



Maricopa County

Regulatory Burden Reduction



2011 - 2013

On May 22, 2013, the Maricopa County Board of Supervisors adopted a resolution for a moratorium on increased regulatory burdens. This resolution includes the statement that all county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except those permitted by the moratorium. The objective of the Resolution is to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona. Below is a listing of departmental actions taken to reduce regulatory burdens during 2011 – 2013.

Air Quality

Item Number	Item Name	Description
AQ-2013-006	Definition of “Non-Precursor Organic Compound”	Regulatory burden is reduced by providing a regularly updated list of non-precursor organic compounds for use within Maricopa County. The EPA periodically updates the definition of “volatile organic compound (VOC)” that includes a list of compounds that are not considered to be a contributing factor to the formation of ground level ozone. By providing one consistent definition of “VOC” and “non-precursor organic compound” throughout the Maricopa County Air Pollution Control Regulations, businesses have a wider range of materials available to use thus leveling the playing field for companies operating within Maricopa County with those operating in other jurisdictions. Citizens benefit due to the reduction in ground-level ozone formation by the expected increase in the use of non-precursor organic compounds. The rule revisions should not have any negative economic, consumer or public impact in Maricopa County. Approved at the 09-25-2013 BOS meeting for immediate effect.
	Incorporation by Reference	Eliminates inconsistent regulatory requirements between county and federal government. Incorporated by reference federal regulations and documents promulgated by the EPA and published in the Federal Register include: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations. Approved at the 07-25-12 BOS meeting for immediate effect.
	Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments)	Regulatory burden was reduced by the allowance of special case exemptions during restricted burn periods. Rule 314 restrictions were designed to reduce the emission of air contaminants such as particulate matter, nitrogen oxides (NOx), carbon monoxide (CO), and volatile organic compounds (VOCs) by limiting certain types of open burning by nonresidential sources, with an emphasis on high-pollution days and during those times of the year when pollution levels are more likely to exceed standards. Clarified when limited testing of potentially explosive-containing products during restricted-burn periods would be allowed. Approved at the 07-25-12 BOS meeting for immediate effect.
	Rule 358 (Polystyrene Foam Operations)	Regulatory burden was reduced by changing the frequency of required performance testing from annually to once every five years. The revisions reduced costs to the polystyrene industry and to the department, while maintaining current VOC emissions limits. The health impact of the proposed revision is negligible as the VOC emissions will be unchanged. Approved at the 07-25-12 BOS meeting for immediate effect.
	Rule 313 (Incinerators,	Regulatory burden was reduced by providing/allowing nighttime operations. The rule reduces PM ₁₀

	Burn-Off Ovens, and Crematories)	emissions in Maricopa County. The rule removes unnecessary restrictions on business operations. Rule 313 amends the nighttime combustion option and provides greater flexibility for the parts reclamation unit operators who chose to operate at night without installing a COMS. The facility savings include: (1) costs of the COMS unit estimated to be in excess of \$40,000.00 and (2) training facility staff to operate equipment and maintain the COMS monitor. Approved at the 05-09-12 BOS meeting for immediate effect.
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Environmental Services

Item Number	Item Name	Description
ES-2013-001	Trial Review Permit – MCEHC Chapter VIII	<p>Created a new food service permit type, Trial Review Establishment Permit, which may accommodate food service establishment design concepts not specifically allowed for by MCEHC regulations. The new permit type allows a prospective restaurant owner the option to submit their drawings and management plan addressing any food safety and sanitation hazards not in line with regulations as a result of the establishment’s unique or novel design/layout and will be six months in duration.</p> <p>The Trial Review Establishment plan review fees are the same as the Chapter I Fee Schedule “Environmental Health Plan Review” fees for categories “All Other Food Establishments”, “Mobile Food Establishments” and “Pushcart Plan Review.” In addition, the Trial Review Establishment permit fees are half the annual “Food Environmental Health Operating Permits” fees by class and seating capacity as listed in the Chapter I Fee Schedule. Approved at the 9-25-13 BOS meeting for immediate effect.</p>
ES-2013-003	Limited Use Food Service Worker Card – MCEHC Chapter VII	<p>Established the opportunity for those with a disability to obtain a Limited Use Food Service Worker Card. Clarified existing exemption language and enhanced consistency with Chapter VIII terminology. The fee associated with the Limited Use Food Service Worker Card is \$5.00 for the original card and \$3.00 for a duplicate card, the same as listed in the MCEHC Chapter I Fee Schedule for the existing Food Service Worker Card (original and duplicate versions, respectively). The Limited Use Food Service Worker Card expires three years from the date of issue. Approved at the 9-25-13 BOS meeting for immediate effect.</p>
MCEHC Chapter I	Fee Waivers MCEHC Chapter I	<p>The proposed revision will waive fees associated with administering and issuing Food Service Worker Cards pursuant to Arizona Revised Statute (A.R.S.) § 41-1080 to operators of 501(c)(3) tax exempt entities that can show the fee will cause financial hardship and to students currently enrolled in a K-12 culinary arts program or similar curriculum. Approved at the 7-25-12 BOS meeting for immediate effect.</p>

Flood Control District

Item Number	Item Name	Description
FCD 2011R005	Floodplain Regulations	The Floodplain Regulations of Maricopa County were revised in November 2011.

		<p>The permit fee schedule includes new permit categories for smaller projects, with lower fees for the applicant.</p> <p>Allows one year for a response to an agency request for additional information before an application expires, instead of 90 days, giving the applicant a longer timeframe to respond without threat of repaying the application fees.</p> <p>At the request of the Arizona Rock Products Association, added a “voluntary” suspension of a Floodplain Use Permit for Sand and Gravel extraction for up to a 5 year period at the request of the permit holder. When a site is not in operation it can be suspended and not count against the usual 5 year permit time limit. With the maximum allowed 5 year suspension, the permit can be valid for up to 10 years, avoiding the reapplication process that previously would have occurred at 5 years. This is deemed helpful in a slow economy while sites are shut down awaiting an upturn in construction.</p> <p>At the request of the Arizona Rock Products Association, allow a new streamlined administrative renewal process for Floodplain Permits for sand and gravel extraction as long as development has been done in accordance with the previously approved plan. This was deemed helpful in that new site engineering would not be required every 5 years to renew an existing permit, recognizing that some sites are in operation for decades and are a major investment by the sand and gravel mining operator.</p>
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Planning and Development

Item Number	Item Name	Description
TA2007018	Emergency Service Providers	Text amendment to the Maricopa County Zoning Ordinance deleting Articles 501.2.10 & 601.2 permitting privately operated fire stations in the Rural and Residential zoning districts, adding all privately operated emergency services providers (including ambulance) as permitted uses in the Commercial (and Industrial) zoning districts per Article 803.2.19, and adding a new Special Use category for privately operated emergency service providers per Article 1301.1.45. Approved at the 1/11/12 BOS meeting with immediate effect.
TA2008004	Lighting of Billboards	Text amendment to Chapter 14 of the Maricopa County Zoning Ordinance prohibiting bottom mounted lighting of billboards in unincorporated Maricopa County. Approved at the 9/14/11 BOS meeting for immediate effect.
TA2010009	Code Enforcement Review	Text amendment to Chapter 15 of the Maricopa County Zoning Ordinance delegating code enforcement review and appeal of a hearing officer’s order of judgment due to procedural error to the Board of Adjustment. Approved at the 11/3/10 BOS meeting with immediate effect.
TA2010012	Mobile & Manufactured	Text amendment to the Maricopa County Zoning Ordinance so that all types of single-family dwelling

	Homes	units – site-built, manufactured and mobile homes – are treated the same with regard to zoning clearance. The definition of Single Family Dwelling in Chapter 2 has been revised. A mobile home will require certification from the State Office of Manufactured Housing or it must be rehabilitated to comply with all building safety codes. Approved at the 1/11/12 BOS meeting with immediate effect.
TA2010014	Home Daycare	Text amendment to Chapters 5 & 6 of the Maricopa County Zoning Ordinance permitting home based child daycare subject to conditions in all Rural and Residential zoning districts. Approved at the 1/12/11 BOS meeting with immediate effect.
TA2010020	Grading	Text amendment to Article 1504.3 of the Maricopa County Zoning Ordinance to state that zoning clearance for grading within a road easement shall only apply to the area within the easement and not the entirety of parent parcels. Approved at the 3/16/11 BOS meeting with immediate effect.
TA2010021	Phased Plats	Text amendment to the Maricopa County Subdivision Regulations to state that a phased preliminary plat shall remain valid so long as each successive final plat phase is approved within two years from the date of approval of the previous final plat phase. Approved at the 3/16/11 BOS meeting with immediate effect.
TA2010022	Heights	Text amendment to the Maricopa County Zoning Ordinance to delete all references to a maximum number of stories. All zoning districts instead refer to a maximum height by number of feet. This provides more design flexibility to the developer. Approved at the 3/16/11 BOS meeting with immediate effect.
TA2011002	Charter Schools	Text amendment to the Maricopa County Zoning Ordinance clarifying that charter schools are permitted in any zoning district. Approved at the 4/27/11 BOS meeting with immediate effect.
TA2011003	A Frame Signs and Light Pole Banners	Text amendment to Chapter 14 of the Maricopa County Zoning Ordinance providing conditions to permit A-frame/sandwich board signs and light pole banners. These types of temporary signs were previously not permitted in unincorporated Maricopa County. Approved at the 9/14/11 BOS meeting for immediate effect.
TA2011005	Hearing Officer Subpoena Power	Text amendment to Article 1504.3.3 of the Maricopa County Zoning Ordinance enumerating that the administrative hearing officers are authorized subpoena power to compel the appearance of a witness or production of documents. The subpoena can only be enforced by application to the Superior Court. Approved at the 9/28/11 BOS meeting with immediate effect.
TA2011007	Utility Scale Solar Construction	Text amendment to the Maricopa County Local Additions & Addenda clarifying that retroactive back to 10/1/10, a utility-scale solar generating station is to have the entire phase of construction evaluated

		based upon the construction codes in effect at time of the initial permit application. Approved at the 8/17/11 BOS meeting with immediate effect.
TA2011008	Utility Scale Solar Construction	Text amendment to the Maricopa County Zoning Ordinance removing conflicting language with TA2011007. Approved at the 8/17/11 BOS meeting with immediate effect.
TA2011010	Required Side Yards	Text amendment to the Maricopa County Zoning Ordinance regarding location of accessory buildings within the required side yards. This amendment resulted in side yards being treated the same as rear yards and allows accessory buildings at a 3' setback if not occupying more than 30% of the total required yard. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011011	Continuing Existing Uses	Text amendment to the Maricopa County Zoning Ordinance that changed the critical threshold date for determining Legal Non-Conforming ("grandfather") status of a building or structure, and a lawfully existing use, on an existing parcel from 1969 to 1/1/2000. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011012	Drainage	Text amendment that deleted the Drainage Regulation of Maricopa County and incorporated same into Section 1205 of the Maricopa County Zoning Ordinance. There were no substantive change to the regulation, but the text was reformatted and redundant language was deleted. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011013	Distance Between Buildings	Text amendment to the Maricopa County Zoning Ordinance that deleted all references to a required minimum distance between buildings in the Rural and Residential zoning districts. This amendment did not alter any such requirements in the adopted building codes. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011014	Accessory Dwelling Units	Text amendment to the Maricopa County Zoning Ordinance regarding accessory dwelling units in the Rural and Residential zoning districts. This resulted in detached accessory dwelling units be treated the same as all other accessory buildings with regard to setbacks. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011017	Farms and Roadside Stands	Text amendment to the Maricopa County Zoning Ordinance that deleted the two acre minimum area for farm uses and established roadside stands as accessory uses in the Rural zoning districts. Approved at the 10/19/11 BOS meeting with immediate effect.
TA2011018/TA2011021	Hillside	Section 1201 the Maricopa County Zoning Ordinance was revised to simplify the application of and enforcement of Hillside Regulations. All disturbance is relegated to the lot's buildable area (within required yards) except for driveway (serving a single parcel), utility and roadway (serving more than one parcel); and permitting 100% hillside disturbance within the lot's buildable area, and permitting a maximum total hillside disturbance of 75,000 sf over the gross lot area. Approved at the 10/19/11 BOS meeting with immediate effect. This amendment was revisited at the 12/14/11 BOS where the language now approved and in effect was readopted per TA2011021 but to allow applications pending

		as of 10/19/11 to be processed under the hillside regulations in effect at time of application.
TA2011019	Zoning Clearance/Drainage Clearance	Article 1504.5 the Maricopa County Zoning Ordinance was revised to delete reference requiring zoning clearance for any improvement in excess of a \$500 assessed value, and to add that a zoning clearance is not required for any non-habitable accessory building or structure that is a single story and no greater than 200 sf in floor area. Note that these structures must still observe setbacks, SVT, lot coverage, etc. The amendment also added a paragraph to Article 1205.7.1 stating that drainage clearance is not required for any building with an area of 200 sf or less nor any pipe rail type fencing not permanently affixed to the ground – if not located within a retention area or drainage way. This amendment provides consistency between requirements for zoning clearance and drainage clearance. Approved at the 12/14/11 BOS meeting with immediate effect.
TA2011020	Building Permit	Section 205 of the Local Additions and Addenda will be revised with an added paragraph to state that a building permit is not required for any non-habitable accessory building or structure that is a single story and no greater than 200 sf in floor area, and that does not contain any electrical, plumbing or mechanical. This will provide consistency between zoning clearance, drainage clearance and building safety clearance. This amendment also deleted requirement to permit replacement water heaters. Approved at the 3/28/12 BOS meeting with immediate effect.
TA2012001	Protected Development Rights	Article 1504.5 the Maricopa County Zoning Ordinance will be revised to clarify that a protected development right plan (PDR) status may only be granted to a final subdivision plat or a precise plan of development. PDR status protects construction of a phased project from subsequent changes to development standards for up to a ten year period. Approved at the 3/28/12 BOS meeting with immediate effect.
TA2012003	Sign Regulations	To clarify the parameters for location of temporary signs, to permit commercial wall signs in Commercial and Industrial zoning at the maximum building height, to permit perimeter wall signs in Commercial and Industrial zoning and for churches and schools in Rural and Residential zoning. Approved at the 10/31/12 BOS for immediate effect.
TA2012004	Fee Residential Solar Permit and Replacement Hot Water Heaters	Section 208 of the Local Additions and Addenda will be revised to lower fees. Approved at the 3/28/12 BOS meeting with immediate effect. Due to regulatory reforms previously instituted there are now less costs to recover for these types of applications and the savings are being passed on to customers.
TA2012006	Zoning Clearance for Corrals	Article 1504.5 the Maricopa County Zoning Ordinance will be further revised to delete reference requiring zoning clearance for a fence simply for the fact that it acts as a corral. This amendment partners with TA2011020. Approved at the 4/25/12 BOS meeting with immediate effect.
TA2012009	Wall Heights and Prohibitions	The Maricopa County Zoning Ordinance was revised so that maximum height of walls/fences is raised to 8' (inclusive of all caps, pillars, etc.) high within required yards, but must be semi-opaque (80% transparency) within required front yard of Residential zoning; a corresponding increase in combination retaining/privacy fence height to a maximum of 14' (max. 8' privacy on top of max. 6' retaining); and to accommodate increased height from lowest natural grade where walls cross washes

		for up to a 20' span length. Article 1111.4.1 now prohibits concertina, razor and electric wire and electrified fence below a height of 8' above finished grade. Approved at the 8/22/12 BOS meeting with immediate effect.
TA2012011	Community Gardens	Text amendment to permit gardens / community gardens as a primary use in every zoning district. Approved at the 7/17/13 BOS public hearing for with immediate effect.
TA2012012	Chickens	Text amendment to permit the keeping of up to five chicken hens on lots in the Residential zoning districts. Approved at the 7/17/13 BOS meeting with immediate effect.
TA2012015	RV Storage/Parking	RVs may be stored in other than the required front yard but must maintain a 5' clear path around structures. Approved at the 7/17/13 BOS meeting with immediate effect.
TA2012016	Unregistered/Inoperable Vehicles Storage/Parking	Three unregistered and/or inoperable vehicles may be stored on a property in other than the required front yard but must be screened from view of the street by a solid fence or in a carport. Approved at the 7/17/13 BOS meeting with immediate effect.
TA2012020	Temporary Events	Added Article 1302.2.2.4 to Maricopa County Zoning Ordinance exempting construction permit requirements for structures erected pursuant to an approved Temporary Use Permit if standing for a period not to exceed 96 consecutive hours. Approved at the 8/22/12 BOS meeting with immediate effect.
TA2012021	Temporary Events	Amended Section 205 of the Maricopa County Local Additions and Addenda (building codes) exempting construction permit requirements for structures erected pursuant to an approved Temporary Use Permit if standing for a period not to exceed 96 consecutive hours. Approved at the 8/22/12 BOS meeting with immediate effect.
TA2012023	Open Metal Patio Covers	Revised definition of Non-Livable Building and adding definition of Open Metal Patio Cover in Chapter 2 of the Maricopa County Zoning Ordinance. The result of this text amendment is that open metal patio covers attached to a residence will not have to meet finished floor elevation to mitigate inundation requirement. Approved at the 11/14/12 BOS meeting for immediate effect.
TA2012024	Model Home Complex Signage	Text amendment to establish sign criteria (size, sign types, number, location) for signs in Model Home complexes in Rural and Residential zoning districts. Approved at the 12/12/12 BOS meeting for immediate effect.
TA2012026	Residential Solar	This text amendment clarifies that accessory structures are permitted within the side yard. Approved at the 12/12/12 BOS meeting for immediate effect.
TA2012028	Licensing Time Frames	A new ordinance establishing licensing time frames (but the applicable fees will be subsequently adopted under TA2012032) in compliance with ARS 11-1601 through 11-1610. This is a new ordinance applicable to all county regulatory departments. Approved at the 12/12/12 BOS meeting to take effect 12/31/2012.

TA2012029	Fees	Incorporate new fees to be adopted by TA2012028 into the Maricopa County Zoning Ordinance. This amendment must run concurrently with or follow TA2012032. Approved at the 5/22/13 BOS meeting for immediate effect.
TA2012030	Fees	Incorporate new fees to be adopted by TA2012028 into the Maricopa County Local Additions & Addenda. Approved at the 5/22/13 BOS meeting for immediate effect.
TA2012032	Licensing Time Frames	Companion to TA2012028, the new ordinance that established licensing time frames in compliance with ARS 11-1601 through 11-1610. This new ordinance will adopt new fees related to the licensing time frames. The ordinance is applicable to all county regulatory departments. Approved at the 5/22/13 BOS for immediate effect.
TA2012033	Rural-43 Lot Coverage	Amend Article 503.5.4 of the Maricopa County Zoning Ordinance to raise the maximum lot coverage (area under roof) of the Rural-43 zoning district from 15% to 25%. Approved at the 7/17/13 BOS meeting with immediate effect.
TA2013001	2012 International Codes	A text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes as amended) to adopt and amend the following: 2012 International Building Code, 2012 International Residential Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code, 2012 International Green Construction Code (voluntary), 2012 International Energy Conservation Code (voluntary), 2012 International Existing Building Code, 2011 National Electric Code. Approved at the 8/7/13 BOS meeting for effect on 10/1/13 but with a grace period through 12/31/13 before mandating the new suite of codes.
TA2013002	Hillside Retaining Walls	A housekeeping text amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a maximum 30' height (where they are otherwise limited to a maximum 6' height). Approved at the 7/17/13 BOS meeting with immediate effect.
TA2013003	Drainage Waivers	A text amendment to the Maricopa County Zoning Ordinance, Section 1205, Drainage Regulations to allow drainage waivers to be granted administratively. Approved at the 7/17/13 BOS meeting with immediate effect.
CPA2011010	Major Comp Plan Amendments	Text Amendment to the Maricopa County Comprehensive Plan Amendment Guidelines raising the requirement for a "major" CPA case from 100 acres to an area of greater than 640 acres. Major CPA cases may only be heard by the BOS at the last public hearing in December. General CPA cases may be heard by the BOS on any public hearing date. Approved at the 4/11/12 BOS meeting to be effective in 30 days.

