BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 6, 2021

Title: P21TA00001 BENSON HWY/PALO VERDE ROAD INFILL OVERLAY ZONE

Introduction/Background:

This text amendment would establish the Benson Hwy/Palo Verde Road Infill Overlay Zone which encourages development through incentives in an area that is underutilized; an area in need of reinvestment. The text amendment adds the second designated infill overlay zone - the first being the Kleindale/Dodge Infill Overlay Zone, with a similar set of development-related incentives.

Discussion:

The text amendment provides incentives in the form of relaxed development standards to encourage development in the Benson Hwy/Palo Verde Road Infill Overlay Zone area. The development standards/ incentives include replacement of a full development plan with a site plan for smaller developments, reducing setback and landscaping requirements, lessening certain flood control requirements, expanding allowable uses, and reducing process steps.

Conclusion:

The text amendment supports several economic development and revitalization goals and policies of the Pima County Comprehensive Plan.

Recommendation:

Staff and Planning and Zoning Commission recommend approval of the zoning code text amendment by ordinance.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: Chris Poirier, Planning Official Telephone: 724-6596

Department Director Signature/Date: 6/14/21

Deputy County Administrator Signature/Date: 6/14/2021

County Administrator Signature/Date: C. Dalquestberry 6/14/21

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Board of Supervisors

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

Tam Rzazsowski

DATE: June 7, 2021

SUBJECT: **P21TA00001 BENSON HWY/PALO VERDE ROAD INFILL OVERLAY ZONE TEXT AMENDMENT**

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **TUESDAY, July 6, 2021** hearing.

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

OWNER: N/A

APPLICANT: Pima County Development Services Department

DISTRICTS: District 2

STAFF CONTACT: Chris Poirier, Planning Official

PUBLIC COMMENT TO DATE: To date, one letter of support from SAHBA has been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL (8-0; Commissioners Maese and Matter were absent).

STAFF RECOMMENDATION: APPROVAL.

TD/JE/ds
Attachments

PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

FOR JULY 6, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: **June 7, 2021**

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

P21TA00001 **BENSON HWY/PALO VERDE ROAD INFILL OVERLAY ZONE TEXT AMENDMENT**

A proposal to amend by ordinance the Pima County Zoning Code, Chapter 18.68 (Infill Overlay Zone) to identify the optional Benson Highway/Palo Verde Road Infill Overlay Zone; described as the unincorporated MU (Multiple Use) zoned properties located on the south side of E. Benson Highway between S. Country Club Road and S. Alvernon Way, the unincorporated CB-2 (General Business) zoned properties located on the north side of E. Benson Highway and west of S. Palo Verde Road, and the unincorporated MU zoned properties located on the north side of E. Felix Boulevard and west of S. Palo Verde Road and adding an optional set of development standards to encourage development for the Benson Highway/Palo Verde Road Infill Overlay Zone including waiving specific use permits and fees; permitting additional commercial uses; replacing the requirement for a development plan with a site plan; reducing the minimum side and rear property line setbacks for structures; reducing landscape bufferyard requirements except for the trees; and, increasing the maximum lot coverage allowed; and, amending the related chapter 18.05 (Zones) to add the Benson Highway/Palo Verde Road Infill Overlay Zone. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL** (8 - 0, Commissioners Maese and Matter were absent). Staff recommends **APPROVAL**.
(District 2)

P21TA00001

Planning and Zoning Commission Public Hearing Summary (April 28, 2021)

Staff provided a summary of the project to the commission with a recommendation of approval of the text amendment.

A commissioner asked what would be the next potential infill overlay zone area. Staff responded that it will likely be the Flowing Wells area. Staff added that Flowing Wells is a larger area, it has already been reviewed for flood control issues, and it has a diversity of land uses.

A commissioner asked what the experience has been with the Kleindale/Dodge Infill Overlay Zone. Staff replied that empirical tracking is limited but there are at least three anecdotal examples of businesses using or potentially using the Kleindale/Dodge Infill Overlay Zone. One is a piano company, the second is an engineering company that expanded, and the third is a potential bike shop/coffee shop.

Three commissioners commented that they are pleased with the infill overlay zone concept; a commissioner adding that they think that it is good for the county and was creatively conceived.

A commissioner asked what the impact of the Benson Highway/Palo Verde Road Infill Overlay Zone will be since this is his area, adding that development undesirable for the foothills is sometimes dumped in his area. Staff responded that they would be willing to discuss the possibility of any unincorporated area of the county as a potential infill overlay zone, adding that the intention is to reduce obstacles to encourage development of dilapidated or vacant properties. The intent is not to invite undesirable uses. For example, encouraging the development of a restaurant or retail operation in the area. The commissioner asked if a salvage yard would be allowed and staff replied that industrial uses are not part of the infill overlay zone proposal. Staff added that the overlay zone also encourages infill development rather than development on the perimeter of existing development – that is, discouraging the development of natural desert.

No one from the public spoke and the public hearing was closed.

Commissioner Gungle made a motion to recommend **APPROVAL** of the text amendment. Commissioner Hook gave second to the motion.

The commission voted to recommend **APPROVAL** of the text amendment (8 – 0, Commissioners Maese and Matter were absent).

TD/JE/ds
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P21TA00001 File

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

PUBLIC HEARING
APRIL 28, 2021

P21TA00001	**BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE**
STATUS / AGENDA ITEMS	**Planning and Zoning Commission Public Hearing** Zoning Code Text Amendment
REQUEST	A Proposal to amend by Ordinance the Pima County Zoning Code, Chapter 18.68 (Infill Overlay Zone), adding Section 18.68.050 (Benson Highway/Palo Verde Road infill overlay zone) to identify the optional Benson Highway/Palo Verde Road Infill Overlay Zone, described as the unincorporated MU (Multiple Use)-zoned properties located on the south side of E. Benson Highway between S. Country Club Road and S. Alvernon Way, the unincorporated CB-2 (General Business)-zoned properties located on the north side of E. Benson Highway and west of Palo Verde Road, and the unincorporated MU-zoned properties located on the north side of E. Felix Boulevard and west of S. Palo Verde Road; and, adding an optional set of development standards to encourage development for the Benson Highway/Palo Verde Road Infill Overlay Zone including: waiving specific use permits and fees; permitting additional commercial uses; replacing the requirement for a development plan with a site plan; reducing the minimum side and rear property line setbacks for structures; reducing landscape bufferyard requirements except for trees; and, increasing the maximum lot coverage allowed; and, amending the related Chapter 18.05 (Zones) to add the Benson Highway/Palo Verde Road Infill Overlay Zone. (District 2)
INITIATION	Planning and Zoning Commission, April 29, 2020

STAFF RECOMMENDATION
Staff recommends **APPROVAL** of the proposed Benson Highway/Palo Verde Road Infill Overlay Zone (BHIOZ) Zoning Code Text Amendment.

The purpose of the Benson Highway/Palo Verde Road Infill Overlay Zone (BHIOZ) is to encourage development through incentives in an area in need of re-investment. The proposed area is described as the unincorporated MU (Multiple Use)-zoned properties located on the south side of Benson Highway from Country Club Road to Alvernon Way and the unincorporated CB-2 (General Business)-zoned properties located on the north side of Benson Highway approximately 1650 feet east of Country Club Road (east of the KOA campground (tax code parcel 140-05-

005J)) to Palo Verde Road and the unincorporated MU-zoned properties located on the north side of E. Felix Boulevard west of Palo Verde Road (see map).

The infill overlay zone would overlap the existing, underlying zoning. Availing the BHIOZ would be voluntary on the part of the property owner. If the owner chose not to utilize the BHIOZ, the underlying zoning would apply.

A previous text amendment (P18TA0002) established Chapter 18.68 Infill Overlay Zone of the zoning code including the *purpose* of the overlay zone, how it *applies* to property, and the *criteria* and *process* for designating a specific area as an infill overlay zone. The text amendment also located the first infill overlay zone area – Kleindale/Dodge Infill Overlay Zone – an area near Ft. Lowell Road and Alvernon Way. While hard to track, there appears to have been at least three businesses that have used the Kleindale/Dodge infill overlay zone incentives. If approved, the BHIOZ would be the second infill overlay zone adopted through Chapter 18.68.

The criteria for designating an area as an "Infill Overlay Zone" ranges from a large number of vacant or dilapidated structures, vacant or underused parcels, parcels where nuisances or crime issues exist, to a continuing decline in population. The proposed area meets the criteria. As described on page 3, the area was already the subject of several economic development and environmental clean-up designations by county and federal agencies.

As proposed, the BHIOZ incentives include:

1) Reducing process time and fees by waiving the requirement to obtain a MU (Multiple Use) zone use permit and waiving the requirement for a full development plan for smaller scale projects (at minimum a site plan is required);

2) Adding flexibility by allowing additional uses and adjusting drainage requirements; and,

3) Reducing on-site restrictions by waiving minimum side and rear yard setbacks, reducing landscaping requirements (except for a minimum number of trees on certain major roads), and increasing the maximum lot coverage (meaning the area of the accessory building footprint per lot).

Reducing development steps and regulations is intended to encourage new small businesses to establish and existing businesses to expand or make improvements.

BACKGROUND

Benson Highway was once a part of the intercontinental, "ocean to ocean" US Route 80. It fell into disuse with the construction of the US interstate system, specifically I-10. It existed in Arizona from 1926 to 1989 and was characterized by motor hotels and restaurants due to post WWII tourism and traffic. In September 2018, the Arizona Department of Transportation (ADOT) designated many surviving segments of the former highway as Historic US Route 80 including the subject area. For more historic information, reference the website: https://azdot.gov/adot-blog/us-80-mother-arizona-highways. The proposed development standards encourage developers to promote the historic and tourism value of Benson Highway (see Section 18.68.050(B)(7) of the proposed text amendment).

Similar to the Kleindale/Dodge Infill Overlay Zone, this area has active, well-maintained businesses along with vacant and underutilized properties. Active, well-maintained businesses

include court motels/apartments such as El Pais, The Scotsman, the Redwood Lodge, Benson Motel, Western Motel, Howdy Manor, and other uses such as M&M's Saloon, Antonia's Beauty Salon, AZ Steel and Ornamental Supply, Cavco Home Center, Palo Verde Auto Sales, Walter's Tire/Wheel, and Mi Ranchito Mercado Y Carniceria. Several of the motels provide housing. For example, the Benson Motel and the Redwood Lodge provide housing for veterans. One potential catalyst for more development in this general region is the recently constructed first phase of the Kino South Sports Complex at Kino and Ajo Highway.

The proposed BHIOZ area is characterized as:

- Major infrastructure is available including sewer, major roads, bus routes (Benson Hwy, Drexel Road, Palo Verde Road, Alvernon Way, Country Club Road). The east boundary on the south side of Benson Highway for the BHIOZ stops at Alvernon Way because the water supply for fire suppression is limited east of Alvernon Way (the north side is primarily City of Tucson).
- The area is not within a floodplain, although there are Erosion Hazard Setback requirements for the drainageways to the rear of the properties abutting the south side of Benson Highway and to the rear of the properties on the north side of E. Felix Boulevard. The Erosion Hazard Setbacks would supercede any reductions in the zoning rear setbacks (see Section 18.68.050(B)(3)(c) of the proposed text amendment).
- The area is within the Pima County Comprehensive Plan-designated "TIA/I-10 Focused Development Investment Area" (e.g. growth area). It is within Special Area Policy S-33 "Community Development Target Area". The term "Community Development Target Area" has additional meaning for other departments such as the Community Development and Neighborhood Conservation Department. These target areas are designated to receive priority for available U.S. Housing and Urban Development (HUD) entitlement grant funding to use for community revitalization and economic development activities.
- The area is within the Comprehensive Plan-designated Special Area Policy S-34 "Revitalization Opportunity Corridors". These are areas to focus public and private collaborative strategies and investments to grow jobs, businesses and services; expand the tax base; and revitalize the corridors into a viable mix of uses that directly promote the stabilization of adjacent neighborhoods as safe, vibrant and sustainable. The purpose is to promote investment into older, more visibly distressed, urban commercial corridors and rural main streets.
- Most of the area east of Country Club Road, except the subdivisions, is an "EPA Brownfields Pima County Target Area", eligible for HUD Community Development Block Grant (CDBG) funding. During 2016-2019, several properties utilized assessment grant funds. CDBG funds are still focused on this target area.
- The area is not within the Maeveen Marie Behan Conservation Lands System (MMBCLS).
- The Airport Environs Zone (AEZ) height overlay zone covers Benson Highway from roughly Bonine Way and the Drexel Road/Benson Highway intersection. The area is not within an AEZ land use zone. The area is within the Tucson International Airport avigation easement requirements and public disclosure area, FAA traffic pattern airspace, and FAA Part 77 airspace. Development standards have been added to reflect this status (see Section 18.68.050(B)(8) of the proposed text amendment).

In addition to the above Comprehensive Plan special area policies, the proposed text amendment coincides with several other general Comprehensive Plan goals and policies. For example:

> Goal 2 – Revitalization redevelopment – Improve the quality of life of County residents through revitalization and redevelopment efforts.

> Policy 1 - Utilize infill development to strengthen existing neighborhoods, create the higher density necessary to support desirable services, increase the tax base, and make our communities more efficient without being disruptive to existing neighborhoods.
>
> Implementation Measure - Identify strategies to incentivize infill development such as streamlining the development review process and reduction of process fees.

This text amendment, therefore, complies with the comprehensive plan especially the revitalization, redevelopment, and economic development policies and goals and would complement any economic development efforts by other County departments in the future.

As part of this and the original infill overlay zone text amendment process, staff researched other jurisdictions' infill overlay zones. More efficient development processes, reduced fees, and more flexible development standards are features common to infill overlay zones. Direct funding as part of the infill overlay zone is common to municipal infill overlay zones, however, it is not within the purview of the Development Services Department. Other County departments such as the Community Development and Neighborhood Conservation are aware of existing and proposed infill overlay zones.

Stakeholder and Other Review
Staff distributed the proposed text amendment to applicable county departments, external agencies, and to the community stakeholders who review all Development Services Department proposed text amendments. Comments from County departments and external agencies are listed below. No stakeholder comments were received (except Tucson Mountains Association said they had no comments).

Public Comment
Because the overlay zone is a type of rezoning, the notification requirements are the same as that for a rezoning - all property owners within the Benson Highway/Palo Verde Road Infill Overlay Zone and property owners within 300 feet outside the zone were noticed plus a 1/8 page legal advertisement was provided because it is a text amendment. Staff sent an additional explanatory letter to the noticed property owners in addition to the standard legal advertisement.

Pima County Departments:

Office of Sustainability and Conservation – Cultural Resources
Parcel no. 140-30-0020 is a currently undeveloped historic subdivision called Los Ranchitos No. 7. No other historic buildings have been recorded along this stretch of the IOZ, but if there are any historic buildings, they would need to be documented by a permitted architectural historian prior to being removed or altered. This section of Benson Highway has been designated a historic alignment of Arizona U.S. Route 80 (also site no. AZ FF:9:17(ASM)) as a Historic Road under the Arizona Department of Transportation's Parkways, Historic, and Scenic Roads program (See Pima County and ADOT IGA, approved by the BOS in 2020) in 2018. The City of Tucson has installed one historic route sign at the corner of Valencia Road and Benson Highway. OSC Cultural Resources recommends that if new or redeveloped non-residential uses are proposed, that developers consider ways to reference to this historic designation. This is an opportunity to promote historic values dating to the Federal Highway Act in 1921, which actively promoted state tourism and auto travel from which Historic US Route 80 was constructed.

Regional Flood Control District
Please modify the proposed Section 18.68.050(B)(3)(c) to read:

c. If the requirement for a development plan is waived, a drainage report is not required when the applicant agrees to:

1) Elevate — The finished floor elevation of a structure must be 1 foot above the highest flood depth under the building footprint, unless site grading removes local depressions and/or provides for conveyance away from the building footprint.

2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is proposed, toe-down shall be minimum of 2 feet below finished grade.

3) Erosion Hazard Setback – All buildings shall be set back at least 50 feet from the Earp Wash.

4) If commercial or subdivision development is proposed, the first flush retention requirement applies when more than 2,000 square feet of new impervious surface is proposed;

5) Fencing - If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.

If the criteria above cannot be met or if drainage infrastructure is required to prevent altering drainage patterns at property boundaries, an engineering drainage report and design sealed by an Arizona registered engineer is required.

Regional Wastewater Reclamation Department
No comments.

Department of Transportation
No comments.

Davis-Monthan Air Force Base: DMAFB have reviewed the proposed text amendment and map for the Benson Hwy/Palo Verde Road infill overlay and have no issue with the changes. This area is outside the DMAFB AEZ and should not create a negative impact on our mission. With the intent of this land being developed mainly Mixed-use and Commercial in-fill to generate economic development and jobs, it shouldn't generate a great deal of noise complaints from residentially developments since it is more than 2 miles from centerline and not off the runway 30 end of our airfield.

Tucson Airport Authority: See the attached letter.

Rural Metro Fire District (Fire Marshal Wm Treatch): I have reviewed the above-mentioned amendment and I have no comments or concerns at this time.

Respectfully Submitted,

Janet Emel, Development Services Department

TUCSON
AIRPORT AUTHORITY
TUCSON INTERNATIONAL AIRPORT • RYAN AIRFIELD

March 1, 2021

Janet Emel
Pima County Development Services
201 North Stone Avenue
Tucson, AZ. 85701

RE: P21TA00001 Benson Highway/Palo Verde Road Infill Overlay Zone Text Amendment, Received February 9, 2021

Dear Ms. Emel,

Thank you for the opportunity to comment on P21TA00001 Benson Highway/Palo Verde Road Infill Overlay Zone Text Amendment. This text amendment would establish a new infill overlay zone for Benson Highway and Palo Verde Rd. This new infill overlay zone would be located west of Alvernon Way and east of Country Club Road. This existing underlying zoning for property contained within this new infill overlay zone would remain unchanged, but property owners and developers could decide to utilize this optional infill overlay zone that is being proposed.

This overlay zone is within the Tucson International Airport avigation easement requirements and public disclosure area, FAA traffic pattern airspace, and FAA Part 77 airspace.

The Tucson Airport Authority recommends Pima County consider adding the below proposed text to the Benson Highway / Palo Verde Road Infill Overlay Zone Text Amendment.

Requested text:

1. "Every project applicant, which is both within the defined area of the infill overlay zone and utilizes the infill overlay zone, shall execute and record the Tucson Airport Authority approved Avigation Easement with the Pima County Recorder's Office. The property owner/developer/applicant or other person authorized to sign on behalf of the current property owner shall sign and execute this Avigation Easement. This Avigation Easement shall cover the entire area of underlying parcel where the project is being proposed. The Avigation Easement shall run with the property and will serve to educate future purchasers of potential aviation impacts.

2. "According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. Every project applicant, which is both within the defined area of infill overlay zone and utilizes the infill overlay zone, shall file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA.

Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at https://oeaaa.faa.gov/oeaaa/external/portal.jsp"

3. "Applicable to residential uses only

   a. The property owner/developer/applicant, which is both within the defined area of the infill overlay zone and utilizes the infill overlay zone, shall provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit shall be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.

      The property owner (for itself or its tenants) shall forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

      Tucson Airport Authority
      7250 South Tucson Boulevard
      Suite 300
      Tucson, AZ 85756"

Please do not hesitate to contact me if you have any questions or concerns regarding this comment letter. I can be reached by email at srobidoux@flytucson.com or by telephone at 520-573-4811.

Respectfully,

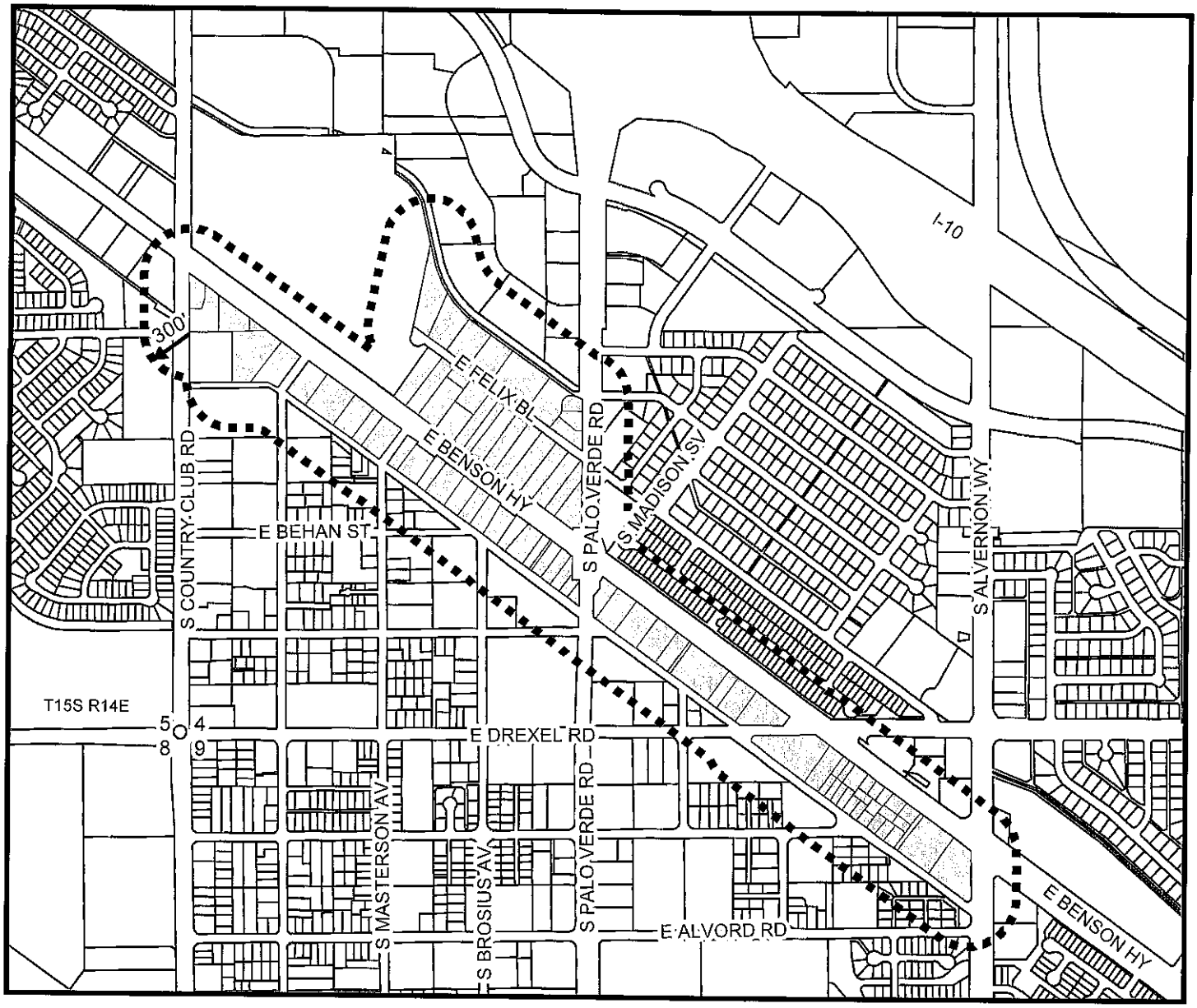
Scott Robidoux,
Senior Airport Planner

cc file

Attachment A
BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE (I-2)

300' Notificaiton Area

Benson Highway/Palo Verde Infill



0 425 850 1,700 Feet

Area of proposed Infill Overlay Zone

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: ***Case # P21TA00001***

Planning & Zoning Hearing: 4/28/21 (scheduled)	Board of Supervisors Hearing: TBD
Map Scale: 1:12,000	Map Date: 4/5/2021 - ds

N W E S

Attachment B

Full Chapter 18.68 (for context)

with proposed new language (in red)

Existing language in Pima County Zoning Code = Black (provided for context)
Proposed new language for Text Amendment P21TA00001 = Red (see page 4)

Pima County Zoning Code
Chapter 18.68
INFILL OVERLAY ZONE

18.68.010 Purpose.

A. Purpose. The purpose of this zone is to:

1. Promote the health, education, culture, and general welfare of the community;
2. Encourage livable and well-functioning neighborhoods and improved economic development;
3. Promote and facilitate the development and redevelopment of by-passed, underutilized, or abandoned properties;
4. Remediate deteriorated, blighted, and unsafe conditions in older neighborhoods;
5. Stimulate re-investment in properties that will contribute to the creation of employment opportunities and improve the overall economic viability of the community;
6. Implement and adopt effective infill, redevelopment and revitalization in Community Development Target Areas;
7. Strengthen the community's tax base, increase property values, and contribute to more efficient land-use patterns;
8. Encourage the reuse of historic, unique or significant buildings;
9. Provide a mix of allowable uses to support smart growth, walkable and bikeable places, transit use, and compatible housing types and services; and,
10. Strengthen and densify existing neighborhoods to preserve community character and sustainability.

18.68.020 Applicability.

A. Application. This chapter applies to any new development, redevelopment, or substantial expansion of an existing development, any of which require a zoning permit, on any land within a designated infill overlay zone.

B. Map. Land subject to the infill overlay zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-#".

18.68.030 Designation.

A. Criteria. In determining whether a site be initiated as an infill overlay zone the following criteria shall be assessed:

1. Large number of vacant, older, or dilapidated structures.
2. Large number of vacant or underused parcels of property that are of small or inappropriate sizes or that are environmentally contaminated, that are owned by different owners and that are located in an area that lacks the presence of development and investment activity compared to other areas in the county.
3. Large number of parcels of property or buildings where nuisances exist or occur.
4. High occurrence of crime.
5. Continuing decline in population.

B. Initiation submittal requirements.

1. A written description and map showing the boundaries of the proposed infill overlay zone;

2. A list by name and title, of all ownership interest within the proposed zone (e.g. individual, corporation, trust, or limited partnership);
3. Written evidence the proposed zone has met the Purpose and Criteria of this chapter; and,
4. Scaled maps showing the existing zoning and existing comprehensive plan designations of the proposed zone and abutting properties.

C. Initiation. A request to initiate an Infill Overlay Zone may be made by:
1. Property owners within the proposed zone; or,
2. The Planning and Zoning Commission; or,
3. The Board of Supervisors.

D. Public Notice and Hearing requirements.
1. Public notice of the hearing before the commission and the board of supervisors shall be given including property owners within the proposed zone and within three hundred feet of the boundaries of the proposed zone. The public review, notice and comments, Planning and Zoning Commission review, and Board of Supervisors review shall be consistent with Sections 18.91.060(B) and (C), 18.91.070, 18.91.080, as applicable, of the rezoning process except as modified by the requirements outlined in this chapter;
2. The Development Services Department may notice other County departments/offices such as, but not limited to, Sheriff, public works departments, Community Development and Neighborhood Conservation and outside agencies to help address infill-related neighborhood issues; and,
3. At the public hearing for the establishment of an infill overlay zone, the residents and property owners of the surrounding area, as well as interested citizens and organizations shall be heard.

18.68.040 Kleindale/Dodge Infill Overlay Zone.

A. Map. Land subject to the Kleindale/Dodge Infill Overlay Zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-1". The Kleindale/Dodge Infill Overlay Zone is bounded by Kleindale Road on the north, Alvernon Way on the east, Ft. Lowell Road on the south, and Richey Boulevard on the west.

B. Development standards.
1. Multiple Use Permit. The requirement for a Multiple Use (MU) zone use permit is waived.
2. Additional Uses. The permitted uses in Sections 18.43.030 (CB-1) and 18.45.030 (CB-2) are also allowed on Multiple Use (MU) zoned properties subject to the applicable performance standards of Chapters 18.43 and 18.45. No conditional use permit is required for these uses. The storage building or warehouse use is allowed if conducted within a completely enclosed building.
3. Waiver of Development Plan.
a. Any requirement, including Section 18.37.020(A)(4), for a development plan (DP) is waived if the following criterion is met:
In accordance with Ch. 18.75 (OFF-STREET PARKING AND LOADING STANDARDS), the project requires a combination of 25 or fewer parking spaces or drive-through stacking spaces.
b. Infill Incentive Site Plan. If a development plan is waived, in lieu of a development plan, a site plan showing the following features, drawn to scale, shall be submitted with any required permit application:
1) General location of any buildings and structures;
2) Access point(s);

3) Septic system layout if applicable, or if sewer is proposed the point of connection to public sewer and proposed sewer easements;
4) Setbacks;
5) Required landscaping; and,
6) Location of parking.

c. If the requirement for a development plan is waived and the site is within a regulatory floodplain, a drainage report is not required when the applicant agrees to:

1) Elevate — The finished floor elevation of a structure must be 1 foot above the highest flood depth on the building footprint, unless site grading removes local depressions and/or provides for conveyance away from the building footprint.
2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is proposed, toe-down shall be minimum of 2 feet below finished grade.
3) Provide depressed flow paths with water harvesting. Existing offsite flow paths of greater than 0.5 feet depth must be accommodated by grading so that the proposed development does not alter existing downstream drainage patterns and velocities.
4) If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.
5) If commercial or subdivision development is proposed, on-site retention requirement applies when more than 2,000 square feet of new impervious surface is proposed.

If the criteria above cannot be met or if drainage infrastructure is required to prevent altering drainage patterns at property boundaries, an engineering drainage report and design sealed by an Arizona registered engineer is required.

4. Setbacks. The minimum side and rear yard setbacks are waived and subject to building code requirements.

5. Landscaping. Landscaping requirements are waived except for:

a. Uses on previously-undeveloped or redeveloped sites adjacent to Dodge Boulevard, Ft. Lowell Road, or Kleindale Road. A minimum of five trees per 100 linear feet (based on a 10—20 foot width bufferyard) shall be required for Dodge Boulevard and Ft. Lowell Road. A minimum of two trees per 100 linear feet (based on a 10—20 foot width bufferyard) shall be required for Kleindale Road;

b. New or redeveloped non-residential uses adjacent to residential uses, unless written approval to waive a specific bufferyard requirement signed by the applicable adjacent residential property owner is submitted;

c. Whenever landscaping is required, the first flush retention requirements shall apply.

6. Lot Coverage. The maximum permitted coverage for residential, accessory structures in the Multiple Use (MU) zone (Section 18.37.050(A)(1)) is increased to 30 percent of the lot area.

[Proposed Text Amendment language]

18.68.050 Benson Highway/Palo Verde Infill Overlay Zone.

A. Map. Land subject to the Benson Highway/Palo Verde Infill Overlay Zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-2". The Benson Highway/Palo Verde Infill Overlay Zone includes the unincorporated properties adjacent to the south side of Benson Highway from Country Club Road to Alvernon Way and the MU and CB-2 zoned properties adjacent to the north side of Benson Highway beginning approximately 1650 feet east of Country Club Road to Palo Verde Road.

B. Development standards.

1. Multiple Use Permit. The requirement for a Multiple Use (MU) zone use permit is waived.

2. Additional Uses. The permitted uses in Sections 18.43.030 (CB-1) and 18.45.030 (CB-2) are also allowed on Multiple Use (MU) zoned properties subject to the applicable performance standards of Chapters 18.43 and 18.45. No conditional use permit is required for these uses. The storage building or warehouse use is allowed if conducted within a completely enclosed building.

3. Waiver of Development Plan.

a. Any requirement, including Section 18.37.020(A)(4) and 18.71.010(B)(1), for a development plan (DP) is waived if the following criterion is met: In accordance with Ch. 18.75 (OFF-STREET PARKING AND LOADING STANDARDS), the project requires a combination of 25 or fewer parking spaces or drive-through stacking spaces.

b. Infill Incentive Site Plan. If a development plan is waived, in lieu of a development plan, a site plan showing the following features, drawn to scale, shall be submitted with any required permit application:

1) General location of any buildings and structures;

2) Access point(s);

3) Septic system layout if applicable, or if sewer is proposed the point of connection to public sewer and proposed sewer easements;

4) Setbacks;

5) Required landscaping; and,

6) Location of parking.

c. If the requirement for a development plan is waived, a drainage report is not required when the applicant agrees to:

1) Elevate — The finished floor elevation of a structure must be 1 foot above the highest flood depth under the building footprint, unless site grading removes local depressions and/or provides for conveyance away from the building footprint.

2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is proposed, toe-down shall be minimum of 2 feet below finished grade.

3) Erosion Hazard Setback – All buildings shall be set back at least 50 feet from the Earp Wash.

4) If commercial or subdivision development is proposed, the first flush retention requirement applies when more than 2,000 square feet of new impervious surface is proposed;

5) Fencing - If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.

If the criteria above cannot be met or if drainage infrastructure is required to prevent altering drainage patterns at property boundaries, an engineering drainage report and design sealed by an Arizona registered engineer is required.

4. Setbacks. The minimum side and rear yard setbacks are waived and subject to building code requirements, unless the applicable adjacent property of the setback is existing residential development. If the applicable adjacent property of the setback is existing residential development, written authorization from the property owner is required to waive the setback.

5. Landscaping. Landscaping requirements are waived except for:

a. Uses on previously-undeveloped or redeveloped sites adjacent to Benson Highway, Country Club Road, or Alvernon Way, shall be required to provide the minimum number of trees according to Section 18.73.040 (Screening and bufferyard requirements), to be located primarily along the highway or road, and subject to the minimum size, type, planting, and maintenance standards of Section 18.73.030 (Performance standards) of Chapter 18.73 (Landscaping, Buffering, and Screening Standards);

b. New or redeveloped non-residential uses adjacent to residential uses, unless written approval to waive a specific bufferyard requirement signed by the applicable adjacent residential property owner is submitted;

c. Whenever landscaping is required, the first flush retention requirements shall apply.

6. Lot Coverage. The maximum permitted coverage for residential, accessory structures in the Multiple Use (MU) zone (Section 18.37.050(A)(1)) is increased to 30 percent of the lot area.

7. The property owner/authorized representative shall contact the Pima County Office of Conservation and Sustainability cultural resources staff to discuss changes to historic buildings.

8. The property owner/authorized representative shall contact the Tucson Airport Authority regarding requirements for avigation easements, disclosure forms, and FAA forms.

ORDINANCE **2021- _____**

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING CHAPTER 18.05, SECTION 18.05.010 (ZONES) TO ADD INFILL ZONE-2; AMENDING CHAPTER 18.68 (INFILL OVERLAY ZONE) TO ADD SECTION 18.68.050 (BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE) TO IDENTIFY THE BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE MAP AND DEVELOPMENT STANDARDS. (DISTRICT 2)

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

1. The Board of Supervisors, at its November 6, 2018 meeting approved Ordinance 2018-31 establishing Chapter 18.68 Infill Overlay Zone to provide the purpose of, the applicability for, the criteria for designation of, and the process for establishing an infill overlay zone and designated the first infill overlay zone "Kleindale/Dodge Infill Overlay Zone".
2. The Planning and Zoning Commission, at its April 29, 2020 meeting initiated amendments to the Pima County Zoning Code to establish a second infill overlay zone "Benson Highway/Palo Verde Road Infill Overlay Zone".
3. This ordinance adds the "Benson Highway/Palo Verde Road Infill Overlay Zone" and incentive-oriented development standards.
4. This ordinance is consistent with the revitalization, redevelopment, and economic development goals of the Pima County Comprehensive Plan and encourages a multi-departmental/agency effort to address specific neighborhood conditions of infill overlay zones.
5. 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 AS FOLLOWS:

SECTION 1. Pima County Zoning Code Chapter 18.05, Section 18.05.010 – Zones, is amended as follows:

Chapter 18.05

ZONES, MAPS AND BOUNDARIES

Sections:

18.05.010 - Zones.

A. Establishment. For the purpose of this code, the following types of zones are hereby established:

1. Rural:	IR	Institutional reserve zone;
	RH	Rural homestead zone;
	GR-1	Rural residential zone;
	SR	Suburban ranch zone;
	SR-2	Suburban ranch estate zone;
	SH	Suburban homestead zone;
2. Residential:	TH	Trailer homesite zone;
	ML	Mount Lemmon zone;
	CR-1	Single residence zone;
	CR-2	Single residence zone;
	CR-3	Single residence zone;
	CR-4	Mixed-dwelling type zone;
	CR-5	Multiple residence zone;
	TR	Transitional zone;
	CMH-1	County manufactured and mobile home-1 zone;
	CMH-2	County manufactured and mobile home-2 zone;
3. Businesses:	MR	Major resort zone;
	RVC	Rural village center zone;
	CB-1	Local business zone;
	CB-2	General business zone;
4. Industrial:	MU	Multiple use zone;
	CPI	Campus Park industrial zone;
	CI-1	Light industrial/ware-housing zone;
	CI-2	General industrial zone;
	CI-3	Heavy industrial zone;
5. Overlay:	AE	Airport environs and facilities;
	BZ	Buffer overlay zone;
	GC	Golf course zone;
	GZ-1	Gateway overlay zone — urban;
	GZ-2	Gateway overlay zone — public preserve;
	H-1	Historic zone-1;
	H-2	Historic zone-2;
	HL	Historic landmark zone;
	HD	Hillside development zone;
	I – 1	Kleindale/Dodge infill overlay zone-1;
	I - 2	Benson Highway/Palo Verde Road infill overlay zone-2;
6. Specific plan zones.		

. . .

C. Zones Without Values of Restriction. The following zones are not given values of restrictiveness:

1.	AE	Airport environs and facilities;
2.	BZ	Buffer overlay zone;
3.	H-1	Historic zone-1;
4.	H-2	Historic zone-2;
5.	HL	Historic landmark zone;
6.	HD	Hillside development zone;
7.	I-1	Kleindale/Dodge infill overlay zone-1~~.~~;
8.	I-2	Benson Highway/Palo Verde Road infill overlay zone-2.

. . .

SECTION 2. The Pima County Zoning Code is amended to add Section 18.68.050 Infill Overlay Zone as follows:

Chapter 18.68

INFILL OVERLAY ZONE

. . .

18.68.050 – Benson Highway/Palo Verde Road Infill Overlay Zone.

A. Map. Land subject to the Benson Highway/Palo Verde Road Infill Overlay Zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-2". The Benson Highway/Palo Verde Road Infill Overlay Zone includes the unincorporated MU (Multiple Use)-zoned properties located on the south side of Benson Highway from Country Club Road to Alvernon Way, the unincorporated CB-2 (General Business)-zoned properties located on the north side of Benson Highway and west of S. Palo Verde Road, and the unincorporated MU-zoned properties located on the north side of E. Felix Boulevard and west of Palo Verde Road,

B. Development standards.

1. Multiple Use Permit. The requirement for a Multiple Use (MU) zone use permit is waived.

2. Additional Uses. The permitted uses in Sections 18.43.030 (CB-1) and 18.45.030 (CB-2) are also allowed on Multiple Use (MU) zoned properties subject to the applicable performance standards of Chapter 18.43. No conditional use permit is required for these uses. The storage building or warehouse use is allowed if conducted within a completely enclosed building.

3. Waiver of Development Plan.

a. Any requirement, including Section 18.37.020(A)(4) and 18.71.010(B)(1), for a development plan (DP) is waived if the following criterion is met: In accordance with Chapter 18.75 (OFF-STREET PARKING AND LOADING STANDARDS), the project requires a combination of 25 or fewer parking spaces or drive-through stacking spaces.

b. Infill Incentive Site Plan. If a development plan is waived, in lieu of a development plan, a site plan showing the following features, drawn to scale, shall be submitted with any required permit application:

1) General location of any buildings and structures;

2) Access points;

3) Septic system layout if applicable, or if sewer is proposed the point of connection to public sewer and proposed sewer easements;

4) Setbacks;

5) Required landscaping; and,

6) Location of parking.

c. If the requirement for a development plan is waived, a drainage report is not required when the applicant agrees to the following:

1) The finished floor elevation of a structure must be 1 foot above the highest flood depth under the building footprint, unless site grading removes local depressions or provides for conveyance away from the building footprint;

2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is

proposed, toe-down shall be a minimum of 2 feet below finished grade;

3) All buildings shall be set back at least 50 feet from the Earp Wash;

4) If commercial or subdivision development is proposed, the first flush retention requirement applies when more than 2,000 square feet of new impervious surface is proposed;

5) If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.

If the criteria above cannot be met or if drainage infrastructure is required to prevent altering drainage patterns at property boundaries, an engineering drainage report and design sealed by an Arizona registered engineer is required.

4. Setbacks. The minimum side and rear yard setbacks are waived and subject to building code requirements, unless the applicable adjacent property of the setback is existing residential development. If the applicable adjacent property of the setback is existing residential development, written authorization from the property owner is required to waive the setback.

5. Landscaping. Landscaping requirements are waived except for:

a. Uses on previously-undeveloped or redeveloped sites adjacent to Benson Highway, Country Club Road, Palo Verde Road or Alvernon Way shall be required to provide the minimum number of trees according to Section 18.73.040 (Screening and bufferyard requirements), to be located primarily along the highway or road, and subject to the minimum size, type, planting, and maintenance standards of Section 18.73.030 (Performance standards) of Chapter 18.73 (Landscaping, Buffering, and Screening Standards);

b. New or redeveloped non-residential uses adjacent to residential uses, unless written approval to waive a specific bufferyard requirement signed by the applicable adjacent residential property owner is submitted;

c. Whenever landscaping is required, the first flush retention requirements shall apply.

6. Lot Coverage. The maximum permitted coverage for residential, accessory structures in the Multiple Use (MU) zone (Section 18.37.050(A)(1)) is increased to 30 percent of the lot area.

7. The property owner/authorized representative shall contact the Pima County Office of Conservation and Sustainability cultural resources staff to discuss changes to historic buildings.

8. The property owner/authorized representative shall contact the Tucson Airport Authority regarding avigation easements, disclosure forms, and FAA forms.

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 _____, 2021.

_____
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

Attachment C

Proposed Ordinance (underline/strikeout version)

ORDINANCE **2021-** _____

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING; AMENDING CHAPTER 18.05, SECTION 18.05.010 (ZONES) TO ADD INFILL ZONE-2; AMENDING CHAPTER 18.68 (INFILL OVERLAY ZONE) TO ADD SECTION 18.68.050 (BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE) TO IDENTIFY THE BENSON HIGHWAY/PALO VERDE ROAD INFILL OVERLAY ZONE MAP AND DEVELOPMENT STANDARDS. (DISTRICT 2)

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3. This ordinance adds the "Benson Highway/Palo Verde Road Infill Overlay Zone" and incentive-oriented development standards.
4. This ordinance is consistent with the revitalization, redevelopment, and economic development goals of the Pima County Comprehensive Plan and encourages a multi-departmental/agency effort to address specific neighborhood conditions of infill overlay zones.
5. 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.

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	SR-2	Suburban ranch estate zone;
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	ML	Mount Lemmon zone;
	CR-1	Single residence zone;
	CR-2	Single residence zone;
	CR-3	Single residence zone;
	CR-4	Mixed-dwelling type zone;
	CR-5	Multiple residence zone;
	TR	Transitional zone;
	CMH-1	County manufactured and mobile home-1 zone;
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	RVC	Rural village center zone;
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	CI-1	Light industrial/ware-housing zone;
	CI-2	General industrial zone;
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	GC	Golf course zone;
	GZ-1	Gateway overlay zone — urban;
	GZ-2	Gateway overlay zone — public preserve;
	H-1	Historic zone-1;
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	HL	Historic landmark zone;
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	I – 1	Kleindale/Dodge infill overlay zone-1;
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6. Specific plan zones.		

. . .

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. . .

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Chapter 18.68

INFILL OVERLAY ZONE

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A. Map. Land subject to the Benson Highway/Palo Verde Road Infill Overlay Zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "I-2". The Benson Highway/Palo Verde Road Infill Overlay Zone includes the unincorporated MU (Multiple Use)-zoned properties located on the south side of Benson Highway from Country Club Road to Alvernon Way, the unincorporated CB-2 (General Business)-zoned properties located on the north side of Benson Highway and west of S. Palo Verde Road, and the unincorporated MU-zoned properties located on the north side of E. Felix Boulevard and west of Palo Verde Road,

B. Development standards.

1. Multiple Use Permit. The requirement for a Multiple Use (MU) zone use permit is waived.

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b. Infill Incentive Site Plan. If a development plan is waived, in lieu of a development plan, a site plan showing the following features, drawn to scale, shall be submitted with any required permit application:

1) General location of any buildings and structures;

2) Access points;

3) Septic system layout if applicable, or if sewer is proposed the point of connection to public sewer and proposed sewer easements;

4) Setbacks;

5) Required landscaping; and,

6) Location of parking.

c. If the requirement for a development plan is waived, a drainage report is not required when the applicant agrees to the following:

1) The finished floor elevation of a structure must be 1 foot above the highest flood depth under the building footprint, unless site grading removes local depressions or provides for conveyance away from the building footprint;

2) If a fill pad is proposed, the fill pad must be armored to protect from erosive flows. Toe-down of the erosion protection shall be a minimum of 2 feet below finished grade. If a stem wall is

proposed, toe-down shall be a minimum of 2 feet below finished grade;

3) All buildings shall be set back at least 50 feet from the Earp Wash;

4) If commercial or subdivision development is proposed, the first flush retention requirement applies when more than 2,000 square feet of new impervious surface is proposed;

5) If perimeter fencing is proposed, the fencing shall be a minimum of 25 feet from the property boundary or elevated to allow upstream offsite flows to pass through the fencing without altering drainage patterns.

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5. Landscaping. Landscaping requirements are waived except for:

a. Uses on previously-undeveloped or redeveloped sites adjacent to Benson Highway, Country Club Road, Palo Verde Road or Alvernon Way shall be required to provide the minimum number of trees according to Section 18.73.040 (Screening and bufferyard requirements), to be located primarily along the highway or road, and subject to the minimum size, type, planting, and maintenance standards of Section 18.73.030 (Performance standards) of Chapter 18.73 (Landscaping, Buffering, and Screening Standards);

b. New or redeveloped non-residential uses adjacent to residential uses, unless written approval to waive a specific bufferyard requirement signed by the applicable adjacent residential property owner is submitted;

c. Whenever landscaping is required, the first flush retention requirements shall apply.

6. Lot Coverage. The maximum permitted coverage for residential, accessory structures in the Multiple Use (MU) zone (Section 18.37.050(A)(1)) is increased to 30 percent of the lot area.

7. The property owner/authorized representative shall contact the Pima County Office of Conservation and Sustainability cultural resources staff to discuss changes to historic buildings.

8. The property owner/authorized representative shall contact the Tucson Airport Authority regarding avigation easements, disclosure forms, and FAA forms.

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 _____, 2021.

_____
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