



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2020-02

Supersedes: DD-2019-03

Effective: February 18, 2020

Initiator: Jennifer Pokorski

Director: Jennifer Pokorski

Purpose: To clarify when a special use permit or commercial or industrial zoning entitlement is required for small animal rescue, boarding, breeding or training operations. This directive does not apply to equine or livestock rescue, boarding, breeding or training operations.

References:

Arizona Revised Statute (ARS) § 11-820 (Restriction on regulation; Home-based businesses; exception; definitions)

Maricopa County Zoning Ordinance (MCZO) Articles 501.2 (Rural Zoning Districts Use Regulations) and 601.2 (Residential Zoning Districts Use Regulations)

Definitions:

Small animal: Dogs, cats, and/or other small domesticated household pets (not farm animals).

Livestock/Farm Animals: Domesticated animals typically raised in an agricultural setting for use or pleasure, including, but not limited to, horses, cattle, sheep, goats, pigs, and poultry.

Statements:

ARS § 11-820 defines a "Home-based business" as any business for the limited manufacture, provision or sale of goods or services that is owned and operated by the owner or tenant of the residential property. The same section limits the County's authority to regulate signage, the types of goods offered for sale, and the number of clients and employees permitted onsite.

In accordance with state law, home-based businesses are permitted as a principal use in rural and residential zoning districts subject to certain conditions as outlined in MCZO 501.2(10) and MCZO 601.2(8).

The MCZO does not limit the number of small animals that can be kept as personal pets in rural and residential zoning districts.

Policy/Procedure:

Small animal rescue, boarding, breeding and training operations that meet the following criteria, in addition to the criteria set forth in MCZO Articles 501.2 and 601.2, do not need additional zoning entitlement in rural and residential zoning districts.

- All animals must be housed or kenneled inside a well-ventilated, fully-enclosed building.
- Training and exercise can occur outside in an area not to exceed 25% of the total parcel. The outdoor area must be fully visually screened by a solid wall or buildings.
- Volunteers are considered employees. Therefore, the total number of non-resident persons who volunteer and/or are employed in connection with the business and are not an immediate family member as defined by ARS § 11-820, shall not exceed three.
- The number of customers (including prospective "adopters" if the business is an animal rescue operation), clients, or students on the premises shall not exceed five at any time. Animals are not considered customers or students, but, instead, are considered the product of the home-based business.

A special use permit or other zoning entitlement is required for any commercial animal operation that a) does not qualify for an agricultural exemption; or b) does not meet the conditions for a home-based business as outlined in the MCZO and in this directive.