
Night-blooming Cereus	Peniocereus greggii	B
Globemallow	Sphaeralcea	B
Fairy duster	Calliandra eriophylla	A
Ratany	Krameria spp.	A
Bush muhly	Muhlenbergia porteri	B
Yucca	Yucca elata	(B)
Barrel cactus	Ferocactus spp.	B
Saguaro	Carnegiea gigantea	(A) (B)
Cholla/Prickly Pear	Opuntia spp.	B
Hedgehog	Echinocereus spp.	A B

## INTRODUCTION

The proposed native vegetation palette is divided into two sections; plants available on-site and plants available off-site as nursery stock, seeds, or mature transplants. We recommend that the majority of landscaping, including all road medians, roadsides, and most common areas, should use only those species already present on-site. Native off-site species that require more water could be used for parks, schools, and on the golf course. Non-native species should generally be avoided except for lawns, golf course grass, and small scale residential use. Large non-native trees and shrubs, such as palms, olive, mulberry, eucalyptus, and oleander should be prohibited.

## ON-SITE PLANTS

### Trees

Foothill Paloverde Cercidium microphyllum - Spiny deciduous tree with spreading crown and green bark. Retains attractive appearance after leaf drop. Spectacular yellow flower display in spring. Most numerous tree present on-site.

Blue Paloverde Cercidium floridum - Similar to Foothill Paloverde but leaves larger and more bluish-green. Flowers earlier and brighter than Foothill Paloverde. Occasional irrigation after establishment ensures high flower and leaf production. Limited primarily to washes. Limited availability on-site.

Velvet Mesquite Prosopis velutina - Spiny deciduous tree with spreading crown and dark brown bark. Height to 20 feet with equal canopy spread. Foliage is dark green with a greater contrast between bark and foliage than paloverdes. Fragrant, clustered flowers are produced from late spring through late summer. Irrigation of transplanted individuals can be ended after trees become established. Readily available on-site.

Catclaw Acacia Acacia greggii - Briefly deciduous shrub or small tree with numerous recurved spines. Will grow into medium-sized tree with sufficient water. Readily available on-site.

### Shrubs

Desert Hackberry Celtis pallida - Spiny, densely-branched shrub which is evergreen through most winters. Often attains height over six feet. Readily available on-site.

Creosote Larrea tridentata - Small-leaved evergreen with dense branches originating from base of plant. Can attain large size, six feet in height and eight feet in diameter. Limited availability on-site.

Bursage Ambrosia deltoides - Low growing, rounded shrub with gray-green foliage. Readily available on-site. Easy transplant.

Wolfberry Lycium spp. - Medium height, deciduous shrub with small leaves. Available on-site.

Agave Agave spp. - Evergreen, linear leaves clustered at base. Produces tall flower stalk once.

### Cacti

Saguaro Carnegie gigantea - Spectacular cacti which symbolizes the Sonoran Desert. Ranges in size from one foot juveniles to thirty foot giants. Landscaping applications range from dramatic entry statements to use as understory cover.

Fishhook Barrel Cactus Ferocactus wislizenii - Variable height, two to six feet, and barrel-shaped. Limited availability on-site.

Hedgehog Echinocereus spp., Fishhook Mammillaria spp. - Small cacti growing singly or in clumps. Limited availability on-site. Easily transplanted.

Prickly Pear Opuntia spp. - Branched cacti with large pads. Readily available on-site. Easily transplanted. This group includes many species which vary in form and color. Available for understory plantings in most all landscape treatments.

### OFF-SITE PLANTS

The following plants are included for specific landscaping applications. Some plants are available as nursery stock, others are available only as transplants from naturally growing situations. Off-site transplant availability is limited and variable.

### Trees

Fremont Cottonwood Populus fremonti - Deciduous species with bright green foliage available as nursery stock. Primarily grown in California. Leafless for a period of three to four months. Attains heights in excess of 40 feet. Provides shade and distinctive visual contrast in color and form. Very valuable for wildlife. Can be successfully propagated with large cuttings in excess of 20 feet in length. Requires irrigation to establish and may require occasional deep irrigation afterward.

Velvet Ash Fraxinus velutina - Deciduous species with bright green foliage. Attains heights of over 30 feet. Available as nursery stock.



Desert Willow Chilopsis linearis - Deciduous tree with narrow crown and willow-like leaves. Large fragrant flowers produced in spring and summer. Requires some irrigation. Available from nurseries.

### Shrubs

Jojoba Simmondsia chinensis - Dense evergreen shrub with bluish oblong leaves. Requires sun. Easily available.

Hopbush Dodonea viscosa - Fast growing, evergreen shrub with dark green foliage. Requires some irrigation. Recommend native subspecies (not purpurea). Easily available.

Yucca Yucca spp. - Variety of species native to nearby areas available.

Ocotillo Fouquieria splendens - Numerous branches originate from base to height of over 12 feet. Drought deciduous. Bright red flowers top branches in spring. Easily available.

### Cacti

Cholla Opuntia spp. - Many branched, erect-trunked cacti with profuse flowers in spring and summer. Flower color ranges from yellow to dark red depending on species and local population stock. Easily available.

### SEED MIXES

The following seed mixes are for reseeding areas by hydroseeding or hand labor. Seeds are available through local native seed suppliers. Irrigation after seeding is required.

### COLOR MIX

For use along roadways in areas of high visibility, intersections, and entry statements.

### Wildflowers

Desert Marigold Baileya multiradiata  
Globe Mallow Sphaeralcea ambigua  
Verbena Verbena tenuisecta  
Mexican Poppy Eschscholtzia mexicana  
Arroyo Lupine Lupinus sparsiflorus  
Desert Senna Cassia covesii  
Dogweed Dyssodia acerosa  
Owl's Clover Orthocarpus purpurescens