



**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

June 20, 2024

VIA ELECTRONIC MAIL

Don Vick  
15270 N Oracle Rd, STE 124-PMB-302  
Tucson, AZ 85739  
[don@donvick.com](mailto:don@donvick.com)

**RE: Zoning Verification for Parcel 308-21-009A**

Don Vick,

This letter is in response to your request for a Zoning Verification of parcel: 308-21-009A. Staff has reviewed available documents pertaining to the subject parcel, and have concluded to the findings provided in this document. This letter conveys the current zoning status, permitted uses & development standards, and land use designation for the subject parcel. The latter portion of this letter will describe the history of the site, which informed the ultimate zoning determination of parcel 308-21-009A.

***Current Zoning Designation: General Business Zone (CB-2) and General Rural (GR) Zoning Districts***

The subject parcel is located in Zoning District CB-2. The permitted uses and development standards for the subject parcel are available for review in Chapter 2.95, Sections 2.95.010, 2.95.020, and 2.95.030 of the Pinal County Development Services Code. An exhaustive list is provided in the Appendix (Table 1) of this letter.

The subject parcel is also located in Zoning District GR. The permitted uses and development standards for the subject parcel are available for review in Chapter 2.40, Sections 2.40.010, 2.40.020, 2.40.030, and 2.40.040 of the Pinal County Development Services Code. An exhaustive list is provided in the Appendix (Table 2) of this letter.

***Land Use Designation: Moderate Low Density Residential***

The land use designation for this parcel is established by the 2020 Comprehensive Plan. The 2020 Comprehensive Plan identifies this parcel within the Moderate Low Density Residential Land Use Category. The 2020 Comprehensive Plan describes this specific land use as intended to provide for larger lot development patterns with options for suburban residential patterns, as well as flexibility provisions for commercial uses.

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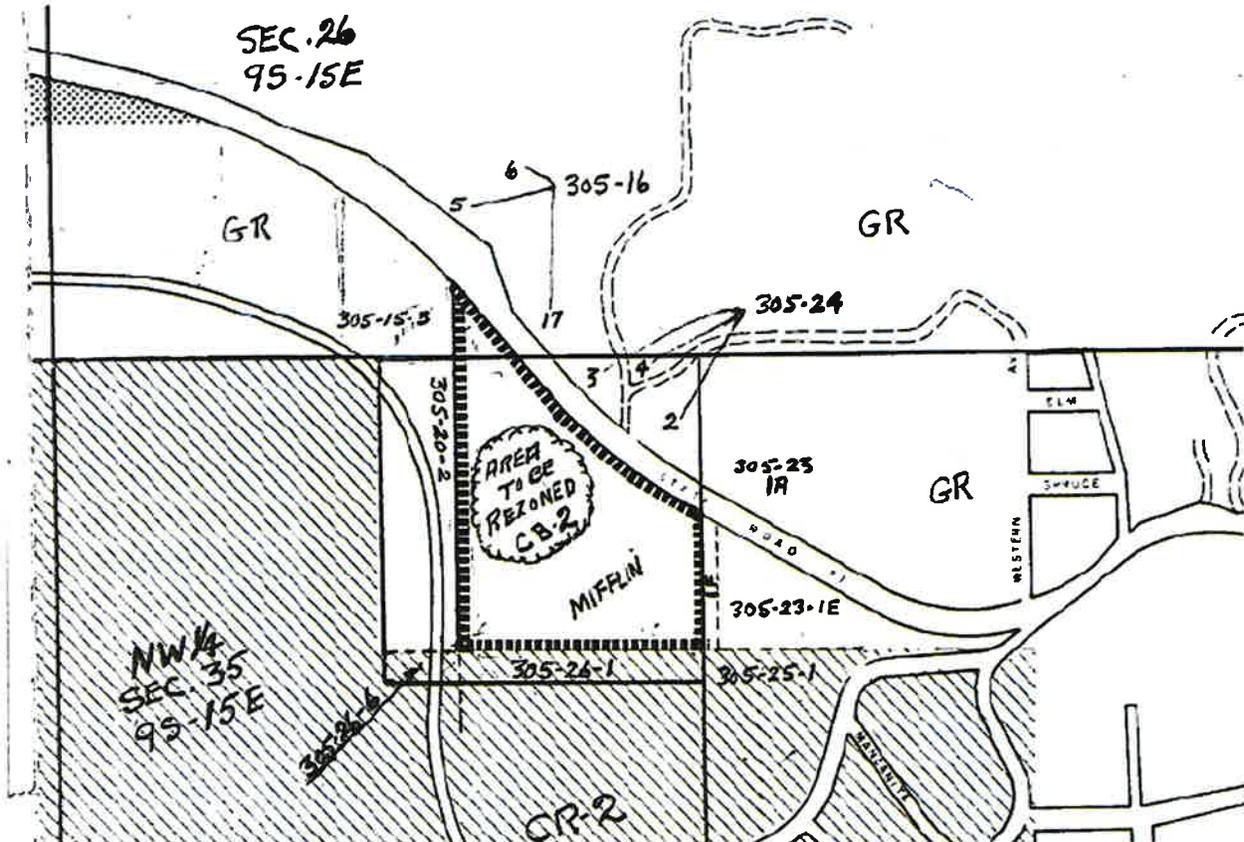
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## Site History: 1970's - Present

On September 14, 1970, a portion of APN 308-21-009A was rezoned from General Rural (GR) to General Business (CB-2) via PZ-200-70 and a signed Resolution there within.

Map exhibit from PZ-200-70



The legal description provided for PZ-200-70 showed an area of 17.58 acres that was rezoned. Assessor's information shows parcel 308-21-009A to be 13.63 acres in area. Current County records show the subject area in its entirety comprising of three parcels; see graphic on following page. Parcels 308-21-001D, 308-21-002B, along with the parcel that is the subject of this request (308-21-009A) make up that rezoned area. A legal description was provided with PZ-200-70 further conveying this. That legal description is thus the principal reference to which determine the exact boundaries of the area that was rezoned from GR to CB-2. That portion of the subject parcel (308-21-009A) that is south of the rezoned area remains as GR zoning. The latest available online zoning maps show that the CB-2 zoned area roughly corresponds with the area in the exhibit provided with PZ-200-70; however, there do appear to be some discrepancies. It will be the applicant's responsibility to further verify the extent of the rezoned area as described in the provided legal description.

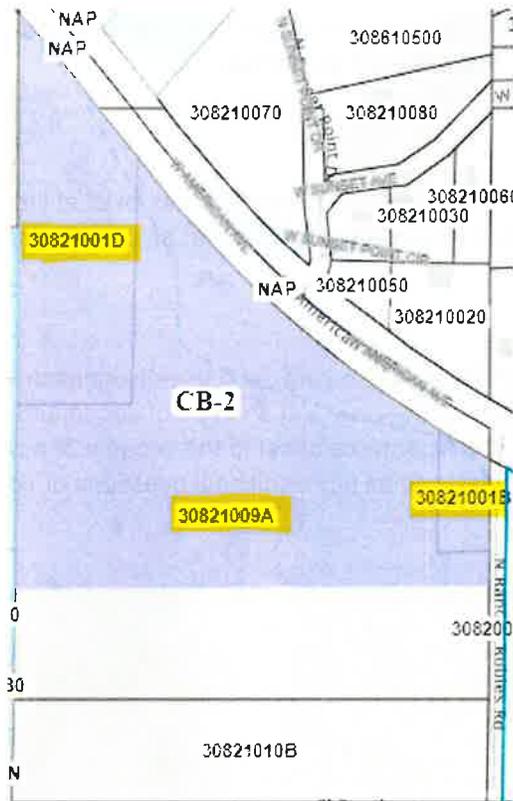
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Map exhibit from County GIS Maps



Legal description for area rezoned from GR to CB-2; extracted from case PZ-200-70

All that part of the SE Quarter of the SW Quarter of Sec. 26 and the NE Quarter of the NW Quarter of Sec. 35, Township 9 S, Range 15 E, Pinal County, Arizona, described as follows: From the SE corner of the NE Quarter of the NW Quarter of said Section 35; thence, North 0 degrees 17 min. and 00 sec. E. 180 feet to the point of beginning; thence, North 89 degrees, 52 min. 45 sec. West 912.22 feet; thence, North 0 degrees 17 min. east 1324.08 feet to the southwest right of way boundary line of State Highway No. 77 in Section 26; thence, in a southeasterly direction following said boundary line to the east line of the north half of the northwest quarter of said Section 35; thence, south 0 degrees 17 minutes west 473.49 feet to the point of beginning, and being approximately 17.58 acres.

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Case PZ-200-70 provides the final zoning determination for the subject parcel: 308-21-009A. Accordingly, the *Resolution* associated with this case will be enclosed.

***Miscellaneous Comments***

1. No active zoning or building safety compliance cases exist at time of research utilizing documents available at staff disposal. Applicant is to note that an on-site inspection was not conducted in preparation of this letter.

***Conclusion***

The aforementioned information regarding zoning, land use designation, permitted uses, and site history of parcels 308-21-009A is the result of review and analysis of documents available to staff at time of application submission. The below signatures attest to this request of a zoning verification letter (MIS-034-24) being provided in good faith. Shall any additional questions or concerns arise, staff may be contacted at 520-866-6444.

**ISSUED ON June 26, 2024, BY:**

  
\_\_\_\_\_  
Glenn Bak, Senior Planner

  
\_\_\_\_\_  
Brent Billingsley, Community Development Director

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## APPENDIX

**Table 1:** Permitted uses and development standards for the CB-2 Zoning District (Source: Pinal County, AZ, Pinal County Development Services Code Ch. 2.95, Sections 2.95.010, 2.95.020, and 2.95.030.

CB-2: General Business Zoning District
<p><b>2.95.010 Permitted Uses:</b></p> <p>A. Any use permitted in PCDSC 2.85.010(B) through (J) (TR transitional zone) and in PCDSC 2.90.010 (CB-1 local business zone);</p> <p>B. Advertising sign, structure or billboard, subject to chapter 2.145 PCDSC;</p> <ol style="list-style-type: none"><li>1. Amusement or recreational enterprise (within a completely enclosed structure) including billiard or pool hall, bowling alley, dance hall, gymnasium, penny arcade, shooting gallery, skating rink, sports arena;</li><li>2. Amusement or recreational enterprise (outdoor) including archery range, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis court:<ul style="list-style-type: none"><li>. Auction, public (no animals);</li><li>. Auditorium or assembly hall;</li><li>. Auto rental garage;</li><li>. Auto repair, mechanical or steam washracks, battery service (no body or fender work, painting or upholstery, except as incidental);</li><li>. Bar, cocktail lounge, night club, tavern;</li><li>. Baths (Turkish, Swedish, steam, etc.);</li><li>. Blueprinting, photostating;</li><li>. Boats, storage or rental;</li><li>. Burglar alarm service;</li><li>. Carpenter shop;</li><li>. Cigar manufacturing (custom hand-rolled);</li><li>. Cleaning establishment, if only two clothes cleaning units of not more than 40 pounds rated capacity, and using cleaning fluid which is nonflammable, and nonexplosive at temperatures below 138.5 degrees Fahrenheit;</li><li>. Club: athletic, private, social, sport or recreational (operated for profit) except sports stadium or field;</li><li>. Engraving, photo-engraving, lithographing;</li><li>. Fortunetelling;</li><li>. Garage, public (for commercial use);</li><li>. Juke box or coin machine business (limited to assembly, repair and servicing);</li><li>. Laundry, steam or wet-wash;</li><li>. Lumber yard, retail (provided no machinery is used other than a rip saw and cut-off saw);</li><li>. Locksmith, tool or cutlery sharpening, lawnmower repairing, fix-it or handyman shop;</li><li>. Massage establishment, reducing salon or gymnasium;</li><li>. Mattress shop for repairing only (no renovating);</li><li>. Merchandise broker's display, wholesale;</li><li>. Motorcycle or motor scooter repair or storage;</li><li>. Mortuary or embalming establishment or school;</li></ul></li></ol>

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- . Newspaper office;
  - . Oxygen equipment, rental or distribution;
  - . Pawnshop;
  - . Piano repairing;
  - . Plumbing, retail custom;
  - . Printing or publishing;
  - . Record recording studio or sound score production (no manufacturing or treatment of records);
  - . Refrigeration installation or service;
  - . School or college (operated as a commercial enterprise for dancing or musical instruction; industrial or trade school teaching operations or occupation permitted in this zone);
  - . Sheet metal or tinsmith shop;
  - . Sign painting shop;
  - . Storage building;
  - . Trade show, industrial show or exhibition;
  - . Transfer or express service;
  - . Upholstery shop;
  - . Wallpaper sales, paper hanging.
- C. Sale, rental or display of:
- . Airplanes or parts;
  - . Airplanes or parts;
  - . Automobiles, recreational vehicles, travel trailers, motorhomes, and trailers;
  - . Barber's supplies or beauty shop equipment;
  - . Butcher's supplies;
  - . Clothing or accessories (wholesale);
  - . Contractor's equipment or supplies;
  - . Drugs or medical, dental, or veterinary supplies (wholesale);
  - . Farm equipment or machinery;
  - . Feed (wholesale);
  - . Garage equipment;
  - . Hardware (retail or wholesale);
  - . Hotel equipment or supplies;
  - . Household appliances, sewing machines, etc. (wholesale);
  - . Machinery, commercial and industrial;
  - . Monuments or tombstones (no wholesale);
  - . Office equipment (safes, business machines, etc.) (wholesale);
  - . Orthopedic appliances (trusses, wheelchairs, etc.);
  - . Painting equipment or supplies (paint, varnish, etc.);
  - . Pet (no boarding or hospital);
  - . Plastic or plastic products (wholesale);
  - . Plumbing, heating and ventilating fixtures or supplies;
  - . Restaurant or soda fountain equipment or supplies;
  - . Secondhand goods: personal, furniture, books, magazines, automobiles, but not secondhand auto parts;
  - . Tents or awnings;
  - . Trunks or luggage (wholesale);
  - . Upholsterer's supplies;
  - . Venetian blinds;

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- Window shades.
- D. Light manufacturing or assembling incidental to retail sales from the premises; provided, that not more than 25 percent of the floor is occupied by businesses engaged in manufacturing, processing, assembling, treatment, installation and repair of products.
  - E. Wholesaling of products permitted in subsection (C) of this section unless specifically prohibited, with storage space not exceeding 1,500 square feet of floor area.
  - F. Cemetery or crematory; provided, that cemeteries for human remains shall be located on a site of not less than five acres and for animal pets not less than one acre, and that no crematory be erected closer than 500 feet from any boundary of said site adjoining property in a rural or residential zone.
  - G. Drive-in theater; provided, that the face of any projection screen be not visible from any county road or any street or route shown on the adopted map of major thoroughfares and proposed routes (Map C, PCDSC 2.15.020), which is within 500 feet of said screen; provided further, that the site for said theater shall consist of not less than ten acres of land and be a single tract or parcel not intersected or divided by any street, alley or by property belonging to any other owners; that any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets; that the plans for said theater shall have been approved by the county engineer, indicating no undue traffic congestion, due to the location and arrangement of the theater, including the car rows and aisles and minimizing the danger of fire and panic; that acceleration and deceleration lanes shall be provided along the public thoroughfare adjacent to the entrance and exit of the theater; that parking space or storage lanes for patrons awaiting admission shall be provided on the site in an amount equal to not less than 30 percent of the vehicular capacity of the theater; that vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract on which the theater is located; that emergency exits shall be provided; that sanitary facilities and the method of food handling shall be approved by the county health department; that definite plans for shrubbery and landscaping shall be presented to the zoning inspector and made a part of the permit; that the nearest point of the theater property, including driveways and parking areas shall be a least 750 feet from the boundary of a district zoned for residential use; and provided further, that all other conditions of the zone are fully observed.
  - H. Racetrack or sports stadium, subject to the conditions set forth in PCDSC 2.20.010(O), except the requirements for the filing of the consent of owners of adjacent property.
  - I. Radio or television tower or booster station, provided such tower is no closer to any boundary of said site than the height thereof.
  - J. Veterinary hospital or kennels, provided no such building or structure be within 100 feet of any boundary of said site abutting property in a rural or residential zone.
  - K. One-family dwelling unit, conventional construction, mobile home, or manufactured home in conjunction with an established, permitted use.

## **2.95.020 Site Development Standards:**

- A. Building height: Maximum height of any structure shall be 35 feet.
- B. Minimum lot area: None except for uses listed in PCDSC 2.95.010(F) and (G).
- C. Minimum lot width: None.
- D. Minimum area for detached dwelling unit: 3,500 square feet for residential uses.
- E. Minimum front yard: 15 feet.
- F. Minimum side yards: None for uses listed in PCDSC 2.95.010(A) through (J); seven feet each for residential uses.

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- G. Minimum rear yard: Ten feet for uses permitted in PCDSC 2.95.010(A) through (J); 25 feet for residential use.
- H. Minimum distance between main buildings: None for uses listed in PCDSC 2.95.010(A) through (K); 14 feet between residence and business.

## **2.95.030. - Detached accessory buildings:**

- A. Permitted coverage: 40 percent of the minimum rear yard and any additional space within the buildable area.
- B. Maximum height: 20 feet within the required rear yard; 35 feet within the buildable area.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 15 feet.
- E. Minimum distance to side lot lines: None.
- F. Minimum distance to rear lot line: Four feet.

**Table 2:** Permitted uses and development standards for the GR: General Rural Zoning District. (Source: Pinal County, AZ, Pinal County Development Services Code Ch. 2.40, § 2.40.010, 2.40.020, 2.40.030, & 2.40.040 [2022]).

## **GR: General Rural Zoning District**

### **Permitted Uses:**

- A. One-family dwelling unit, conventional construction or manufactured home or mobile home.
- B. Commercial agricultural uses.
  - i. Field crops, truck gardening, berry or bush crops, tree crops, flower gardening, plant nurseries and greenhouses, orchards, aviaries and apiaries.
  - ii. The raising and marketing of poultry, rabbits and small animals, but slaughtering of only those raised on the premises.
  - iii. The grazing and raising of livestock and horses, except that not more than three hogs shall be kept or maintained on any parcel, lot or tract under one ownership within 500 feet of any residential zone or more restrictive zone.
- C. 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, governmental structure; athletic, sport or recreation club; and hospital or sanatorium; such buildings shall be located at least 50 feet from any boundary line of the site.
- D. Fruit, vegetable or agricultural products packing or processing plant, provided it is located on a site of not less than ten acres and any buildings located thereon occupy not more than 30 percent of the site area.
- E. Livestock sales yard or auction yard, provided, the site where located is not less than one-half mile from any residential zone or within one-half mile of any exterior boundary of a restricted zone or residence district established by any municipal corporation in this county in which the use requested is prohibited; and provided further, that the site is not less than 20 acres in area and applicant shall provide zoning inspector with written consent of 51 percent of the owners by number and area of property within 300 feet of proposed site.
- F. A stand of not more than 200 square feet in area for the sale of farm products grown or produced on the premises provided the stand is not more than ten feet to any street lot line and

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not closer than 20 feet to any other lot line.

- G. Public riding stables and boarding stables, providing the site contains not less than ten acres and the buildings housing animals set back from all lot lines a distance of not less than 100 feet.
- H. Accessory building or use; home occupation, housing for seasonal farm labor, and private stable.
- I. Dairy.

## Development Standards:

- A. Building height: maximum height of any structure shall be 30 feet.
- B. Minimum lot area: 54,450 square feet (1¼ acres).
- C. Minimum lot width: 100 feet.
- D. Minimum area per dwelling unit: 54,450 square feet (1¼ acres).
- E. Minimum front yard: 40 feet
- F. Minimum side yards: 20 feet each.
- G. Minimum rear yard: 40 feet.
- H. Minimum distance between main buildings: 25 feet.

## Detached Accessory Buildings:

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 15 feet to side lot line and four feet to rear lot line if building is used for poultry or small animals; 50 feet if used for livestock.
- F. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

## Cluster Option:

- A. Intent. This cluster option, to be used in the GR zone only, provides for:
  - i. The voluntary, permanent conservation of open space as a product of the subdivision of land;
  - ii. The protection of natural features including riparian areas, rock outcrops and natural topography; and
  - iii. 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:
  - i. Preserve significant, natural open space areas and cultural resources without increasing overall residential densities.
  - ii. Encourage and provide incentives for innovative site planning that is harmonious with the natural features and constraints of property.
  - iii. Support open spaces that are interconnected, continuous, and integrated, particularly when located contiguous to public preserves.
  - iv. Allow for design innovation, flexibility, and more cost-effective development due to more efficient servicing of the development with utilities, roads and other services.
  - v. Provide additional usable open space.

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# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- C. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Functional open space** means 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. The term "functional open space" does not include indoor facilities, public or private streets, driveways, parking areas, or channelized/altered drainage ways.
- Natural open space** means any area of land, unimproved except for pedestrian and non motorized access trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment as a preservation or conservation area.
- Open space** means 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.
- Primary conservation features** means those parts of the site that contain primary resource value natural features such as lakes, ponds, wetlands, floodways, riparian areas, prominent peaks and ridges, prominent rock outcrops, slopes over 15 percent, prominent vegetative and geologic features including saguaros, ironwoods, mesquite bosques, and habitat for threatened and endangered species.
- Private living area** means the portion of a lot occupied by buildings, walls, patios, permitted accessory uses, vehicular parking, circulation areas, and connecting pedestrian walks.
- Restored, restoration, or mitigation** means 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.
- Wildlife friendly fencing** means a maximum 42-inch-high fence using two-strand, nonbarbed, 12-gauge wire and T-posts as installed and maintained, with the bottom strand being no less than 18 inches from the ground. Other specifications shall be in accordance with Arizona Game and 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 percent, 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.
- i. One-family dwelling unit, conventional construction;
  - ii. 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;
  - iii. Private stable for the exclusive use by residents, provided the site contains not

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# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- less than ten acres and the buildings housing animals are set back from all lot lines a distance of not less than 100 feet;
- iv. Detached accessory buildings.
    - a. Maximum height: 20 feet.
    - b. Minimum distance to main buildings: Seven feet.
    - c. Minimum distance to front lot line: 60 feet.
    - d. Minimum distance to side and rear lot lines: Four feet.
    - e. Accessory buildings shall be detached from the main building 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:
- i. Minimum subdivision area: 160 acres.
  - ii. Maximum density: Determined by dividing the subdivision area by 54,450 square feet.
  - iii. Minimum lot size: 5,000 square feet.
  - iv. Minimum yards:
    - a. Front: 25 feet.
    - b. Side: Ten feet
    - c. Rear: 25 feet.
  - v. Minimum lot width: 50 feet.
  - vi. 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 one and one-fourth 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-degree angles and in a manner that minimizes impacts to natural open space and existing, neighboring residential uses.
  - vii. 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.
  - viii. 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 cannot be counted toward meeting minimum open space requirements.
  - ix. Exterior lighting. All lights shall be designed to shield and reflect light away from neighboring properties and residential lots.
  - x. CC&Rs. The subdivision shall have covenants, conditions and restrictions (CC&Rs) regulating the following:
    - a. The keeping of domestic animals as follows:
      - i. 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.
      - ii. Domestic animals shall be confined to private living

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# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- areas or accompanied on a leash outside private living areas. Domestic animals are not permitted in natural open space areas.
    - iii. Fenced dog runs may be located outside private living areas, no closer than ten 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.
  - xi. 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.
  - xii. 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.
  - xiii. Driveways. Widths shall be limited to a maximum of 24 feet with a maximum three-foot graded area on each side of the driveway. In sloped conditions, disturbed areas, beyond the maximum three-foot graded area, shall be restored. Maneuvering and turnaround areas adjacent to the private living areas of the lot may be wider than 24 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:
  - i. A minimum of 30 percent of the subdivision shall be open space.
  - ii. No more than 50 percent of the required open space shall be functional open space, as defined in subsection (C) of this section. The remaining required open space shall be comprised of natural open space as defined in subsection (C) of this section.
  - iii. Open space adjacent to public parks, preserves or county-maintained stream channels may be deeded to Pinal County or a nonprofit land trust as public open space, if approved by the board of supervisors. Such open space must remain readily accessible to the public.
  - iv. 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 nonvehicular access. Nonvehicular access to open space will provide frequent access points making the open space amenities equally accessible to all residents of the subdivision.
  - v. To maximize natural open space area benefits, open space areas shall provide connections to public preserves, undisturbed riparian areas and natural areas on adjoining properties, where appropriate.
  - vi. Where possible, natural open space areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped areas.
  - vii. Buffers shall be provided adjacent to existing development to mitigate impacts of sound, visibility, and traffic. Buffers may include landscaping, walls, fences, pathways, drainage ways, natural features, and existing vegetation.
  - viii. 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

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# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- 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; or
    - d. By a nonprofit organization with perpetual existence that is acceptable to the county and whose principal purpose is to conserve natural areas and/or natural resources.
  - ix. 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:
  - i. Grading of a subdivision is permitted only for infrastructure including roadways, drainage facilities, utilities, recreation facilities and within the approved development areas.
  - ii. The maximum grading area on lots smaller than one acre (43,560 square feet) is 16,000 square feet.
  - iii. The maximum grading area on lots one acre or larger is 20,000 square feet.
  - iv. Lots with grading area limitations as described in subsections (H)(1) and (2) of this section shall have building envelopes, delineated on the subdivision plat indicating the maximum area of the lot to be graded.
  - v. The development shall be designed to have the least impact on the primary conservation features.
  - vi. Cut and fill.
    - a. Cut material may not be pushed, dumped or disposed over any existing 15 percent 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.
  - vii. 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

COMMUNITY DEVELOPMENT / Planning Division



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- 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.
- viii. 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 covers, grasses and seed mixes approved by the planning director may also be used.
  - ix. Except as provided in subsection (H)(8) of this section, 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.
  - x. 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.
- i. Cluster development shall comply with Pinal County roadway standards.
  - ii. Streets shall be laid out in a manner that avoids or minimizes adverse impacts to natural open space areas to the greatest extent practical.
  - iii. 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 serve more than 50 dwellings or any use that would generate 500 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:
- i. Tentative subdivision plat to Pinal County standards and application requirements.
  - ii. Grading, landscaping and restoration/revegetation plans are required for all portions of the site disturbed during development.
  - iii. Covenants, conditions and restrictions that will apply to the cluster subdivision project.
  - iv. 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:
- i. A preapplication 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.
  - ii. 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 30 days prior to review of the

COMMUNITY DEVELOPMENT / Planning Division



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- subdivision plat by the planning and zoning commission.
- iii. 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 subsection (F)(2) of this section.)
    - 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 subsection (H) of this section.
    - 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:
      - i. Minimum 30-foot width of "pole" portion of flag lot.
      - ii. Pinal County drainage requirements are met and drainage conflicts are not created.
      - iii. Driveways for flag lots shall be paved.
      - iv. Minimum lot size for flag lots is 1¼ acres.
    - g. The tentative and final plat will include notes specifying that the natural and functional open space included on the plat are permanent and are not to be resubdivided or used for any purposes other than open space as defined herein.
  - iv. 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.
  - v. 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 percent 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;

COMMUNITY DEVELOPMENT / Planning Division



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

- 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.
  - vi. 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.

COMMUNITY DEVELOPMENT / Planning Division

85 North Florence Street, PO Box 2973, Florence, AZ 85132 T 520-866-6442 FREE 888-431-1311 F 520-866-6530  
[www.pinalcountyz.gov](http://www.pinalcountyz.gov)

R E S O L U T I O N

WHEREAS, the Pinal County Zoning and Planning Commission has recommend to the Board of Supervisors of Pinal County, Arizona, that certain property, hereinafter described, be reclassified from GR-General Rural to CB-2 General Business, and,

WHEREAS, after a public hearing as provided by law, said Board of Supervisors of Pinal County, Arizona, is of the opinion that the approval of such recommendation and the reclassification of the hereinafter described property from GR-General Rural to CB-2 General Business would be to the best interest and welfare of said County of Pinal,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of Pinal County, Arizona, the following described lands, to-wit:

The real property which is subject of this petition is located in Sections 26 and 35, Township 9 South, Range 15 East, Gila and Salt River Base and Meridian, and more particularly described as follows:

( See attached legal description )

be changed from GR-General Rural to CB-2 General Business, for zoning purposes.

DATED this 14th day of September, 1910.

PINAL COUNTY BOARD OF SUPERVISORS

Ray Batten  
James Koster Jr  
A. H. Hansen

ATTEST:

Mary W. Tucker  
Acting Clerk

All that part of the SE Quarter of the SW Quarter of Sec. 26 and the NE Quarter of the NW Quarter of Sec. 35, Township 9 S, Range 15 E, Pinal County, Arizona, described as follows: From the SE corner of the NE Quarter of the NW Quarter of said Section 35; thence, North 0 degrees 17 min. and 00 sec. E. 180 feet to the point of beginning; thence, North 89 degrees, 52 min. 45 sec. West 912.22 feet; thence, North 0 degrees 17 min. east 1324.08 feet to the southwest right of way boundary line of State Highway No. 77 in Section 26; thence, in a southeasterly direction following said boundary line to the east line of the north half of the northwest quarter of said Section 35; thence, south 0 degrees 17 minutes west 473.49 feet to the point of beginning, and being approximately 17.58 acres.