



PIMA COUNTY
DEVELOPMENT SERVICES

DATE: October 20, 2015

TO: Chairperson and members of the Planning and Zoning Commission

FROM: Arlan Colton, Planning Director

SUBJECT: Co8-15-02 Walls, Fences and Home Occupations

The proposed text amendment was scheduled for the September 30, 2015 hearing. Staff requested and was granted a 30-day extension in order to meet with representatives from concerned neighborhood groups regarding the proposed amendment.

After some discussion and input by the neighborhood group representatives, the draft text amendment was revised to:

1. Reiterate that all activities related to the home occupation must be conducted and visible only within the dwelling or accessory structure;
2. Assure any new structure or revision to an existing structure that is to be used in conjunction with the home occupation, maintain the residential character of the dwelling thus the neighborhood in which it is located;
3. Include any deliveries in the maximum number of clients served in one day.

Staff was amenable to the changes and recommends approval of the attached latest version of the proposed text amendment.

ORDINANCE 2015- _____

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE CHAPTER 18.03 (GENERAL DEFINITIONS) SECTION 18.03.020 (DEFINITIONS) TO AMEND THE DEFINITION OF "STRUCTURE" TO EXEMPT WALLS AND FENCES 84 INCHES OR LESS IN HEIGHT FROM PERMIT REQUIREMENTS; AND AMENDING CHAPTER 18.09 (GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS), SECTION 18.09.030 (HOME OCCUPATIONS) TO AMEND THE HOME OCCUPATIONS SECTION TO COMPLY WITH A.R.S § 11-820. (ALL DISTRICTS)

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. The Planning and Zoning Commission, at its August 26, 2015 meeting initiated amendments to the Pima County Code.
2. This ordinance amends the definition of "structure" to exempt walls and fences 84 inches or less in height from permit requirements and amends the home occupations section to comply with A.R.S. § 11-820 which was effective July 3, 2015 .
3. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY AS FOLLOWS:

SECTION 1. Pima County Zoning Code Chapter 18.03, - General Definitions, Section 18.03.020 - Definitions, is amended as follows:

**Chapter 18.03
GENERAL DEFINITIONS**

...

Section 18.03.020 Definitions.

...

S. Definitions "S".

...

24. Structure:

...

b. For the purpose of this ordinance, structure does not include:

...

- 2) Mailboxes, hardscape features, fences, and other items traditionally associated with residential uses when such items are ~~forty-eight~~ eighty-four inches or less in height.

...

SECTION 2. Pima County Zoning Code Chapter 18.09,- General Residential and Rural Zoning Provisions, Section 18.09.030 - Home occupations, is amended to repeal subsection 18.09.030(A)(3) and renumber subsequent subsections accordingly, as follows:

...

Chapter 18.09
General Residential and Rural Zoning Provisions

...

Section 18.09.030 – Home Occupations

A. General Standards. Home occupations are permitted so long as they meet the following standards:

...

- 2. The home occupation must be conducted and visible only from within a dwelling or an accessory building of not more than two hundred square feet.
- 3. There shall be no exterior public display of stock-in-trade upon the premises.
- 4. Not more than one nonresident of the premises is employed.
- 5. Not more than one-fourth of the floor area and one story of the main dwelling or an accessory building of not more than two hundred square feet in area shall be used for the home occupation.
- 6. No equipment or material associated with the home occupation shall be stored outdoors.

7. Any new structure or proposed changes to an existing structure used in conjunction with the home occupation must be in keeping with the residential character of the dwelling, and subject property shall not be changed by said use.

...

12. Home occupations shall serve no more than five clients (including deliveries) in one day and no more than two clients at any one time.

...

SECTION 3. This ordinance is effective 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM

Civil Deputy County Attorney
Lesley M. Lukach

Executive Secretary, Pima County
Planning and Zoning Commission

ORDINANCE 2015- _____

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GENERAL DEFINITIONS**

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Section 18.03.020 Definitions.

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S. Definitions "S".

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24. Structure:

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b. For the purpose of this ordinance, structure does not include:

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- 2) Mailboxes, hardscape features, fences, and other items traditionally associated with residential uses when such items are eighty-four inches or less in height.

...

SECTION 2. Pima County Zoning Code Chapter 18.09,- General Residential and Rural Zoning Provisions, Section 18.09.030 - Home occupations, is amended to repeal subsection 18.09.030(A)(3) and renumber subsequent subsections accordingly, as follows:

...

Chapter 18.09
General Residential and Rural Zoning Provisions

...

Section 18.09.030 – Home Occupations

A. General Standards. Home occupations are permitted so long as they meet the following standards:

...

- 2. The home occupation must be conducted and visible only from within a dwelling or an accessory building of not more than two hundred square feet.
- 3. There shall be no exterior public display of stock-in-trade upon the premises.
- 4. Not more than one nonresident of the premises is employed.
- 5. Not more than one-fourth of the floor area and one story of the main dwelling or an accessory building of not more than two hundred square feet in area shall be used for the home occupation.
- 6. No equipment or material associated with the home occupation shall be stored outdoors.
- 7. Any new structure or proposed changes to an existing structure used in conjunction with the home occupation must be in keeping with the residential character of the dwelling.

...

12. Home occupations shall serve no more than five clients (including deliveries) in one day and no more than two clients at any one time.

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SECTION 3. This ordinance is effective 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM

Civil Deputy County Attorney
Lesley M. Lukach

Executive Secretary, Pima County
Planning and Zoning Commission

CURRENT CODE

- **18.09.030 - Home occupations.**

A. General Standards. Home occupations are permitted so long as they meet the following standards:

1. A home occupation permit is required to be obtained from the chief zoning inspector:
 - a. The home occupation permit shall apply only to a full time occupant of the dwelling.
 - b. If there is a change in use, a new home occupation permit shall be required.
2. The home occupation must be conducted within a dwelling or an accessory building of not more than two hundred square feet.
3. There shall be no public display of stock-in-trade upon the premises.
4. Not more than one nonresident of the premises is employed.
5. Not more than one-fourth of the floor area of one story of the main dwelling or an accessory building of not more than two hundred square feet in area shall be used for the home occupation.
6. No equipment or material associated with the home occupation shall be stored outdoors.
7. The residential character of the dwelling, and subject property shall not be changed by said use.
8. Such occupation shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestions in the immediate neighborhood.
9. All parking used in conjunction with the home occupation shall be on site and shall not include commercial parking features such as wheel stops, parking lanes or striping.
10. No more than one vehicle shall be used in conjunction with the home occupation. This vehicle shall not exceed eighteen feet in overall length and seven feet in overall height and must be parked on the private property. If the vehicle displays any advertising or other indication of the home occupation or any product or service, it shall be stored in a carport or garage, or shielded from view from any adjoining properties and the street by landscaping, fencing or any other suitable material.
11. Home occupations shall not provide overnight accommodations.
12. Home occupations shall serve no more than five clients in one day and no more than two clients at any one time.
13. The maximum sign area permitted shall not exceed two square feet. The maximum height of any ground sign shall be four feet.
14. The following uses shall not be permitted as home occupations:
 - a. Auto repair and service.
 - b. Veterinarian service, kennels, and pet grooming.
 - c. Commercial food preparation.
 - d. Mortuary or embalming service.
 - e. Tattoo parlor.
 - f. Welding service.
 - g. Any commercial use not customarily associated with home occupations as a secondary use.

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING
September 30, 2015**

Co8-15-02

**WALL, FENCE AND HOME OCCUPATIONS
ZONING CODE TEXT AMENDMENT**

STATUS / AGENDA ITEMS

**Planning and Zoning Commission Public Hearing
Zoning Code Amendment**

DESCRIPTION

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE CHAPTER 18.03 (GENERAL DEFINITIONS) SECTION 18.03.020 (DEFINITIONS) TO AMEND THE DEFINITION OF "STRUCTURE" TO EXEMPT WALLS AND FENCES 84 INCHES OR LESS IN HEIGHT FROM PERMIT REQUIREMENTS; AND AMENDING CHAPTER 18.09 (GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS), SECTION 18.09.040 (CONDITIONAL USES) TO AMEND THE HOME OCCUPATIONS SECTION TO COMPLY WITH A.R.S. § 11-820. (ALL DISTRICTS)

INITIATION

Planning and Zoning Commission

PUBLIC COMMENT

None received

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed Pima County Zoning Code text amendment.

STAFF REPORT

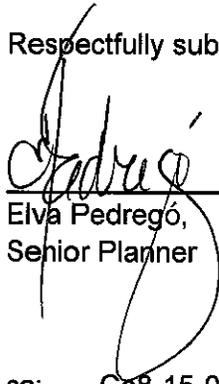
This text amendment was initiated due to the recent change (July 2015) in the Arizona Revised State Statute § 11-820. The Statute requires that local zoning allow for retail uses and allows the county to impose reasonable operating requirements on a home-based business. Currently the Pima County Zoning code prohibits public display of any item associated with the home occupation. This code amendment would allow for residential improvements such as doors, retail display racks and shelving for the use of the home-based business. Other significant control to home occupations such as the number of clients allowed in a day, on-site parking requirement and the maximum 200 square foot floor area allowed for the home occupation will remain in place.

The change to the wall, fence height and permit requirement is being proposed to provide greater consistency between the building and zoning codes. Code Enforcement expressed

concerns regarding inconsistent code provision. The Building Code currently requires a permit for a wall or fence higher than 84 inches (7 feet). The zoning code requires a zoning use permit for walls over 48 inches (4 feet) through the definition of a structure as "Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground". It further states that a "structure" does not include "Mailboxes, hardscape features, fences, and other items traditionally associated with residential uses when such items are forty-eight inches or less in height". Section 18.01.030E of the Pima County Zoning Code requires a zoning use permit for any structure regardless of whether or not the structure requires a building permit. With this text amendment both codes will have the same permit requirement.

In conclusion, the proposed text amendment will provide the customers with clear direction when inquiring about permit requirements for wall and fences; the building code and zoning code will have the same permit requirements thus avoiding customer confusion. The home occupation amendment will align the zoning code with the current Arizona Revised State Statute and maintain sufficient controls.

Respectfully submitted,



Eiva Pedregó,
Senior Planner

cc: Co8-15-02 file