



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: May 7, 2019

**Title:** P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA TEXT AMENDMENT

**Introduction/Background:**

This is a Pima County Zoning Code text amendment increasing building height within industrial zoning. It also includes increasing the notification area regarding the variance process, for zoning with a minimum lot area requirement of greater than or equal to 36,000 sq ft.

**Discussion:**

There are several character areas of industrial zoning throughout Pima County. Increasing building height will allow for greater flexibility for development, verticality and to encourage economic development, especially in areas of existing infrastructure. The proposed height increase within MU (Multiple Use) Zoning is 80 feet, subject to a minimum setback distance from any abutting, existing residence of double the height of the proposed building. Within CI-1 (Light Industrial/Warehousing) and CI-2 (General Industrial) the proposed height increase is 90 feet. Davis Monthan Air Force Base has reviewed the amendments and the proposed changes have no negative affect on future missions. The increase of the variance notification area will extend the opportunity for a greater amount of the public to engage in the public proceses. The mailing notice to property owners will increase from 300 feet to 1000 feet for all zoning with a minimum lot area requirement of greater than or equal to 36,000 sq ft (e.g. IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3).

**Conclusion:**

The current height restrictions are substantially lower than that of the City of Tucson. Increasing building height and variance notification area will give greater opportunity to residents of Pima County and enable economic development opportunities in southern Arizona.

**Recommendation:**

Staff and Planning and Zoning Commission recommend approval of the Zoning Code text amendment.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Development Services, Planning Division Telephone: 520-724-8800

Contact: Nick Coussoulis Telephone: 520-724-8800

Department Director Signature/Date: [Signature] 4/10/19

Deputy County Administrator Signature/Date: [Signature] 4/11/19

County Administrator Signature/Date: C. [Signature] 4/12/19

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**PIMA COUNTY**

DEVELOPMENT SERVICES

**TO:** Honorable Board of Supervisors

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

A handwritten signature in black ink, appearing to read "Tom Przegowski".

**DATE:** April 9, 2019

**SUBJECT:** P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION  
AREA TEXT AMENDMENT

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, May 7, 2019** hearing.

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**REQUEST:** An ordinance of the Pima County Board of Supervisors; amending Chapter 18.37 (MU Multiple Use Zone), Section 18.37.030 and Section 18.37.040 (Development Standards – Residential and Development standards – Nonresidential, respectively) to increase building heights to 80 feet subject to a minimum setback distance from any abutting, existing residence of double the height of the proposed building; amending Chapter 18.51 (CI-1 Light Industrial/Warehousing Zone), Section 18.51.050 (Development standards – General) to increase the maximum building heights to 90 feet; amending Chapter 18.53 (CI-2 General Industrial Zone), Section 18.53.040 (Development standards – General) to increase the maximum building heights to 90 feet; amending Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits, and Interpretations), Section 18.93.030 (Variances) to increase the mailing notice to property owners within 300 feet to 1000 feet from the subject property if the existing zoning of the subject property is: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3.

**OWNER:** N/A

**APPLICANT:** Pima County Development Services Department

**DISTRICTS:** ALL

**STAFF CONTACT:** Nick Coussoulis

**PUBLIC COMMENT TO DATE:** Staff forwarded the draft text amendment to stakeholders and received one letter of support from Metropolitan Pima Alliance. Staff met with Davis Monthan Air Force Base ahead of the Planning and Zoning public hearing in order to address their concerns. Additionally, Tucson Airport Authority did contact Staff with questions but did not verbalize any position on the proposed changes.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** APPROVAL (7-0;  
Commissioners Bain, Becker, and Cook were absent).

**STAFF RECOMMENDATION:** APPROVAL.

TD/NC/ar  
Attachments



## BOARD OF SUPERVISORS MEMORANDUM

Subject: P18TA00007

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### FOR MAY 7, 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: April 9, 2019

### ADVERTISED ITEM FOR PUBLIC HEARING

#### ZONING CODE TEXT AMENDMENT

#### P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA TEXT AMENDMENT

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS; AMENDING CHAPTER 18.37 (MU MULTIPLE USE ZONE), SECTION 18.37.030 AND SECTION 18.37.040 (DEVELOPMENT STANDARDS – RESIDENTIAL AND DEVELOPMENT STANDARDS – NONRESIDENTIAL, RESPECTIVELY) TO INCREASE BUILDING HEIGHTS TO 80 FEET SUBJECT TO A MINIMUM SETBACK DISTANCE FROM ANY ABUTTING, EXISTING RESIDENCE OF DOUBLE THE HEIGHT OF THE PROPOSED BUILDING; AMENDING CHAPTER 18.51 (CI-1 LIGHT INDUSTRIAL/WAREHOUSING ZONE), SECTION 18.51.050 (DEVELOPMENT STANDARDS – GENERAL) TO INCREASE THE MAXIMUM BUILDING HEIGHTS TO 90 FEET; AMENDING CHAPTER 18.53 (CI-2 GENERAL INDUSTRIAL ZONE), SECTION 18.53.040 (DEVELOPMENT STANDARDS – GENERAL) TO INCREASE THE MAXIMUM BUILDING HEIGHTS TO 90 FEET; AMENDING CHAPTER 18.93 (BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS, AND INTERPRETATIONS), SECTION 18.93.030 (VARIANCES) TO INCREASE THE MAILING NOTICE TO PROPERTY OWNERS WITHIN 300 FEET TO 1000 FEET FROM THE SUBJECT PROPERTY IF THE EXISTING ZONING OF THE SUBJECT PROPERTY IS: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, OR CI-3. On motion, the Planning and Zoning Commission voted 7-0 to recommend **APPROVAL** (Commissioners Bain, Becker, and Cook were absent). Staff recommends **APPROVAL**.  
(ALL DISTRICTS)

#### Planning and Zoning Commission Public Hearing Summary (January 30, 2019)

Staff presented information from the text amendment to the commission stating that the proposed text amendment addressed two individual portions of the Pima County Zoning Code. The first portion of the amendment proposed an increase in height maximums within industrial zoning, MU,

CI-1, and CI-2 Zoning. This will take the MU zoning height to 80 feet maximum and CI-1 and CI-2 to 90 feet maximum. The second portion of the text amendment proposed an increased mailing notification from 300 feet to 1000 feet regarding the Variance process through the Board of Adjustment. This is for all zoning that has a minimum lot size of 36,000 square feet or greater. Staff clarified that the setback protection within MU zoning has been set in place to protect any existing residential. The Pima County policy that promotes economic development has been a driving factor for the increase in height maximums. Having had experience with the Amazon facility and one other variance within CI-2, staff feels the height increase is appropriate for greater flexibility and more growth opportunity. The areas that were highlighted included the Kleindale area, Flowing wells, areas along the freeway, and areas near and around the Air Force base. Working with Davis Monthan Air Force Base, staff reiterated that they are looking to protect their future missions.

No member from the public appeared on item.

Commissioner Matter made a motion to recommend **APPROVAL** of the Zoning Code text amendment P18TA00007; Commissioner Maese seconded.

Upon a roll call vote, the motion to recommend **APPROVAL** passed (7-0; Commissioners Cook, Johns, Maese, Hook, Gungle, Tronsdal and Membrila voted 'yes;' Commissioners Bain, Becker, and Cook were absent).

TD/NC/ar  
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector  
P18TA00007 File

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

**PUBLIC HEARING  
January 30, 2019**

**P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA 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; amending Chapter 18.37 (MU Multiple Use Zone), Section 18.37.030 and Section 18.37.040 (Development standards – Residential and Development standards – Nonresidential, respectively) to increase building heights to 80 feet for all buildings located outside Approach-Departure Corridors (ADC) and greater than 2500 feet from the ADC-2 boundary and subject to a minimum setback distance from any abutting, existing residence of double the height of the proposed building; amending Chapter 18.51 (CI-1 Light Industrial/Warehousing Zone), Section 18.51.050 (Development standards – General) to increase the maximum building heights to 90 feet for all buildings located outside Approach-Departure Corridors and greater than 2500 feet from the ADC-2 boundary; amending Chapter 18.53 (CI-2 General Industrial Zone), Section 18.53.040 (Development standards – General) to increase the maximum building heights to 90 feet for all buildings located outside Approach-Departure Corridors and greater than 2500 feet from the ADC-2 boundary; and, amending Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits and Interpretations), Section 18.93.030 (Variances) to increase the mailed notice to property owners from within 300 feet to within 1000 feet from the subject property if the existing zoning of the subject property is: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3.

## **INITIATION**

Planning and Zoning Commission, January 31, 2018  
(Industrial Height) and September 26, 2018 (Variance  
Notice Area)

## **PUBLIC COMMENT**

Staff has received one comment of support on the proposed Zoning Code text amendment through email. Any additional comments will be provided to the Planning and Zoning Commission at the time of the public hearing.

## **STAFF RECOMMENDATION**

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

## **STAFF REPORT**

This text amendment is a combination of two separate text code amendment initiations. This amendment addresses an increase in height within industrial zoning chapters, further promoting industry, commercial uses, and development in Pima County. It also includes an increase in notice area regarding variance cases through the Board of Adjustment, giving due notice to more owners of larger parcels. Specifically, the amendment allows for a greater increase in height within MU (Multiple Use) zoning, subject to a greater setback requirement when adjacent to any existing single family residence. Despite the increase in height within CI-1 and CI-2 zoning, the setbacks will remain the same. In regard to the variance notice area increase, the amendment will establish an increased notice area condition for lower density zoning chapters with a minimum lot area requirement of greater than or equal to 36,000 sq ft.

### *Height in Industrial Zoning (MU, CI-1, CI-2)*

Currently, Chapter 18.37 MU (Multiple Use Zone) of the code permits a maximum height of thirty-four feet, 2 stories for both residential and nonresidential development. Chapter 18.51 CI-1 (Light Industrial/Warehouse Zone) permits a maximum building height of thirty-nine feet. Chapter 18.53 CI-2 (General Industrial Zone) permits a maximum building height of fifty-four feet for industrial uses and thirty-nine feet for nonindustrial uses. The proposed changes will increase the maximum allowable height for Chapter 18.37 to eighty feet provided that the building be setback a minimum distance equal to double the total building height from any abutting existing permitted single family detached residence. The distance shall be measured from the closest point of the existing residence to the proposed building. For example, if the proposed building within MU zoning is eighty feet and adjacent to residential – the setback shall be one hundred and sixty feet from the closest point of the existing residence. The proposed changes will also increase the maximum allowable height for Chapter 18.51 and Chapter 18.53 to ninety feet for both industrial and nonindustrial uses.

### *Board of Adjustment Variance Notification Area*

Currently, Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits and Interpretations) requires a mailing notice to all owners of property within three hundred feet of the subject property. The proposed changes will include an exception that the notice shall be expanded to include owners of property within 1000 feet if the existing zoning of the parcel is: IR (Institutional Reserve), RH (Rural Homestead), GR-1 (Rural Residential), ML (Mount Lemmon), SR (Suburban Ranch), SR-2 (Suburban Ranch Estate), CR-1 (Single Residence), MR (Major Resort), CPI (Campus Park Industrial), or CI-3 (Heavy Industrial). All of the

Planning and Zoning Commission, November 28, 2018

P18TA00007 Industrial Zones Height and Variance Notification Area Code Text Amendment

aforementioned zoning categories have a minimum lot area of at least 36,000 sq. ft. or greater.

### Research

Across the state of Arizona, Pima County's general industrial height is currently less than Yuma County where the general industrial height maximum is currently sixty five feet. Several other counties including Graham and Yavapai, do not have a specified maximum height as they determine regulations during the submittal review process.

Many type II and III conditional use permit procedures in Pima County already require a one-thousand-foot notification boundary from the subject parcel. Rezoning's also require a one-thousand-foot notification area if existing zoning includes RH, GR-1, SR, or SR-2. Type II and type III CUP's are typically more of an intensive use, hence the reason for the increased notice area, and RH, GR-1, and SR are much lower density zoning categories – enabling the one-thousand-foot radius notification area to reach more property owners across larger sized parcels.

Respectfully submitted,

Nicholas Coussoulis  
Senior Planner

**From:** [Allyson Solomon](#)  
**To:** [Nicholas Coussoulis](#)  
**Subject:** P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA CODE TEXT AMENDMENT  
**Date:** Tuesday, January 29, 2019 8:03:47 PM

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This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.  
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Good Evening Nicholas,

I am emailing you to voice MPA's support for the proposed zoning code amendment "P18TA00007 INDUSTRIAL ZONES HEIGHT AND VARIANCE NOTIFICATION AREA CODE TEXT AMENDMENT". I had every intention of speaking my support in person at the commission meeting tomorrow morning but a last minute conflict has arisen.

Could you please convey MPA's support to the commission on my behalf?

Thank you, and I apologize for the last minute nature of this email, however I know how diligently staff has worked to solicit comment and my Policy Committee did review and support the policy, so I did not want both efforts to go unnoticed.

Should you have questions or need to reach me, my cell is 520-404-8973.

Allyson Solomon  
Executive Director  
2 East Congress, 6th floor  
Tucson, Az. 85701



ORDINANCE 2019-\_\_\_\_\_

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS; AMENDING CHAPTER 18.37 (MU MULTIPLE USE ZONE), SECTION 18.37.030 AND SECTION 18.37.040 (DEVELOPMENT STANDARDS – RESIDENTIAL AND DEVELOPMENT STANDARDS – NONRESIDENTIAL, RESPECTIVELY) TO INCREASE BUILDING HEIGHTS TO 80 FEET FOR ALL BUILDINGS LOCATED OUTSIDE APPROACH-DEPARTURE CORRIDORS (ADC) AND GREATER THAN 2500 FEET FROM THE ADC-2 BOUNDARY AND SUBJECT TO A MINIMUM SETBACK DISTANCE FROM ANY ABUTTING, EXISTING RESIDENCE OF DOUBLE THE HEIGHT OF THE PROPOSED BUILDING; AMENDING CHAPTER 18.51 (CI-1 LIGHT INDUSTRIAL/WAREHOUSING ZONE), SECTION 18.51.050 (DEVELOPMENT STANDARDS – GENERAL) TO INCREASE THE MAXIMUM BUILDING HEIGHTS TO 90 FEET FOR ALL BUILDINGS LOCATED OUTSIDE APPROACH-DEPARTURE CORRIDORS AND GREATER THAN 2500 FEET FROM THE ADC-2 BOUNDARY; AMENDING CHAPTER 18.53 (CI-2 GENERAL INDUSTRIAL ZONE), SECTION 18.53.040 (DEVELOPMENT STANDARDS – GENERAL) TO INCREASE THE MAXIMUM BUILDING HEIGHTS TO 90 FEET FOR ALL BUILDINGS LOCATED OUTSIDE APPROACH-DEPARTURE CORRIDORS AND GREATER THAN 2500 FEET FROM THE ADC-2 BOUNDARY; AND, AMENDING CHAPTER 18.93 (BOARD OF ADJUSTMENT VARIANCES, TEMPORARY USE PERMITS, AND INTERPRETATIONS), SECTION 18.93.030 (VARIANCES) TO INCREASE THE MAILING NOTICE TO PROPERTY OWNERS WITHIN 300 FEET TO WITHIN 1000 FEET FROM THE SUBJECT PROPERTY IF THE EXISTING ZONING OF THE SUBJECT PROPERTY IS: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, OR CI-3 (ALL DISTRICTS)

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

1. The Planning and Zoning Commission, at its January 30, 2019 hearing, initiated and authorized staff to amend the Pima County Zoning Code for industrial heights and variance notification area, respectively.
2. This ordinance updates the zoning code to increase building heights within MU zoning up to eighty feet, CI-1 and CI-2 up to ninety feet, provided that the building be setback a minimum distance equal to double the total building height from any abutting existing permitted single family detached residence. It also expands the Variance notification area to include owners of property within 1000 feet if the existing zoning is: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3.
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, ARIZONA:

SECTION 1. Pima County Zoning Code Chapter 18.37 is amended as follows:

Chapter 18.37  
MU MULTIPLE USE ZONE

...

**18.37.030 - Development standards—Residential**

...

E. Building height limitations:

1. Maximum height: ~~Thirty-four feet;~~

a. Thirty-four feet, or,

b. Eighty feet for all buildings located outside of the following Approach-Departure Corridors defined in Chapter 18.57:

i. ADC-1,

ii. ADC-2 and greater than 2,500 feet from the ADC-2 boundary,

iii. ADC-3.

Provided that the building is setback a minimum distance equal to double the total building height from any abutting existing permitted single family detached residence. The distance shall be measured from the closest point of the existing residence to the proposed building.

~~2. Maximum stories: Two.~~

...

**18.37.040 - Development standards—Nonresidential.**

...

D. Building height limitations:

1. Maximum height: ~~Thirty-four feet;~~

a. Thirty-four feet; or,

b. Eighty feet for all buildings located outside of the following Approach-Departure Corridors defined in Chapter 18.57:

i. ADC-1,

ii. ADC-2 and greater than 2,500 feet from the ADC-2 boundary,

iii. ADC-3.

Provided that the building is setback a minimum distance equal to double the total building height from any abutting existing permitted single family detached residence. The distance shall be measured from the closest point of the existing residence to the proposed building.

~~2. Maximum stories: Two.~~

...

SECTION 2. Pima County Zoning Code Chapter 18.51 is amended as follows:

Chapter 18.51  
CI-1 LIGHT INDUSTRIAL/WAREHOUSING ZONE

...

**18.51.050 - Development standards—General.**

...

D. Maximum building height: ~~Thirty-nine feet.~~

1. Thirty-nine feet, or,
2. Ninety feet for all buildings located outside of the following Approach-Departure Corridors defined in Chapter 18.57:
  - a. ADC-1,
  - b. ADC-2 and greater than 2,500 feet from the ADC-2 boundary,
  - c. ADC-3.

...

SECTION 3. Pima County Zoning Code Chapter 18.53 is amended as follows:

Chapter 18.53  
CI-2 GENERAL INDUSTRIAL ZONE

...

**18.53.040 - Development standards—General.**

...

D. Maximum building height:

1. Industrial uses: ~~Fifty-four~~
  - a. Fifty-four feet, or,
  - b. Ninety feet for all buildings located outside of the following Approach-Departure Corridors defined in Chapter 18.57:
    - i. ADC-1,
    - ii. ADC-2 and greater than 2,500 feet from the ADC-2 boundary,
    - iii. ADC-3.
2. Nonindustrial uses: ~~Thirty-nine~~

- a. Thirty-nine feet, or,
- b. Ninety feet for all buildings located outside of the following Approach-Departure Corridors defined in Chapter 18.57:
  - i. ADC-1,
  - ii. ADC-2 and greater than 2,500 feet from the ADC-2 boundary,
  - iii. ADC-3.

...

SECTION 4. Pima County Zoning Code Chapter 18.93 is amended as follows:

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

...

**18.93.030 – Variances.**

...

E. Public Notice.

- 1. No less than fifteen days prior to a public hearing, notice shall be given by:
  - a. Publication once in a newspaper of general circulation in the area involved;
  - b. Posting of the subject property;
  - c. Mailing notice to all owners of property within ~~three hundred feet~~ 300 feet of the subject property except that notice shall be expanded to include owners of property within 1000 feet if the existing zoning of the subject property is: IR, RH, GR-1, ML, SR, SR-2, SH, CR-1, MR, CPI, or CI-3.
  - d. Davis-Monthan Air Force Base will be notified of applications within the boundaries of Airport Height Overlay Zone 3 or Airport Land Use Overlay Zone 3; Tucson Airport Authority will be notified of applications within the boundaries of Airport Height Overlay Zone 1 or 2 or Airport Land Use Overlay Zone 1 or 2; and Pinal Airpark will be notified of applications within the boundaries of Airport Height Overlay Zone 4 or Airport Land Use Overlay Zone 4.

...

SECTION 5. This ordinance is effective 30 days after its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of Pima County, Arizona,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

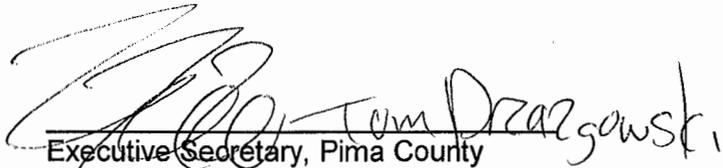
\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM

  
\_\_\_\_\_  
Civil Deputy County Attorney  
Michael LeBlanc

  
\_\_\_\_\_  
Executive Secretary, Pima County  
Planning and Zoning Commission