



SANTA CRUZ COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

TO Planning and Zoning Commission
FROM Jesse Drake, Community Development Director
THROUGH Jennifer St. John, County Manager
DATE September 28, 2017
SUBJECT PZ-17-03 Revising the Santa Cruz County Zoning and Development Code to have Conditional Use Permits heard by the Planning and Zoning Commission with Appeal to the Board of Supervisors.

BACKGROUND

The current Zoning and Development Code requires Conditional Use permits be heard by the Board of Adjustment, with appeal to Superior Court. However, the Arizona Revised Statutes are precise in the matters that fall under the Board of Adjustment jurisdiction: Variance requests and appeals of Code Interpretations.

The Board of Adjustment

ARS Title 11 – Counties, specifies the duties and powers of Boards of Adjustment in the following:

ARS 11-816. [Boards of adjustment; powers; appeals](#)

B. The board of adjustment may:

1. Interpret the zoning ordinance if the meaning of any word, phrase or section is in doubt, if there is dispute between the appellant and enforcing officer or if the location of a district boundary is in doubt.
2. Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved.
3. If authorized by the board of supervisors, review decisions by a hearing officer who hears and determines zoning violations pursuant to section 11-815 and render a final decision. Subsections C and D of this section do not apply to this paragraph. Judicial review of the final decision by the board of adjustment shall be pursuant to title 12, chapter 7, article 6.

C. Appeals to a board of adjustment may be taken by any person who feels that there is error or doubt in the interpretation of the ordinance or that due to unusual circumstances attaching to the person's property an unnecessary hardship is being inflicted on the person. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal.

The Santa Cruz County Zoning and Development Code mirrors the ARS statutes:

SEC. 313 BOARD OF ADJUSTMENT (B.O.A.), FUNCTION AND DUTIES

The Board of Adjustment shall:

- A. Interpret the zoning ordinance when the meaning of any word, phrase, or section is in doubt, when there is dispute between the appellant and enforcing officer, or when the location of a district boundary is in doubt.

- B. Allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and the purpose of the zoning ordinance will be preserved.
- C. Hear an appeal by any person who feels that there is error or doubt in the interpretation of the ordinance or that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The appeal shall state whether it is a plea for an interpretation or a variance and the grounds for the appeal.

Any person aggrieved in any manner by an action of the B.O.A. may within thirty days appeal to the superior court, and the matter shall be heard de novo as appeals from Courts of Justices of the Peace.

The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of any Arizona Statutes.

The Zoning Code, in Section 603 further clarifies a Variance with the following definition:

Variance: Authorization by the Board of Adjustment or court of law that waives the strict application of a specific regulation of this ordinance relating to construction or placement limitations, as opposed to use restrictions.

The definition clearly states that variances relate to physical placement or construction, not to land uses.

The Planning Commission

The Planning and Zoning Commission authority is also granted by the Arizona Revised Statutes:

[ARS 11-802. County planning and zoning commissions](#)

A. The board of supervisors of a county, in order to conserve and promote the public health, safety, convenience and general welfare and pursuant to this chapter, shall plan and provide for the future growth and improvement of its area of jurisdiction, coordinate all public improvements pursuant to the plan, form a planning and zoning commission to consult with and advise it regarding matters of planning, zoning and subdivision platting and, in the manner provided in this chapter, adopt and enforce those rules, regulations, ordinances and plans as may apply to the development of its area of jurisdiction.

B. The commission shall act in an advisory capacity to the board and may or, if requested by the board, shall make a report or recommendation in connection with any matter relating to the development of the county under the jurisdiction of the board. The commission shall make those investigations, maps, reports and recommendations in connection with those investigations, maps and reports as seem desirable within the limits of the monies available.

C. In the counties having three supervisorial districts, each county planning and zoning commission shall consist of nine members who shall be qualified electors of the county. Three members shall be appointed from each supervisorial district by the supervisor from that district, and not more than one of the three may be a resident of an incorporated municipality. Members of the commission shall serve without compensation except for reasonable travel expenses.

Again, the Zoning Code clarifies the difference between a Variance and a Conditional Use Permit with the following definition in Section 603:

Conditional Use Permit: Authorization by the Board of Adjustment or court of law that allows a particular use to occur on a parcel that is not allowed as a matter of right for that particular parcel within its zoning district.

The Zoning Code defines that Conditional Uses deal with *land uses* that are not permitted by right in a particular zoning district.

It can be confusing to understand the differences between a Variance and a Conditional Use, but Conditional Uses fall *within* the code as *land uses that are allowed*, but not by-right, or generally permitted. For example, in the B-2 General Commercial zoning district a restaurant or daycare center as a permitted, or by-right, use. If the land use is zoned B-2 no other planning authorization is needed to have a restaurant.

But a *Conditional Use* is required in the B-2 district for swap meet or lumber yard. These uses are still in the Zoning Code, but not permitted by-right, they can only be approved by a Conditional Use Permit. This allows neighborhood input for more uses that have more impact in the zoning district.

Conditional Uses deal with land uses so are therefore matters relating to planning, zoning and development of the land, and rightly fall under the jurisdiction of the Planning and Zoning Commission.

By contrast, a *Variance* is a request for the authorization of something that is *outside* of the Code, that is something that is NOT in the Zoning Code at all. And, the applicant for a variance must provide proof of a hardship for the variance to be approved, BECAUSE they are requesting something beyond what is allowed by the Zoning Code.

An example would be a variance request for a reduction in a setback. The minimum dimension of the setback in each district is specified in the Code. Reducing the setback is something that is *not allowed* in the Code. The applicant must show why this special change in the Code should be allowed. There must be some hardship, something that is different than the other lots in the same area, to provide a reason why the Code should be changed for just one parcel.

OTHER COUNTY JURISDICTIONS

Staff queried all of the other 14 Arizona counties about how they process Conditional Use requests and found the following:

- 12 of the 14 counties hear Conditional Uses at the Planning and Zoning Commission.
 - 4 Commissions have approval powers, with appeal to the Board of Supervisors; 1 other has Commission approval for some uses, BOS approval for other uses.
 - 7 Commissions make recommendations, with approval by the Board of Supervisors.
 - 1 county has Commission approval for some items and Commission recommendation for others.
- The 2 largest counties have Administrative Review for Conditional Uses
 - Pima County has a non-governmental Administrative Review.
 - Maricopa County has an Administrative Review with appeal to the Board of Adjustments, equivalent to the process for other administrative determinations.
- **NO OTHER COUNTY** has the Board of Adjustment hear and approve Conditional Use permits.

It is also confusing to have the Conditional Uses listed in the Zoning and Development Code as Uses Permitted Upon Appeal. To clarify that a Conditional Use is required, staff is proposing that all of the

Zoning Districts labelled “USES PERMITTED UPON APPEAL” be renamed: “CONDITIONAL USE PERMIT REQUIRED”.

SUMMARY

Staff is proposing that the Zoning and Development Code be revised to have Conditional Use Permit requests heard and approved by the Planning and Zoning Commission, with appeal to the Board of Supervisors for the following reasons:

1. Because Conditional Uses are land uses *within* the Zoning and Development Code; and land use issues are determined by the Planning and Zoning Commission; and
2. Because Variances are requests for changes *outside* what is allowed by the Zoning Code and the Arizona Revised Statutes are clear and concise that the Board of Adjustment can hear Variances and code interpretations regarding enforcement or boundaries; and
3. Because no other Arizona county hears Conditional Uses by the Board of Adjustment.

Staff also proposes that all zoning districts have those sections referencing what uses are allowed by a Conditional Use Permit be clearly labelled to reflect this requirement, and also do some “housekeeping” to add consistency and clarity to the sections of the Code that deal with the Board of Adjustment and the Planning Commission in regard to these changes. The text changes are included in Attachment “B”.

PUBLIC COMMENT

Staff provided the required public notice and received no response to the proposed changes.

RECOMMENDATION

Staff recommends Approval of this revision to the Zoning and Development Code to allow Conditional Use Permits to be heard and approved by the Planning and Zoning Commission with appeal of the Commission’s decision to the Board of Supervisors.

SUGGESTED MOTION

Mr. Chairman, I move to forward a recommendation of Approval to the Board of Supervisors for PZ-17-03, revising the Zoning and Development Code to have Conditional Use Permits heard and approved by the Planning and Zoning Commission with appeal to the Board of Supervisors.

ATTACHMENTS

- A. July 2017 Survey of which public body hears Conditional Use application requests in all other Arizona counties and many Arizona towns and cities.
- B. Santa Cruz County Zoning and Development Code text changes.

ATTACHMENT A

July 2017

Survey of which public body hears Conditional Use Permits application requests in Arizona counties:

Apache	Planning and Zoning Commission , certain zones Commission approval only other zones recommendation by Commission, approval by Board.
Cochise	Planning and Zoning Commission approval appeal to BOS
Coconino	Planning and Zoning Commission approval appeal to BOS
Gila	Planning and Zoning Commission approval appeal to BOS
Graham	Planning and Zoning Commission recommendation and BOS approval
Greenlee	Planning and Zoning Commission approval
La Paz	Planning and Zoning Commission recommendation and BOS approval
Maricopa	Administrative Review-Appeal to BOA
Mohave	Planning and Zoning Commission recommendation and BOS approval
Navajo	Planning and Zoning Commission recommendation and BOS approval
Pima	Non-governmental Administrative Review
Pinal	Planning and Zoning Commission recommendation and BOS approval
Santa Cruz	Board of Adjustment with appeal to Superior Court
Yavapai	Planning and Zoning Commission recommendation and BOS approval
Yuma	Planning and Zoning Commission recommendation and BOS approval

And, most Arizona cities and towns also send Conditional Use Permit requests to the **Planning and Zoning Commission**. A web review found the following:

- City of Avondale- **Planning and Zoning Commission**
- Town of Benson- **Planning and Zoning Commission**
- City of Chandler- **Planning and Zoning Commission**
- City of Douglas-Board of Adjustment
- City of Flagstaff- **Planning and Zoning Commission**
- City of Gilbert- **Planning and Zoning Commission**
- City of Glendale- **Planning and Zoning Commission**
- City of Litchfield Park- **Planning and Zoning Commission**
- City of Maricopa- **Planning and Zoning Commission**
- City of Mesa- **Planning and Zoning Commission**
- City of Nogales-Board of Adjustment-in the process of changing to P&Z
- City of Peoria- **Planning and Zoning Commission**
- City of Phoenix- **Planning and Zoning Commission**
- Town of Sahuarita- **Planning and Zoning Commission**
- City of Scottsdale- **Planning and Zoning Commission**
- City of Sierra Vista- **Planning and Zoning Commission**
- City of Tucson-administrative approval

ATTACHMENT B

ARTICLE 1 – PURPOSE AND TITLE ERROR! BOOKMARK NOT DEFINED.
ARTICLE 2 – DEFINITIONS ERROR! BOOKMARK NOT DEFINED.
ARTICLE 3 – ADMINISTRATIVE MECHANISMS, SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE **6**
ARTICLE 4 – REZONING PROCEDURES ERROR! BOOKMARK NOT DEFINED.
ARTICLE 5 – ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES.....ERROR! BOOKMARK NOT DEFINED.
ARTICLE 6 – VARIANCES, APPEALS AND INTERPRETATIONS ERROR! BOOKMARK NOT DEFINED.
ARTICLE 7 –CONDITIONAL USE PERMITS AND MODIFICATIONS OF CONDITIONAL USE PERMITS.. ERROR! BOOKMARK NOT DEFINED.
ARTICLE 8 – ENFORCEMENT AND REVIEW..... ERROR! BOOKMARK NOT DEFINED.
ARTICLE 9 – ZONING DISTRICTS AND ZONING MAPS **20**
ARTICLE 10 – COMMON REGULATIONS FOR ALL RESIDENTIAL DISTRICTS.....ERROR! BOOKMARK NOT DEFINED.
ARTICLE 11 – PARKING STANDARDS ERROR! BOOKMARK NOT DEFINED.
ARTICLE 12 – PLANNED AREA DEVELOPMENT ERROR! BOOKMARK NOT DEFINED.
ARTICLE 15 – SUBDIVISION REGULATIONS ERROR! BOOKMARK NOT DEFINED.
ARTICLE 16 – SWIMMING POOL SAFETY ERROR! BOOKMARK NOT DEFINED.
ARTICLE 17 – SIGN REGULATIONS..... ERROR! BOOKMARK NOT DEFINED.
ARTICLE 18 – MOBILE HOMES AND MANUFACTURED HOUSING ERROR! BOOKMARK NOT DEFINED.
ARTICLE 19 – LANDSCAPING, SCREENING AND BUFFERING..... ERROR! BOOKMARK NOT DEFINED.
ARTICLE 20 – RIO RICO COMMUNITY DISTRICT ERROR! BOOKMARK NOT DEFINED.
ARTICLE 21 – HISTORIC ZONE ERROR! BOOKMARK NOT DEFINED.
ARTICLE 22 - AMENDMENTS..... ERROR! BOOKMARK NOT DEFINED.
ARTICLE 24 – AIRPORT DISTRICT OVERLAY ZONE..... ERROR! BOOKMARK NOT DEFINED.
ARTICLE 28 – OUTDOOR LIGHTING REGULATIONS..... **27**
ARTICLE 29 – LOW WATER USE/DROUGHT TOLERANT PLANT LIST..... ERROR! BOOKMARK NOT DEFINED.
REVISIONS: ERROR! BOOKMARK NOT DEFINED.
ARTICLES 13, 14, 23, 25, 26 AND 27, RESERVED

SEC. 202 DEFINITIONS

Appeal. Request to the Board of Adjustment to review a decision made by the Community Development Director; or review by the Board of Supervisors, of a Conditional Use Permit, or Modification of a Conditional Use Permit decision by the Planning and Zoning Commission.

Conditional Use Permit. A permit, granted at a public hearing by the Planning and Zoning Commission for a specific use of property in the section titled “Conditional Use Permit Required” in a particular zoning district, after the applicant has demonstrated that the use will comply with all the conditions and standards for the location or operation of such use, as specified in the Zoning and Development Code, and that the use will have no adverse impact on surrounding properties.

Modification of a Conditional Use Permit. A permit, granted at a public hearing by the Planning and Zoning Commission, that alters, modifies, expands or otherwise changes an existing Conditional Use Permit.

ARTICLE 3 – ADMINISTRATIVE MECHANISMS

---301--- PLANNING AND ZONING COMMISSION, FUNCTIONS AND DUTIES

---302--- APPOINTMENT OF PLANNING AND ZONING COMMISSION

- 303--- LENGTH OF TERMS
- 304--- REMOVAL FROM COMMISSION
- 305--- COMMISSION MEETINGS
- 306--- MINUTES
- 307--- PUBLIC AGENDA
- 308--- PUBLIC NOTICE
- 309--- QUORUM
- 310--- VOTING
- 311--- OFFICERS OF THE COMMISSION
- 312--- ADVISORY COMMITTEES
- 313--- BOARD OF ADJUSTMENT, FUNCTIONS AND DUTIES
- 314--- APPOINTMENTS OF THE BOARD OF ADJUSTMENT
- 315--- LENGTH OF TERMS
- 316--- REMOVAL FROM BOARD
- 317--- MEETING OF THE BOARD OF ADJUSTMENT
- 318--- MINUTES
- 319--- PUBLIC AGENDA
- 320--- PUBLIC NOTICE
- 321--- QUORUM
- 322--- VOTING
- 323--- BOARD OF ADJUSTMENT OFFICERS
- 324--- COMMUNITY DEVELOPMENT DIRECTOR
- 325--- BOARD OF SUPERVISORS
- 326--- SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

SEC. 301 FUNCTIONS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission may:

- A. Make studies and recommend to the Board of Supervisors plans, goals, and objectives relating to the growth, development, and redevelopment of the County and the surrounding extra-territorial planning areas.
- B. Develop and recommend to the Board of Supervisors policies, codes, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- C. Make recommendations to the Board of Supervisors concerning proposed zoning changes, plat approvals and other related land development issues.
- D. Perform any other duties assigned by the Board of Supervisors.
- E. The Planning and Zoning Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of the Development Code or the Arizona Revised Statutes.
- F. Review and approve Conditional Use Permit applications.

SEC. 302 APPOINTMENT OF THE PLANNING AND ZONING COMMISSION

Three members shall be appointed from each supervisorial district by the Supervisor from that district, and not more than one of three shall be a resident of an incorporated municipality. Members of the Commission shall serve without compensation except for reasonable travel expenses, phone calls and mailing expenses related to their duties as per County standards.

SEC. 304 REMOVAL FROM COMMISSION

A Commissioner may be removed by the Board of Supervisors at any time for failure to attend fifty (50) percent of the meetings within any twelve (12)-month period. If a Commissioner moves outside the district from which he was appointed or from the County, the change of residence shall constitute a resignation from the Commission.

Upon request of a member proposed for removal, the Board of Supervisors shall hold a hearing on the removal before it becomes effective.

SEC. 305 COMMISSION MEETINGS

The Planning and Zoning Commission shall establish a regular meeting date, time and location for hearings, which schedule may be adjusted to accommodate public holidays, and will be posted on the County web page.

SEC. 306 MINUTES

Minutes shall be kept of all Planning and Zoning Commission meetings and made available to the public, upon receipt of a public records request, prior to approval by the Commission at their next meeting.

SEC. 307 PUBLIC AGENDA

All Commission meeting shall be open to the public, and the agenda for each Commission meeting shall be made available to the public in advance of the meeting.

SEC. 308 PUBLIC NOTICE

Whenever the Commission is called upon to make recommendations concerning a proposed zoning amendment, subdivision plat, Conditional Use Permit, Modification of a Conditional Use Permit or any other item properly invoking its jurisdiction, the Commission, the applicant shall give notice of a public hearing as follows:

The applicant shall post one or more public notices both on the property and in the vicinity of the property that are in locations that are sufficiently conspicuous to provide reasonably adequate notice to potentially interested persons. The notices shall specify the date and time of the Commission hearing and the subject of the proposed action. Such notices shall be posted not less than fifteen (15) calendar days prior to the hearing.

The applicant shall post a prominent public notice of the hearing in the post office nearest to the property that is the subject of the proposed action.

A notarized affidavit of posting shall be submitted by the applicant to the Commission at the time of the public hearing.

It shall be the responsibility of the Planning and Zoning Department to provide the applicant with the notices and affidavit of posting form.

The planning staff shall also send written notices to adjoining property owners as required by the Arizona Revised Statutes.

Except that, if the Planning and Zoning Commission initiates an amendment or action, planning staff shall provide the required public notice in accordance with the requirements in the Arizona Revised Statutes.

SEC. 309 QUORUM

A quorum for the Planning and Zoning Commission shall consist of a majority of the Commission membership, excluding vacant seats. A quorum is necessary for the Commission to take official action.

SEC. 310 VOTING

All actions of the Planning and Zoning Commission shall be taken by majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.

A member may recuse themselves from voting on a particular issue for any of the following reasons:

- A. If the member has a direct financial interest in the outcome of the matter at issue; or
- B. If the matter at issue involves the member's own official conduct; or
- C. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
- D. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

SEC. 311 OFFICERS OF THE COMMISSION

At its first meeting of each year, the Planning and Zoning Commission shall, by majority vote of its membership, excluding vacant seats, elect one (1) of its members to serve as Chairman to preside over the Commission meetings, and one (1) member to serve as Vice-Chairman. The people so designated shall serve in these capacities for terms of one (1) year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Commission membership, excluding vacant seats.

The Chairman and Vice-Chairman may take part in all deliberations and vote on all issues.

SEC. 313 BOARD OF ADJUSTMENT, FUNCTION AND DUTIES

The Board of Adjustment shall:

- A. Allow a variance from the terms of the ordinance when, owing to special circumstances due to physical conditions, a strict interpretation would work an unnecessary hardship, and that in granting a variance the general intent and the purpose of the zoning ordinance will be preserved.
- B. Interpret the zoning ordinance when the meaning of any word, phrase, or section is in doubt, when there is dispute between the appellant and enforcing officer, or when the location of a district boundary is in doubt.

- C. Hear an appeal by any person who feels that there is error or doubt in decision of the Community Development Director in the interpretation of the Zoning and Development Code.

The Board may adopt rules and regulations governing its procedures and operations consistent with the provisions of the Arizona Revised Statutes.

SEC. 314 APPOINTMENT OF THE BOARD OF ADJUSTMENT

A Board of Adjustment shall be appointed for each supervisorial district of the County. Each Board of Adjustment shall consist of five (5) members, each of whom shall be a resident and taxpayer of the unincorporated area of the County. Appointments shall be made by the Board of Supervisors. No more than one (1) member of each Board of Adjustment shall be a member of the County Planning and Zoning Commission and no employee of the County Planning and Zoning Department shall be appointed to a Board of Adjustment. A member may be compensated for reasonable travel, phone calls and mailing expenses related to their duties as per County standards.

SEC. 315 LENGTH OF TERMS

The terms of the member of each Board of Adjustment shall be four (4) years. Their terms shall be staggered.

SEC. 316 REMOVAL FROM BOARD OF ADJUSTMENT

Any member may be removed by the Board of Supervisors for neglect of duty, inefficiency, or misconduct in office, after a ten (10) business-day written notice and public hearing before the Board of Supervisors.

A written statement of the reasons for removal shall be filed with the Clerk of the Board of Supervisors. If a member moves into an incorporated area, or from the County, his office shall become vacant. Vacancies shall be filled by the Board of Supervisors for the unexpired term of any member whose place has become vacant.

SEC. 317 MEETINGS OF THE BOARD OF ADJUSTMENT

All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall establish a regular meeting schedule at the first meeting of every year. Upon receipt of an application for a variance, request for interpretations or appeal of a decision of the Community Development Director, the Board of Adjustment shall schedule a public hearing to take place within not more than sixty (60) calendar days from the date of the receipt of an application.

SEC. 318 MINUTES

Minutes shall be kept of all Board of Adjustment meetings and made available to the public, upon receipt of a public records request, prior to their approval by the Board. at their next meeting.

SEC. 319 PUBLIC AGENDA

All Board of Adjustment meetings shall be open to the public, and the agenda for each meeting shall be made available to the public in advance of the meeting.

SEC. 321 QUORUM

A quorum for the Board of Adjustment shall consist of three (3) members of the Board. A quorum is necessary for the Board to take official action.

SEC. 322 VOTING

The concurring vote of members of the Board shall be necessary for any action taken by the Board of Adjustment.

A member may recuse themselves from voting on a particular issue for any of the following reasons:

- A. If the member has a direct financial interest in the outcome of the matter at issue, or
- B. If the matter at issue involves the member’s own official conduct, or
- C. If participation in the matter might violate the letter of spirit of a member’s code of professional responsibility or
- D. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

A roll call vote shall be taken upon the request of any member.

SEC. 323 BOARD OF ADJUSTMENT OFFICERS

At its first regular meeting each year, the Board of Adjustment shall, by majority vote of its membership, excluding vacant seats, elect one (1) of its members to serve as the Chairman to preside over the Board’s meetings, and one (1) member to serve as Vice-Chairman. The persons so designated shall serve in these capacities for terms of one (1) year. Vacancies may be filled for the unexpired terms only by a majority vote of the board membership, excluding vacant seats.

SEC. 324 COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director is the administrative head of the Planning and Zoning Department and except as otherwise specifically provided, shall have primary responsibility for interpreting, administering and enforcing the Zoning and Development Code.

SEC. 325 BOARD OF SUPERVISORS

In considering proposed changes in the Development Code and the Zoning Map and or approving subdivision plats, the Board of Supervisors acts in its legislative capacity and must proceed in accordance with the requirements of the Arizona Revised Statutes.

326 SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

A. SEPARABILITY CLAUSE

Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

B. REPEAL OF CONFLICTING ORDINANCE

All ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to extent necessary to give this Ordinance full force and effect.

C. EFFECTIVE DATE.

This Ordinance shall become effective on October 5, 1973.

SEC. 501 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance that part of Santa Cruz County outside the corporate limits of any municipality is hereby classified into the following zoning districts:

- GR-40 General Rural-40 Zoning District – 36 acres per dwelling unit
- GR General Rural Zoning District - 180,000 square feet per dwelling unit
- SR Suburban Ranch Zoning District - 72,000 square feet per dwelling unit
- R-1 Residential Zoning District - 36,000 square feet per dwelling unit
- R-2 Residential Zoning District - 18,000 square feet per dwelling unit
- R-3 Residential Zoning District - 10,000 square feet per dwelling unit
- R-4 Residential Zoning District - 7,500 square feet per dwelling unit
- R-5 Residential Zoning District - 6,000 square feet per dwelling unit
- MF Multi Family Zoning District
(Single Family Residences) - 5,000 square feet per dwelling unit (Attached Dwelling Units) - 4,000 square feet per dwelling unit
- MH Mobile Home Residential Zoning District
5,000 square feet per dwelling unit
- MFR Manufactured Housing Residential Zoning District 6,000 square feet per dwelling unit
- P Preservation Area - As determined by the Planning and Zoning Commission
- B-1 Neighborhood Business Zoning District
6,000 square feet minimum lot size
- B-2 General Business Zoning District
10,000 square feet minimum lot size
- M-1 Light Industry Zoning District
Minimum lot size by Community Development Director

ARTICLE 6 – VARIANCES, APPEALS, AND INTERPRETATIONS

----601----PURPOSE AND INTENT

----602--- GENERAL PROVISIONS

----603--- DEFINITIONS

----604--- VARIANCES

----605--- RESERVED

----606--- APPEALS TO THE BOARD OF ADJUSTMENT

----607--- CODE INTERPRETATION

----608--- APPLICATION FOR A VARIANCE, OR CODE INTERPRETATION OR APPEAL OF CODE INTERPRETATION

- 609--- HEARING REQUIRED
- 610---NOTICE OF HEARING
- 611----MODIFICATION OF APPLICATION AT HEARING
- 612--- RECORD
- 613--- WRITTEN DECISION
- 614--- APPEAL OF A DECISION OF THE BOARD OF ADJUSTMENT
- 615--- RESERVED

SEC. 601 PURPOSE AND INTENT

The purpose of this ordinance is to establish procedural guidelines to assist the public, planning staff and Board of Adjustment with variance requests and appeals of interpretations of the Santa Cruz County Zoning and Development Code.

SEC. 602 GENERAL PROVISIONS

The provisions of this Ordinance shall apply independently of any easement, covenant, or other agreement between private parties.

If any regulation, restriction, condition, stipulation is violated or a misrepresentation made to the Board, the variance may become null and void after a hearing by the Board of Adjustment.

SEC. 603 DEFINITIONS

Appeal of Code Interpretation. A request for relief from a decision regarding the Zoning and Development Code made by the Zoning Inspector.

Code Interpretation. A request for clarification or an opinion from the Board of Adjustment on a specific section of the Santa Cruz County Zoning and Development Code.

Special Circumstances. Physical characteristics of a particular parcel, including but not limited to its size, shape, topography, location and surrounding uses, that are relevant to the question of whether it is appropriate to grant a variance to waive a specific regulation of this ordinance.

Variance. Authorization by the Board of Adjustment or court of law that waives the strict application of a specific regulation due to special circumstances, construction or placement limitations, as opposed to use restrictions or personal preferences, that limit the use of a property, and would unfairly deprive the owner of the parcel of privileges available to other parcels within the general area; and that, if granted, will preserve the intent and purpose of the Zoning Code.

SEC. 604 VARIANCES

SEC. 605 RESERVED

SEC. 606 APPEALS TO THE BOARD OF ADJUSTMENT

A. Appeal of a Code Interpretation.

Appeals to a Board of Adjustment may be taken by any person who feels that there is error or doubt in the interpretation of the ordinance. An appeal is taken by filing a written notice of appeal specifying the grounds supporting the appeal on a form provided by the Planning

Department. A notice of appeal shall be considered filed when the completed form is delivered to the Planning Department and the date and time of filing shall be entered on the notice of appeal by the planning staff.

An appeal must be filed within fourteen (14) calendar days after the date of the decision or order appealed from, and the date of the public hearing shall be no later than sixty (60) calendar days thereafter.

When an appeal is filed, the Community Development Director shall transmit to the Board of Adjustment the notice of appeal and all documents constituting the record relating to the action appealed.

An appeal stays all actions by the Community Development Director seeking enforcement of, or compliance with, the order or decision appealed from, unless either the following occurs within ten (10) calendar days of the appeal:

- i) the Community Development Director certifies to the Board of Adjustment a stay would, in the Director’s opinion, cause imminent peril to life or property; or
- ii) the deputy county attorney assigned to the Planning Department certifies that the appeal is without any basis in law or fact.

The Board of Adjustment may reverse, modify or affirm, in whole or in part, the order, requirement, or decision or determination being appealed.

SEC. 607 CODE INTERPRETATION

The Board of Adjustment is authorized to interpret this Code and the Santa Cruz County Zoning Map and to pass upon disputed questions and or interpretations of the codes, lot lines, or district boundary lines and other questions of a similar nature.

If such questions arise in the context of an appeal from a decision of the Zoning Inspector, they shall be handled as provided in Section 606.

An application for an interpretation of a zoning or other related map shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Department. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretations.

SEC. 608 APPLICATION FOR A VARIANCE, OR CODE INTERPRETATION OR APPEAL OF CODE INTERPRETATION

A request for a variance, code interpretation, or appeal of a code interpretation may be initiated by a property owner or his authorized agent by filing an application with the Planning and Zoning Department. Such application shall include all information necessary for the Board to make an informed decision, and may include, but is not limited to information regarding the proposed location, area, height, bulk, and placement of such use, and shall be accompanied by a site plan and a list of the names and addresses of adjacent property under consideration. A survey of the property may be required by the Planning Department.

Any application filed shall be accompanied by the required fee. Such fee shall be determined according to a schedule established by resolution of the Board of Supervisors and posted in the Planning Department.

The Planning Department shall review each application for technical compliance with established application requirements and shall formally accept or reject the application within ten (10) business days.

No hearing shall be advertised until the application is complete and the required fee received.

SEC. 609 HEARING REQUIRED ON APPLICATIONS

Before making a decision on a variance, code interpretation or appeal of a code interpretation the Board of Adjustment shall hold a public hearing.

The hearing shall be open to the public and all persons interested in the outcome shall be given an opportunity to present evidence and arguments to the Board.

The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided expeditiously.

The Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. Notification of the continuation shall be published in a newspaper of countywide circulation not less than fifteen (15) nor more than thirty (30) calendar days prior to the hearing.

SEC. 610 NOTICE OF HEARING

Notice required by this section shall state the date, time, and place of the hearing, reasonably identify the parcel of land that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

A. The Planning Department shall give notice of a hearing as follows:

Notice shall be given to potentially interested persons by publishing a notice at least one time in a newspaper having general circulation the county not less than fifteen (15) nor more than thirty (30) calendar days prior to the hearing.

Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than fifteen (15) calendar days before the hearing.

Notice shall be given to all property owners within three-hundred (300) feet whose names and addresses appear on the current Property Assessor's roll by mailing a written notice, not later than fifteen (15) calendar days before the hearing.

B. The applicant shall give notice of a hearing as follows:

The applicant shall post a public Notice by prominently posting notices, on and in the vicinity of the property that is the subject of the proposed action. Such notices shall be posted not less than fifteen (15) calendar days prior to the hearing.

The applicant shall post a public Notice by prominently posting a notice of the hearing in the post office nearest to the property that is the subject of the proposed action.

A notarized affidavit of posting shall be submitted by the applicant to the Board of Adjustment at the time of the public hearing.

It shall be the responsibility of the Planning and Zoning Department to provide the applicant with the notices and affidavit of posting form.

SEC. 611 MODIFICATION OF APPLICATION AT HEARING

In response to questions or comments by persons appearing at the hearing or suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted, and request that the Board table the item to a date certain to give the applicant time to prepare and revise the application, plans and specifications.

SEC. 612 RECORD

An audiotape recording shall be made of all hearings and such recordings shall be kept for at least two (2) years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made. If a transcript is requested for further deliberation, it shall be made at the expense of the person or party requesting the transcript.

Whenever applicable, all documentary evidence presented at a hearing, as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the county for at least two (2) years.

SEC. 613 WRITTEN DECISION

Any decision by the Board of Adjustment regarding a variance, interpretation, or appeal shall be written and sent to the applicant or appellant and all other persons who made a written request for a copy within ten (10) business days after the hearing.

In addition to a statement of the Board’s ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board’s findings and conclusions, as well as supporting reasons or facts.

SEC. 614 APPEAL OF A DECISION OF THE BOARD OF ADJUSTMENT

Any decision by the Board of Adjustment regarding a variance or code interpretation, or an appeal of a code interpretation may be appealed to Superior Court within thirty (30) calendar days of the decision and the matter shall be heard de novo.

ARTICLE 7 CONDITIONAL USE PERMITS AND MODIFICATIONS OF CONDITIONAL USE PERMITS

---701--- CONDITIONS FOR APPROVAL OF CONDITIONAL USE PERMITS AND MODIFICATIONS OF CONDITIONAL USE PERMITS

---702--- APPLICATION FOR A CONDITIONAL USE PERMIT OR MODIFICATION OF A CONDITIONAL USE PERMIT

---703--- HEARING REQUIRED ON APPLICATIONS

---704--- NOTICE OF HEARING

---705--- RECORD

- 706--- WRITTEN DECISION
- 707--- APPEAL OF A DECISION OF THE PLANNING AND ZONING COMMISSION
- 708--- APPEAL APPLICATION REQUIRED
- 709--- RECORD FOR BOARD OF SUPERVISORS' REVIEW
- 710--- NOTICE OF TIME SET FOR REVIEW OF DECISION
- 711--- DECISION AND NOTICE OF DECISION BY BOARD OF SUPERVISORS
- 712--- JUDICIAL REVIEW OF FINAL DECISIONS BY BOARD OF SUPERVISORS

SEC. 701 CONDITIONS FOR APPROVAL OF CONDITIONAL USE PERMITS AND MODIFICATIONS OF CONDITIONAL USE PERMITS

The owner or occupant of any parcel of land must first obtain permission from the Planning and Zoning Commission via an application for a Conditional Use Permit before such person may use the parcel for a purpose designated in this ordinance as Conditional Use Permit Required, or to modify any existing Conditional Use Permit. The Commission may approve, approve with conditions, or deny such an application for a Conditional Use Permit or Modification of a Conditional Use Permit based on the following standard: In considering the application, the Planning and Zoning Commission may condition its approval on the applicant's taking reasonable measures to mitigate any off-site impacts likely to result from the proposed use. The conditions of approval may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted, such as restricting the time a certain activity may occur, and/or requiring the applicant to install environmental buffers to minimize noise, vibration, air pollution, glare, odor, etc.
- B. Establishing special yard, open space, lot area setbacks, or other dimensional requirements.
- C. Limiting the height, size, or location of a building or other structures or uses.
- D. Designating the size, number, and location of parking spaces and vehicle access points.
- E. Designating the size, location, screening, drainage, surfacing or other improvements for a parking lot, loading area, or other improvement.
- F. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- G. Limiting the number, location, and intensity of outdoor lighting. Shielding shall be required.
- H. Requiring environmental buffers such as screening, retention ponds, landscaping or similar measures to protect adjacent or nearby property, to be built to such standards, as deemed necessary.
- I. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources, or limiting the type and extent of landscaping to preserve existing environment.
- J. Limiting the time period for which the conditional use will be permitted or requiring periodic review or subsequent renewal of the conditional use permit.

SEC. 702 APPLICATION FOR A CONDITIONAL USE PERMIT OR MODIFICATION OF A CONDITIONAL USE PERMIT

A request for a Conditional Use Permit, or Modification of an existing Conditional Use Permit may be initiated by a property owner or his authorized agent by filing an application with the Planning and Zoning Department. The application shall include information regarding the proposed location, area, height, bulk, and placement on the site, location and number of parking spaces, number of employees, location of landscaping and any other information requested by the Planning Department considered necessary to evaluate the application. The application shall be accompanied by a site plan and a list of the names and addresses and zoning districts of adjacent properties. A survey of the property may be required by the Planning Department.

An application shall be accompanied by the required fee as determined according to a schedule established by resolution of the Board of Supervisors and posted in the Planning Department. The Planning Department shall review each application for technical compliance with established application requirements and shall formally accept or reject the application within ten (10) business days. No hearing shall be advertised until the application is complete and the required fee received.

SEC. 703 HEARING REQUIRED ON APPLICATIONS

Before making a decision on a Conditional Use Permit, or a Modification of an existing Conditional Use Permit conditional use permit, the Planning and Zoning Commission shall hold a public hearing.

The hearing shall be open to the public and all persons interested in the outcome shall be given an opportunity to present evidence and arguments to the Board.

The Commission may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided expeditiously.

The Commission may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. The Commission may table the item to a date certain, and such action shall not require additional public notification. Notification of a continuation shall be required if the item is not tabled to a date certain, and the additional notification shall be published in a newspaper of countywide circulation not less than fifteen (15) nor more than thirty (30) calendar days prior to the hearing.

SEC. 704 NOTICE OF HEARING

Notice shall be given as required in Article 3, Section 308.

SEC. 705 RECORD

A tape recording shall be made of all hearings and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made. If a transcript is requested for further deliberation, it shall be at the expense of the person or party requesting the transcript.

Whenever applicable, all documentary evidence presented at a hearing, as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the county for at least two years.

SEC. 706 WRITTEN DECISION

Any decision by the Planning and Zoning Commission regarding a Conditional Use Permit or Modification of a Conditional Use Permit shall be written and sent to the applicant and all other persons who made a written request for a copy within ten (10) business days after the hearing.

In addition to a statement of the Commission's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Commission's findings and conclusions, as well as supporting reasons or facts.

If a transcript is requested of the hearing, it shall be at the expense of the requesting party.

SEC. 707 APPEAL OF A DECISION OF THE PLANNING AND ZONING COMMISSION

An appeal of a decision by the Planning and Zoning Commission regarding a Conditional Use Permit or Modification of a Conditional Use Permit shall be heard at a public hearing before the Board of Supervisors.

SEC. 708 APPEAL APPLICATION REQUIRED

An appeal of a decision for a Conditional Use Permit or Modification of a Conditional Use Permit shall be in writing on the Conditional Use Permit Appeal application form provided by the Planning and Zoning Department and shall specify the grounds upon which the application is based. An application for review of a Planning and Zoning Commission decision shall be filed with the Clerk of the Board of Supervisors not later than fifteen (15) calendar days after the date of the Planning and Zoning Commission action being appealed. The Clerk of the Board of Supervisors shall transmit a copy of the application to the Community Development Director and the adverse party within five (5) business days of the filing.

SEC. 709 RECORD FOR BOARD OF SUPERVISORS' REVIEW

The review shall be limited to the record of the Commission proceedings. No additional or new evidence shall be considered by the Board of Supervisors. The Record shall include all documents relating to the action appealed, all evidence presented at the Commission hearing, and minutes of the Commission hearing. If the Board of Supervisors' determine that a transcript of the audiotape of the hearing is required, the cost of transcript shall be at the appellant's expense. If there is no audiotape or transcript, the Board of Supervisors may, by unanimous vote, order a new hearing.

Upon receipt of the notice of application for appeal by the Community Development Director, the Clerk of the Planning and Zoning Commission shall, within five (5) business days, prepare and transmit the Record to the Clerk of the Board of Supervisors.

SEC. 710 NOTICE OF TIME SET FOR REVIEW OF DECISION

The Clerk of the Board of Supervisors shall set the date for the review of the decision at a public hearing before the Board of Supervisors within sixty (60) calendar days after receipt of the application for appeal. Notice shall be given by mail and/or electronic mail to the original applicant, the appellant, and the Community Development Director not less than fifteen (15) calendar days prior to the hearing date and shall include the date, place and time of the review hearing.

The party filing the application for appeal may request to withdraw the appeal by submitting a signed request in writing at any time prior to the public meeting of the Board of Supervisors.

SEC. 711 DECISION AND NOTICE OF DECISION BY THE BOARD OF SUPERVISORS

The Board of Supervisors may affirm, reverse, or modify, in whole or in part, the decision of the Planning and Zoning Commission for the Conditional Use Permit or Modification of a Conditional Use Permit being appealed. The Board of Supervisors shall issue a written decision no later than 30 days after the completion of the public hearing, and the original applicant, appellant and Zoning Inspector shall be notified by mail and/or electronic mail of the decision of the Board of Supervisors within ten (10) business days of the Board's decision.

The decision of the Board of Supervisors shall be final.

SEC. 712 JUDICIAL REVIEW OF FINAL DECISIONS OF BOARD OF SUPERVISORS

Judicial review of the final decisions the Board of Supervisors shall be pursuant to Title 12, Chapter 7, Article 6 § 12-901 et seq. of the Arizona Revised Statutes.

ARTICLE 9 – ZONING DISTRICTS AND ZONING MAPS

---900--- PURPOSE AND INTENT

GR-40 GENERAL RURAL 40 (36 acres)

---901--- PURPOSES AND INTENT

---902--- PERMITTED USES

---903--- CONDITIONAL USE PERMIT REQUIRED

---904--- USES PROHIBITED

GR GENERAL RURAL (180,000 SQ. FT.)

---905--- PURPOSE AND INTENT

---906--- PERMITTED USES

---907--- CONDITIONAL USE PERMIT REQUIRED

---908--- PROHIBITED USES

SR SUBURBAN RANCH (72,000 SQ. FT.)

---911--- PURPOSE AND INTENT

---912--- PERMITTED USES

---913--- CONDITIONAL USE PERMIT REQUIRED

---914--- PROHIBITED USES

R-1 RESIDENTIAL (36,000 SQ. FT.)

---921--- PURPOSE AND INTENT

---922--- PERMITTED USES

---923--- CONDITIONAL USE PERMIT REQUIRED

---924--- PROHIBITED USES

R-2 RESIDENTIAL (18,000 SQ. FT.)

---931--- PURPOSE AND INTENT

---932--- PERMITTED USES

---933--- CONDITIONAL USE PERMIT REQUIRED

---934--- PROHIBITED USES

R-3 RESIDENTIAL (10,000 SQ. FT.)

---941--- PURPOSE AND INTENT

---942--- PERMITTED USES

---943--- CONDITIONAL USE PERMIT REQUIRED

---944--- PROHIBITED USES

R-4 RESIDENTIAL (7,500 SQ. FT.)

---951--- PURPOSE AND INTENT

- 952--- PERMITTED USES
- 953---CONDITIONAL USE PERMIT REQUIRED
- 954--- PROHIBITED USES

R-5 RESIDENTIAL (6,000 SQ. FT.)

- 961--- PURPOSE AND INTENT
- 962--- PERMITTED USES
- 963--- CONDITIONAL USE PERMIT REQUIRED
- 964--- PROHIBITED USES

MF MULTI FAMILY (5,000 SQ. FT.)

- 971--- PURPOSE AND INTENT
- 972--- PERMITTED USES
- 973--- CONDITIONAL USE PERMIT REQUIRED
- 974--- PROHIBITED USES

MH MOBILE HOME (5,000 SQ. FT.)

- 981--- PURPOSE AND INTENT
- 982--- PERMITTED USES
- 983--- CONDITIONAL USE PERMIT REQUIRED
- 984--- PROHIBITED USES

P PRESERVATION AREA

- 991--- PURPOSE AND INTENT
- 992--- PERMITTED USES
- 993--- CONDITIONAL USE PERMIT REQUIRED
- 994--- PROHIBITED USES

MFR RESIDENTIAL

- 9010--- PURPOSE AND INTENT
- 9020--- PERMITTED USES
- 9030--- CONDITIONAL USE PERMIT REQUIRED
- 9040--- USES PROHIBITED

COMMERCIAL DISTRICTS

B-1 NEIGHBORHOOD BUSINESS

- 9110--- PURPOSE AND INTENT
- 9120--- PERMITTED USES
- 9130--- CONDITIONAL USE PERMIT REQUIRED
- 9140--- PROHIBITED USES

B-2 GENERAL BUSINESS

- 9210--- PURPOSE AND INTENT
- 9220--- PERMITTED USES
- 9230--- CONDITIONAL USE PERMIT REQUIRED
- 9240--- PROHIBITED USES

INDUSTRIAL DISTRICTS

M-1 LIGHT INDUSTRY

- 9310--- PURPOSE AND INTENT
- 9320--- PERMITTED USES
- 9330--- CONDITIONAL USE PERMIT REQUIRED
- 9340--- PROHIBITED USES

HIGH RISE DISTRICT

HR HIGH RISE

- 9410--- PURPOSE AND INTENT
- 9420--- PERMITTED USES
- 9430--- CONDITIONAL USE PERMIT REQUIRED
- 9449--- PROHIBITED USES

M-2 INDUSTRY

- 9510--- PURPOSE AND INTENT
- 9520--- PERMITTED USES
- 9530--- CONDITIONAL USE PERMIT REQUIRED
- 9540--- PROHIBITED USES

GENERAL RURAL-40

903 CONDITIONAL USE PERMIT REQUIRED

D. Campgrounds, Public Race Tracks, Sport Stadiums.

- 1. Minimum Lot Area: As determined by the Planning and Zoning Commission.
- 2. Minimum Setbacks: As determined by the Planning and Zoning Commission.
- 3. Maximum Building Height: As determined by the Planning and Zoning Commission.
- 4. Other Restrictions: As determined by the Planning and Zoning Commission.

E. Egg Farm and Feed Lots

- 1. Minimum Lot Area: As determined by the Planning and Zoning Commission.
- 2. Minimum Setbacks: As determined by the Planning and Zoning Commission.
- 3. Maximum Building Height: As determined by the Planning and Zoning Commission.
- 4. Other Restrictions: As determined by the Planning and Zoning Commission except mandatory 1/2 mile odor easement.

SEC. 904 USES PROHIBITED

A. Any use not permitted or not permitted with a Conditional Use Permit, is prohibited.

GR GENERAL RURAL

SEC. 907 CONDITIONAL USE PERMIT REQUIRED

D. Campgrounds, Public Race Tracks, Sport Stadiums.

- 1. Lot Area: As determined by the Planning and Zoning Commission.
- 2. Yard Sizes: As determined by the Planning and Zoning Commission.
- 3. Maximum Building Height: As determined by the Planning and Zoning Commission.
- 4. Other Restrictions: As determined by the Planning and Zoning Commission.

E. Egg Farm and Feed Lots

- 1. Lot Area: As determined by the Planning and Zoning Commission.
- 2. Yard Sizes: As determined by the Planning and Zoning Commission.
- 3. Maximum Building Height: As determined by the Planning and Zoning Commission.
- 4. Other Restrictions: As determined by the Planning and Zoning Commission except mandatory 1/2 mile odor easement-

SEC. 908 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

SR SUBURBAN RANCH

SEC. 913 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted with a Conditional Use Permit in Article 10, Sec. 1003.

SEC. 914 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

R-1 RESIDENTIAL

SEC. 923 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted on appeal in Article 10, Sec. 1003.

SEC. 924 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

R-2 RESIDENTIAL

SEC. 933 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted on appeal in Article 10, Sec. 1003.

SEC. 934 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

R-3 RESIDENTIAL

SEC. 943 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted with a Conditional Use Permit in Article 10, Sec. 1003.

SEC. 944 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

R-4 RESIDENTIAL

SEC. 953 CONDITIONAL USE PERMIT REQUIRED

SEC. 954 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

R-5 RESIDENTIAL

SEC. 963 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted on appeal in Article 10, Sec. 1003.

SEC. 964 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

MF MULTI-FAMILY RESIDENTIAL ZONE

SEC. 973 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted with a Conditional Use Permit in Article 10, Sec. 1003.

SEC. 974 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

MH MOBILE HOME, RESIDENTIAL

SEC. 983 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted with a Conditional Use Permit in Article 10, Sec. 1003.

SEC. 984 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

P PRESERVATION AREA

SEC. 992 PERMITTED USES

A. Museums, historical sites, nature study areas, research areas, agricultural research or educational areas, zoos, preservation areas.

- 1. Lot Area: As determined by the Planning and Zoning Commission.
- 2. Lot Width: As determined by the Planning and Zoning Commission.
- 3. Yard Sizes: As determined by the Planning and Zoning Commission.

SEC. 993 CONDITIONAL USE PERMIT REQUIRED

MFR RESIDENTIAL

SEC. 9030 CONDITIONAL USE PERMIT REQUIRED

A. Any use permitted with a Conditional Use Permit in Article 10, Sec. 1003.

SEC. 9040 USES PROHIBITED

Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

COMMERCIAL DISTRICTS

B-1 NEIGHBORHOOD BUSINESS

SEC. 9130 CONDITIONAL USE PERMIT REQUIRED

SEC. 9140 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

B-2 GENERAL BUSINESS

SEC. 9220 PERMITTED USES

NOTE: Some uses in B-2 may require additional County, State, and/or Federal Certification.

- A. Any use regulated in the "B-1" district, designated as permitted or permitted with a Conditional Use Permit. except: public utility substations, commercial/Private Communication (excluding private residential television receiving system and amateur receiving and transmitting system, ham radio) and Utility Tower/Antenna greater than thirty-five (35') feet in height.
- 5. Commercial Rental Facility (heavy commercial equipment permitted with a Conditional Use Permit. Full enclosure of all vehicles and equipment is required.

SEC. 9230 CONDITIONAL USE PERMIT REQUIRED

A. **CONDITIONAL USE PERMIT REQUIRED**

SEC. 9240 USES PROHIBITED

A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

M-1 LIGHT INDUSTRY

SEC. 9339 CONDITIONAL USE PERMIT REQUIRED

A. Any Industrial or business use not specifically permitted are subject to such conditions and safeguards as the Planning and Zoning Commission may require to preserve and protect any portions of the County which otherwise could be adversely affected, including but not limited to:

SEC. 9340 USE PROHIBITED

- A. Any use not permitted, or not permitted with a Conditional Use Permit, is prohibited.

ARTICLE 10 – COMMON REGULATIONS FOR ALL RESIDENTIAL DISTRICTS

CONDITIONAL USE PERMIT REQUIRED SEC.

1001 PURPOSES

The purpose of this article is to identify uses permitted and or permitted with a Conditional Use Permit in all residential zones in Santa Cruz County. Residential zones include GR-40, GR, SR, R-1, R-2, R-3, R-4, R-5, MF, MH, HR, and MFR.

SEC. 1002 PERMITTED USES

The following uses shall be permitted in all Residential Districts:

- A. All accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:
 - 2. No accessory structure in a residential district shall be used in the conduct of a business or other activity for profit unless specifically permitted by the Planning and Zoning Commission.

SEC. 1003 CONDITIONAL USE PERMIT REQUIRED

Adequate off-street parking for the following uses shall be determined by the Planning and Zoning Commission, as part of an application for a Conditional Use Permit.

The Planning and Zoning Commission shall determine the minimum lot, the minimum lot width, the maximum height, the number, type and size of yards and the number of off-street parking spaces whenever there is no provision in this Article, or when the zoning district regulations specify that the Commission make a determination.

A. Churches or Similar Places of Worship and Related Facilities

- 1. The maximum building height shall be fifty (50) feet (excluding steeple or bell tower).
- 2. The site shall have a minimum size as determined by the Planning and Zoning Commission.
- 3. The Planning and Zoning Commission, in making its decision whether to grant the Conditional Use Permit, shall ensure compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 United States Code §2000cc et seq. and shall ensure compliance with Arizona Revised Statutes §41-1493.03.

D. Communication Towers

- 1. Co-location or the grouping of wireless communication facilities and preservation of aesthetics is the primary objective.
- 2. Maximum height as determined by the Planning and Zoning Commission.
- 3. Setbacks from all property lines shall be 110% of the height of the tower. Exceptions as permitted by the Planning and Zoning Commission for self-collapsing towers.
- 5. Wireless communication facilities must be in compliance with all Federal Communication Commission and Federal Aviation Administration regulations. Evidence of FCC and FAA compliance including all applications and associated documentation must accompany a tower application.
- 6. A written statement from the administrator of the Nogales International Airport must accompany any tower application.

E. Hospitals, Sanatoriums, and Clinics

1. The maximum building height shall be fifty (50) feet.
2. The minimum lot size shall be ten (10) acres, or as determined by the Planning and Zoning Commission.

F. Clinics - (out patient only)

1. The maximum building height shall be thirty five (35) feet.
2. The minimum lot size shall be five (5) acres, or as determined by the Planning and Zoning Commission.

G. Cemeteries

1. The minimum size shall be ten (10) acres.

SEC. 1004 USE REGULATIONS

A. Farm tractors, truck tractors, trailers, semi-trailers and commercial vehicles shall not be stored, parked, or otherwise occupy space in a residential neighborhood or streets serving such neighborhood except for the purpose of making pick-ups, deliveries and/or for performing a service for the residents or property owners within the following zoning districts: R-1, R-2, R-3, R-4, R-5, MF, MH and MFR.

In the case of an owner-operated truck tractor or commercial vehicle, the owner-operator may apply for a Conditional Use Permit in accordance with the procedures specified in this Code requesting permission to park no more than one such working vehicle on property residentially occupied by the owner-operator, provided the vehicle is fully enclosed in a garage or completely screened, as defined in Article 2, from all public view, except when in use. The garage or screening shall be approved by the County Department of Community Development, and the Building Department. In the case of rental property, the property owner must make the request on behalf of the owner-operator occupying the property. The Planning and Zoning Commission shall have the ability to place conditions, such as type of screening, idling restrictions, allowable repair/maintenance activities, hours of operation etc. on the Conditional Use Permit as deemed necessary.

ARTICLE 28 – OUTDOOR LIGHTING REGULATIONS

SEC. 2810 CONDITIONAL USE PERMIT

The lumen cap provisions of this Article, in Table 2800-1, may be altered, varied, or modified by the issuance of a Conditional Use Permit by the Planning and Zoning Commission, as per Article 6 of this Code, upon a finding by the Commission that such alteration, or modification is necessary for the proposed use of the subject property because of increased security requirements, public safety, or public need and that the purpose and intent of this Article are reasonably accommodated.

In addition to the applicable public hearing notice requirements of this Code, written notice of public hearings shall be given stating the time, date and purpose of the hearing to the F.L. Whipple Observatory or its successor or equivalent and to owners of property within one-thousand (1000) feet of the subject property.