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ORDINANCE NO. 092204

ORDINANCE AMENDING PINAL COUNTY ZONING ORDINANCE NO. 061862

WHEREAS, pursuant to authority granted in A.R.S. § 11-801, et seq., the Board of Supervisors for Pinal County, Arizona, adopted a County Zoning Ordinance on June 18, 1962, and has from time to time amended said Ordinance; and

WHEREAS, it is in the best interests of public health, safety and welfare of Pinal County to allow a Cluster Option as a permitted use in the (GR) General Rural Zone and to establish requirements and review procedures for the Cluster Option use.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of Pinal County, Arizona, that Pinal County Zoning Ordinance No. 061862, as amended, is further amended as follows:

ARTICLE 8

(GR) GENERAL RURAL ZONE

Sec. 802 through 810 remain unchanged.

Sec. 811 CLUSTER OPTION

- a. **Intent:** This cluster option, to be used in the GR Zone only, provides for 1) the voluntary, permanent conservation of open space as a product of the subdivision of land, 2) the protection of natural features including riparian areas, rock outcrops and natural topography, and 3) flexibility in designing residential developments while not exceeding standard General Rural (GR)

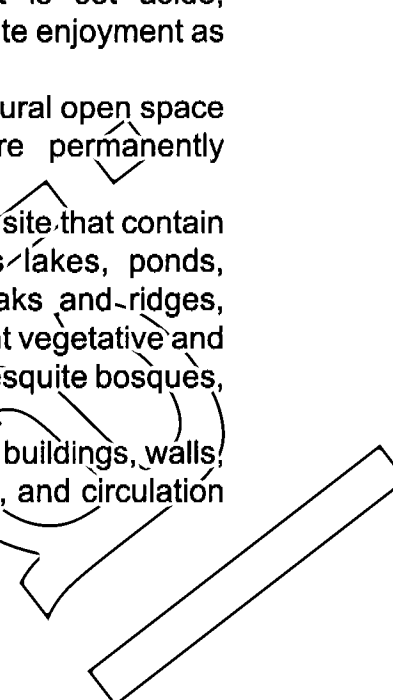


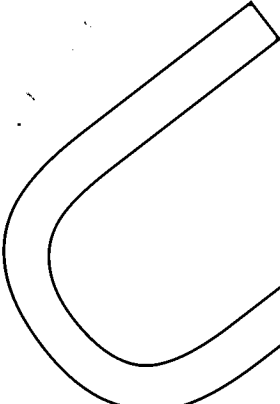
residential densities.

b. **Purpose:** The purpose of the cluster option in the GR Zone is to:

1. Preserve significant, natural open space areas and cultural resources without increasing overall residential densities.
2. Encourage and provide incentives for innovative site planning that is harmonious with the natural features and constraints of property.
3. Support open spaces that are interconnected, continuous, and integrated, particularly when located contiguous to public preserves.
4. Allow for design innovation, flexibility, and more cost-effective development due to more efficient servicing of the development with utilities, roads and other services.
5. Provide additional useable open space.

c. **Definitions:**

1. **Functional open space:** A designed element of the subdivision that has a functionally described and planned use as an amenity for the direct benefit of all the residents of the subdivision. Functional open space is equally accessible to all residents of the subdivision. Examples of functional open space include, but are not limited to, landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenities; nature trails; exercise trails; playgrounds; picnic areas and facilities; recreation areas and facilities. Functional open space does not include indoor facilities, public or private streets, driveways, parking areas, or channelized/altered drainageways.
 2. **Natural open space:** Any area of land, unimproved except for pedestrian and nonmotorized access trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment as a preservation or conservation area.
 3. **Open space:** Those areas of either functional or natural open space (as defined herein), of the subdivision that are permanently designated and deed restricted to open space.
 4. **Primary conservation features:** Those parts of the site that contain primary resource value natural features such as lakes, ponds, wetlands, floodway, riparian areas, prominent peaks and ridges, prominent rock outcrops, slopes over 15%, prominent vegetative and geologic features including saguaros, ironwoods, mesquite bosques, and habitat for threatened and endangered species.
 5. **Private living area:** The portion of a lot occupied by buildings, walls, patios, permitted accessory uses, vehicular parking, and circulation areas, and connecting pedestrian walks.
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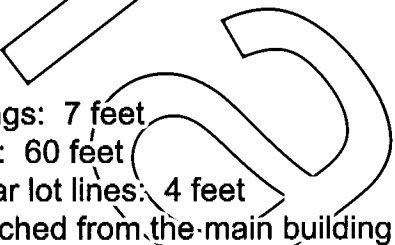


6. **Restored, restoration, mitigation:** The process of repairing a previously disturbed area or graded site feature and replicating its previously undisturbed, or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian area that historically existed on the site. Restoration includes revegetation, and may include corrective grading, natural and artificial rock, and top dressing.

7. **Wildlife friendly fencing:** A maximum 42" high fence using 2-strand, non-barbed, 12-gauge wire and T-posts as installed and maintained, with the bottom strand being no less than 18" from the ground. Other specifications shall be in accordance with Arizona Game & Fish Department standards for wildlife friendly fencing.

d. **Applicability:** These cluster standards may be used to allow development on land containing natural features while permanently conserving substantial amounts of valuable open space. The GR cluster option is only to be applied to land that contains natural features such as desert washes, riparian areas, prominent peaks and ridges or natural slopes over 15%, and shall not be applied to agricultural lands where natural features have been removed such as farm fields. The Cluster Option can only be used in conjunction with the application for a subdivision plat submitted and processed in accordance with the Pinal County Zoning Ordinance and other regulations. This cluster option shall not be used in conjunction with a planned area development (PAD) application. Except as noted in this section, all other requirements of the Pinal County Zoning Ordinance shall apply.

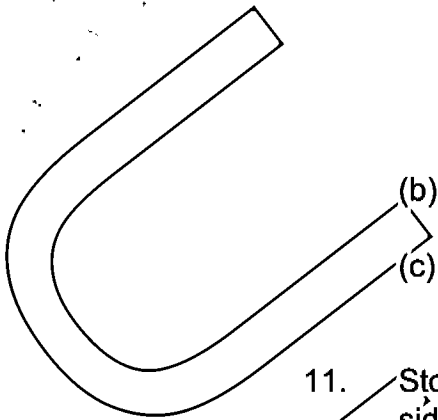
e. **Permitted uses:**

1. One-family dwelling unit, conventional construction.
 2. Public and quasi-public uses: church, club, museum, library, community service agency, clinic, public park, school, college, playground, athletic field, public or private utility and facilities, government structure, athletic, sport or recreation club;
 3. Private stable for the exclusive use by residents, provided the site contains not less than ten (10) acres and the buildings housing animals are set back from all lot lines a distance of not less than 100 feet;
 4. Detached Accessory Buildings:
 - (a) Maximum height: 20 feet
 - (b) Minimum Distance to main buildings: 7 feet
 - (c) Minimum Distance to front lot line: 60 feet
 - (d) Minimum Distance to side and rear lot lines: 4 feet
 - (e) Accessory buildings shall be detached from the main building
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except they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.

f. **Development Standards:** Development standards shall be in accordance with the GR Zone except as modified herein:

1. Minimum subdivision area: 160 acres.
2. Maximum density: Determined by dividing the subdivision area by 54,450 square feet.
3. Minimum lot size: 5,000 square feet.
4. Minimum yards: Front: 25 feet Side: 10 feet Rear: 25 feet.
5. Minimum lot width: 50 feet.
6. Subdivision perimeter: The subdivision perimeter shall consist of either a natural open space buffer no less than 200 feet in width or large lots, with a minimum area of 1.25 acres each, a minimum depth of 200 feet, and a yard no less than 100 feet in width from the subdivision perimeter boundary. Roadways, if crossing perimeter buffer areas, shall do so over the shortest distance feasible, preferably at 90° angles and in a manner that minimizes impacts to natural open space and existing, neighboring residential uses.
7. Cluster lot groups: Development areas including lot layout will be shown on the tentative plat in accordance with this section. Groupings containing individual lots of less than 54,450 square feet shall not contain more than 50 lots. Further, said lot groups shall be separated by a distance of not less than 200 feet.
8. Crossings: If approved by the Planning and Development Director, roads, driveways, utility easements or similar improvements may cross natural open space areas in alignments that are the least-disruptive to the natural features, including topography, of the site. The area of such crossings can not be counted toward meeting minimum open space requirements.
9. Exterior lighting: All lights shall be designed to shield and reflect light away from neighboring properties and residential lots.
10. CC&R's: The subdivision shall have covenants, conditions and restrictions (CC&R's) regulating the following:
 - (a) The keeping of domestic animals as follows:
 - (1) Fowl, swine and livestock are not permitted in a cluster subdivision, except horses may be kept in a private stable on a site of not less than ten acres.
 - (2) Domestic animals shall be confined to private living areas or accompanied on a leash outside private living areas. Domestic animals are not permitted in natural open space areas.



(3) Fenced dog runs may be located outside private living areas, no closer than 10 feet to adjacent properties.

(b) Requiring residential outdoor lighting to comply with Pinal County outdoor lighting regulations.

(c) All lots less than one acre in area, require storage of recreational vehicles, boat, trailer and similar equipment in a centralized, common storage area.

11. Storage yards/areas. All storage yards/areas shall be screened on all sides with a wall or opaque fence at least six feet in height.

12. Fencing. Wildlife fencing shall be used, with the following exceptions:

(a) Fencing and walls in private living areas on individual lots.

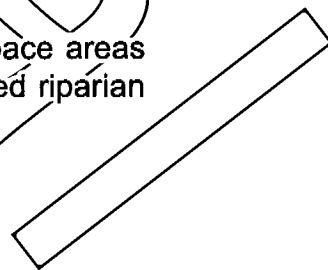
(b) Fencing and walls for domestic pet enclosures on portions of lots not restricted by a conservation easement.

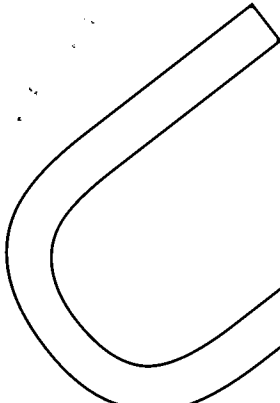
13. Driveways. Widths shall be limited to a maximum of twenty-four feet (24') with a maximum three-foot (3') graded area on each side of the driveway. In sloped conditions, disturbed areas, beyond the maximum 3' graded area, shall be restored. Maneuvering and turnaround areas adjacent to the private living areas of the lot may be wider than twenty-four feet.

g. **Open Space:** The subdivision's open space shall protect the subdivision's primary conservation features and provide links, as appropriate, between open space areas and important habitat areas.

Open Space Requirements are as follows:

1. A minimum of thirty percent (30%) of the subdivision shall be open space.
2. No more than fifty percent (50%) of the required open space shall be Functional Open Space, as defined in Section 811 c.1. The remaining required open space shall be comprised of natural open space as defined in Section 811 c.2.
3. Open space adjacent to public parks, preserves or county-maintained stream channels may be deeded to Pinal County or a non-profit land trust as public open space, if approved by the Board of Supervisors. Such open space must remain readily accessible to the public.
4. Except where protection of sensitive natural resources is paramount, convenient access to the open space areas of the subdivision shall be provided for all residents with multiple points for non-vehicular access. Non-vehicular access to open space will provide frequent access points making the open space amenities equally accessible to all residents of the subdivision.
5. To maximize natural open space area benefits, open space areas shall provide connections to public preserves, undisturbed riparian





6. areas and natural areas on adjoining properties, where appropriate. Where possible, natural open space areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped areas.

7. Buffers shall be provided adjacent to existing development to mitigate impacts of sound, visibility, and traffic. Buffers may include landscaping, walls, fences, pathways, drainageways, natural features, and existing vegetation.

8. Natural open space areas ownership and control shall be:

(a) As part of an individual, private lot with recorded covenants running with the land; or

(b) By a homeowners association, as specified in this section; or

(c) By Pinal County, as legally dedicated either in fee simple or as a conservation easement, by form of instrument approved by the County. The County may, but is not required to accept natural open space areas.

(d) By a non-profit organization with perpetual existence that is acceptable to the County and whose principal purpose is to conserve natural areas and/or natural resources.

9. If the natural open space areas are to be owned and maintained by the homeowners' association of the subdivision, the subdivider shall record covenants, conditions and restrictions approved by the County including maintenance and preservation standards running with the land. The covenants shall contain the following provisions:

(a) A clause stating that designated natural open space on the subdivision plat shall be restricted to natural open space in perpetuity and maintained by the homeowners' association;

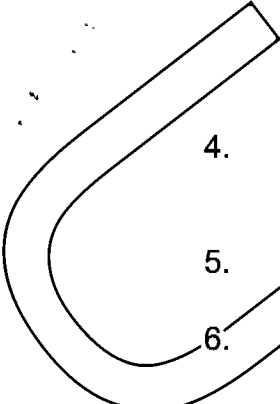
(b) A clause stating that Pinal County is not responsible for maintenance or liability of the natural open space areas but that Pinal County may enforce the maintenance and preservation standards and that the clause cannot be amended or repealed without the written consent of the County;

h. **Grading:** Grading shall be in accordance with Pinal County grading and drainage standards and policies. Additional grading requirements for subdivisions using the GR Cluster Option are:

1. Grading of a subdivision is permitted only for infrastructure including roadways, drainage facilities, utilities, recreation facilities and within the approved development areas.

2. The maximum grading area on lots smaller than one acre (43,560 square feet) is sixteen thousand (16,000) square feet.

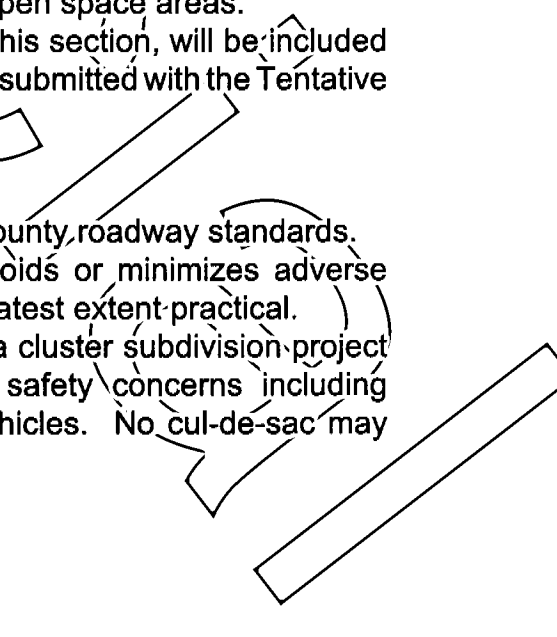
3. The maximum grading area on lots one acre or larger is twenty thousand



(20,000) square feet.

4. Lots with grading area limitations as described in No. 1 and No. 2 above, shall have building envelopes, delineated on the subdivision plat indicating the maximum area of the lot to be graded.
5. The development shall be designed to have the least impact on the primary conservation features.
6. Cut and Fill:
 - (a) Cut material may not be pushed, dumped or disposed over any existing 15% or greater slope.
 - (b) Fill depth may not exceed eight feet and the face of exposed constructed slopes may not exceed eight vertical feet when measured from existing grade to the finished elevation.
 - (c) The height of any exposed cut slope shall not exceed 12 vertical feet. Larger cuts are permitted provided they are completely shielded from view from all surrounding areas.
7. Within washes that have riparian habitat, only that grading for roadways and utilities that is necessary to provide access to approved development areas is permitted. Wash disturbance shall be minimized and all utilities shall be installed within utility easements, except where a utility easement is not a practical location for the utility as confirmed by the Planning Director, then the utility crossing shall utilize the least intrusive construction methodology. The disturbed wash area is subject to mitigation and revegetation as approved by the Planning Director.
8. Graded and disturbed areas outside private living areas and fenced or walled pet runs shall be revegetated with plant material that replicates the understory, midstory and canopy of adjoining open space areas. Drought tolerant, low water use plants including trees, shrubs, cacti, ground cover, grasses and seed mixes approved by the Planning Director may also be used.
9. Except as provided in No. 8, above, revegetation of graded or disturbed areas shall be with indigenous trees, shrubs, and ground cover to simulate understory, midstory and canopy of adjoining open space areas.
10. Grading design, including the requirements of this section, will be included on the Grading/Landscape and Restoration plan submitted with the Tentative Plat.

i. **Infrastructure standards:**

1. Cluster development shall comply with Pinal County roadway standards.
 2. Streets shall be laid out in a manner that avoids or minimizes adverse impacts to natural open space areas to the greatest extent practical.
 3. There is no restriction on cul-de-sac length in a cluster subdivision project subject to satisfaction of public health and safety concerns including reasonable accommodation for emergency vehicles. No cul-de-sac may
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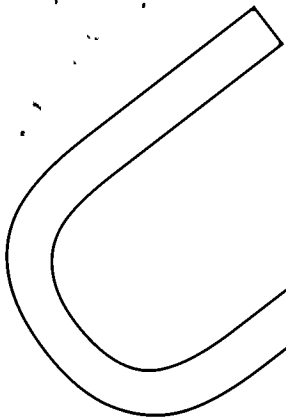
serve more than fifty dwellings or any use that would generate five hundred or more average daily vehicle trips. Pinal County may require enhanced cul-de-sac street design, including traffic calming devices or additional pavement width, to reasonably offset local traffic impacts and public safety concerns created by additional cul-de-sac length.

j. **Submittal Requirements:** For review purposes, a cluster project submittal will include:

1. Tentative subdivision plat to Pinal County standards and application requirements.
2. Grading, landscaping and restoration/revegetation plans are required for all portions of the site disturbed during development.
3. Covenants, conditions and restrictions that will apply to the cluster subdivision project.
4. Application for review of a tentative subdivision plat utilizing the cluster option shall be submitted in writing together with required fees to Planning and Development Services.

k. **Procedures:** Pinal County subdivision platting procedures shall apply to the processing of cluster subdivision projects. The following additional requirements also apply:

1. A pre-application concept review meeting with Planning and Development Services is required for all proposals prior to submittal of a tentative plat utilizing the cluster option. The applicant shall prepare for the meeting a preliminary plan that shows:
 - (a) proposed functional and natural open space areas,
 - (b) lot pattern,
 - (c) street layout, and,
 - (d) all development areas.
2. The applicant shall consult with other applicable governmental agencies, affected utility companies, and property owners within 300 feet of the site and submit a summary report that includes the names, addresses and dates of consultations to the Planning Director at least thirty (30) days prior to review of the subdivision plat by the Planning and Zoning Commission.
3. The tentative plat shall be prepared according to the applicable Pinal County standards. Additionally, the tentative plat shall include the following:
 - (a) Determination of density yield. (See 811.f.2.)
 - (b) Identification of open space areas, including primary conservation features.
 - (c) Identification of development areas.
 - (d) Approximate location of building sites.
 - (e) Grading limits in accordance with Section 811.h.
 - (f) The lot lines should, where possible, be located approximately



midway between house locations and may include L-shaped or "flag lots" subject to the following requirements:

- (1) Minimum thirty (30) foot width of "pole" portion of flag lot.
- (2) Pinal County drainage requirements are met and drainage conflicts are not created.
- (3) Driveways for flag lots shall be paved.
- (4) Minimum lot size for flag lots is 1.25 acres.

(g) The tentative and final plat will include notes specifying the natural and functional open space included on the plat are permanent and are not to be re-subdivided or used for any purposes other than open space as defined herein.

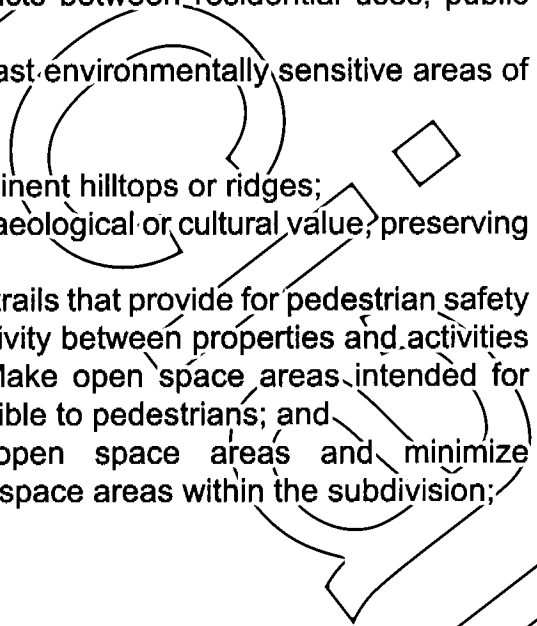
4. Planning and Development Services shall review the application and plat to determine if they are acceptable for further processing.

(a) If rejected, Planning Staff shall specify the conditions and revisions that must be complied with before the plat can be accepted by staff for further processing.

(b) Once accepted, copies of the plat will be transmitted to the applicable County Departments for review.

5. Applicable County Departments shall review the plat for compliance with the County's Subdivision Regulations; appropriateness of subdivision layout to the subdivision's primary conservation features and cultural features, and for the subdivision's compliance with the purposes of this Section. Diversity and originality in lot layout are encouraged to achieve the best possible relationship between development and natural open space areas. To the greatest extent possible and practical, the layout of the subdivision shall:

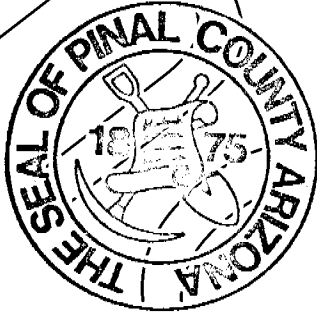
- (a) Protect and conserve riparian areas, slopes greater than 15% and significant peaks and ridges from grading, clearing, filling or construction except as necessary for essential infrastructure;
- (b) Use buffers to minimize conflicts between residential uses, public preserves, and wildlife habitat;
- (c) Locate development on the least environmentally sensitive areas of the subdivision;
- (d) Protect wildlife habitat;
- (e) Avoid siting dwellings on prominent hilltops or ridges;
- (f) Preserve sites of historic, archaeological or cultural value, preserving their character and integrity;
- (g) Provide pedestrian and hiking trails that provide for pedestrian safety and convenience and connectivity between properties and activities or features of the project. Make open space areas intended for recreational use easily accessible to pedestrians; and
- (h) Consolidate and connect open space areas and minimize fragmentation of natural open space areas within the subdivision;



6. The Planning Commission shall review the tentative plat for conformance with the County's subdivision regulations and conformance with the Intent, Purpose, and requirements of this section and for design that is compatible with the primary conservation features of the subdivision.

This Ordinance shall take effect thirty (30) days from the adoption date set forth below.

ADOPTED THIS 22nd DAY OF September, 2004.



PINAL COUNTY BOARD OF SUPERVISORS

By: Lionel D. Ruiz
Lionel D. Ruiz, Chairman of the Board

ATTEST:

Shari Cluff
Clerk/Deputy Clerk of the Board