



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 19, 2019

Title: P19TA00003 ECONOMIC OPPORTUNITY EXPANSION OMNIBUS

Introduction/Background:

The text amendment will expand the square footage limitation for some Conditional Uses in two rural zones; allow some commercial uses in the TR (Transitional) zone; reintroduce single family dwellings in the CB-2 (General Business) zone; reduce setback requirements in the CR-3 (Single Residence) zone and revise the scope of Temporary Use Permits.

Discussion:

Expanding the square footage limitation for Conditional Uses in the two rural zones will attract businesses who operate on a larger scale and provide rural residents with needed services. The allowance of banks and personal services will alleviate the need to rezone. The reintroduction of single family dwellings will provide an opportunity for an adaptive or mixture of uses in the zone. Reduced setback requirements for lots in the CR-3 zone where the lot sizes are 8,000 square feet will alleviate the need for setback modifications due the larger setback requirements. The change to the Temporary Use Permits will permit the developers to seek a permit to begin operations while seeking development plan approval.

Conclusion:

The text amendment would provide more opportunities that will facilitate and further encourage development in Pima County.

Recommendation:

Staff recommends approval of the proposed text amendment.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Development Services

Telephone: 724-8800

Contact: Elva Pedregó, Senior Planner

Telephone: 724-6718

Department Director Signature/Date:  10/25/19

Deputy County Administrator Signature/Date:  10/25/19

County Administrator Signature/Date:  10/28/2019



TO: Honorable Board of Supervisors

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 22, 2019

SUBJECT: P19TA00003 ECONOMIC OPPORTUNITY EXPANSION OMNIBUS

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, November 19, 2019** hearing.

REQUEST: Proposal to amend by Ordinance, the Pima County Zoning Code.

OWNER: N/A

APPLICANT: Pima County Development Services Department

DISTRICTS: ALL

STAFF CONTACT: Elva Pedregó, Senior Planner

PUBLIC COMMENT TO DATE: As of October 22, 2019, staff has not received any comments on the proposed zoning code text amendment.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL** (6-0; Commissioners Bain, Cook, Hook and Matter were absent).

STAFF RECOMMENDATION: **APPROVAL.**

TD/EP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P19TA00003

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FOR NOVEMBER 19, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 22, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

P19TA00003 ECONOMIC OPPORTUNITY EXPANSION OMNIBUS

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.13 (RH Rural Homestead) Section 18.13.030 (Conditional Uses), and Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), to increase the maximum floor area allowed for various uses; Chapter 18.25 (CR-3 Single Residence Zone), Section 18.25.030 (Development Standards - General), to decrease the minimum side and rear yard requirements; Chapter 18.31 (TR Transitional Zone), Section 18.31.010 (Permitted Uses), to add bank and personal services as permitted uses and to renumber subsequent sections accordingly; Chapter 18.45 (CB-2 General Business Zone), Section 18.45.030 (Permitted Uses) to add single family detached dwelling units as a permitted use; Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits and Interpretations) Section 18.93.040 (Temporary Use Permits) to expand the scope of a temporary use permit. On motion, the Planning and Zoning Commission voted 6-0 to recommend **APPROVAL** (Commissioners Bain, Cook, Hook and Matter were absent). Staff recommends **APPROVAL**.
(ALL DISTRICTS)

Planning and Zoning Commission Public Hearing Summary (September 25, 2019)

Staff presented information from the zoning code text amendment to the commission and highlighted the five major changes:

1. Changes to the conditional use section; the increase in square footage for conditional uses that are less detrimental to affected neighboring property owners.
2. Current CR-3 development standards are pretty intense for 8,000 square foot lots. This change will relieve the need for setback modifications.
3. Staff detailed the need to allow personal services and banks as permitted uses in TR after meeting with PICOR and other stake holders. Currently a rezoning to CB-1 is required for these uses.

4. In CB-2 single family dwellings was added as a permitted use once again.
5. Minor change to Temporary Use Permit section of the zoning code to allow developers to begin operating temporarily while a development plan is approved.

Staff explained that the proposed changes support the land use section of the Comprehensive Plan, Pima Prospects, Policies 1 thru 4.

A commissioner asked why single family dwellings were removed from the CB-2 zone. Staff stated that the county was trying to restrict industrial uses to industrial zones, commercial uses to commercial zones and was precluding those zones for residential uses. The commissioner stated that made sense and asked why the use was being added once again. Staff explained that in 2006 and 2007, there was pressure, because everything that could have a home built was being developed with a residential use. Planners were concerned that all the commercially zoned properties were being developed residentially, so the residential component was removed from CB-2. The situation has changed and we are open to reintroducing single family homes back into the zone and exploring more of an adaptive or true mixture of uses in the zone.

The commission opened the public hearing and there were no speakers. The commission closed the public hearing.

Commissioner Maese made a motion to recommend **APPROVAL** of the zoning code text amendment, Commissioner Becker gave second.

The commission voted to recommend **APPROVAL** of the zoning code text amendment (6 – 0 Commissioners Bain, Matter, Cook and Hook were absent).

TD/EP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P19TA00003 File

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

**PUBLIC HEARING
September 25, 2019**

P19TA00003

**ECONOMIC OPPORTUNITY EXPANSION OMNIBUS
ZONING CODE TEXT AMENDMENT**

STATUS / AGENDA ITEMS

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

DESCRIPTION

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE CHAPTER 18.13 (RH RURAL HOMESTEAD) SECTION 18.13.030 (CONDITIONAL USES), AND CHAPTER 18.14 (GR-1 RURAL RESIDENTIAL ZONE), SECTION 18.14.030 (CONDITIONAL USES), TO INCREASE THE MAXIMUM FLOOR AREA ALLOWED FOR VARIOUS CONDITIONAL USES; CHAPTER 18.25 (CR-3 SINGLE RESIDENCE ZONE), SECTION 18.25.030 (DEVELOPMENT STANDARDS-GENERAL), TO DECREASE THE MINIMUM SIDE AND REAR YARD REQUIREMENTS; CHAPTER 18.31 (TR TRANSITIONAL ZONE), SECTION 18.31.010 (PERMITTED USES), TO ADD BANK AND PERSONAL SERVICES AS A PERMITTED USES AND RENUMBER SUBSEQUENT SUBSECTIONS ACCORDINGLY; CHAPTER 18.45 (CB-2 GENERAL BUSINESS ZONE), SECTION 18.45.030 (PERMITTED USES) TO ADD SINGLE FAMILY DETACHED DWELLING UNITS AS A PERMITTED USE; CHAPTER 18.93 (BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS) SECTION 18.93.040 (TEMPORARY USE PERMITS) TO EXPAND THE SCOPE OF A TEMPORARY USE PERMIT.

INITIATION

Planning and Zoning Commission June 26, 2019

PUBLIC COMMENT

Community stakeholders were distributed the proposed text amendment for their comments and review through email. As of September 9, 2019, staff has received no comments on the proposed zoning text amendment.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed Pima County Zoning Code text amendment. These proposed changes to the Zoning Code will provide opportunities that will facilitate and further encourage development in Pima County.

STAFF REPORT

At the June 26, 2019 hearing, the Planning and Zoning Commission initiated a series of text amendments to the Pima County Zoning Code at the request of staff as follows:

Chapter 18.13 RH Rural Homestead

Chapter 18.14 GR-1 Rural Residential Zone

The revisions in these chapters are intended to provide a better opportunity for businesses to develop properties in rural areas where they may not otherwise locate due to the building size restrictions currently in place. The applicants will still be required to go through the Type II Conditional Use process where the noticed neighbors will have the opportunity for public input.

Chapter 18.25 CR-3 Single Residential Zone

The minimum side and rear yard setback reductions in this chapter will provide for better flexibility of home placement and eliminate the need for setback modifications. The reduced setbacks are more appropriate for a typical 8,000 square foot lot than the current 8 foot side and 25 foot rear yard requirement.

Chapter 18.31 TR Transitional Zone

The addition of banks and retail as an allowable use in the TR zone will provide for economic opportunities for buildings in need of tenants as well as another option when rezoning properties for these types of uses.

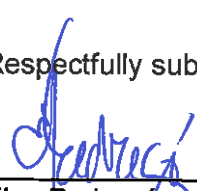
Chapter 18.45 General Business Zone

The revision will once again allow for the building of single family residences in the CB-2 zone.

Chapter 18.93 Board of Adjustment Variances, Temporary Use Permits and Interpretations

This will codify the allowance of a temporary use permit for a permitted use while the property owner/developer seeks approval of a development plan. This will benefit the applicant/developer since it will allow them use of the property while a formal approval is sought thru the development plan process.

Respectfully submitted,



Elva Pedregó,
Senior Planner

ORDINANCE 2019-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ZONING; AMENDING THE PIMA COUNTY CODE CHAPTER 18.13 (RH RURAL HOMESTEAD) SECTION 18.13.030 (CONDITIONAL USES), AND CHAPTER 18.14 (GR-1 RURAL RESIDENTIAL ZONE), SECTION 18.14.030 (CONDITIONAL USES), TO INCREASE THE MAXIMUM FLOOR AREA ALLOWED FOR VARIOUS CONDITIONAL USES; CHAPTER 18.25 (CR-3 SINGLE RESIDENCE ZONE), SECTION 18.25.030 (DEVELOPMENT STANDARDS-GENERAL), TO DECREASE THE MINIMUM SIDE AND REAR YARD REQUIREMENTS; CHAPTER 18.31 (TR TRANSITIONAL ZONE), SECTION 18.31.010 (PERMITTED USES), TO ADD BANK AND PERSONAL SERVICES AS A PERMITTED USES AND RENUMBER SUBSEQUENT SUBSECTIONS ACCORDINGLY; CHAPTER 18.45 (CB-2 GENERAL BUSINESS ZONE), SECTION 18.45.030 (PERMITTED USES) TO ADD SINGLE FAMILY DETACHED DWELLING UNITS AS A PERMITTED USE; CHAPTER 18.93 (BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND INTERPRETATIONS) SECTION 18.93.040 (TEMPORARY USE PERMITS) TO EXPAND THE SCOPE OF A TEMPORARY USE PERMIT.

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

1. The Planning and Zoning Commission, at its June 26, 2019 hearing, initiated and authorized staff to amend the Pima County Code to revise the code to provide further economic development opportunities.
2. 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.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Pima County Code Chapter 18.13, Section 18.13.030 is amended to increase the maximum floor area for certain conditional uses as follows:

Chapter 18.13
RH RURAL HOMESTEAD ZONE

...

18.13.030 Conditional Uses.

...

B. Uses conditionally permitted:

- ...
7. Grocery store or convenience store:
- a. Type II procedure,
 - b. Maximum floor area: ~~four~~ Ten thousand square feet;
- ...

10. Automobile repair or parts store:
- a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Ten thousand square feet;
- ...

12. Personal services, including hair salon, barber shop, catering service or interior decoration:
- a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Five thousand square feet;
- ...

14. Tavern:
- a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Five thousand square feet;
- ...

15. Professional and semiprofessional services:
- a. Type I procedure,
 - b. Maximum floor area: ~~Two~~ Ten thousand square feet;
- ...

31. Artists or artisans workshop or studio:
- a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Five thousand square feet;
- ...

Section 2. Pima County Code Chapter 18.14, Section 18.14.030 is amended to increase the maximum floor area for certain conditional uses, as follows:

Chapter 18.14
GR-1 RURAL RESIDENTIAL ZONE

18.14.030 Conditional Uses.

B. Uses conditionally permitted:

2. Grocery store or convenience store:
- a. Type II procedure,
 - b. Maximum floor area: ~~Four~~ Ten thousand square feet
- ...

6. Retail or repair shop:

- a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Ten thousand square feet;
- 7. Personal services, including hair salon, barber shop, catering service or interior decorating:
 - a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Five thousand square feet;
- 8. Professional and semiprofessional services:
 - a. Type I procedure,
 - b. Maximum floor area: ~~Two~~ Ten thousand square feet;
- 9. Restaurant:
 - a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Ten thousand square feet;

...
- 18. Artists or artisans workshop or studio:
 - a. Type II procedure,
 - b. Maximum floor area: ~~Two~~ Five thousand square feet;

...

Section 3. Pima County Code Chapter 18.25, Section 18.25.030 is amended to revise the general development standards, as follows:

Chapter 18.25
CR-3 SINGLE RESIDENCE ZONE

18.25.030 Development Standards – General.

- ...
- D. Minimum yard requirements:
 - 1. Front: Twenty feet;
 - 2. Side: ~~Eight~~ Four feet each;
 - 3. Rear: ~~Twenty-five~~ Ten feet.
- ...

Section 4. Pima County Code Chapter 18.31, Section 18.31.010 is amended to add bank and personal services as a permitted use, and renumber subsequent subsections accordingly as follows:

Chapter 18.31
TR TRANSITIONAL ZONE

18.31.010 Permitted uses.

- ...
- B. Additional uses permitted:
- ...

- 18. Bank
- 19. Personal Services

18. 20. Nonexpressed residential uses: All residential uses not expressly permitted...

...

Section 5. Pima County Code Chapter 18.45, Section 18.45.030 is amended to allow single family detached dwelling units as a permitted use, as follows:

Chapter 18.45
CB-2 GENERAL BUSINESS ZONE

...

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), ~~excluding single family detached dwelling units unless either:~~
- ~~1. On property zoned CB-2 prior to November 23, 2004;~~
 - ~~2. On property conditionally approved for CB-2 zoning prior to November 23, 2004; or~~
 - ~~3. As part of a mixed residential, non-residential development on one site.~~

...

Section 6. Pima County Code Chapter 18.93, Section 18.93.040 is amended to revise the scope as to when the board of adjustment may issue a temporary use permit, as follows:

Chapter 18.93
BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS AND
INTERPRETATIONS

...

18.93.040 Temporary use permits.

- A. Scope: The board of adjustment may issue a temporary use permit for a building or premises in any zone for a use not therein permitted by this code- or for a permitted use which requires an approved development plan.

...

Section 7. This ordinance is effective 31 days after its adoption.

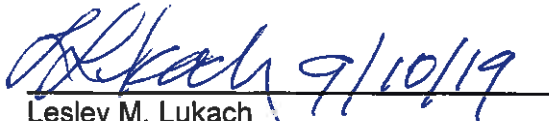
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day
of _____, 2019.

Chairman, Pima County Board of Supervisors

ATTEST:

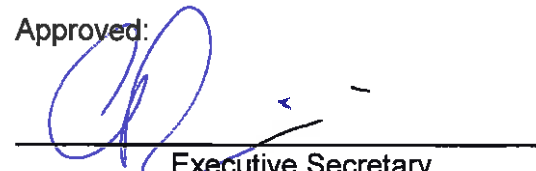
Clerk, Board of Supervisors

Approved As To Form:



Lesley M. Lukach
Deputy County Attorney

Approved:



Executive Secretary,
Planning and Zoning Commission