

**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**

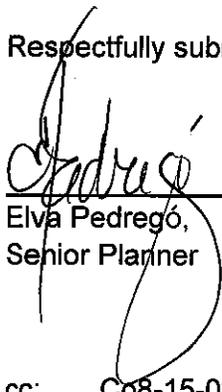
This text amendment was initiated due to the recent change (July 2015) in the Arizona Revised State Statute § 11-820. The Statute requires that local zoning allow for retail uses and allows the county to impose reasonable operating requirements on a home-based business. Currently the Pima County Zoning 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,



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Elva Pedregó,  
Senior Planner

cc: Co8-15-02 file

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:

...

~~3. There shall be no public display of stock in trade upon the premises.~~

4. 3. Not more than one nonresident of the premises is employed.

~~5.~~ 4. 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.

...

**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

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