

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 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. 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

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.