



PINAL COUNTY
WIDE OPEN OPPORTUNITY

DEVELOPMENT SERVICES CODE INTERPRETATION NUMBER 002-22

Date: September 23, 2022

Subject: HOA Office/Property Management Uses in Community Amenity Buildings;
Accessory Uses Section 2.10.010 Definitions

Issue:

A question has arisen as to whether a property rental and HOA management office is a permitted land use when located in HOA community amenity buildings in the County's R-7 Single Residence Zoning District ("R-7"). See Pinal County Development Services Code ("PCDSC" or "Code") 2.275. The facts of the situation in which this question arises are very particular and warrant consideration.

Case Background:

In 2001, the Edgewood residential community was rezoned to R-7 Planned Area Development ("PAD") per Pinal County Zoning Case Nos. PZ-006-20 and PZ-PD-006-20. Pursuant to this R-7 PAD zoning, Edgewood is being developed as a build-to-rent, single-family detached residential community with individually final platted lots. The community's central open space/amenity area is being upgraded to include a community pool and associated "clubhouse" building. The 1,553 square foot (under roof) clubhouse building will feature a lounge area, restrooms, a covered outdoor patio, and a small office space to facilitate management functions of the HOA as well as leasing activities for the community. This office space occupies only 132 square feet, or less than 10% of the total clubhouse area.

Analysis:

Small office uses of this kind (for use by a residential community's HOA and/or for leasing purposes) are not specifically identified in the Pinal County Development Services Code for any of the County's residential zoning districts, despite being a necessary component of any project where for-rent residential units are offered. However, clubhouse amenity buildings have always been considered by the County to be a part of the permitted/allowed, and typically required, amenity packages for such projects. Indeed, PADs require a certain amount of "open space", which may include indoor "recreation areas." See PCDSC 2.176.140. It stands to reason that certain accessory structures for community buildings and accessory uses are allowed by the underlying zoning.

“Accessory Use” is defined as:

- *“Use, accessory, means a use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site, which accessory use does not alter the principal use of such lot or building.” See PCDC 2.10.*
- *“Use means the purpose or purposes for which land or a building or structure is occupied, maintained, arranged, designed or intended.” See PCDC 2.10.*

“Accessory Building” is defined as:

- *“Building, accessory, means a subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main building or their nonpaying guests or employees.” See PCDC 2.10.*

With these definitions in mind, “[p]arks” is a principal use in R-7 and under certain circumstances office space to manage such parks/recreation areas (and a community as a whole), would qualify as an accessory use. PCDC 2.275.020, which sets forth the permitted uses in R-7, states:

“The following uses [including parks] and their accessory buildings and uses are permitted subject to all regulations of this title” (Emphasis added).

Community Development Director Interpretation:

Based on the foregoing, and taking into account the specific situation in which this question arose, HOA/property management administrative office space can be construed as an accessory use in an approved community building under the following conditions:

- Office space must be located within an approved community recreation building, i.e., clubhouse, game room, or service building, and may constitute no more than 10% of floor area of such building or 400 square feet, whichever is less.
- Office space must be devoted to community management activities, including but not limited to leasing office, payment processing, maintenance requests/resident concerns.
- Office space may not be used to conduct “Home Occupations” as defined by the PCDC.
- Office space may only be used in communities or projects that are offered for rent by a master management company/owner.

These conditions will help ensure the use and/or structure devoted to such use is in line with existing definitions defining accessory buildings and accessory uses.

This interpretation applies only to new requests for office space inside community buildings in residential zoning districts, and should not be construed in a manner that changes prior interpretations or conflicts with the Code.

Issued by:


Brent Billingsley, Community Development Director

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