

ORDINANCE NO. 2003_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY; RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE CHAPTER 18.09.020 BED AND BREAKFAST ESTABLISHMENTS TO ALLOW SUCH ESTABLISHMENTS IN THE RVC ZONE; CHAPTER 18.15 (MOUNT LEMMON ZONE) TO ADOPT ALTERNATIVE HILLSIDE DEVELOPMENT STANDARDS, TO AMEND SETBACK STANDARDS, TO AMEND LOT SIZE AND DIMENSION REQUIREMENTS, TO AMEND AREA AND YARD REQUIREMENTS, TO AMEND SITE COVERAGE REQUIREMENTS, TO AMEND ACCESSORY BUILDING REQUIREMENTS, TO AMEND LANDSCAPING REQUIREMENTS, TO AMEND PARKING AND LOADING STANDARDS, AND TO AMEND OTHER RELATED DEVELOPMENT STANDARDS IN THE ML ZONE; CHAPTER 18.41 (RURAL VILLAGE CENTER) TO ALLOW RESIDENTIAL AS A PERMITTED USE, TO MAKE FUTURE COMMERCIAL USES CONDITIONAL USES, TO ADD BED AND BREAKFAST ESTABLISHMENTS AS A CONDITIONAL USE, TO EXEMPT FROM THE CONDITIONAL USE PERMIT REQUIREMENT PROPERTIES THAT HAD A COMMERCIAL USE ON THEM ON JUNE 19, 2003, TO ADOPT ALTERNATIVE HILLSIDE DEVELOPMENT STANDARDS, TO AMEND MINIMUM LOT SIZES REQUIREMENTS, TO AMEND AREA AND YARD REQUIREMENTS, TO AMEND SITE COVERAGE REQUIREMENTS, TO AMEND PARKING REQUIREMENTS, TO AMEND LANDSCAPING REQUIREMENTS, TO AMEND SCENIC ROUTE SETBACKS AND SETBACKS FROM RESIDENTIAL PROPERTIES, TO MODIFY ARCHITECTURAL REVIEW STANDARDS AND TO AMEND OTHER RELATED DEVELOPMENT STANDARDS IN THE RVC ZONE; CHAPTER 18.73 (LANDSCAPING AND BUFFERING AND SCREENING STANDARDS) TO AMEND THE REQUIRED STANDARDS IN THE ML AND RVC ZONES; AND CHAPTER 18.75 (OFF-STREET PARKING AND LOADING STANDARDS) TO AMEND THE REQUIRED STANDARDS IN THE ML AND RVC ZONES.

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

SECTION 1. That Chapter 18.09 of the Pima County Code is hereby amended by amending Section 18.09.020 General Requirements and Exceptions, to read as follows:

Chapter 18.09

1 follows:
2

3 **Chapter 18.15**

4 **ML MOUNT LEMMON ZONE**
5

6 **Sections:**
7

8 **18.15.010 Scope.**

9 **18.15.020 Permitted uses.**

10 **18.15.030 Conditional uses.**

11 **18.15.040 Development standards--General.**

12 **18.15.050 Development standards--Accessory buildings.**

13 **18.15.060 Cluster development option.**

14 **18.15.070 Exceptions.**
15

16 **18.15.010 Scope.**

17 A. This zone applies to the communities located in the Santa Catalina Mountains in or
18 surrounded by the Coronado National Forest.
19

20 **18.15.020 Permitted uses.**

21 A. Uses permitted:

22 1. All uses as permitted in Section 18.09.020A (General Residential and Rural Zoning
23 Provisions).
24

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

27 a. For purposes of this section, mobile home refers to a mobile home, manufactured
28 home and recreational vehicle.

29 b. Upon application this period may be extended for an additional one hundred eighty
30 days, after the property owner provides the zoning inspector with a valid building permit
31 for the construction of a residence on the same property. The zoning inspector shall
32 notify adjoining property owners within one hundred feet of the subject property. If a
33 written protest to the issuance of the one hundred eighty day extension is received within
34 fifteen days of the date of mailing of notice, the board of adjustment shall hear the case in
35 accordance with Section 18.93.040. If no written protest is received at the end of fifteen
36 days, the zoning inspector shall issue the one hundred eighty day extension.
37

38 **18.15.030 Conditional uses.**

39 A. Bed and breakfast establishments in accordance with 1809.020L.
40

41 **18.15.040 Development standards--General.**

42 A. Minimum lot area:

43 1. Thirty-six thousand square feet.

44 2. Minimum lot area requirements in Section 18.15.040A1 shall not apply to:

45 a. Lots of record as evidenced by legal description recorded prior to June 19,

2003; or
b. A U.S. Forest Service special use permit or lease in effect prior to June 19, 2003.
3. In the event that Section 18.15.040A2. applies, the minimum lot area shall not be less than the area of the recorded parcel or area subject to lease or special use permit as of June 19, 2003. Minor adjustments to the recorded lot lines may be permitted by the zoning inspector provided that there is no reduction in the lot area.

B. Minimum area per dwelling unit:
The minimum lot area set forth in Section 18.15.040A.

C. Minimum lot width: none.

D. Minimum setback requirements:
1. Front: Five feet;
2. Side: Five feet each;
3. Rear: Five feet.
4. Setbacks less than five feet may be allowed if a recorded agreement authorizing the reduced setback, is submitted to the zoning inspector. The agreement shall be signed by the record owner(s) of the property adjacent to the setback for which the reduction is sought. Reductions from the minimum setback requirements are subject to the limitations set forth in the applicable Pima County building codes (Title 15).

E. Maximum lot coverage: Fifty percent of the lot or leased area including all buildings and patio areas.

F. Building height limitations:
1. Maximum height: Thirty-four feet;
2. Maximum stories: Three.

18.15.050 Development standards--Accessory buildings.

A. Permitted coverage: In accordance with Section 18.15.040E.

B. Maximum height: Nineteen feet.

C. Minimum distance requirements:
1. To main building when detached: ten feet.

D. Front, side and rear setback requirements as specified in Title 15 of the Pima County Code.

E. Accessory buildings shall be detached from the main building(s).

1 **18.41.040 Conditional uses.**

2 **18.41.050 Development standards--General.**

3 **18.41.060 Development standards--Detached accessory buildings.**

4 **18.41.070 Exceptions.**

5
6 **18.41.010 Purpose.**

7 A. The purpose of this zone is to provide a mixed-use village center including
8 commercial and residential uses planned and designed for the convenience and necessity
9 of a suburban or rural area. To ensure compatibility and mitigate potential impacts of
10 uses, all uses are conditional uses with the exception of a single family dwelling.

11
12 B. The regulations are designed to maintain the rural and suburban character of duly
13 designated commercial areas located along scenic routes as designated, and to provide
14 safe ingress and egress to and from the village center.

15
16 **18.41.020 Performance standards.**

17 A. All Section 18.41.040A uses shall be conducted within a building and adjacent patio
18 areas, and all products produced on the premises shall be sold at retail on the premises.

19
20 B. Architectural Review. Each development, building, addition and alteration within this
21 zone shall be subject to review by the Design Review Committee with regard to the
22 architectural design in accordance with Section 18.71.060 (Development Plan Standards).

23
24 **18.41.030 Permitted uses.**

25 A. The following uses, as restricted in Section 18.41.020A:

26 1. A single family dwelling.

27
28 2. A non-conforming use in existence prior to June 19, 2003 may be issued a building
29 permit subject to applicable standards. Non-conforming commercial uses are subject to
30 the review and approval of a development plan in accordance with Section 18.71.060.

31
32 3. Temporary mobile home: For one year during construction of a residence on the same
33 property.

34 a. For purposes of this section, mobile home refers to a mobile home, manufactured
35 home and recreational vehicle.

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

44
45 **18.41.040 Conditional uses.**

1 A. The following uses, as restricted in Section 18.41.020A, are permitted as conditional
2 Type II uses, except as otherwise specified, subject to the procedures as set forth in
3 Chapter 18.97 (Conditional Use Procedures):

- 4 1. Antique store
- 5 2. Apparel store;
- 6 3. Apartments: density not to exceed one dwelling unit per 2,000 square feet;
- 7 4. Art needlework or hand-weaving establishment;
- 8 5. Art store or gallery: The "patio" architectural design concept is allowed;
- 9 6. Automobile accessories, parts and supplies: Provided that there is no installation,
10 repair, rebuilding, modification, or outside storage of parts on the premises;
- 11 7. Bakery;
- 12 8. Bank;
- 13 9. Barber;
- 14 10. Beauty shop;
- 15 11. Bed and breakfast establishment, subject to the provisions of Section 18.09.020L,
16 including applicable Type I or Type II conditional use procedures;
- 17 12. Bicycle shop: No sales or servicing of motor scooters or motorcycles;
- 18 13. Book store;
- 19 14. Café or lunchroom:
 - 20 a. Provided no dancing is allowed and no alcoholic beverages sold except beer and
21 wine,
 - 22 b. The "patio" architectural design concept is allowed;
- 23 15. Catering service;
- 24 16. Child care center, including outdoor playground;
- 25 17. Church;
- 26 18. Cigar store;
- 27 19. Cleaning, dyeing, laundry collection agency;
- 28 20. Clinic;
- 29 21. Confectionery store;
- 30 22. Custom dressmaking, millinery, hemstitching or pleating;
- 31 23. Custom weaving or mending;
- 32 24. Dealers in coins, stamps or similar collector's items;
- 33 25. Delicatessen store: The "patio" architectural design concept is allowed;
- 34 26. Dental laboratory;
- 35 27. Department store;
- 36 28. Drug store;
- 37 29. Dry goods or notions store;
- 38 30. Electrical appliance store;
- 39 31. Florist shop;
- 40 32. Furniture store;
- 41 33. Gift, curio or novelty shop;
- 42 34. Grocery market;
- 43 35. Hardware store;
- 44 36. Hotel;
- 45 37. House furnishing store;
- 46 38. Ice cream store: The "patio" architectural design concept is allowed;

- 1 39. Ice station: For packaged sales only;
- 2 40. Interior decorator;
- 3 41. Jewelry and watch repair;
- 4 42. Jewelry store;
- 5 43. Leather goods store;
- 6 44. Library: Rental or public;
- 7 45. Liquor store: For package sales only, including wine tasting;
- 8 46. Meat, fish or poultry market;
- 9 47. Medical laboratory;
- 10 48. Museum;
- 11 49. Music, phonograph, radio or television store;
- 12 50. Nursery: For the sale of flowers, plants, trees or shrubs, within a building or
- 13 enclosure;
- 14 51. Office: Business, professional or semi-professional;
- 15 52. Photograph studio;
- 16 53. Photographic supply store;
- 17 54. Picture frame shop: The "patio" architectural design concept is allowed;
- 18 55. Postal station;
- 19 56. Restaurant or tea room; including a cocktail lounge or bar in connection therewith;
- 20 a. Subject to the provisions of Section 18.43.030F (CB-1 Local
- 21 Business Zone); and
- 22 b. But not to include drive-in restaurants.
- 23 57. Safe depository;
- 24 58. Self-service carwash; provided, that neither steam cleaning nor engine repair shall be
- 25 allowed on the premises;
- 26 59. Self-service laundry or coin-operated dry cleaning establishment, provided:
- 27 a. An attendant be on the premises during all open hours,
- 28 b. For not more than twenty-four dry cleaning units, and
- 29 c. Occupying not more than three thousand square feet of floor area for such use;
- 30 60. Shoe repair shop;
- 31 61. Shoe store;
- 32 62. Shopping center, neighborhood: In accordance with Chapter 18.39;
- 33 63. Shopping center, small: In accordance with Chapter 18.39;
- 34 64. Sporting goods, hunting and fishing equipment store;
- 35 65. Tailor shop;
- 36 66. Toy or hobby shop;
- 37 67. Trust company;
- 38 68. Variety store.

39
40 B. A conditional use permit is not required for a property that is approved for a rezoning
41 to the RVC zone with a list of use limitations.

42
43 **18.41.050 Development standards--General.**

44 A. Area:

45 1. The maximum area of each RVC zone shall not exceed twenty acres excluding public
46 rights of way.

1 2. This area shall be apportioned as evenly as consideration of streets, topography and
2 other unique factors affecting individual sites will permit.
3

4 B. Site coverage: All buildings within a site as shown on the development plan shall not
5 cover more than seventy-five percent of the area of such site.
6

7 C. Minimum setback requirements:

8 1. No building shall be erected within twenty feet of a front property line or twenty feet
9 of the pavement edge of a scenic route as designated on the Major Streets and Scenic
10 Routes Plan when the property is adjacent to the ML zone;

11 2. Buildings shall not be constructed within:

12 a. Twenty-five feet of any district zoned TR, nor

13 b. Twenty-five feet of any residential district.

14 3. There are no other setback requirements except as may be required in Title 15 of the
15 Pima County Code.
16

17 D. Building height limitations:

18 1. Maximum height: Thirty-four feet;

19 2. A building adjacent to both a scenic route and a property in the ML zone is not
20 required to perform a viewshed analysis as noted in Chapter 18.77 (Roadway Frontage
21 Standards).
22

23 E. Screening: Bufferyards, landscaping, and screening are required except on property
24 adjacent to the ML zone. Refer to Section 18.73.100 (Landscaping Standards).

25 Bufferyards, landscaping and screening for development adjacent to the ML zone may be
26 required as part of any conditional use permit.
27

28 F. Parking and loading requirements:

29 Plans for parking and loading, including joint use public and private parking areas, are
30 required and are subject to approval by the county engineer. The county engineer shall
31 review such plans for parking and loading to ensure adequate parking is available either
32 on site or off site so as to protect the public safety, minimize traffic congestion, permit
33 safe passage of pedestrians to and from parked vehicles and to expedite the safe passage
34 of moving traffic.
35

36 G. Signs: Refer to Section 18.79 (Sign Standards).
37

38 H. Design Manual. In addition to the provisions of this section, all development adjacent
39 to the ML zone shall conform to the Mount Lemmon Design Standards Manual.
40

41 **18.41.060 Development standards–Detached accessory buildings.** Reserved.
42

43 **18.41.070 Exceptions:**
44

45 A. The following provisions of Chapter 18.61 (Hillside Development Overlay Zone) do
46 not apply to RVC zoned sites adjacent to the ML zone:

1. Sections 18.61.030B (Prohibited development).
2. Section 18.61.040 (Protected peaks).
3. Section 18.61.051 (Average cross slope calculations).
4. Section 18.61.052 (Slope density requirements).
5. Section 18.61.053 (Natural areas).
6. Section 18.61.054C, E, and H (Grading table, stockpiling fill, mass graded subdivisions).
7. Section 18.61.055D.1 - 4 (Vegetation retention and revegetation).
8. Section 18.61.056 (Color requirements).
9. Section 18.61.080B and C (Special use permits for protected peaks and slope density requirements).

B. Chapter 18.67, Buffer Overlay Zone, Chapter 18.72, Native Plant Preservation Standards, Chapter 18.73, Landscaping, Buffering and Screening Standards, and Chapter 18.75, Off Street Parking Standards do not apply to RVC zoned sites adjacent to the ML zone.

SECTION 4. That Chapter 18.73 of the Pima County Code is hereby amended to read as follows:

Chapter 18.73

LANDSCAPING, BUFFERING AND SCREENING STANDARDS

* * * * *

18.73.010 Purpose and scope.

* * * * *

C. Scope.

1. The provisions of this chapter shall apply to all development except development within the ML zone and RVC zone adjacent to the ML zone and development of 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 regulations 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

1 development.

2 4. Scope of landscape plan application. A landscape plan shall be submitted to the
3 planning division of the development services department for the following:

4 a. Any development plan or subdivision plat that requires ten or more parking spaces,
5 except for development within the ML zone and RVC zone adjacent to the ML zone and
6 development of single-family dwellings where all parking is contained within structures
7 and carports on individual, subdivided lots,

8 b. Any development plan or subdivision plat that contains common areas, open space or
9 natural areas owned or controlled by a homeowners' association or group (e.g. cluster
10 option developments),

11 c. When screening, buffering or landscaping is required elsewhere in this code,

12 d. When screening, buffering or landscaping is required by the board of supervisors as a
13 condition of rezoning or other reason,

14 e. Any recreation activity site plan,

15 f. Any plan or plat for a nonresidential use or zone that abuts a residential use or zone
16 except development within the ML zone and RVC zone adjacent to the ML zone,

17 g. Any plan or plat for apartments or other rental projects,

18 h. Model home lots and areas (prior to issuance of any permits),

19 I. Historic zone and historic preservation plans,

20 j. Any landscaping on medians or roadsides within the public right-of-way,

21 k. Any landscaping required to fulfill requirements of the Golf Course Zone (Chapter
22 18.59), Hillside Development Overlay Zone (Chapter 18.61), Major Resort Zone (Chapter
23 18.40), Sign Standards (Chapter 18.79) or Grading Standards (Chapter 18.81). (Ord.
24 1986-187 §§ 1 (part), 1986; Ord. 1985-171 §§ 1 (part), 1985)

25 * * * * *

26 **18.73.050 Amenity landscaping requirements.**

27 * * * * *

28 B. Parking area amenity landscape requirements:

29 1. Scope: Any development that requires ten or more parking spaces (except for
30 development within the ML zone and RVC zone adjacent to the ML zone and
31 development of single-family dwellings where all parking is contained within structures
32 or carports on individual, subdivided lots);

33 2. Standard: An area equal to at least ten percent of the gross parking area shall be
34 devoted to amenity landscaping. Required buffer areas may be subtracted from the gross

1 parcel area in order to determine the gross parking area for purposes of landscaping
2 calculations only;

3 3. Amenity options: The ten percent requirement may be satisfied with the use of
4 combinations of the following elements:

5 a. Pedestrian median walkways within parking lots,

6 b. Twenty-five percent of the area of standard nondecorative concrete sidewalks on site,

7 c. One hundred percent of the area of decorative sidewalks (embossed concrete, exposed
8 aggregate, tile, brick, etc.) on site,

9 d. Landscaped traffic islands, planters or medians within parking areas,

10 e. Interior project landscaping; such as building foundation planting, planters, mini-oases,
11 landscaped entryways and assembly areas, sculpture gardens, fountains, demonstration
12 gardens, and

13 f. Courts, ramadas and covered walkways.

14 4. For additional requirements, refer to Chapter 18.75 (Off-Street Parking and Loading
15 Standards). (Ord. 1985-171 §§ 1 (part), 1985)

16 **18.73.060 Landscape plan requirements.**

17 A. Submittal and approval of a landscape plan shall be required prior to approval of a
18 development plan, final plat or the issuance of building permits where no development
19 plans are required except for development within the ML zone and RVC zone adjacent to
20 the ML zone.

21 * * * * *

22
23 **Table 18.73-1 BUFFERYARD REQUIREMENTS (Minimum Bufferyard Required)**

24
25 Proposed Use/Zone - RVC Rural Village Center Existing Adjacent Use/Zone - ML (Mount
26 Lemmon Zone).

27
28 * * * * *

29 SECTION 5. That Chapter 18.75. of the Pima County Code is hereby amended by adding a new
30 section 18.75.070 to read as follows:

31 **Chapter 18.75**

32 **OFF-STREET PARKING AND LOADING STANDARDS**

33 * * * * *

1 **18.75.070. Exceptions.** The requirements of this chapter do not apply to the ML zone or
2 the RVC zone adjacent to the ML zone.

3
4 **SECTION 6.** Notwithstanding the provisions of Section 3 above, the zoning inspector may
5 issue a zoning use permit for the repair or reconstruction of a nonconforming commercial use
6 within the RVC zone adjacent to the ML zone that was in existence prior to June 19, 2003,
7 subject to the review and issuance of a development plan in accordance with Section 18.71.060.
8 Applications for a permit pursuant to this section must be submitted within five years after the
9 effective date of this ordinance and building permits obtained within 180 days thereafter.

10
11 **SECTION 7.** A Mount Lemmon Design Standards Manual shall be developed for land within
12 the RVC zone adjacent to the ML zone and shall be promulgated by the development services
13 department. The manual shall identify the development context and prescribe standards for
14 design review including massing, proportion, height, ratio of openings to walls, roof line,
15 landscaping and parking. The county engineer may approve any joint use or private/public
16 landscaping and parking designs.

17
18 **SECTION 8:** That this ordinance shall become effective 31 days from and after its adoption.

19
20
21 PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this
22 _____ day of _____, 2003.

23
24
25 **PIMA COUNTY BOARD OF SUPERVISORS**

26
27 _____
28 Chair, Board of Supervisors

29
30 Date Signed: _____

31
32
33 ATTEST:

1 Clerk, Board of Supervisors

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8 APPROVED AS TO FORM:

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11

Civil Deputy County Attorney

Executive Secretary, Pima County
Planning and Zoning Commission

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