

Ordinance 2009-98

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; AMENDING THE PIMA COUNTY ZONING CODE TITLE 18 BY AMENDING SECTION 18.03.020 (DEFINITIONS) TO ADD A DEFINITION OF SAFE ROUTES AND AMENDING SECTIONS 18.09.020 (GENERAL REQUIREMENTS AND EXCEPTIONS), SECTION 18.69.040 (GENERAL PERFORMANCE AND DESIGN STANDARDS); SECTION 18.69.090 (RESIDENTIAL RECREATION AREAS); SECTION 18.73.040 (SCREENING AND BUFFERYARD REQUIREMENTS) TO REMOVE BARRIERS TO, ENCOURAGE CREATION OF AND PROVIDE GUIDELINES FOR SAFE ROUTES (ALL DISTRICTS)

WHEREAS, there are both local and national programs to create safe routes to schools and other associated public use facilities and to encourage reduced reliance on automobile use and to encourage children to walk or bicycle to school; and

WHEREAS, in keeping with the Board of Supervisors' direction on July 1, 2008, this ordinance updates the zoning code to encourage the provision of and remove regulatory barriers to providing Safe Routes to schools; and

WHEREAS, this ordinance eliminates regulatory barriers to, encourages provision of and provides design guidelines for the provision of Safe Routes; and

WHEREAS, this ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY AS FOLLOWS:

SECTION 1. Amend Section 18.03.020 (Definitions) of the Pima County Zoning Code to provide a definition of Safe Routes and renumber subsequent subsections as follows:

18.03.020 Definitions.

* * * *

S. Definitions "S."

1. Safe Routes: A program, based on the nationwide Safe Routes to School programs, that encourages and enables children to walk and bicycle to school and other associated public use facilities safely through the use of educational programs, by improving bicycle and pedestrian facilities and through careful subdivision layout and street design.
2. Sanatorium/rest home: A building or group of buildings, arranged, intended, designed or used for the housing, care or treatment of sick people or convalescents other than those mentally ill or afflicted with infectious, contagious or communicable diseases.
23. School, charter: A public school established by contract with a school district governing board, the state board of education or the state board for charter schools pursuant to A.R.S. § 15-181 et seq.

. . . .

SECTION 2. Amend sections 18.09.020, 18.69.040, 18.69.090, 18.73.040 to remove regulatory barriers to, encourage creation of and provide guidelines for Safe Routes:

18.09.020 General requirements and exceptions.

A. Uses Permitted In All Rural and Residential Zones.

1. The following uses shall be permitted in all rural and residential zones (except as noted in Section 18.09.020(A)(2), subject to the requirements of the zone and any special conditions, as may be noted:

* * * *

f. Public school; Schools should be located as close as possible to residential areas. All schools should be built on site in a manner that promotes Safe Routes or similar pedestrian and bicycle oriented design.

g. Parochial, private, and charter schools are permitted subject to the following development standards:

1) Conditional use permit:

Parochial and private schools

Type I permit

Charter school Type I permit

2) Minimum site area: Five acres in all zoning districts except in the TR and MU zoning district, in which the minimum site area is one acre.

3) Maximum student population density: fifty-five students per acre.

4) Maximum site coverage: thirty percent of the site.

5) Minimum setback for playgrounds or athletic fields: one hundred feet from all property lines.

6) Screening and buffering: bufferyard "D" along all property lines.

7) All driveways shall be dust proofed.

8) All outdoor lighting used in conjunction with the school use shall be located and directed to eliminate light trespass on adjacent streets and residential properties.

9) All lighting for outdoor recreational areas shall cease no later than 10:00 p.m.

10) As required by state statute, A.R.S. § 15-189.01, an application for a charter school shall receive final determination from the county within ninety days of the beginning of the process.

11) Schools should be located as close as possible to residential areas. All schools should be built on site in a manner that promotes Safe Routes or similar pedestrian and bicycle oriented design.

* * * *

18.69.040 General Performance and Design standards.

* * * *

C. Streets

* * * *

2. Where not shown in the master plan, arrangements and other features of streets shall:

a. Provide for appropriate continuation of existing major streets in surrounding areas where essential for circulation and access to community facilities;

b. Conform to a plan for a neighborhood approved or adopted by the planning and zoning commission to meet a particular situation where topographical or other conditions make continuance or conformance to such principal streets

| impracticable;

c. Be so arranged as to provide pedestrian and bicycle linkages that contribute to Safe Routes or other similar pedestrian and bicycle oriented design, insofar as practicable;

* * * *

D. Access to Major Arterial and Collector Highways: Access to major arterial and collector Highways shall be in conformance with the requirements in the Manual.

1. All residential subdivisions and commercial or industrial development should provide separate, legal, all-weather, paved access directly to the nearest arterial or collector highway, where practical. When joint access is utilized, access should minimize impacts to residential development.

2. Commercial and industrial developments shall not be allowed access through any residentially zoned area on residential collector or local streets, unless approved by the subdivision development review committee and provided that one or more of the following criteria are met:

a) Legal access has been previously established;

b) Implementation of this subsection would prohibit access to the public highway system;

c) Implementation of this subsection would cause a traffic hazard by overloading local streets or their connections to the arterial or collector highway system; or

d) Implementation of this subsection would prohibit sufficient pedestrian and bicycle linkages that contribute to Safe Routes or other similar pedestrian and bicycle oriented design.

* * * *

F. Easements

* * * *

3. Hiking, bicycling and equestrian trail easements or right-of-way shall be reserved on the plat:

* * * *

b. To provide pedestrian and bicycle access into and out of the subdivision in order to promote and provide Safe Routes, or

c. As may be required by the director of the Natural Resources, Parks and Recreation Department, who may approve an alternative to the trail [delineated](#)

on the Eastern Pima County Trail System Master Plan Map, or waive the trail requirement entirely if the director finds that:

* * * *

G. Street and lot layouts shall be determined with due regard to:

* * * *

5. Circulation within the tract and access to community facilities. Subdivision streets should be laid out to allow and encourage bicycle and pedestrian access to adjacent schools and should minimize distances travelled. Subdivision and street layout should not direct bicycles and pedestrians to use adjacent major streets when shorter distances may be attained via alternative routes such as local streets, bicycle lanes or paths within and through the subdivision. Where cul-de-sac or dead end streets are planned they should provide for bicycle and pedestrian access to community facilities within or through the interior of subdivisions. The preferred location for Safe Routes is within public right-of-way.

* * * *

18.69.090 Residential recreation areas.

* * * *

C. General standards.

1. A subdivider shall submit a recreation area plan (RAP) and submittal fee with the tentative plat.
2. The RAP must include one of the following, and also shall provide Safe Route linkages within one and a half miles of an existing or planned public elementary school or within two and a half miles of an existing or planned middle school when reasonable linkage opportunities exist. A school shall be considered planned if it is programmed and has a dedicated funding source, or is required by a rezoning or specific plan:
 - a. Design of a public or private recreation area within the subdivision or adjacent to the subdivision, providing a minimum of 871 square feet of developed recreation space per lot. The design shall depict all recreational improvements, including structures and facilities consistent with the recreation area design manual;
 - b. Proposal for dedication to the county of at least 10 acres of land located within the region where the subdivision is located, along with a design for a public recreation area with the 10-acre site, depicting all recreational improvements, including structures and facilities consistent with the recreation area design manual;

c. Election to utilize the full in-lieu option if the subdivision has 65 lots or fewer or is located within 0.75 mile of an existing recreation area with sufficient capacity to accommodate the residents of the subdivision and calculation of in-lieu fee to be paid in the amount of \$1,500.00 per lot for subdivisions of 65 lots or fewer. Fees will be adjusted annually to the Consumer Price Index (CPI) on July 1 of each year with the \$1,500.00 applying in base year 2004. Election to use the full in lieu fee does not relieve the subdivider of the obligation to provide for Safe Routes, under this subsection;

* * * *

7. The developer / property owner shall submit a Safe Routes to School Plan, with documentation of a meeting with and review comments from the applicable school district with the tentative plat or development plan. The plan shall include a map(s) showing existing schools, existing roadways, current attendance boundaries, current bus routes, current pedestrian and bicycle routes to existing schools from residential neighborhoods, planned schools, planned roadways, and planned pedestrian and bicycle routes to existing and planned schools. The plan shall also address how the proposed project provides safe access to any affected schools. The proposed safe route may go along the perimeter of the proposed development provided that it provides safe and convenient access to the school and associated facilities.

* * * *

18.73.040 Screening and bufferyard requirements.

* * * *

B. Bufferyards:

1. Purpose: Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to ameliorate nuisances between adjacent land uses or between a land use and public street or road, yet be designed to promote appropriate linkages to compatible land uses and public streets or roads. Appropriate linkages include, but are not limited to design that promotes pedestrian and bicycle path connectivity including Safe Routes.

* * * *

D. Determination of bufferyard requirements:

* * * *

2. Bufferyard specifications detailed and illustrated in the manual constitute the bufferyard required between the two adjacent land uses. Any of the options contained in the letter designated bufferyard shall satisfy the requirement of

buffering between the adjacent land uses. The width of the bufferyard can vary, or meander, provided that the average bufferyard width is not less than the required bufferyard width when measured along any single lineal bufferyard. If a developer is providing pedestrian or bicycle connectivity through a bufferyard to an adjacent site, street or right of way, the required wall height within the bufferyard can be lowered to 42 inches.

* * * *

SECTION 3. That this ordinance is effective 30 days from and after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this

| 13 day of October,
2009.