



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012011 – Community Gardens

Meeting Date: April 25, 2013

Agenda Item: 2

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts

Support/Opposition: No known opposition. One email of support.

Recommendation: **Initiate**

Discussion:

This is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food. The proposed language follows (added text is underscored, deleted text is struck-through):

Chapter 2 - Definitions

GARDEN:

A private facility for the cultivation of fruits, vegetables, flowers and ornamental plants by one person. Accessory sales of products cultivated on site are permissible.

GARDEN, COMMUNITY:

A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on site are permissible.

Chapter 5 – Rural Zoning Districts

Article 501.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

4. Gardens, community gardens and fFarms as defined in Chapter 2.

Chapter 6 – Single Family Residential Zoning Districts

Article 601.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

Chapter 8 – Commercial Zoning Districts

Article 802.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

15. Gardens and community gardens as defined in Chapter 2.

Article 803.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

50. Gardens and community gardens as defined in Chapter 2.

Chapter 9 – Industrial Zoning Districts

Article 901.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. A single email of support was received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Friday, April 05, 2013 9:06 AM
To: 'carolmcp060@yahoo.com'
Subject: RE: Regulatory Outreach

Ms. McPherson: this email is to document are previous telephone conversations that you support TA2012011. I'll note your support to the Planning & Zoning Commission. Darren

From: carolmcp060@yahoo.com [<mailto:carolmcp060@yahoo.com>]
Sent: Saturday, March 16, 2013 12:37 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012011 – Community Gardens

Citizen's Name: Carol McPherson
City: Peoria
Zip: 85383
Phone Number: 602-501-5819
Phone Type: mobile
Email: carolmcp060@yahoo.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

I would like to speak with somone about the text amendment

Time of Request: 3/16/2013 12:37:21 PM

Recommendation:

Staff recommends the Commission **initiate TA2012011**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2012012 – Chickens
Meeting Date:	April 25, 2013
Agenda Item:	3
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts
Support/Opposition:	None known
Recommendation:	Initiate

Discussion:

This is part of an effort to promote sustainability and access to fresh and healthy food. The proposed text amendment would permit the keeping of up to five (5) chicken hens on lots in the residential zoning districts. It will not permit the keeping of roosters in residential zoning. (Although future text amendments may consider the keeping of other small and medium size animals for urban agriculture that is not being considered at this time.) The proposed language follows (added text is underscored, deleted text is ~~struck-through~~):

Chapter 6 – Single Family Residential Zoning Districts

Article 601.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

14. Accessory buildings and uses customarily incidental to the above uses, including:

a. The keeping of a farm animals limited to the following:

1. Up to **five** chicken hens.
2. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than **40 feet** and contain at least **1,200 square feet** of area for each horse kept therein. The keeping of horses on properties located in residential zoning districts in other than permitted corral areas is prohibited.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. A single email of support was received via EROP:

From: Charles Johnson [mailto:bigchuckjohnson@gmail.com]
Sent: Tuesday, April 09, 2013 10:39 PM
To: Darren Gerard - PLANDEVX
Subject: Re: Regulatory Outreach

Thank you. I understand. Didn't catch the distinction in zoning.

On Apr 9, 2013 7:55 PM, "Darren Gerard - PLANDEVX" <DarrenGerard@mail.maricopa.gov> wrote:

Sir: most of Waddell is zoned Rural-43 which already permits the keeping of chickens accessory to a single-family residence without limitation to number. The subject text amendment is only in regard to the residential zoning districts. At present they may not keep chickens. It's proposed to permit the keeping of five chicken hens on a lot within a residential zoning district.

From: bigchuckjohnson@gmail.com [mailto:bigchuckjohnson@gmail.com]
Sent: Monday, April 08, 2013 11:35 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012012 – Chickens

Citizen's Name: Charles Johnson
City: WADDELL
Zip: 85355
Phone Number:
Phone Type: mobile
Email: bigchuckjohnson@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

Could the ordinance allow for scaling up the number of chickens based on the number of occupants. There are seven in my house and we can go through 18 eggs at breakfast. Five hens probably won't support that level of consumption.

Time of Request: 4/8/2013 11:34:59 AM

Recommendation:

Staff recommends the Commission **initiate TA2012012**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012015 – RV Storage / Parking

Meeting Date: April 25, 2013

Agenda Item: 4

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance permit the storage of RVs in both the rear and side yards, but no closer to the street than the front plane of the principal building

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This is an effort to bring code into alignment with community values. The proposed language follows (added text is underscored, deleted text is struck-through):

SECTION 1114. LOCATION OF MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS & MOTOR HOMES

1114.1.2. If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot or side yard of the lot but no closer to the street than the front plane of the principal building, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed **72 hours**. Such storage shall maintain a **five (5) foot** clear path around any structures.

This item is being processed through the County’s Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today’s ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. However, previous staff discussion raised concern about blocking access to firefighters in event of an emergency. Staff added a

sentence requiring a clear path be maintained around any structures in order to address this concern.

Recommendation:

Staff recommends the Commission **initiate TA2012015**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012016 –
Unregistered / Inoperable Vehicles Storage / Parking

Meeting Date: April 25, 2013

Agenda Item: 5

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three unregistered and/or inoperable vehicles

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This is an effort to bring code into alignment with community values and is expected to mitigate a number of violation cases. Note that car hobby enthusiasts often keep a second car for parts while rehabilitating a classic car, muscle car, etc. The proposed language follows (added text is underscored, deleted text is struck-through):

ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:

1102.9.5. Not more than ~~one~~three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it ~~cannot be seen from~~ is visually screened from any public or private street or right-of-way unless stored within an attached carport. Such storage shall maintain a five (5) foot clear path around any structures.

At present, one unregistered/inoperable vehicle may be stored on a property. The proposal is to increase that number to three. Another option would be to strengthen the regulation of where such vehicles may be stored. This would seem reasonable given the increased latitude proposed. Alternative language would be (added text is underscored, deleted text is struck-through):

ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:

1102.9.5. Not more than ~~one~~three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning

district, and such unregistered or inoperable vehicles shall be stored in a rear yard or side yard but no closer to the street than the front plane of the principal building such that it cannot be seen from is visually screened from any public or private street or right-of-way unless stored within an attached carport. Such storage shall maintain a five (5) foot clear path around any structures.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. However, staff added a sentence requiring a clear path be maintained around any structures in order to maintain access for firefighters in event of an emergency.

A single email of support was received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Monday, April 15, 2013 11:38 AM
To: 'judy@shadowlakes.com'
Subject: RE: Regulatory Outreach

Ms. Hoelscher: please note the proposed language is that the unregistered/inoperable vehicles must be stored/parked so that they are visually screened from public or private streets unless within an attached carport. Visually screening can include fencing or tarps. The current ordinance language nor the proposed language would require visually screening from neighboring lots uphill. I trust this answers your question. Please feel free to call or email me directly with any additional questions. Darren

Darren V. Gérard, AICP, Deputy Director
Maricopa County Planning & Development Department
501 N. 44th St. # 200 Phoenix, AZ 85008
602-506-7139, 602-506-3711 (fax)
darrengerard@mail.maricopa.gov
www.maricopa.gov/planning
www.mygreengovernment.com
www.CleanAirMakeMore.com

Our office is located three blocks north of the 44th St. Light Rail Station, and along Bus Route 44. See www.valleymetro.org for trip information.

From: judy@shadowlakes.com [<mailto:judy@shadowlakes.com>]
Sent: Thursday, April 11, 2013 3:40 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012016 – Unregistered/Inoperable Vehicles Storage/Parking

Citizen's Name: Judy Hoelscher
City: New River
Zip: 85087
Phone Number: 6234654767
Phone Type: mobile
Email: judy@shadowlakes.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

I would like to give input on this. I live in a place that there is no way to shield view of cars from neighbors as we live with neighbors on hill above, so it is not always possible to hide cars from view, I hope this new text amendment will apply fairly and uniformly to all Maricopa County residents and not just those fortunate to own flat land that a fence can shield personal property. I have a code violation and am unable to comply hiding my unregistered car from view, in my case it cannot be seen from the street but it can from my complaining neighbors back yard, the code enforcement gave me only one option and that is to remove the car from my property. Thank you for this text amendment allowing 3 cars.

Time of Request: 4/11/2013 3:39:23 PM

Recommendation:

Staff recommends the Commission **initiate TA2012016**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012033 – Rural-43 Lot Coverage

Meeting Date: April 25, 2013

Agenda Item: 6

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 503.5.4 to raise the Maximum Lot Coverage from 15% to 25% in the Rural-43 zoning district

Support/Opposition: No known opposition. One email of support.

Recommendation: **Initiate**

Discussion:

This is part of an effort to bring unincorporated Maricopa County zoning jurisdiction in alignment with most other area jurisdictions' equivalent to Rural-43 which is generally "suburban estate" type development (See table on next page). Lot coverage is the cumulative area under roof of a given parcel. A lot coverage increase is not being considered for the Rural-70 and Rural-190 zoning districts because those locations tend to be rural and remote from emergency fire protection. The proposed language follows (added text is underscored, deleted text is struck-through):

Chapter 5 – Rural Zoning Districts

SECTION 503. RURAL-43 (Rural Zoning District – One Acre Per Dwelling Unit)

ARTICLE 503.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **one acre**.
 2. **Lot Width:** Each lot shall have a minimum width of **145 feet**.
 3. **Lot Area per Dwelling Unit:** This minimum lot area per dwelling unit shall be **one acre**.
1. **Lot Coverage:** The maximum lot coverage shall be ~~15%~~ 25% of the lot area.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) At that time, staff was proposing a max. 20% Rural-43 lot coverage but the stakeholders overwhelmingly agreed that a max. 25% Rural-43 lot coverage was more appropriate. There is no known opposition to the proposed language. A single email of support was received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Friday, April 05, 2013 9:10 AM
To: 'Geverland@aol.com'
Subject: RE: Regulatory Outreach

George: this email it to document are previous discussions on this subject. Your support of TA2012033 will be noted for the Planning & Zoning Commission. At this time staff is only addressing the Rural-43 zoning district and not the Rural-70 or Rural-190. Further, we're not changing treatment of lot coverage for open structures versus enclosed buildings; however, staff is proposing to increase the Rural-43 Maximum Lot Coverage from 15% to 25% (rather than to just 20%). Darren

From: Geverland@aol.com [<mailto:Geverland@aol.com>]
Sent: Thursday, March 21, 2013 10:58 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012033 – Rural-43 Lot Coverage

Citizen's Name: George Everland
City: Phoenix
Zip: 85085
Phone Number: 623-764-5286
Phone Type: mobile
Email: Geverland@aol.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

I am a Civil Engineer and attended the 3/22 stakeholder meeting. I have several recommendations: 1. In the R-43 I suggest the Lot Coverage be increased to a "total of 25% of enclosed structures" and a "total of 35% of all roofed structures, enclosed or open" I believe there is a recent definition of "open structures" ? I also believe a similar increase needs to apply to the R-70 & R-170 zones to allow for the open structures, especially due to the extensive equestrian nature and increased emphasis on Passive Green development such as additional shade areas.

Time of Request: 3/21/2013 10:57:55 AM

The following table contrasts the County's existing Rural-43 lot coverage against a sample of other area jurisdictions. The County's existing standard is far lower than that of the other jurisdictions which range from 20% to 40% and tend to remain slightly higher than the proposed 25%.

Jurisdiction	Lot Coverage for 1 DU/AC Zoning		Ordinance Reference
Maricopa County	15%	Rural-43	503.5.4
Phoenix	20%	RE-43	605 B(5)
Glendale	20%	RR-45	5.127
Mesa	25%	RS-43	11-5-3
Chandler	40%	AG-1	35-403 (5)
Scottsdale	20%	R1-43	5.102(B)8b
Peoria	30%	R1-43	14-5-6 (A)
Gilbert	30%	SF-43	2.104
Buckeye	30%	SF-43	4.1.1

Recommendation:

Staff recommends the Commission **initiate TA2012033**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2013001 – 2012 International Codes
Meeting Date:	April 24, 2013
Agenda Item:	7
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a Text Amendment to the Maricopa County Local Additions & Addenda to adopt construction safety codes as amended
Support/Opposition:	No known opposition. One letter of support.
Recommendation:	Initiate

Discussion:

This is to ensure updated construction safety codes. This item was presented to the Maricopa County Building Code Advisory Board on April 9 for discussion and will be presented again on April 30, 2013 for recommendation. The April 9, 2013 BCAB report and proposed language are attached.

A text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) 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
- 2012 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code

The proposed text amendment language is a repeal and replace of the existing document language for the Maricopa County Local Additions & Addenda. The rewritten document is attached in its entirety. These are code updates and not substantial changes from current codes, except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR, and positively acted on at the April 30, 2013 BCAB, the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The regulations will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) The stakeholders indicated compliance with the green construction codes should be optional, and that an alternative to energy code compliance must be offered. Staff is proposing an alternative approach to compliance by documenting a Home Energy Rating System (HERS) Index of 70 or less. There is no known opposition to the proposed language. A letter of support was received from SRP, attached.

Recommendation:

Staff recommends the Commission **initiate TA2013001**.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachments: SRP letter (1 page)
4/9/13 BCAB report (3 pages)
Proposed language (35 pages)

No large size enclosures.



March 19, 2013

Debra W. Stark, AICP
Maricopa County Planning and Development Director
501 N. 44th Street, Suite 200
Phoenix, AZ 85008

*file in
Adoption of
2012 I Codes*

RE: Adoption of the 2012 I Codes

Ms. Debra Stark:

Thank you for taking the time to meet with me yesterday. I enjoyed our conversation about Maricopa County, and I hope I was able to provide some helpful information on why the adoption of the 2012 IECC is so important to our collective future. I will keep you posted as new information becomes available. Senate Bills 1365 and 1321 have been a concern to us all; SRP supports the right of Maricopa Co to define their own future, and determine what is best for their residents.

SRP supports your efforts to adopt the 2012 Codes, as well as your efforts to encourage design and building techniques that reduce energy consumption thereby saving Maricopa Counties businesses and residents money. It makes good business sense for the County to encourage building practices that protect their infrastructure. SRP's mission of providing reliable and reasonably priced electricity relies upon efforts such as this to assure our ability to meet future and current power demands.

Building Energy Codes are the most cost effective method of obtaining energy efficiency. SRP supports the adoption of the 2012 International Energy Conservation Code as a means to obtain reduced demand on your infrastructure and our generation facilities. The construction costs associated with building additional generation facilities will be born by all of us; all of us can contribute to postponing that work, allowing American ingenuity time to develop the next great energy generating resource.

Currently SRP obtains power from many types of generation facilities: hydro, nuclear, natural gas, wind, geothermal, solar, landfill gas, biomass, and fuel cell technology. In 2012 we met 9% of power demand with sustainable resources. During the past few years, SRP has introduced more than 25 energy efficiency programs. Through these rebate programs we have supported a movement in the market that has resulted in better built, more energy efficient homes and businesses. We support and encourage your adoption of the 2012 IECC as a means to continue this trend, saving your residents and business money in the most cost effective way.

If we can be of any support, including providing training and code books, please let us know.

Sincerely,

Sharon Bonesteel, RA, CBO, CP
Senior Policy Analyst – Codes & Standards Initiative
Office 602-236-4498, Cell 602-814-7357



MOHAWK





Maricopa County

Planning & Development Department

Tom Ewers
Plan Review Manager
501 N. 44th St., Suite 200
Phoenix, Arizona 85008
Phone: (602) 506-7145
www.maricopa.gov/planning

TO: BUILDING CODE ADVISORY BOARD
FROM: TOM EWERS, PLAN REVIEW DIVISION MANAGER
DATE: March 15, 2013
RE: April 9, 2013 BCAB MEETING

Approval of Minutes:

At your April 9, 2013 meeting please approve the attached minutes of your January 8, 2013 meeting.

New Business:

1. 2012 ICC Code Adoption – 2013 Maricopa County Local Additions and Addenda

Attached please find the 2013 Maricopa County Local Additions and Addenda which we use to adopt and amend the following International Codes:

2012 International Building Code
2012 International Residential Code
2012 International Mechanical Code
2012 International Plumbing Code
2011 National Electrical Code
2003 International Fire Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code

We had hoped to have new codebooks available for the BCAB members but we can't order them until we have a clear idea of exactly which codes will be adopted. Then we can do a bulk order for the BCAB and our plan review and inspections staff.

In general the 2012 ICC Codes, and 2011 NEC Code, did not contain many actual changes, other than housekeeping changes to move all definitions to chapter two and not include related code language in every section, but just refer to the related code sections. This resulted in far fewer pages in each code book. The only big actual changes to the IBC and IRC are clarifications to wind load design, earthquake design and wall bracing.

We are adding the Green Construction Code, Energy Conservation Code and Existing Building Code.

Similarly, the Local Additions and Addenda are not changing much other than to update the referenced code sections. We are still recommending adoption of the MAG/AZBO Amendments for the IBC, IRC, IMC, IPC and IFGC and the City of Phoenix Amendments for the NEC, IGCC, IECC and IEBC.

I will describe more specifically the changes to the Local Additions and Addends and the ICC/NEC Codes:

Cover Page:

1. Updated to March 2013.

Table of Contents:

1. Updated to reference the 2012 codes and add the IGCC, IECC and IEBC.

Chapter 1:

1. No Changes.

Chapter 2:

1. Removed the \$75 fee for Expedited in-house plan review, since this is not a service we offer.
2. Section 209. Noise Level Reduction. Updated Zoning Ordinance reference from Section 1007 to 1010 to reflect a change made to the Zoning Ordinance.
3. Section 210.2 Definitions, Swimming Pool. Added "This does not include decorative fountains that contain water under 12" deep". Without this language, we were requiring pool barriers around fountains.
4. Section 211.1.5 of Residential Woodburning Regulations completely changed to match current Arizona Revised Statutes (ARS) for the four types of allowable fireplaces/wood stoves.

Chapter 3:

1. Section 301. Adopts and amends 2012 IBC and Appendix G Flood Resistance Construction. We don't usually adopt appendices, but this one is necessary to maintain our standing in the NFIP.
 - a. Section 202 through Section 3109 are the MAG/AZBO amendments that did not change other than some slight editorial corrections. We are still exempting single family residences from fire sprinkler requirements.

2. Section 302. Adopts and amends 2012 IRC. No changes other than some code section corrections. We are still exempting single family residences from fire sprinkler requirements.
3. Section 303. Adopts and amends 2012 IMC with new MAG/AZBO amendments for Domestic Systems and Standards.
4. Section 304. Adopts and amends 2012 IPC with new MAG/AZBO amendment for Water Closet clearances. Kept same MAG/AZBO amendments for Discharge Piping and Vent Through Roof.
5. Section 305. Adopts and amends 2011 NEC with the City of Phoenix Amendments, which haven't changed except for section number corrections to fit the new code.
6. Section 306. Adopts and amends 2003 IFC. No changes, still only applies to County owned buildings.
7. Section 307. Adopts and amends 2012 IFGC with same MAG/AZBO amendment for Burial Depth.
8. Section 308. Adopts and amends 2012 IGCC with City of Phoenix proposed amendments. Specifies that code is optional.
9. Section 309. Adopts and amends 2012 IECC with City of Phoenix and SRP proposed amendments for scoping and the RESNET testing and HERS ratings and pool motor requirements recommended by MAG/AZBO.
10. Section 310. Adopts 2012 IEBC with no amendments.

It is staff's recommendation that the BCAB recommend that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopts and amends the 2012 ICC codes and the 2011 NEC code.

Maricopa County Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

March 2013



Maricopa County

MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

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MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

Chapter 1 – Purpose & Title

SECTION 101. PURPOSE

The purpose of this document is to provide all local addenda, amendments, and additions to the adopted national building codes in one location.

SECTION 102. TITLE

This document shall be referred to and known as "Local Additions & Addenda".

SECTION 103. SEPARABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

SECTION 104. AMENDMENT

This document may be amended from time to time. It may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.

SECTION 105. REVOCATION

This document shall abolish, replace, and/or supercede any previous amendments, changes or additions to the national codes previously approved by Maricopa County.

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SECTION 201. PURPOSE

The purpose of this Chapter is to provide all local changes to the adopted national building codes that relate to the administration of those codes in on location.

SECTION 202. VIOLATION & PENALTY (Reserved)

SECTION 203. BUILDING CODE ADVISORY BOARD (Reserved)

SECTION 204. ORGANIZATION & ENFORCEMENT

Code Enforcement Agency

The Code Enforcement Agency created under the building code shall be defined in Maricopa County as the Planning and Development Department. This Planning and Development Department is charged by the Board of Supervisors to implement the building code and other pertinent laws, ordinances and/or regulations through the County's One Stop Shop Program.

Building Official

The Building Official shall be the Director of the Planning and Development Department (or his/her duly authorized representatives), who is charged with the administration and enforcement of the building code and Building Safety Ordinance.

General

Wherever the building code refers to the intent, purpose, implementation, inspection, enforcement, regulation, issuance of documents, compliance or other similar activity related to "this code", the phrase for purposed of implementing the "One Stop Shop Program" shall mean "this code or other pertinent laws, ordinances, and/or regulations implemented through the Code Enforcement Agency."

SECTION 205. PERMITS

Building Permits: A building permit shall not be required for a detached non-habitable accessory building that is single story and no greater than 200 square feet in floor area, provided such building does not include plumbing, electrical, or mechanical services or equipment. A building permit shall not be required to replace an existing water heater provided the work is done in accordance with manufacturer's specifications.

Permit Expiration: A permit may be renewed within one year of expiration provided that no change in ownership or engineer/architect of record has occurred. Renewal after expiration for

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more than one year shall not be permitted. Any such permit shall be deemed to be revoked and a new permit must be issued.

The design and construction of structures located within the unincorporated areas of Maricopa County shall comport to the codes in effect at the time of permit application, provided the specific permit remains valid, regardless of whether or not the County adopts subsequent codes. When approved by the Building Official, utility-scale solar generating facilities in which permit applications have been submitted, the design and construction may continue to utilize the codes in effect at the time of initial permit application, regardless of the number of permits required to complete the project, provided that 1) all construction is covered by an issued permit, 2) any permits issued for construction remain valid, and 3) continuous construction takes place until the facility is commissioned for commercial service and the facility receives final inspection. Once the above conditions have been met, subsequent construction activity shall comply with the codes in effect at the time of the subsequent permit applications. Further, should a permit lapse, the work contemplated by the permit shall be subject to a new permit application and shall comport to the codes in effect at the time the new permit application is submitted. For purposes of this section, the term "Utility-Scale" shall be as defined by the Maricopa County Zoning Ordinance.

Temporary Event Permit Exemption: Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following the end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

SECTION 206. INSPECTIONS

Pre-Permit Inspection: A pre-permit inspection may be necessary and shall be the responsibility of the permit holder to post the property in a manner approved by the Building Official.

Permit Holder Responsibilities: It shall be the responsibility of the permit holder to:

1. Call for an inspection.
2. Stake property corners.
3. Designate property lines prior to the inspection of any primary use.
4. Post the inspection card.
5. Provide a copy of the approved plans on the site.
6. Provide access to the site.
7. Have someone at the site during the inspection.

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Failure to complete the above shall result in no inspection at the time and an assessment of a re-inspection fee. A survey of the lot may be required by the Building Official to verify that the building/structure is located in accordance with the approved plans.

Partial Inspections: Partial inspections may be requested and conducted when necessary due to common construction practices. If a partial inspection is approved, documentation shall be maintained during construction that identifies what segments of work have obtained what types of partial inspection approval.

Re-inspections: Re-inspection fees shall apply when:

1. Property lines have not been designated as required.
2. The inspection card is not posted or available on the work site.
3. Approved plans are not readily available to the inspector on the site.
4. There is no access on the date for which the inspection is requested.
5. Work is not ready for inspection.
6. Work has been covered.
7. Late cancellation.
8. There is a deviation from plans significant enough to require approval of revised plans.

To obtain a re-inspection, the applicant shall follow the same procedures required for an inspection after paying a re-inspection fee.

SECTION 207. CERTIFICATE OF OCCUPANCY

The purpose of a Certificate of Occupancy is to insure that all department requirements have been met. A Certificate of Occupancy is required for all permits except those issued over the counter.

Temporary Certificate: A Temporary Certificate of Occupancy may be issued with the concurrence of all impacted departments and when appropriate fees are paid. Bonding, if required, shall be provided in accordance with the direction of the Building Official prior to issuance of a Temporary Certificate.

Permanent Utility Authorization: Permanent utility approval shall be not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy or letter of approval.

SECTION 208. FEES

Determination of Value: Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

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expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

Fees: The Building Official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

TABLE 1-A – BUILDING CODE/PERMIT FEES

Total Valuation	Fee
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1000, or fraction thereof

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Other Inspections and Fees:

1. Inspections outside of normal business hours	\$ 150 per residential inspection \$ 250 per commercial inspection
2. Reinspection fees	\$ 150 per residential inspection \$ 250 per commercial inspection
3. Inspections for which no fee is indicated	\$ 150 per inspection
4. Expedited plan review by consultant	Actual costs
5. Standard plan review (5 options)	2 times normal plan review fee
6. Change to approved plan (includes standards)	\$ 250
7. Code Modification	\$ 100 per request
8. Alternate material, design or methods	\$ 100 per request
9. Tests required	\$ 100 per test & test fees paid by applicant
10. Appeal to the Building Code Advisory Board	\$ 500
11. Amendment to the Code	\$1500
12. Requested/needed staff directive	\$ 250
13. Requested staff research report	\$ 100 residential property \$ 250 commercial property

Flat Rate Fees:

Air conditioner	\$ 50
Elec. Serv Residential 1 – 200 amps	\$ 50
Elec. Serv Res or Comm 201 – 400 amps	\$ 75
Elec. Serv over 400 amps	\$ 120
Temporary meter	\$ 50
Evaporative cooler	\$ 50
Gas Line (connect or clearance)	\$ 50
Mobile home "Pre-HUD Upgrade"	\$ 50
Plumbing sewer line SFR	\$ 50
Irrigation System	\$ 50
Sprinkler	\$ 50
Mechanical	\$ 50
Plumbing (Install or replace Equip/fixture/devices)	\$ 50
Demolition Permit	\$ 50
Manufactured/Mobile Home Setup/Installation	\$ 300
Commercial Manufactured Building (factory built building)	Based on installation value & Table 1-A
Occupancy Change	\$ 75
Hot tub or Spa (in or above ground)	\$ 75
Swimming pool above ground	\$ 75
Compliance Inspection	\$ 100
Move on House (compliance inspection)	\$ 100
Renew permit for final	\$ 100

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Special Event Fee (tents) \$ 100 per event

Additional Fees:

Plumbing (water/sewer collector lines)	\$30 min based on valuation
Amendment to approved plan data	\$30
Unpaved Parking Area Paving	\$100
Temporary Certificate of Occupancy	
Without bonding	\$250
With bonding	\$500
Subdivision Infrastructure Permit	\$300
Ground mounted residential solar system	\$500
(Less than six (6) feet high)	
Roof mounted residential solar system	\$300

Copy Charges:

Additional copy of:	
Permit	\$ 2
Job card	\$ 2
Certificate of Occupancy	\$ 2
Copy (Approved Plans – per set)	\$ 15 per set (Restamping Only)
Copy (per page)	
Standard copier	\$ 1
Oversize copier	\$ 6

Grading Fees:

Plan Review Fees:

Volume of material (Cut and Fill)	Fee
<50 cubic yards	No fee
50 – 100 cubic yards	\$ 23.50
101 – 1,000 cubic yards	\$ 37.00
1,001 – 10,000 cubic yards	\$ 49.25
10,001 – 200,000 cubic yards	\$ 49.25 plus \$ 24.50 for each additional

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	10,000 cubic yards or fraction thereof
200,001 or more cubic yards	\$269.75 plus \$ 7.25 for each additional 10,000 cubic yards or fraction thereof
Additional plan review required by changes, additions, or revisions to approved plans	\$ 50.00
Permit Fees:	
Volume of material (Cut and Fill)	Fee
<50 cubic yards	\$ 23.50
50 – 100 cubic yards	\$ 37.00
101 – 1,000 cubic yards	\$ 37.00 plus \$ 17.50 for each additional 100 cubic yards or fraction thereof
1,001 – 10,000 cubic yards	\$194.50 plus \$ 14.50 for each additional 1,000 cubic yards or fraction thereof
10,001 – 100,000 cubic yards	\$325.00 plus \$ 66.00 for each additional 10,000 cubic yards or fraction thereof
100,001 or more cubic yards	\$919.00 plus \$ 24.50 for each additional 10,000 cubic yards or fraction thereof

Payment of Fees: No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Local Additions and Addenda", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission.^{*1*2}

SECTION 209. ADDITIONAL REGULATIONS

NOISE LEVEL REDUCTION: Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas

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within noise contours described in Section 1010. of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

SECTION 210. BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS

SECTION 210.1 - GENERAL

210.1.1

Scope. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

210.1.2

Standards of Quality. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504.)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

SECTION 210.2 – DEFINITIONS

For the purpose of this section, certain terms, words and phrases are defined as follows:

ABOVEGROUND/ON-GROUND POOL. See definition of "swimming pool."

BARRIER is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

GRADE is the underlying surface, such as earth or a walking surface.

HOT TUB. See definition of "spa, nonself-contained" and "spa, self-contained."

IN-GROUND POOL. See definition of "swimming pool."

SEPARATION FENCE is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

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SPA, NONSELF-CONTAINED is a hydro massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610mm) deep.

SPA, SELF-CONTAINED is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

SWIMMING POOL is any structure intended for swimming or recreational bathing that contains water over 18 inches deep and/or wider than 8 feet at any point. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. This does not include decorative fountains that contain water less than 12 inches deep.

SWIMMING POOL, INDOOR is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR is any swimming pool that is not an indoor pool.

SECTION 210.3 – REQUIREMENTS

210.3.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 54 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.
2. Openings in the barrier shall not allow passage of a 1 3/4-inch-diameter (44.5 mm) sphere.

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EXCEPTIONS:

1. When vertical spacing between such openings is 54 inches or more, the opening size may be increased such the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 54 inches or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 210.3.1 shall be provided.

EXCEPTIONS: When approved by the Building Official, one the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means such a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
4. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a

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barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

210.3.2 Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Section 210.3.1 Item 5

210.3.3 Spas and Hot Tubs. For a nonself-contained and self-contained spa or hot tub protection shall comply with the requirements of Section 210.3.1

EXCEPTION: A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 210.3.1

210.3.4 Where a window faces a swimming pool enclosure, said window shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4" or a latching device located not less than 54" above the floor. Emergency escape or rescue windows in bedrooms which face swimming pool enclosures shall be equipped with a latching device located no less than 54" above the floor.

210.3.5 Protective enclosures shall be located at a minimum horizontal distance of 54" from any equipment, permanent structures, planters, or similar objects that could be used to climb the enclosure. This provision shall not apply to the area between the pool and the protective enclosure if the protective enclosure is a solid wall with no openings.

SECTION 211. RESIDENTIAL WOODBURNING REGULATIONS

211.1 FIREPLACE RESTRICTIONS

211.1.1 Purpose

The purpose of this subsection is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

211.1.2 Applicability

The Residential Woodburning Restriction Ordinance applies to any residential wood burning device in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections.

AREA A – As defined in Arizona Revised Statutes (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East

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Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South Range 5 West through Range 1 East
Township 4 South Range 5 West Through Range 1 East

211.1.3 Effective Date

The effective date of the regulations and prohibitions set forth this subsection shall be December 31, 1998.

211.1.4 Definitions

For purposes of this subsection, the following words and terms shall be defined as follows:

FIREPLACE means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

SOLID FUEL includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

WOOD STOVE means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

211.1.5 Installation Restrictions

- (a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:
1. Provides the sole or primary source of heat or fuel for cooking for a residence.
 2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990, or sold at retail on or after July 1,

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1992, as prescribed by 40 Code of Federal Regulations Part 60, Subpart AAA.

3. Burns gaseous fuels, including gas logs.
4. Meets rules adopted by the Board of Supervisors as prescribed in ARS § 49-479 for burning wood in approved appliances.

211.1.6 Permits Required

In addition to the provisions and restrictions of this subsection, construction, installation or alteration of all fireplaces, wood stoves and gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the County Building Code and shall be subject to the permits and inspections required by the County Building Code.

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SECTION 301. 2012 INTERNATIONAL BUILDING CODE

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

Amendments to the 2012 International Building Code:

Adopt Appendix G Flood-Resistant Construction

Revise the following Sections to read:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees*. Said fee to be the building permit fee doubled.

SECTION 202 DEFINITIONS.

PERSONAL CARE SERVICE is assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

SUPERVISORY CARE SERVICE is general supervision, including daily awareness of resident functioning and continuing needs.

DIRECTED CARE SERVICE is care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

ASSISTED LIVING FACILITY is a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

ASSISTED LIVING CENTER is an assisted living facility that provides resident rooms to eleven or more residents.

ASSISTED LIVING HOME is an assisted living facility that provides resident rooms to ten or fewer residents.

INSTITUTIONAL GROUP I

308.3 Institutional Group I-1. This occupancy shall include buildings, structures or portions thereof for more than 10 persons who reside on a 24 hour basis in a supervised

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environment, receive custodial care and are capable of self-preservation, except as provided for assisted living centers. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living centers

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

308.3.2 Six to Ten Persons Receiving Care. A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as Group R-4, except as provided for assisted living homes.

308.4 Institutional Group I-2. This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Assisted living centers

Psychiatric hospitals

SECTION 310.2 DEFINITIONS. The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY

ASSISTED LIVING CENTER

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ASSISTED LIVING HOME

BOARDING HOUSE

CONGREGATE LIVING FACILITIES

DIRECTED CARE SERVICES

DORMITORY

GROUP HOME

PERSONAL CARE SERVICE

SUPERVISORY CARE SERVICES

TRANSIENT

310.5.1 Care facilities with a dwelling. Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted provided that the requirements of Section 425 of this code are met.

310.6 Residential Group R-4. This occupancy shall include buildings, structures or portions thereof for more than five but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation, except as provided for assisted living homes. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

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Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code and Section 425.

310.6.1 Condition 1. This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as Group I-2.

310.6.2 Condition 2. This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

SECTION 425. ASSISTED LIVING HOMES

425.1 Applicability. The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all the applicable provisions of Group R-3.

425.2 General. Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

425.3 Special Provisions. R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

425.3.1 Mixed Uses. R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

425.4 Access and Means of Egress Facilities.

425.4.1 Accessibility. R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

425.4.2 Exits.

425.4.2.1 Number of Exits. Every story, basement or portion thereof shall have not less than two exits.

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Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

425.4.2.2 Distance to Exits. The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

425.4.2.3 Emergency Exit Illumination. In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

425.4.2.4 Emergency Escape and Rescue. R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

425.4.2.5 Delayed Egress Locks. In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1,2,4,5 and 6.

425.5 Smoke Alarms and Sprinkler Systems.

425.5.1 Smoke Alarms. R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

425.5.2 Sprinkler Systems. R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of, or containing, combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

1008.1.2 Door Swing. Delete the text of Exception #4 and replace with the following:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in 101.2 and R-4.

Section 903.2.8 Group R: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

Section 1008.1.2 Door Swing. Egress doors shall be side-hinged swinging.

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Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

1101.3 Other Regulations: In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2012 International Building Code, the stricter shall apply.

Revise as follows:

1210.2 Walls. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

1503.4.4 Where Required. All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

1503.4.5 Roof Design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.

1503.4.6 Overflow Drainage Required. Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

1503.4.6.1 Separate Systems Required. Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

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1503.4.6.2 Overflow Drains and Scuppers. Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

OCCUPANCY OR USE	UNIFORM (PSF)	CONCENTRATED (LBS.)
25. Residential One- and two-family dwellings		
Uninhabitable attics with limited storage	40	
Habitable attics and sleeping areas	40	
(no other changes in item 25)		

Section 3109 Swimming Pool Enclosures is deleted.

SECTION 302. 2012 INTERNATIONAL RESIDENTIAL CODE

The 2012 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following amendments.

Amendments to the 2012 International Residential Code:

Revise Table R 301.5 as follows:

Use	Live Load
Attics with limited storage ^{b,g}	40
Habitable attics and attics served with fixed stairs	40
Sleeping rooms	40

No other changes to table

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Section R313 Automatic fire sprinkler systems is deleted.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

M1503.1 General. Range hoods shall discharge to the outdoors through a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

SECTION G2415.12.1 Individual Outside appliances is deleted

SECTION P2803.6.1 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more than 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.

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11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS is deleted.

SECTION 303. 2012 INTERNATIONAL MECHANICAL CODE

The 2012 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County along with the following amendments.

Amendments to the 2012 International Mechanical Code:

Revise the following sections to read:

505.1 Domestic Systems. Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with an approved transition fitting.

1004.1 Standards. Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code* and Arizona Boiler Rules, Title 20 Chapter 5.

SECTION 304. 2012 INTERNATIONAL PLUMBING CODE

The 2012 International Plumbing Code has been adopted as the plumbing code for Maricopa County along with the following amendments.

Amendments to the 2012 International Plumbing Code:

Add to Section 405.3.1:

Exception: Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

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504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more than 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

Add to Section 904.1:

All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

SECTION 305. 2011 NATIONAL ELECTRICAL CODE

The 2011 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following amendments.

Revise the following sections to read:

ARTICLE 210 – Branch Circuits

Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel

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(B) Other Than Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210.8(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(6) Indoor damp and wet locations.

ARTICLE 250 – Grounding and Bonding

250.118 Types of Equipment Grounding Conductors.

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- (1) A copper, aluminum or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.
- (2) Rigid metal conduit.
- (3) Intermediate metal conduit.
- (4) Electric metallic tubing with an additional equipment grounding conductor.
- (5) Listed flexible metal conduit meeting all the following conditions:
 - a. The conduit is terminated in listed fittings.
 - b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.
 - c. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).
 - d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.
- (6) Listed liquidtight flexible metal conduit meeting all the following conditions:
 - a. The conduit is terminated in listed fittings.
 - b. For metric designators 12 through 16 (trade sizes 3/8 through 1/2), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.
 - c. For metric designators 21 through 35 (trade sizes 3/4 through 1-1/4), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metal tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through 1/2) in the ground-fault current path.
 - d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

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- e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.
- (7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:
- a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.
 - b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).
- (8) Armor of Type AC cable as provided in 320.108.
- (9) The copper sheath of mineral-insulated, metal-sheathed cable.
- (10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:
- a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).
 - b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.
 - c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.
- (11) Cable trays as permitted in 392.10 and 392.60.
- (12) Cablebus framework as permitted in 370.3
- (13) Other listed electrically continuous metal raceways and listed auxiliary gutters.
- (14) Surface metal raceways listed for grounding.

ARTICLE 334 – Nonmetallic-Sheathed Cable; Types NM, NMC and NMS

II. Installation

334.10 Uses Permitted. Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two- family dwellings and their attached or detached garages, and their storage buildings.
- (2) Multifamily dwellings permitted to be of Types III, IV and V construction except as prohibited in 334.12.
- (3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and 334.10 (2) and other provisions of this Code.

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(4) Cable trays in structures permitted to be Types III, IV or V in accordance with 334.10(1) and (2) where the cables are identified for the use.

(5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

(A) Type NM. Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations.
- (2) To be installed or fished in air voids in masonry block or tile walls.

(B) Type NMC. Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp or corrosive locations.
- (2) In outside and inside walls of masonry block or tile.
- (3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe or similar finish.

(C) Type NMS. Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations.
- (2) To be installed or fished in air voids in masonry block or tile walls.

334.12 Uses Not Permitted.

(A) Types NM, NMC and NMS. Type NM, Type NMC and Type NMS cables shall not be permitted as follows:

- (1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (3).
- (2) As service-entrance cable.
- (3) In hoistways or on elevators or escalators
- (4) Embedded in poured cement, concrete or aggregate.

(B) Types NM and NMS. Types NM and NMS cables shall not be used under the following conditions or in the following locations:

- (1) Where exposed to corrosive fumes or vapors.
- (2) Where embedded in masonry, concrete, adobe, fill or plaster.
- (3) In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.
- (4) In wet or damp locations.

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SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE:

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:

104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

SECTION 307. 2012 INTERNATIONAL FUEL GAS CODE

The 2012 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.11.1, and one revision as follows:

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

Delete Section 404.12.1

SECTION 308. 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

The 2012 International Green Construction Code has been adopted as the Green Construction Code for Maricopa County along with the following amendments:

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Amendments to the 2012 International Green Construction Code:

Revise the following sections to read:

SECTION 101 GENERAL

[A] 101.1 Title.

These regulations shall be known as the Maricopa County Green Construction Code hereinafter referred to as "this code."

101.2 General.

The use of this code is optional, unless specifically required through ordinance by Maricopa County. This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

TABLE 302.1
REQUIREMENTS DETERMINED BY THE JURISDICTION

Section	Section Title of Description and Directives	Jurisdictional Requirements	
CHAPTER 1. SCOPE			
101.3 Exception 1.1	Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	Yes	
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	Yes	
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	Yes	
CHAPTER 4. SITE DEVELOPMENT AND LAND USE			
402.2.1	Flood hazard area preservation, general		No
402.2.2	Flood hazard area preservation, specific		No
402.3	Surface water protection		No
402.5	Conservation area	Yes	

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402.7	Agricultural land	Yes	
402.8	Greenfield sites	Yes	
407.4.1	High-occupancy vehicle parking	Yes	
407.4.2	Low-emissions, hybrid and electric vehicle parking	Yes	
409.1	Light pollution control	Yes	
CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY			
503.1	Minimum percentage of waste material diverted from landfills.	50%	
CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO₂e EMISSIONS REDUCTION			
302.1, 302.1.1, 602.1	zEPI of Jurisdictional Choice . The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance.	Occupancy: _____ zEPI: _____	
604.1	Automated demand response infrastructure		No
CHAPTER 7. WATER RESOURCES CONSERVATION, QUALITY AND EFFICIENCY			
702.7	Municipal reclaimed water		No
CHAPTER 8. INDOOR ENVIRONMENT QUALITY AND COMFORT			
804.2	Post-Construction Pre-Occupancy Baseline IAQ Testing		No
807.1	Sound transmission and sound levels	Yes	
CHAPTER 10. EXISTING BUILDINGS			
1007.2	Evaluation of existing buildings	Yes	
1007.3	Post Certificate of Occupancy zEPI, energy demand and CO ₂ e emissions reporting		No

SECTION 309. 2012 INTERNATIONAL ENERGY CONSERVATION CODE

The 2012 International Energy Conservation Code has been adopted as the Energy Conservation Code for Maricopa County along with the following amendments:

Amendments to the 2012 International Energy Conservation Code:

Revise the following sections to read:

C101.2 Scope. This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Commercial Building by Section C202, shall have the option of complying under the Residential Provisions of the code,

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regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

R101.2 Scope. This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Add Section R102.1.2

R102.1.2 RESNET Testing & Inspection Protocol. The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
 - a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
 - b. R402.4.1.2 – Testing – Air Leakage Rate
 - c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as “mandatory” in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

R401.2.1 Alternative Approach for Compliance. A Home Energy Rating System (“HERS”) Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Delete Section R403.9.3 and replace with:

R403.9.3 Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor’s maximum

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rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2013002 – Hillside Retaining Walls

Meeting Date: April 25, 2013

Agenda Item: 8

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 regarding retaining walls subject to hillside slopes

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This is a housekeeping item revising Maricopa County Zoning Ordinance, Article 1111.5.2.4 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a max. 30' height (where they are otherwise limited to a max. 6' height). The proposed language follows (added text is underscored, no language is proposed for deletion):

1111.5.2.4. Retaining walls shall not exceed a height of **six (6) feet** as measured from the low side finished grade to the top of the earth being retained, except as permitted in Article 1201.4 of this Ordinance.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was had slight attendance but this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language.

Recommendation:

Staff recommends the Commission **initiate TA2013002.**

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.



Report to the Planning and Zoning Commission
Prepared by the Maricopa County Planning and Development Department

Cases: TA2013003 – Drainage Waivers

Meeting Date: April 25, 2013

Agenda Item: 9

Supervisor District: All

Applicant: Staff

Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1205 Drainage Regulations to allow drainage waivers to be granted administratively

Support/Opposition: None known

Recommendation: **Initiate**

Discussion:

This is an effort to streamline the development permitting process. The proposal is to revise Maricopa County Zoning Ordinance, Section 1205 Drainage Regulations to delete Articles 1205.4.4, 1205.4.5 & 1205.4.6; add Articles 1205.3.9 & 1205.6.4; and revise Articles 1205.5 & 1205.6. The proposed language follows (added text is underscored, deleted language is struck-through):

ARTICLE 1205.3 ADMINISTRATION: This article sets forth the duties and powers of the Drainage Administrator and the limitations on regulation.

1205.3.1 Drainage Administrator: The Board of Supervisors of Maricopa County shall appoint the Director of the Maricopa County Planning and Development Department or a duly authorized representative as the Drainage Administrator who shall enforce the provisions of this Regulation.

1205.3.2 Mandatory Duties:

The Drainage Administrator shall:

1. Review drainage reports and plans for all developments of land covered by this ordinance and approve such plans when the requirements of this section are met.
2. Investigate violations and complaints of non-compliance with the Ordinance.
3. Keep copies of all documents or other submissions made pursuant to the requirements of this section.
4. Issue notices or orders necessary to enforce the provisions of this section.

5. Upon determination that development of land subject to this Ordinance has proceeded without drainage clearance, take action necessary to obtain compliance with this Ordinance.

1205.3.3 Discretionary Powers:

The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.
2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Ordinance.
3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, record a notice of non-compliance or disclaimer with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.
4. Issue notices of violation pursuant to this Ordinance.
5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Ordinance.
6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this section.
7. Establish, collect and regulate fees, which have been which have been approved by the BOS, for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.
8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:
 - a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;
 - b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;
 - c. A development that has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;
 - d. A project that has more than one phase and the schedule of construction of all phases is longer than one year.

9. Grant Drainage Waivers pursuant to Article 1205.6 of this Ordinance.

ARTICLE 1205.4 DRAINAGE REVIEW BOARD

Pursuant to the authority granted in ARS 11-251, the Board of Supervisors shall appoint each member of the Maricopa County Board of Adjustment as a member of the Drainage Review Board (DRB) which shall hear requests for waivers to this section and appeals from interpretations made by the Drainage Administrator in accordance with the rules of this section.

1205.4.1. The Drainage Review Board shall select a chair and a vice chair from among its own members who shall have the power to administer oaths and take evidence.

1205.4.2. The Drainage Review Board shall by resolution fix the time and place of its meetings. The meetings shall be open to the public; minutes of its proceedings and records of its examinations and other official actions shall be kept and filed in the office of the Maricopa County Planning and Development Department as a public record.

1205.4.3. The Drainage Review Board shall adopt rules of procedure consistent with the provisions of this Ordinance for the conduct of Drainage Review Board business including establishment of a fee schedule to cover in part administrative costs incurred in the processing of appeals, drainage clearances, drainage waivers, plans review and performance bonds. The fee schedule shall be effective when approved by the Board of Supervisors and may be separately amended from time to time as deemed necessary by the Board of Supervisors.

~~1205.4.4. Property shall be posted a minimum of fifteen days prior to a public Drainage Review Board hearing date.~~

~~1205.4.5. The Drainage Review Board may prescribe, in connection with the grant of any waiver or appealed clearance, conditions determined necessary to fully carry out the provisions and intent of this section.~~

~~1205.4.6. If the Drainage Review Board has cause to believe, after approval of a waiver, that any stipulations or conditions may have been violated, it may set a hearing for the purpose of determining whether to revoke the waiver for such violation. The Drainage Review Board may revoke the waiver upon finding a violation of the stipulations or conditions or it may grant a limited time to allow the violator to correct the violation in order to avoid revocation of the waiver.~~

ARTICLE 1205.5 APPEALS

1205.5.1 Appeals of any decision of the Drainage Administrator to the Drainage Review Board shall be filed with the Drainage Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Drainage Administrator. The notice of appeal shall specify the grounds for said appeal.

1205.5.2 During the pendency of an appeal all matters regarding the proceeding shall be stayed unless the Drainage Administrator certifies to the Drainage Review Board that by reason of facts surrounding the appeal the stay would, in the opinion of the Drainage Administrator, cause imminent peril to life or property. In such cases the other matters shall not be stayed.

1205.5.3 The Drainage Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Drainage Review Board shall hear and decide the appeal within a reasonable time.

1205.5.4. After public hearing, the Drainage Review Board shall render its decision whereby the Board may either affirm or reverse the decision of the Drainage Administrator.

~~1205.5.45 Any person aggrieved by a decision of the Drainage Review Board may, within 30 days of such decision, appeal to Superior Court the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors on a form provided by the Drainage Administrator. Said notice of appeal shall specify the grounds of appeal. The Board of Supervisors shall conduct the appeal under such rules of procedure as they shall adopt. The decision of the Board of Supervisors shall be a final decision.~~

ARTICLE 1205.6 DRAINAGE WAIVER

1205.6.1 The Drainage Review Board Administrator shall hear and decide requests for waiver from the requirements of this section.

1205.6.2 Before granting a waiver the ~~Drainage Review Board~~ Administrator shall find that each of the following criteria is met:

- a. The grant will not result in an increase in the 100-year peak flow or discharge; and
- b. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulation would deprive the property of privileges enjoyed by similar property; and
- ~~c. The waiver would not constitute a grant of special privilege inconsistent with the limitations on similar property; and~~
- ~~dc.~~ The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and
- ~~ed.~~ There is a showing of good and sufficient cause; and
- ~~f. Failure to grant the waiver would result in exceptional hardship to the applicant; and~~
- ~~ge.~~ Granting the waiver will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the waiver does not conflict with existing local laws or ordinances.

1205.6.3 The ~~Drainage Review Board~~ Administrator may attach such conditions or restrictions to the granting of a waiver as ~~the Drainage Review Board~~ the Drainage Administrator determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the waiver. The applicant may be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.

1205.6.4 Property shall be posted a minimum of fifteen days prior to the Drainage Administrator's decision.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was had slight attendance but this matter was discussed at length. (No minutes of the meeting were prepared.) As a result of stakeholder discussion, the proposed language was altered to require site posting prior to the Drainage Administrator's decision. There is no known opposition to the proposed language.

Recommendation:

Staff recommends the Commission **initiate TA2013003.**

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.