

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
July 17, 2013

NOTE: TA2013001 – 2012 INTERNATIONAL CODES - HAS BEEN SCHEDULED TO BE HEARD AT THE AUGUST 7, 2013 BOARD OF SUPERVISORS' MEETING.

CONSENT AGENDA

1. Case #: **CPA2012011** **District 1**
Applicant: Beus Gilbert, PLLC for Prehab of Arizona, Inc
Location: Southeast corner of Lehi Rd. and Country Club Dr. (in the Mesa area)
Request: Comprehensive plan amendment (CPA) to change the land use designation from Rural Development Area to Institutional (Approx. 3.17 acres) – East Valley Men's Center

2. Case #: **Z2012093** **District 1**
Applicant: Beus Gilbert, PLLC for Prehab of Arizona, Inc
Location: Southeast corner of Lehi Rd. and Country Club Dr. (in the Mesa area)
Request: Special Use Permit (SUP) for a group care facility of a philanthropic nature in C-3 and IND-2 zoning districts (Approx. 2.84 acres) – East Valley Men's Center

3. Case #: **DMP2013003** **District 5**
Applicant: Beus Gilbert, PLLC for Desert Whisper, LLC
Location: Northwest corner of 363rd Ave. and Indian School Rd. (in the Tonopah area)
Request: Modification of condition 'c' and elimination of condition 'k' to the Desert Whisper Development Master Plan (ref. #DMP2007004) (Approx. 960 acres) – Desert Whisper

4. Case #: **Z2011022** **District 5**
Applicant: Gallagher & Kennedy, PA for J&D Rentals, LLC
Location: Southwest corner of 43rd Ave. and Larson Road (in the Laveen area)
Request: Zone change from Rural-43 to IND-2 with Industrial Unit Plan of Development (IUPD) (Approx. 5.1 acres) – J&D Rentals

REGULAR AGENDA

5. Case #: **Z2013024** **District 3**
Applicant: Withey Morris, PLC for Deer Valley High School District
Location: East of the southeast corner of Cloud Rd. and 7th Ave. (in the New River area)
Request: Special Use Permit (SUP) for Wireless Communication Facility in the Rural-43 zoning district and in the Wireless Communication Facility Use District 1 (Approx. 0.034 acres) – St. Charles Wireless Towner

- | | | | |
|-----|-----------------------------------|--|----------------------|
| 6. | Case #:
Applicant:
Request: | TA2012011
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in every zoning district | All Districts |
| 7. | Case #:
Applicant:
Request: | TA2012012
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of chickens in residential zoning districts | All Districts |
| 8. | Case #:
Applicant:
Request: | TA2012015
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance regarding the storage/parking of RVs | All Districts |
| 9. | Case #:
Applicant:
Request: | TA2012016
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three unregistered/inoperable vehicles | All Districts |
| 10. | Case #:
Applicant:
Request: | TA2012033
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to permit a maximum lot coverage of 25% in the Rural-43 zoning district | All Districts |
| 11. | Case #:
Applicant:
Request: | TA2013002
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to clarify a maximum height of retaining walls | All Districts |
| 12. | Case #:
Applicant:
Request: | TA2013003
Commission-Initiated
Text Amendment to the Maricopa County Zoning Ordinance to allow administrative approval of drainage waivers | All Districts |



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013

Board Hearing Date: July 17, 2013

Cases #/Title: TA2012011 – Community Gardens

Agenda Items: 6

Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to permit gardens / community gardens as a primary use in all zoning districts

Support/Opposition: No known opposition. Two emails of support

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2012011 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments: TA2012011 is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food.

TA2012011 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will decrease regulatory burden by permitting gardens as a primary use in all zoning districts where they are not addressed at present.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)

June 6, 2013 Draft P&Z Minutes (2 pages)

June 6, 2013 P&Z Packet (7 pages)

April 25, 2013 ZIPPOR Minutes (2 pages, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager 

From: Debra Stark, AICP, Planning and Development Director 

Re: TA2012011 – County Manager's Approval

In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the Planning and Development Department is seeking your approval to proceed with TA2012011 (Community Gardens). This text amendment is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food. TA2012011 qualifies for County Manager approval under the moratorium, as the proposed text amendment will decrease regulatory burden by permitting gardens as a primary use in all zoning districts.

TA2012011 has been processed through the County's Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2012011 forward in accordance with the adopted, "Moratorium on Increased Regulatory Burdens."



Approved by Tom Manos, County Manager

Text Amendment: TA2012011

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in every zoning district

Darren Gerard, Deputy Planning Director, presented the above item. There is no known opposition and two emails of support. The proposed language is outlined in leg-edit fashion in Paragraph 4 of the report and includes two definitions to be added to Chapter 2 and language to be inserted in Articles 501.2.4, 601.2.22, 802.2.15, 803.2.50 and 901.2.22. Mr. Gerard noted there was internal concern about the definition of garden as it indicates a private facility intended for cultivation by one person, but multiple people in a family or multiple people residing at a property may work the garden. Staff is not concerned about the consequences of this language, because they are trying to separate garden from community garden. If this passes, they both will be permitted in all zoning districts. Staff is not proposing any language changes, but wanted to go on record as one party indicates all parties involved with that property. Staff recommends approval per the language recommended for TA2012011 as shown in Paragraph 4 of the report.

Chairman Deutsch asked if there were any questions for staff and if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Aster moved to recommend approval of TA2012011 according to Paragraph 4 of the staff report; Commissioner Johnson seconded the motion which passed with a unanimous vote of 7-0.

The proposed verbatim language is shown below, with added text underscored and 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

Extracts of the Maricopa County Planning and Zoning Commission Meeting of June 6, 2013

Case Number: - TA2012011 – Community Gardens

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.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012011 – Community Gardens

Meeting Date: June 6, 2013

Agenda Item: 1

Supervisor District: All

Applicant: Commission-initiated

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

Support/Opposition: No known opposition. Two emails of support.

Recommendation: **Approval**

Discussion:

1. TA2012011 is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012011 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. Two emails of support have been 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 our 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

From: Darren Gerard - PLANDEVX

Sent: Tuesday, April 30, 2013 1:57 PM

To: 'Ann Hutchinson'

Subject: RE: TA2012011 New River/Desert Hills Community Association response ATTACHMENT

Thank you for your input and interest in this matter. Your comments will be provided to the P&Z Commission.

From: Ann Hutchinson [<mailto:behomes@q.com>]

Sent: Friday, April 26, 2013 2:31 PM

To: Regulatory

Subject: TA2012011 New River/Desert Hills Community Association response ATTACHMENT
[EMAILED MEMO ATTACHED AT END OF REPORT]

There have been no suggestions to alter the proposed language. There is no known opposition to the proposed language.

4. The proposed verbatim language is shown below, with added text underscored and 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 Farms 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.

Recommendation:

5. Staff recommends the Commission recommend **approval** of **TA2012011** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: Memo of support from NR/DHCA (1 page)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

PAUL H. McALLISTER
201 W. Circle Mountain Road
New River, AZ 85087
Date: 20 October 2012

To: NR-DHCA, INC.

Review By Date: ASAP but no later than 2 November 2012.

Case: TA2012011 Community Gardens

Related Case: None.

Planner: Terri Hogan.

Type case: TAC BOA Other Text Amendment.

Meeting Date: Planning & Zoning Commission, 11/15/2012. Tentatively Board of Supervisors 12/12/2012.

Applicant: Maricopa County.

Request for: Text Amendment.

Background: There is no background; Gardens/Community, Gardens have never been addressed. Will be added as new definitions to Chapter 2 of the Zoning Ordinances for the Unincorporated Areas of Maricopa County.

Opinion: This 'Text Amendment' will not affect those people that wish to possess a garden on their lot for their own private use. You shall be allowed to put in a Garden/Community Garden on a lot as the primary use and sell products produced on site. This use cannot be used for any other purpose. This Text Amendment if approved will add 501.2.4. Rural Residential Zoning District, 601.2.22. Single Family Residential Zoning District, 802.2.15. Commercial Zoning District (C O), 803.2.50. Commercial Zoning District (C-1, which includes C-2 and C-3) and 901.2.22. Industrial Zoning District (General) and shall be allowed in 902. Light Industrial Zone District (allowed in C-2). I can find nothing that would be detrimental to the area if approved. I would recommend approval.

Recommendation: Denial Approval Other _____

Sincerely,

Paul H. McAllister



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.

Text Amendment: TA2012011

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts – Community Gardens.

Darren Gerard, Deputy Planning Director, presented the above item, stating staff's recommendation was that the Commission initiate. He anticipated bringing this back at the June 6th Planning and Zoning Commission hearing. The specific language proposed was not anticipated to change and it was included in the Commissioners' packet. He stated they were defining garden and community garden and introducing gardens and community gardens as permitted principal uses in every zoning district in the County.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if this would come back before the Commission and Mr. Gerard responded it was anticipated that it would come back on June 6th.

Vice-Chairman Smith asked if there would be some specifics on size, etc. Mr. Gerard indicated there would not be and the proposed language was not anticipated to change. He explained the Enhanced Regulatory Outreach Program (EROP) required a public meeting to initiate and a separate public meeting for public input at a hearing, unless Staff chose to expedite it, and in this instance, they were not expediting. Mr. Gerard stated comments received through the EROP process had not been negative. He stated today, you could have a garden accessory to your residence, and what staff was stating was a community was permitted to have a community garden on a vacant lot as the principal use and they could have fences and stands and other structures associated with that.

Chairman Deutsch asked about size limits, and Mr. Gerard responded there was no size limit. Mr. Gerard stated five acres used for commercial production could qualify for an agricultural exemption, but did not believe that would happen. He thought they were talking about an apartment complex or a neighborhood having some type of a garden or a community co-op growing food for themselves, having educational classes and selling surplus produce.

Commissioner Aster asked if it mattered if the vacant lot was publicly or privately owned. Mr. Gerard responded it did not matter as long as they had the right to use that lot.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012011 – Community Gardens

Chairman Deutsch asked if anyone here from the public wished to speak and if there was other discussion amongst the Commissioners.

Commissioner Hiatt asked about the motivation for these items. Mr. Gerard stated these were an effort towards more sustainable development patterns in an effort to provide fresh and healthy food to citizens without their office being an obstacle to that access. Commissioner Hiatt asked if there were recent circumstances where they had been an obstacle. Mr. Gerard had no specific examples, but stated, historically, a large scale community garden on a lot would not have been permitted as a principal use and the sale of produce from that site would not have been allowed.

Commissioner Aster asked if there would be any restrictions in terms of how it would be enclosed. Mr. Gerard stated there were no restrictions in the zoning ordinance. Commissioner Aster clarified it could be completely open or fenced. Mr. Gerard responded, "Yes," and stated a fence is a principal structure, requiring a permit.

Chairman Deutsch asked if someone took out the permit, was it their job to close it if it was not working and was there an ending. Mr. Gerard responded there was not, stating staff viewed this as a very simple matter and just wanted to promote community gardening.

Chairman Deutsch asked if there was any other discussion.

COMMISSION ACTION: Commissioner Burrows moved to initiate Z2012011; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2012012 – Chickens
Agenda Items: 7
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens on lots in residential zoning districts

Support/Opposition: One email of opposition, and one email of support

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2012012 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments: TA2012012 is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food.

TA2012012 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will decrease regulatory burden by permitting the keeping of chicken hens in residential zoning districts were they are not presently permitted.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)
June 6, 2013 Draft P&Z Minutes (1 page)
June 6, 2013 P&Z Packet (6 pages)
April 25, 2013 ZIPPOR Minutes (2 pages, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager *JR*

From: Debra Stark, AICP, Planning and Development Director *DS*

Re: TA2012012 – County Manager’s Approval

In accordance with the adopted “Moratorium on Increased Regulatory Burdens,” the Planning and Development Department is seeking your approval to proceed with TA2012012 (Chickens). This text amendment is part of an effort to promote sustainability, active and healthy communities, 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. TA2012012 qualifies for County Manager approval under the moratorium, as the proposed text amendment will decrease regulatory burden by permitting the keeping of chickens in residential zoning districts were they are presently not allowed.

TA2012012 has been processed through the County’s Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2012012 forward in accordance with the adopted, “Moratorium on Increased Regulatory Burdens.”

A handwritten signature in black ink, appearing to read "Tom Manos", is written above a horizontal line.

Approved by Tom Manos, County Manager

Text Amendment: TA2012012

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chickens hens in residential zoning districts

Darren Gerard, Deputy Planning Director, presented the above item. There is one email of opposition and one email of support. The proposed verbatim language is shown in leg-edit in Paragraph 4. This language is to be added to Article 601.2.14. Staff recommends approval as shown in Paragraph 4 of the report.

Chairman Deutsch asked if there were any questions for staff.

Commissioner Aster clarified there would be hens but no roosters. Mr. Gerard confirmed five chicken hens only and pointed out that this was residential zoning and did not affect rural zoning where you could keep roosters.

Chairman Deutsch asked if there were any other questions for staff and if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of TA2012012 according to Paragraph 4 of the staff report; Commissioner Burrows seconded the motion which passed with a unanimous vote of 7-0.

The proposed verbatim language is shown below, with added text underscored and no language proposed for deletion:

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.

Extracts of the Maricopa County Planning and Zoning Commission Meeting of June 6, 2013

Case Number: - TA2012012 – Chickens



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012012 – Chickens

Meeting Date: June 6, 2013

Agenda Item: 2

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts

Support/Opposition: One (1) email of opposition, and one (1) email of support

Recommendation: **Approval**

Discussion:

1. TA2012012 is part of an effort to promote sustainability, active and healthy communities, 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.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012012 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. Two emails have been received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 08, 2013 12:55 PM
To: 'galactica4@seoskyline.com'
Subject: RE: Regulatory Outreach re: TA2012012

Dear Sir or Madam: your opposition to TA2012012 will be noted for the Planning & Zoning Commission. I must admit that I'm confused by your comment. If you have any specific comments, questions or concerns please don't hesitate to contact me directly. Darren

From: galactica4@seoskyline.com [<mailto:galactica4@seoskyline.com>]
Sent: Tuesday, May 07, 2013 11:55 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012012 – Chickens

Citizen's Name: link wheel link wheel
Organization: ADBAPbEjvke
City: New York
Zip: 28389
Phone Number: 28188827040
Phone Type: work
Email: galactica4@seoskyline.com

Does citizen want to be contacted: yes

Comment is regarding: express opposition

Comments:

Muchos Gracias for your blog.Really thank you! Fantastic.

Time of Request: 5/7/2013 11:55:22 PM

From: Darren Gerard - PLANDEVX
Sent: Monday, May 06, 2013 5:59 PM
To: 'behomes@msn.com'
Subject: RE: Regulatory Outreach

Thank you for your input and interest in this matter. Your comments will be provided to the P&Z Commission.

From: behomes@q.com [<mailto:behomes@q.com>]
Sent: Friday, April 26, 2013 2:52 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012012 – Chickens

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following TA2012012 –permit the keeping of up to five chicken hens on lots in the Residential zoning districts. RECOMMENDATION: Approval Please see our consultant's review attached

Time of Request: 4/26/2013 2:51:32 PM

There have been no suggestions to alter the proposed language. There has been one opposition registered. The New River / Desert Hills Community Association (NRDHCA) registered support.

4. The proposed verbatim language is shown below, with added text underscored and no language proposed for deletion:

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.

Recommendation:

5. Staff recommends the Commission recommend **approval** of **TA2012012** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)



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.

Text Amendment: TA2012012

All Districts

Applicant: Staff
Location: Countywide
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 – Chickens.

Darren Gerard, Deputy Planning Director, presented the above item. The impetus behind this is access to healthy and fresh foods. Over the years, there have been a number of zoning violations where people were keeping chickens in residential zones. Our ordinance does not call it out as a permitted accessory use. There are other jurisdictions in the County that do, in particular, the cities of Scottsdale, Tempe and Phoenix permit the keeping of five chicken hens in residential zoning. Staff was only talking about hens not roosters. Staff did know that there were many subdivisions in their jurisdictions that had deed restrictions and this would not affect that. As far as zoning, if the keeping of five chicken hens would pass and be permitted, the community HOAs could still enforce their deeds to not permit the keeping of chickens. In residential zoning, the keeping of horses was permitted, which was the only farm type animal that was specifically called out. Horses were allowed if they had at least 1200 square feet of open corral area per animal and the corrals were setback 40 feet. In that same section, staff was adding the keeping of up to five chicken hens.

Chairman Deutsch asked if there were questions.

Commissioner Hiatt asked if the number five was consistent with other jurisdictions. Mr. Gerard responded it was consistent with Scottsdale and Tempe and believed it was with Phoenix.

Commissioner Aster assumed there were no roosters because nobody wanted to hear them at 5 a.m., and Mr. Gerard believed that was the issue.

Chairman Deutsch asked if anyone from the public wished to speak.

Vice-Chairman Smith asked if this was all zoning districts. Mr. Gerard clarified this was single family residential zoning, as this was already permitted in rural zoning under the clause "accessory uses customarily incidental to."

Vice-Chairman Smith asked if the setbacks were the same as the horses. Mr. Gerard responded there would be no setback requirements for chickens, explaining the setbacks for horses were because of the animal's size and the impact associated with larger animals, which limited lots to at least a half or quarter acre for an animal and probably larger for multiple animals.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012012 – Chickens

Chairman Deutsch confirmed if there was a structure, there would have to be setbacks for the chickens. Mr. Gerard stated a chicken coop would have to meet setbacks for an accessory structure, which could be three feet in the required rear or required side yards.

Commissioner Aster asked if this had been floated within the HOA community or other entities and clarified this was any zoning residential district. Mr. Gerard explained these were going through the Enhanced Regulatory Outreach Program, which provides notice to stakeholders and all registered community groups received the notice. Mr. Gerard stated staff had interacted with some HOAs with deed restrictions and the HOAs understood this was coming and the HOAs could enforce their deed restrictions separate from County zoning.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012012; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2012015 – RV Storage / Parking
Agenda Items: 8
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to permit the the storage of RVs in other than the required front yard

Support/Opposition: One email of opposition, and two emails of support

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2012015 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments: TA2012015 is part of an effort to bring code into alignment with community values.

It has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will decrease regulatory burden by expanding opportunity for storage of recreational vehicles on properties in rural and residential zoning districts.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)

June 6, 2013 Draft P&Z Minutes (2 pages)

June 6, 2013 P&Z Packet (8 pages)

April 25, 2013 ZIPPOR Minutes (TA2012015 & TA2012016, 5 pages, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager 

From: Debra Stark, AICP, Planning and Development Director 

Re: TA2012015 – County Manager's Approval

In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the Planning and Development Department is seeking your approval to proceed with TA2012015 (RV Storage / Parking). This text amendment is an effort to bring code into alignment with community values. At present, an RV may only be stored in the rear yard of a lot. The proposed text amendment would permit the storage of RVs on a lot in other than the required front yard. TA2012015 qualifies for County Manager approval under the moratorium, as the proposed text amendment will decrease regulatory burden by expanding opportunity for storage of recreational vehicles on properties in rural and residential zoning districts.

TA2012015 has been processed through the County's Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2012015 forward in accordance with the adopted, "Moratorium on Increased Regulatory Burdens."



Approved by Tom Manos, County Manager

Text Amendment: TA2012015

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance regarding the storage/parking RVs.

Darren Gerard, Deputy Planning Director, presented the above item. This is a text amendment to the Zoning Ordinance to permit the storage of RVs in other than the required front yard. There is one email of opposition and two emails of support. The Sun Lakes Fire District remains concerned with the increased potential for excessive storage inside a unit or illegal occupancy of a RV if it is stored in a side yard as opposed to a rear yard. Staff disagrees. Location in a side yard will usually be more visible than a location in the rear yard and it is less likely to be occupied or to be used for storage. Mr. Gerard noted that occupancy of the RV would be a zoning violation whether it is in the rear yard as permitted today or whether it is in a side and/or rear yard as would be permitted if this is approved. Earlier versions of TA2012015 spoke to the storage of RVs "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". The language now proposed will further liberalize the text amendment to simply state that you may store an RV "in the rear yard of the lot or side yard of the lot, but not within the required front yard." This will allow units to potentially be stored in front of the front plane of the principal building, but would limit storage of an RV to the same locations on a lot where an accessory building could be placed under the ordinance today. The proposed language "such storage shall maintain a five foot clear path around any structures" remains in place. The purpose of this language is to ensure adequate egress for occupants attempting to escape a fire and access for emergency response personnel. This was noted and appreciated by the Fire District. It is important to note that even accounting for clear paths across property lines and including areas within open carports or canopies, this requirement will limit where units can be placed in relationship to buildings, walls, and other structures.

Chairman Deutsch asked if there were any questions for staff.

Commissioner Aster asked if this was effective in all zoning districts. Mr. Gerard confirmed this would be effective in all rural and residential zoning districts and pointed out that the language being inserted would revise 1114.1.2 as shown in Paragraph 5 of the report.

Commissioner Pugmire asked what percentage of single family residential permits was not subject to HOAs/CC&Rs. Mr. Gerard stated he did not know and estimated over half because there had been a lot of permitting in recent years in the outer areas which tended not to have CC&Rs. Commissioner Aster asked if HOA rules would supersede. Mr. Gerard explained staff did not enforce CC&Rs and the HOA and private property owners would need to police themselves. He stated they might supersede in the court, but many types of CC&Rs were constitutionally illegal and could not be enforced.

Extracts of the Maricopa County Planning and Zoning Commission Meeting of June 6, 2013

Case Number: - TA2012015 – Storage/Parking RVs

Chairman Deutsch asked if there were any other questions for staff and if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Burrows moved to recommend approval of TA2012015 according to Paragraph 5 of the staff report; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 7-0.

The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

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

Article 1114.1 REGULATIONS: At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below:

1114.1.1. Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.

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 not within the required front yard 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.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012015 – RV Storage / Parking

Meeting Date: June 6, 2013

Agenda Item: 3

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of RVs in other than the required front yard

Support/Opposition: One (1) email of opposition, and two (2) emails of support

Recommendation: **Approval**

Discussion:

1. TA2012015 is an effort to bring code into alignment with community values. At present, an RV may only be stored in the rear yard of a lot. The proposed text amendment would permit the storage of RVs on a lot in other than the required front yard. This means it would permit storage in a side yard and in portions of a front yard but no closer to the street than the front setback line for the respective zoning district.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012015 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. Three emails have been received via EROP (note, first email thread contains an erroneous case tracking number reference):

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 30, 2013 1:54 PM
To: 'behomes@q.com'
Subject: RE: Regulatory Outreach

Thank you for your comments. They'll be shared with the P&Z Commission. The recommendation specifically includes attached carports because storage in such location will not be visually screened but will be immediately adjacent to the bulk of the residence. Detached carports would allow for lack of visual screening away from the bulk of the residence. It's important to note this standard applies to residential zoning districts of a more urban density as well. In areas such as New River and Desert Hills it may be possible to visually

screen from the street in a detached carport dependent upon where such structure was located on the property.

From: behomes@q.com [<mailto:behomes@q.com>]
Sent: Friday, April 26, 2013 3:05 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012015 – RV Storage/Parking

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following: TA2012016 - permit the storage of three (e) unregistered and/or inoperable vehicles in both the rear and side yards, but no closer than front plane of principal building if screened from view of the street or in a carport. Note: NRDHCA suggests that the county delete the word "attached" to allow "attached carports". Please see our consultant's review attached.

Time of Request: 4/26/2013 3:04:55 PM

From: Conrad Carruthers [mailto:cgc_in_az@yahoo.com]
Sent: Tuesday, April 30, 2013 4:34 PM
To: Darren Gerard - PLANDEVX
Subject: Re: Regulatory Outreach -- PD-TA2012015 – RV Storage/Parking - Opposition

Thank you for the clarification. If this is the case then I support the change.

Thank you

Conrad

Sent from my Verizon Wireless 4G LTE DROID

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 30, 2013 1:42 PM
To: 'cgc_in_az@yahoo.com'
Subject: RE: Regulatory Outreach -- PD-TA2012015 – RV Storage/Parking - Opposition

Mr. Carruthers: thanks for your input and your interest in this matter. Please note that the County Zoning Ordinance presently only permits the storage/parking of an RV in the rear yard of a residence. TA2012015 is a proposed text amendment to provide more flexibility by permitting storage/parking of an RV in the rear yard of a residence as well as the side yard so long as it does

not extend beyond the front plane of the residence. You have suggested an even more liberal approach and I'll share your comments with the P&Z Commission. However, please be aware that there is registered opposition to the text amendment. Darren

From: cgc_in_az@yahoo.com [mailto:cgc_in_az@yahoo.com]

Sent: Tuesday, April 30, 2013 11:14 AM

To: Regulatory

Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012015 – RV Storage/Parking

Citizen's Name: Conrad Carruthers

Organization:

City: Mesa

Zip:

Phone Number:

Phone Type:

Email: cgc_in_az@yahoo.com

Does citizen want to be contacted:

Comment is regarding: express opposition

Comments:

I feel that the the RV Storae and Parking goes above and beyond reasonable expectations. I live in an unincorporated area of Mesa, and park my RV next to my home. It extends partially before the primary plane, which cannot be controlled due to flood control projects etc. I would ask that the board review this with careful consideration, as I am sure there are many properties with similar issues.

Time of Request: 4/30/2013 11:14:05 AM

From: Paul Wilson [<mailto:PWilson@sldf.org>]

Sent: Tuesday, April 16, 2013 5:42 PM

To: Darren Gerard - PLANDEVX

Cc: Terri Hogan - PLANDEVX

Subject: Reply to Regulatory Outreach - TA2012015 - RV Storage/Parking

Mr. Gerard,

Thank you for the opportunity to provide stakeholder input.

The last sentence in the proposed amendment improves the egress for occupants attempting to escape a fire, in a residential structure.

It will also provide firefighters and emergency response personnel better access to suppress a fire and control utilities.

However, the enforcement of the "clear path" is almost impossible, once storage is permitted in a side or rear yard, behind a screened or solid gate.

The overall life safety and fire protection issue is the storage of a mobile home,

camping trailer, truck camper or motor home which can lead to illegal occupancy and/or excessive storage. These uses could threaten the primary and adjacent residences, in the event of a fire.

The storage of recreational units adjacent to residential structures does not improve community values, when life safety is the primary goal of the community.

Thank you for your consideration.

Respectfully,
Paul S. Wilson, Fire Chief
Sun Lakes Fire District
25020 S. Alma School Rd.
Sun Lakes, AZ. 85248
(480) 895-9343 office
pwilson@slfd.org

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 16, 2013 5:07 PM
To: 'pwilson@slfd.org'
Cc: Terri Hogan - PLANDEVX
Subject: RE: Regulatory Outreach

Mr. Wilson: you raise some very good points in your opposition expressed for TA2012015 – RV Storage/Parking. See the attached staff report and note the verbatim language being proposed will require a 5’ clear path be maintained around any structures (such as buildings and walls) . Does this caveat alleviate any of your concerns? Occupied RVs would remain a zoning violation. I’ll print your email and hand it out at the 4/25 P&Z meeting. Darren

From: pwilson@slfd.org [<mailto:pwilson@slfd.org>]
Sent: Tuesday, April 16, 2013 2:42 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2012015 – RV Storage/Parking

Citizen's Name: Paul Wilson
City: Sun Lakes
Zip: 85248
Phone Number: (480) 895-9343
Phone Type: work
Email: pwilson@slfd.org

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:

The fire department believes this amendments could comprise public safety. A fire initiating from a stored mobile home, travel trailer, aircraft, boat, camping trailer, truck camper, or motor home stored in a side yard could extend to an adjacent home or business, due to the limited set-back requirements of side yards, between neighboring properties. Additionally, the size or number of

vehicles stored in a side yard presents a safety issue for residents attempting to escape a building if it's on fire. Also, firefighter safety may be compromised if the emergency response personnel have to negotiate through the stored vehicles to suppress a fire and shut off utilities to the building. Lastly, allowing a mobile home or large RV to be stored in a side yard invites unauthorized occupancy of the unit, as a permanent residence. A mobile home or travel trailer stored indefinitely in a side yard can lead to illegal usage for residency or excessive storage. A mobile home packed full of stored items increases the fire load and presents a fire exposure problem for the neighboring properties. The risk to the primary occupants of the subject property, adjacent neighbors / buildings and emergency response personnel is not in the best interest of fire safe communities. The Sun Lakes Fire District requests the existing Maricopa County zoning not be amended. Respectfully, Paul S. Wilson, Fire Chief Sun Lakes Fire District 25020 S. Alma School Rd. Sun Lakes, AZ. 85248 (480) 895-9343 office pwilson@slfd.org

Time of Request: 4/16/2013 2:41:43 PM

There have been no specific suggestions to alter the proposed language. There has been one opposition registered. The Sun Lakes Fire District remains concerned with increased potential for excessive storage inside or illegal occupancy of an RV stored in a side yard (as opposed to a rear yard). The New River / Desert Hills Community Association (NRDHCA) registered support. An individual that registered opposition, upon further review rescinded and stated support.

4. Earlier versions of TA2012015 spoke to storage of RVs "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". The language now proposed further liberalizes the text amendment to simply state you may store an RV "in the rear yard of the lot or side yard of the lot, but not within the required front yard". This will allow units to potentially be stored in front of the front plane of the principal building but would limit storage of an RV to the same locations on a lot where an accessory building could be placed.

Expressed concerns about potential for illegal occupancy or excessive storage are noted, but staff disagrees. Location in a side yard will usually be more visible than location in a rear yard and thus less likely to be occupied or to be used for storage. (The ordinance limits placement of unregistered/inoperable vehicles.)

The proposed language "Such storage shall maintain a five (5) foot clear path around any structures" remains in place. The purpose of this language is to ensure adequate egress for occupants attempting to escape a fire as well as access for emergency response personnel. It's important to note that even accounting for clear paths that cross property lines and open carports/canopies, this requirement will limit where units can be placed in relationship to buildings, walls and other structures.

5. The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

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

Article 1114.1 **REGULATIONS:** At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below:

1114.1.1. Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.

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 not within the required front yard 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.

Recommendation:

6. Staff recommends the Commission recommend **approval** of **TA2012015** as shown in paragraph 5 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (2 Pages)



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.

Text Amendment: TA2012015

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to 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 – RV Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Mr. Gerard noted the ordinance currently permits the keeping of mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes within the rear yard and this would amend Article 1114.1.2 to say “or side yard of the lot, but no closer to the street than the front plane of the principal building.” This is designed to accommodate some of the more moderate to higher density neighborhoods where there may not be alley access or access into the rear. It would allow people to pull an RV or boat along the driveway to the side of their house. The Sun Lakes Fire District had a concern, which was in the handout passed out at the meeting. They did appreciate that staff added language that said “such storage shall maintain a five foot clear path around structures.” Sun Lakes Fire had remaining concerns that the mobile home or RV storage would permit materials being stored inside the unit, which could increase the unit’s flammability, and if the unit was stored in the side yard, it was likely to be closer to an adjacent dwelling than it would be in the rear yard. Sun Lakes Fire also expressed concerns that side yard storage was more likely to be occupied. Mr. Gerard pointed out that an occupied RV would be a zoning violation today, and it would be even if this were to pass. He stated what was before the Commissioners was to simply initiate. Mr. Gerard stated this was the only negative comment staff received, and believed it was partially addressed with the language that was presented. Mr. Gerard stated any language revisions would be brought back to the Commission on June 6th, but at this time, he did not believe there would be any unless directed by this body.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if it could be crafted to specify recreational vehicles only, whether it be motor homes, boats or whatever it was, and it could not be used as a storage facility. He had concerns along with Sun Lakes Fire.

Mr. Gerard asked if he meant flammable materials could not be stored inside.

Vice-Chairman Smith clarified that a motor home that was not running and not being used would be pulled in and used for a storage building.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Mr. Gerard stated you were permitted to have one unregistered or inoperable vehicle on the property, so today, there was the potential to have an inoperable RV on the property, and a storage requirement was it had to be screened from view of the street, which segued into the next item. Mr. Gerard asked if he could present these items as a whole now and have separate motions.

Chairman Deutsch agreed.

Text Amendment: TA2012016

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles - Unregistered/Inoperable Vehicles Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Today, in Article 1102.9.5, one unregistered or inoperable motor vehicle may be stored on a parcel. What is proposed would be to change that number to three. The impetus behind this is there are a lot of hobby car enthusiasts in the valley, and usually, if you are restoring a vehicle, you will have a vehicle for parts and a vehicle being restored. An anecdotal observation over time is that code enforcement has a number of violators that have two and three vehicles and they are almost always car enthusiast that are restoring some type of muscle car or historic vehicle or some specialty vehicle. Other violations where people have 12, 20 and 30 cars are people who are running some type of business or have a junk yard. With TA2012016, staff is trying to separate out those people who are car enthusiasts and restorers from those people that are running junk yards and businesses. Staff believes the appropriate number to do that would be three unregistered or inoperable vehicles. What is proposed is raising the number from one to three and also adding language.

Mr. Gerard stated today's ordinance reads: "Not more than one unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street or right-of-way."

Mr. Gerard read the proposed language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 - RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it 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 foot clear path around any structures.” He stated language was added in anticipation of a similar type of concern from the fire district.

Mr. Gerard also read alternative language: “Not more than 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 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 foot clear path around any structures.” The alternative language would bring this section closer in alignment with the language proposed for storage of boats and RVs. The idea being that they can be stored on the side but must be behind the front plane of the house and cannot be within the required front yard, which means in rural zoning 40 feet from the front and in residential zoning 20 feet from the front.

Addressing Commissioner Smith’s concerns regarding junk vehicles, Mr. Gerard stated that today an RV or any automobile could be a junk vehicle in their jurisdiction, but it had to be parked in the rear. Using the term “junk” in a worst case scenario, because it could simply be an unregistered or inoperable vehicle, he stated they were proposing a person could have three junk vehicles that were visually screened from the street, unless they were parked in an attached carport.

Vice-Chairman Smith thought recreational vehicle storage was okay, but was not crazy about mobile home storage. Mr. Gerard stated that was a good point and as part of the amendment, they should strike that from the title of Section 1114, noting that the language spoke to travel trailers and campers. Vice-Chairman Smith indicated his agreement.

Chairman Deutsch asked if camper and motor home would be dropped in the paragraph. Mr. Gerard responded, “No,” and clarified that Vice-Chairman Smith’s concern was regarding mobile homes, which were more akin to a residence as opposed to a travel trailer. Vice-Chairman Smith stated recreational vehicle covered most of that - travel trailers and all. Mr. Gerard stated they would look at a clearer title, explaining vernacular language changes over time and some of the articles were written in 1969.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Chairman Deutsch asked if there were any other questions for staff.

Regarding TA2012016, Item No. 5, Commissioner Hiatt asked if "setback" should be added after the word "yard" where it said, "other than the required front yard." Mr. Gerard explained the "required front yard" was very specific and defined as the space between the street line and the front setback line.

Chairman Deutsch clarified that the Commissioners were looking at both TA2012015 and TA2012016. Mr. Gerard stated they were and if the Commissioners had a direction, staff would move forward with that direction to the June 6th Planning & Zoning Commission Meeting. Commissioner Hiatt clarified if the Commissioners did not have a direction, staff would look at both of them. Mr. Gerard confirmed they would and would have a recommendation for the Commissioners.

Chairman Deutsch asked if anyone from the public wished to speak on Items TA2012015 and TA2012016.

Ann Hutchinson, New River Desert Hills Community Association, stated they would like to see the changes so they could provide any comments for June 6th.

Regarding TA2012015, Commissioner Aster expressed concern that the 72 hour limit to unload sounded like a long time and might cause some potential problems. Mr. Gerard explained that was existing language in the ordinance and it had not presented a problem. He stated it allowed someone who was getting ready for or returning from a trip to pull their RV into the driveway and load or unload. He explained if there was a complaint, staff would check it out and then recheck in four days, and if it was still there, staff would bring them into a hearing.

Chairman Deutsch asked if there were any questions for staff, and discussion amongst the Commissioners.

COMMISSION ACTION: Commissioner Aster moved to initiate TA2012015; Commissioner Hiatt and Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012016; Commissioner Burrows seconded the motion which passed with a unanimous vote of 6-0.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Debra Stark, Planning and Development Director, and Terri Hogan, Current Planning Supervisor, clarified the term mobile homes could not be struck from the section title because of other articles under that section. Mr. Gerard stated staff would clarify in the language of the article itself they were not speaking about units that could be occupied when staff brought this back to the Commission on June 6th.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2012016 – Unregistered / Inoperable Vehicles
Agenda Items: 9
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles in the rural and residential zoning districts

Support/Opposition: No known opposition. Two emails of support

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2012016 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments: TA2012016 is part of an effort to bring code into alignment with community values.

TA2012016 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will decrease regulatory burden by expanding opportunity for storage of unregistered and/or inoperable vehicles on properties in rural and residential zoning districts.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)

June 6, 2013 Draft P&Z Minutes (1 page)

June 6, 2013 P&Z Packet (8 pages)

April 25, 2013 ZIPPOR Minutes (TA2012015 & TA2012016, 5 pages, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager *JR*

From: Debra Stark, AICP, Planning and Development Director *DS*

Re: TA2012016 – County Manager's Approval

In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the Planning and Development Department is seeking your approval to proceed with TA2012016 (Unregistered/Inoperable Vehicles). This text amendment is an effort to bring code into alignment with community values. At present, one (1) unregistered and/or inoperable vehicle may be stored on a lot, and must be stored such that it cannot be seen from the street. The proposed text amendment would permit the storage of up to three (3) unregistered and/or inoperable vehicles. The text would be further amended to permit storage in other than the required front yard and visually screened from the street unless within an attached carport. TA2012016 qualifies for County Manager approval under the moratorium, as the proposed text amendment will decrease regulatory burden expanding opportunity for storage of unregistered/inoperable vehicles on properties in rural and residential zoning districts.

TA2012016 has been processed through the County's Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2012016 forward in accordance with the adopted, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

Text Amendment: TA2012016

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three unregistered/inoperable vehicles in the rural and residential zoning districts

Darren Gerard, Deputy Planning Director, presented the above item. There are two emails of support. Staff changed the proposed language from the original version presented at stakeholder meetings to clarify that vehicles stored out of doors must be visually screened from the street unless within an attached carport and must be stored in other than the required front yard, maintaining an open and clear front yard. This will keep the article consistent with the language previously recommended for approval and throughout the ordinance. The proposed verbatim language is listed in Paragraph 5 and includes revising Article 1102.9.5. Staff recommends approval subject to the language shown in Paragraph 5 of the report.

Chairman Deutsch asked if there were questions for staff and if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of TA2012016 according to Paragraph 5 of the staff report; Commissioner Burrows seconded the motion which passed with a unanimous vote of 7-0.

The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

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 if stored out of doors shall be stored in other than the required front yard and 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.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012016 – Unregistered/Inoperable Vehicles

Meeting Date: June 6, 2013

Agenda Item: 4

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of three (3) unregistered and/or inoperable vehicles in the rural and residential zoning districts

Support/Opposition: Two (2) emails of support

Recommendation: **Approval**

Discussion:

1. TA2012016 is an effort to bring code into alignment with community values. At present, one (1) unregistered and/or inoperable vehicle may be stored on a lot, and must be stored such that it cannot be seen from the street. The proposed text amendment would permit the storage of up to three (3) unregistered and/or inoperable vehicles. The text would be further amended to permit storage within an attached carport, but otherwise must remain visually screened from the street.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012016 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. Two emails of support have been received via EROP:

From: Darren Gerard - PLANDEVX

Sent: Tuesday, April 30, 2013 1:52 PM

To: 'Ann Hutchinson'

Subject: RE: TA2012016 New River/Desert Hills Community Association response ATTACHMENT

Thank you for your comments. They'll be shared with the P&Z Commission. The recommendation specifically includes attached carports because storage in such location will not be visually screened but will be immediately adjacent to the bulk of the residence. Detached carports would allow for lack of visual screening away from the bulk of the residence. It's important to note this standard applies to residential zoning districts of a more urban density as well. In areas such as New River and Desert Hills it may be possible to visually

screen from the street in a detached carport dependent upon where such structure was located on the property.

From: behomes@q.com [<mailto:behomes@q.com>]
Sent: Friday, April 26, 2013 3:10 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

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

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following: TA2012016 - permit the storage of three (e) unregistered and/or inoperable vehicles in both the rear and side yards, but no closer than front plane of principal building if screened from view of the street or in a carport. Note: NRDHCA suggests that the county delete the word "attached" to allow "attached carports". Please see our consultant's review attached.

Time of Request: 4/26/2013 3:09:35 PM

From: Ann Hutchinson [<mailto:behomes@q.com>]
Sent: Friday, April 26, 2013 3:04 PM
To: Regulatory
Subject: TA2012016 New River/Desert Hills Community Association response ATTACHMENT [MEMO ATTACHED AT END OR REPORT]

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

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

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP and sent a memo, attached. An individual registered support via EROP.

4. There have been no specific suggestions to alter the proposed language, but staff has changed the proposed language to clarify if the vehicles are stored out of doors they must be visually screened from the street unless within an attached carport, and must be stored in other than the required front yard. Maintaining an open and clean front yard would keep this article consistent with language throughout the ordinance.
5. The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

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 if stored out of doors shall be stored in other than the required front yard and 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.

Recommendation:

6. Staff recommends the Commission recommend **approval** of **TA2012016** as shown in paragraph 5 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: NRDHCA support memo (1 page)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

PAUL H. McALLISTER
201 W. Circle Mountain Road
New River, AZ 85087
Date: 21 October 2012

To: NR-DHCA, INC.

Review By Date: ASAP but no later than 2 November 2012.

Case: TA2012016.

Related Case: None.

Planner: Terri Hogan.

Type case: TAC BOA Other Text Amendment Request.

Meeting Date: Planning & Zoning Commission, 11/15/2012. Tentatively Board of Supervisors 12/12/2012.

Applicant: Maricopa County.

Request for: Text Amendment approval.

Background: There is little background/history behind this case other than at present only one unregistered or inoperable vehicle can be stored on any lot if unable to be seen by the public.

Opinion: By adding to Article 1102.9 ONE now becomes THREE, invisible to the public and can be stored in an attached carport (a detached carport does not qualify). This is a problem within this area that is known to me personally. What the county is trying to accomplish is to make the ordinances less of a hardship on some residences. Due to this action I would recommend approval.

The one problem I see is the approval would exclude unattached carports. To an untrained eye an attached and an unattached car port would look identical. I can only suggest that the county delete the word "attached".

Recommendation: Denial Approval Other _____

Sincerely,

Paul H. McAllister



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.

Text Amendment: TA2012015

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to 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 – RV Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Mr. Gerard noted the ordinance currently permits the keeping of mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes within the rear yard and this would amend Article 1114.1.2 to say “or side yard of the lot, but no closer to the street than the front plane of the principal building.” This is designed to accommodate some of the more moderate to higher density neighborhoods where there may not be alley access or access into the rear. It would allow people to pull an RV or boat along the driveway to the side of their house. The Sun Lakes Fire District had a concern, which was in the handout passed out at the meeting. They did appreciate that staff added language that said “such storage shall maintain a five foot clear path around structures.” Sun Lakes Fire had remaining concerns that the mobile home or RV storage would permit materials being stored inside the unit, which could increase the unit’s flammability, and if the unit was stored in the side yard, it was likely to be closer to an adjacent dwelling than it would be in the rear yard. Sun Lakes Fire also expressed concerns that side yard storage was more likely to be occupied. Mr. Gerard pointed out that an occupied RV would be a zoning violation today, and it would be even if this were to pass. He stated what was before the Commissioners was to simply initiate. Mr. Gerard stated this was the only negative comment staff received, and believed it was partially addressed with the language that was presented. Mr. Gerard stated any language revisions would be brought back to the Commission on June 6th, but at this time, he did not believe there would be any unless directed by this body.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if it could be crafted to specify recreational vehicles only, whether it be motor homes, boats or whatever it was, and it could not be used as a storage facility. He had concerns along with Sun Lakes Fire.

Mr. Gerard asked if he meant flammable materials could not be stored inside.

Vice-Chairman Smith clarified that a motor home that was not running and not being used would be pulled in and used for a storage building.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Mr. Gerard stated you were permitted to have one unregistered or inoperable vehicle on the property, so today, there was the potential to have an inoperable RV on the property, and a storage requirement was it had to be screened from view of the street, which segued into the next item. Mr. Gerard asked if he could present these items as a whole now and have separate motions.

Chairman Deutsch agreed.

Text Amendment: TA2012016

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles - Unregistered/Inoperable Vehicles Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Today, in Article 1102.9.5, one unregistered or inoperable motor vehicle may be stored on a parcel. What is proposed would be to change that number to three. The impetus behind this is there are a lot of hobby car enthusiasts in the valley, and usually, if you are restoring a vehicle, you will have a vehicle for parts and a vehicle being restored. An anecdotal observation over time is that code enforcement has a number of violators that have two and three vehicles and they are almost always car enthusiast that are restoring some type of muscle car or historic vehicle or some specialty vehicle. Other violations where people have 12, 20 and 30 cars are people who are running some type of business or have a junk yard. With TA2012016, staff is trying to separate out those people who are car enthusiasts and restorers from those people that are running junk yards and businesses. Staff believes the appropriate number to do that would be three unregistered or inoperable vehicles. What is proposed is raising the number from one to three and also adding language.

Mr. Gerard stated today's ordinance reads: "Not more than one unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street or right-of-way."

Mr. Gerard read the proposed language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 - RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it 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 foot clear path around any structures.” He stated language was added in anticipation of a similar type of concern from the fire district.

Mr. Gerard also read alternative language: “Not more than 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 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 foot clear path around any structures.” The alternative language would bring this section closer in alignment with the language proposed for storage of boats and RVs. The idea being that they can be stored on the side but must be behind the front plane of the house and cannot be within the required front yard, which means in rural zoning 40 feet from the front and in residential zoning 20 feet from the front.

Addressing Commissioner Smith’s concerns regarding junk vehicles, Mr. Gerard stated that today an RV or any automobile could be a junk vehicle in their jurisdiction, but it had to be parked in the rear. Using the term “junk” in a worst case scenario, because it could simply be an unregistered or inoperable vehicle, he stated they were proposing a person could have three junk vehicles that were visually screened from the street, unless they were parked in an attached carport.

Vice-Chairman Smith thought recreational vehicle storage was okay, but was not crazy about mobile home storage. Mr. Gerard stated that was a good point and as part of the amendment, they should strike that from the title of Section 1114, noting that the language spoke to travel trailers and campers. Vice-Chairman Smith indicated his agreement.

Chairman Deutsch asked if camper and motor home would be dropped in the paragraph. Mr. Gerard responded, “No,” and clarified that Vice-Chairman Smith’s concern was regarding mobile homes, which were more akin to a residence as opposed to a travel trailer. Vice-Chairman Smith stated recreational vehicle covered most of that - travel trailers and all. Mr. Gerard stated they would look at a clearer title, explaining vernacular language changes over time and some of the articles were written in 1969.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Chairman Deutsch asked if there were any other questions for staff.

Regarding TA2012016, Item No. 5, Commissioner Hiatt asked if "setback" should be added after the word "yard" where it said, "other than the required front yard." Mr. Gerard explained the "required front yard" was very specific and defined as the space between the street line and the front setback line.

Chairman Deutsch clarified that the Commissioners were looking at both TA2012015 and TA2012016. Mr. Gerard stated they were and if the Commissioners had a direction, staff would move forward with that direction to the June 6th Planning & Zoning Commission Meeting. Commissioner Hiatt clarified if the Commissioners did not have a direction, staff would look at both of them. Mr. Gerard confirmed they would and would have a recommendation for the Commissioners.

Chairman Deutsch asked if anyone from the public wished to speak on Items TA2012015 and TA2012016.

Ann Hutchinson, New River Desert Hills Community Association, stated they would like to see the changes so they could provide any comments for June 6th.

Regarding TA2012015, Commissioner Aster expressed concern that the 72 hour limit to unload sounded like a long time and might cause some potential problems. Mr. Gerard explained that was existing language in the ordinance and it had not presented a problem. He stated it allowed someone who was getting ready for or returning from a trip to pull their RV into the driveway and load or unload. He explained if there was a complaint, staff would check it out and then recheck in four days, and if it was still there, staff would bring them into a hearing.

Chairman Deutsch asked if there were any questions for staff, and discussion amongst the Commissioners.

COMMISSION ACTION: Commissioner Aster moved to initiate TA2012015; Commissioner Hiatt and Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012016; Commissioner Burrows seconded the motion which passed with a unanimous vote of 6-0.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking

Debra Stark, Planning and Development Director, and Terri Hogan, Current Planning Supervisor, clarified the term mobile homes could not be struck from the section title because of other articles under that section. Mr. Gerard stated staff would clarify in the language of the article itself they were not speaking about units that could be occupied when staff brought this back to the Commission on June 6th.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review
(ZIPPOR) Committee of April 25, 2013**

Case Number: - TA2012015 – RV Storage/Parking

Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2012033 – Rural-43 Lot Coverage
Agenda Items: 10
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to increase the Maximum Lot Coverage of the Rural-43 zoning district from 15% to 25%

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

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2012033 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments:

TA2012033 is part of an effort to bring code into alignment with community values and with the equivalent "area under roof" limitation for one-acre lot zoning in surrounding jurisdictions.

TA2012033 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will decrease regulatory burden by affording greater design flexibility and development opportunity in the Rural-43 zoning district.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet

includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)
June 6, 2013 Draft P&Z Minutes (2 pages)
June 6, 2013 P&Z Packet (6 pages)
April 25, 2013 ZIPPOR Minutes (1 page, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager *JR*

From: Debra Stark, AICP, Planning and Development Director *DS*

Re: TA2012033 – County Manager’s Approval

In accordance with the adopted “Moratorium on Increased Regulatory Burdens,” the Planning and Development Department is seeking your approval to proceed with TA2012033 (Rural-43 Lot Coverage). This is a text amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to raise the maximum permitted Lot Coverage (cumulative area under roof) from 15% to 25% of the total lot area. This will bring unincorporated Maricopa County zoning jurisdiction in alignment with the City of Phoenix RE-43 and most other area jurisdictions’ equivalent to Rural-43. A Lot Coverage increase in the Rural-70 and Rural-190 zoning districts is not being considered at this time because those locations tend to be remote from emergency fire protection. TA2012033 qualifies for County Manager approval under the moratorium, as the proposed text amendment will decrease regulatory burden by affording greater design flexibility and development opportunity in the Rural-43 zoning district.

TA2012033 has been processed through the County’s Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2012033 forward in accordance with the adopted, “Moratorium on Increased Regulatory Burdens.”

A handwritten signature in black ink, appearing to read "Tom Manos", is written above a horizontal line.

Approved by Tom Manos, County Manager

Text Amendment: TA2012033

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance to permit a maximum lot coverage of 25% in the Rural-43 zoning district

Darren Gerard, Deputy Planning Director, presented the above item. This is a text amendment to the Zoning Ordinance in regard to Article 503.5.4 to increase the maximum Rural-43 lot coverage from 15% to 25%. There has been one email of support and there was no known opposition. This will bring unincorporated Maricopa County zoning jurisdiction in alignment with the City of Phoenix RE-43 and most other area jurisdictions equivalent to the County's Rural-43 Zoning District. Lot coverage increases have not been proposed in the Rural-70 and Rural-190 Zoning Districts, because those locations tend to be more remote for emergency fire protection and less appropriate for increased bulk of structure. The proposed verbatim language is shown in Paragraph 4. Again this is a change to Article 503.5.4. Included in the staff report was a Table showing current lot coverage in Maricopa County was 15% and all other jurisdictions were between 20% and 40%, so this would bring the County in line with those other jurisdictions, but keep it at the lower end of the spectrum at 25%. Staff recommends approval as outlined in Paragraph 4 of the report.

Commissioner Aster asked if lot coverage included all structures not just the main structure. Mr. Gerard responded that lot coverage was all area under roof: sheds, carports, canopies, structures, hen houses. Vice-Chairman Smith confirmed that included accessory buildings. Mr. Gerard responded it did and clarified all aggregate area under roof on the lot can be up to 25% of the lot.

There was a discussion as to why 25% was preferred over 30% or 35%. Mr. Gerard explained large portions of Rural-43 were developed within fire districts, but there were areas of Rural-43 that were more isolated and dependent upon subscription fire service, so staff was not prepared to double the lot coverage potential at this point. He stated this had gone through the Enhanced Regulatory Outreach Program and was raised from 20% to 25% as a result of public input. He stated staff was confident that the people who had been involved in the process believed that 25% was appropriate. He was not sure there would be strong opposition to go to 30% and if that would result in the Board sending it back to Stakeholder meetings for further discussion, which would increase the time for implementation. He stated there was not a strong push from the citizenry to go higher.

Chairman Deutsch asked if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of TA2012033 according to Paragraph 4 of the staff report; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 7-0.

Extracts of the Maricopa County Planning and Zoning Commission Meeting of June 6, 2013

Case Number: - TA2012033 – Rural-43 Lot Coverage

The proposed verbatim language is shown below, with added text underscored and deleted language 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.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2012033 – Rural-43 Lot Coverage

Meeting Date: June 6, 2013

Agenda Item: 5

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to increase the Maximum Lot Coverage of the Rural-43 zoning district from 15% to 25%

Support/Opposition: One (1) email of support

Recommendation: **Approval**

Discussion:

1. TA2012033 is text amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to raise the maximum permitted Lot Coverage (cumulative area under roof) from 15% to 25% of the total lot area. The original proposal of 20% was increased after the Stakeholder Meeting. This will bring unincorporated Maricopa County zoning jurisdiction in alignment with the City of Phoenix RE-43 and most other area jurisdictions' equivalent to Rural-43 (see table in paragraph 6). A Lot Coverage increase in the Rural-70 and Rural-190 zoning districts is not being considered at this time because those locations tend to be remote from emergency fire protection.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012033 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. One 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

There is no known opposition. One individual registered early support via EROP. There have been no suggestions to alter the language proposed at the ZIPPOR meeting.

- 4. The proposed verbatim language is shown below, with added text underscored and deleted language 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.

5. 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:

6. Staff recommends the Commission recommend **approval** of **TA2012033** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)



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.

Text Amendment: TA2012033

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to increase the permitted Maximum Lot Coverage in the Rural-43 zoning district from 15% to 25% – Rural-43 Lot Coverage.

Darren Gerard, Deputy Planning Director, presented the above item. This went to a stakeholder meeting and had a tremendous amount of input and was well received. The original proposal was to raise lot coverage from 15% to 20%; however, after the stakeholder meeting, staff conducted a survey of other jurisdictions and realized lot coverage was 25% to 40% in equivalent zoning. The 25% lot coverage would bring the County into line with the other jurisdictions. Lot coverage is the aggregate/cumulative area under roof, including bare motels, sheds, and the dwelling unit, subtracting out certain eave overhangs. Mr. Gerard explained there was discussion about changing the definition of lot coverage so staff looked at open structures differently than enclosed structures, but there was concern that was ripe for error and for misinterpretation. Staff believed area under roof and a larger figure of 25% were appropriate. This only applies to Rural-43 in Article 503.5.3.1. Because of a public safety issue, Staff was not looking at Rural-70 and Rural-190, which have a 5% lot coverage that worked to minimize intensity of structure, because these areas tended to be remote and isolated and did not have emergency fire protection. Again, staff was looking to raise Rural-43 lot coverage from 15% to 25%. There was no known opposition.

Chairman Deutsch asked if there were any questions for staff, if anyone from the public wished to speak and if there was any discussion.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012033; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2012033 – Rural-43 Lot Coverage



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2013002 – Hillside Retaining Walls
Agenda Items: 11
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to clarify that retaining walls subject to hillside slope have a maximum 30' height (while they are otherwise limited to a maximum height of 6')

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

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2013002 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments: TA2013002 is a housekeeping item to make the ordinance more user friendly.

TA2013002 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment is a formatting matter that does not alter current regulation.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)
June 6, 2013 Draft P&Z Minutes (1 page)
June 6, 2013 P&Z Packet (3 pages)
April 25, 2013 ZIPPOR Minutes (1 page, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager *JR*

From: Debra Stark, AICP, Planning and Development Director *DS*

Re: TA2013002 – County Manager's Approval

In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the Planning and Development Department is seeking your approval to proceed with TA2013002 (Hillside Retaining Walls). This is a housekeeping text amendment to the Maricopa County Zoning Ordinance, Art. 1111.5.2 to reference the fact that Art. 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). TA2013002 qualifies for County Manager approval under the moratorium, as the proposed text amendment is not a regulatory change and will simply result in a more user friendly ordinance.

TA2013002 has been processed through the County's Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2013002 forward in accordance with the adopted, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

Text Amendment: TA2013002

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance to clarify a maximum height of retaining walls

Darren Gerard, Deputy Planning Director, presented the above item. There is one email of support. This is a simple housekeeping item. Article 1111.5.2 will be revised to reference Article 1201.4 permits retaining walls subject to hillside slopes to have a maximum 30 foot height where they are otherwise limited to a maximum six foot height. This is not changing regulation. It is just housekeeping to make the document more user friendly so that people understand they can have higher walls on hillsides. The proposed verbatim language is listed in Paragraph 4. Again that changes Article 1111.5.2.4. Staff recommends approval as shown in Paragraph 4.

Chairman Deutsch asked if there were questions for staff; if anyone from the public wished to speak; and if there was any discussion.

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of TA2013002 according to Paragraph 4 of the staff report; Commissioner Burrows seconded the motion which passed with a unanimous vote of 7-0.

The proposed verbatim language is shown below, with added text underscored and no language 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.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2013002 – Hillside Retaining Walls

Meeting Date: June 6, 2013

Agenda Item: 7

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance regarding maximum height of retaining walls

Support/Opposition: One (1) email of support

Recommendation: **Approval**

Discussion:

1. TA2013002 is a housekeeping text amendment to the Maricopa County Zoning Ordinance, Art. 1111.5.2 to reference the fact that Art. 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).
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. The Commission initiated TA2013002 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. One email of support was received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 30, 2013 1:44 PM
To: 'behomes@q.com'
Subject: RE: Regulatory Outreach

Thank you for your comments. They'll be shared with the P&Z Commission.

From: behomes@q.com [<mailto:behomes@q.com>]
Sent: Friday, April 26, 2013 3:19 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2013002 – Hillside Retaining walls

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

New River-Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendation: TA2013002 - Hillside Retaining Walls. This seems appropriate. No concern: It appears to merely clarifies the existing ordinance.
RECOMMENDATION: Approval

Time of Request: 4/26/2013 3:18:53 PM

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP. There have been no suggestions to alter the proposed language.

4. The proposed verbatim language is shown below, with added text underscored and no language 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.

Recommendation:

5. Staff recommends the Commission recommend **approval** of **TA2013002** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (1 Page)



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.

Text Amendment TA2013002:

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a maximum height of 30' – Hillside Retaining Walls.

Darren Gerard, Deputy Planning Director, presented the above item. This is a text amendment to the Zoning Ordinance, Article 1111.5.2, regarding retaining walls that are subject to hillside slopes of 15% or greater. Elsewhere in the ordinance under Chapter 12 for the hillside regulations, all structures, specifically including retaining walls, are limited to a maximum 30 foot height. Regarding 1111.5.2.4, Staff is adding language that points a reader of the ordinance to Chapter 12 so there is no confusion that retaining walls are limited to a 6 foot height throughout the County, except in areas of hillside slope, they can go up to 30 feet. This is a housekeeping item that clarifies and makes our ordinance more user friendly.

Chairman Deutsch asked if there were questions for staff and if anyone from the public wished to speak on this item.

Ann Hutchinson, New River Desert Hills Community Association, thought it seemed like a good change.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

COMMISSION ACTION: Commissioner Burrows moved to initiate TA2013002; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.

Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013

Case Number: - TA2013002 – Hillside Retaining Walls



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Commission Hearing Date: June 6, 2013
Board Hearing Date: July 17, 2013
Cases #/Title: TA2013003 – Drainage Waivers
Agenda Items: 12
Supervisor District: All

Applicant: Commission initiated

Requests: A text Amendment to the Maricopa County Zoning Ordinance to allow drainage waivers to be approved administratively

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

Staff Recommendation: Approval

Commission Recommendation: Approval of TA2013003 by unanimous vote of 7-0 per language recommended by staff.

Additional Comments:

TA2013003 is an effort to streamline the development process and part of the Department's ongoing regulatory reform.

TA2013003 has been processed through the County's Enhanced Regulatory Outreach Program (EROP). In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the proposed text amendment will still afford benefit of public input but will be more efficient for applicants with regard to cost and timeliness.

No new information has been received since the June 6, 2013 Commission hearing. The attached Commission packet includes all public comment received and the proposed verbatim language.

Presented by:

Darren V. Gerard, AICP, Deputy Director

Attachments:

Memo signed-off by County Manager (1 page)
June 6, 2013 Draft P&Z Minutes (5 pages)
June 6, 2013 P&Z Packet (11 pages)
April 25, 2013 ZIPPOR Minutes (2 pages, extract)



Maricopa County

Planning and Development Department

Debra W. Stark, AICP
Director
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
(602) 372-0688 o
(602) 506-8510 f

Date: June 18, 2013

To: Tom Manos, County Manager

Via: Joy Rich, AICP, Deputy County Manager *JR*

From: Debra Stark, AICP, Planning and Development Director *DS*

Re: TA2013003 – County Manager's Approval

In accordance with the adopted "Moratorium on Increased Regulatory Burdens," the Planning and Development Department is seeking your approval to proceed with TA2013003 (Drainage Waivers). TA2013003 is a text amendment to the Maricopa County Zoning Ordinance, Sec. 1205 Drainage Regulations to allow administrative approval of drainage waivers. This text amendment is an effort to streamline the development process and part of the Department's ongoing regulatory reform. TA2013003 qualifies for County Manager approval under the moratorium, as the proposed text amendment lessens regulatory burden. The administrative process will still afford benefit of public input but will be more efficient for applicants with regard to cost and timeliness.

TA2013003 has been processed through the County's Enhanced Regulatory Outreach Program, and is scheduled for the July 17, 2013 Board of Supervisors public hearing. We are requesting your approval to move TA2013003 forward in accordance with the adopted, "Moratorium on Increased Regulatory Burdens."

A handwritten signature in black ink, appearing to read "Tom Manos".

Approved by Tom Manos, County Manager

Text Amendment: TA2013003

All Districts

Applicant: Commission-Initiated
Request: Text Amendment to the Maricopa County Zoning Ordinance, Section 1205, Drainage Regulations to allow administrative approval of drainage waivers

Darren Gerard, Deputy Planning Director, presented the above item. This is an effort to streamline the development process. The New River Desert Hills Community Association did express some early concern that staff believes has been alleviated in noting that the Administrative Drainage Waivers will have site posting giving neighbors the opportunity to provide comment and that the administrative determination may be appealed to the Drainage Review Board, which also happens to be the same body as the Board of Adjustment. The proposed verbatim language is listed in Paragraph 4. To summarize, it will delete Articles 1205.4.4, 1205.4.5 and 1205.4.6.; add Articles 1205.3.9 and 1205.6.4; revise Articles 1205.5 and 1205.6; and all other Articles in that Chapter will be renumbered accordingly. Mr. Gerard introduced Michael Norris, Drainage Review Supervisor, who could address questions the Commissioners might have. Staff recommends approval subject to Paragraph 4.

Chairman Deutsch asked if there were any questions for staff; if anyone from the public wished to speak; and if there was any discussion.

Commissioner Johnson stated he was glad to see some of the cleanup and the streamlining of the process, especially when it came to drainage.

Chairman Deutsch asked if there was any other discussion and if anyone from the public wished to speak.

COMMISSION ACTION: Commissioner Burrows moved to recommend approval of TA2013003 according to Paragraph 4 of the staff report; Commission Johnson seconded the motion which passed with a unanimous vote of 7-0.

The proposal is to delete Articles 1205.4.4, 1205.4.5 & 1205.4.6; add Articles 1205.3.9 & 1205.6.4; revise Articles 1205.5 & 1205.6; and to renumber the articles accordingly. The proposed verbatim language is shown below, with added text underscored and 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.

Extracts of the Maricopa County Planning and Zoning Commission Meeting of June 6, 2013

Case Number: - TA2013003 – Drainage Waivers

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~~

~~d. The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and~~

~~e. 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~~

~~g. 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 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.

DRAFT



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: TA2013003 – Drainage Waivers

Meeting Date: June 6, 2013

Agenda Item: 8

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance, Sec. 1205 to allow administrative approval of drainage waivers

Support/Opposition: One (1) email of support

Recommendation: **Approval**

Discussion:

1. TA2013003 is an effort to streamline the development process and part of the Department's ongoing regulatory reform.
2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. The Commission initiated TA2013003 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.
3. One email of support was received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 16, 2013 5:20 PM
To: 'Ann Hutchinson'; Alan & Candy Muller
Cc: Debra Stark - PLANDEVX; Michael Norris - PLANDEVX; Lynn Favour - PLANDEVX
Subject: RE: TA2013001-002--003 New River-Desert Hills Community Association Response

Ann & Alan: your comments are appreciated and will be printed for hand out at the 4/24 P&Z meeting. The agenda and staff reports with attachments are available online. Please note regarding TA2013001 that the green construction codes will be voluntary. Also regarding TA2013003, please note that administrative drainage waivers will have site posting giving neighbors opportunity to provide comment, and that the administrative determination may be appealed to the Drainage Review Board. Please let me know if this alleviates your concerns. Darren

From: Ann Hutchinson [<mailto:behomes@q.com>]
Sent: Thursday, April 11, 2013 12:31 PM
To: Darren Gerard - PLANDEVX

Cc: Alan & Candy Muller
Subject: TA2013001-002--003 New River-Desert Hills Community Association Response
[MEMO ATTACHED AT END OF REPORT]
Darren,

The attached has the New River - Desert Hills response and consultant's analysis for TA2013001, TA2013002, and TA2013003

Thank you for your consideration,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP and sent a memo, attached. There have been no suggestions to alter the proposed language.

4. The proposal is to delete Articles 1205.4.4, 1205.4.5 & 1205.4.6; add Articles 1205.3.9 & 1205.6.4; revise Articles 1205.5 & 1205.6; and to renumber the articles accordingly. The proposed verbatim language is shown below, with added text underscored and deleted language is struck-through:

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 - 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.

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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~~

~~d.~~ e. The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and

e. 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~~

g. 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 ~~if~~ 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.

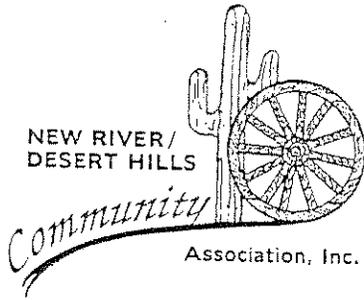
1205.6.4 Property shall be posted a minimum of fifteen days prior to the Drainage Administrator's decision.

Recommendation:

5. Staff recommends the Commission recommend **approval** of **TA2013003** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: NRDHCA support memo (2 pages)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (4 pages)



New River/Desert Hills Community Association, Inc.
515 E. Carefree Hwy. #300
Phoenix, AZ 85085-8839
Phone 602-432-2800
Fax: 623-465-1177
Website: www.NRDHCA.ORG
President's email: Alan@NRDHCA.com

April 11, 2013

Darren Gerard
Maricopa County Planning and Development
501 North 44th Street, Suite 200
Phoenix, AZ 85008

Dear Darren,

The President of the New River/Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendations:

- **TA2013001 – 2012 International Codes.** For the most part, this seems appropriate. **Concern:** There is concern about the implementation of the International Green Construction Code since may be greatly increase the cost of a new residencies. We suggest that the county phase this into the requirements to mitigate undue hardships.
- **TA2013002 - Hillside Retaining Walls.** This seems appropriate. **No concern:** It appears to merely clarifies the existing ordinance.
- **TA2013003 - Drainage Waivers.** For the most part, this seems appropriate. **Concern:** There is concern that there does not seem to be any checks and balances. Therefore it is not obvious that the administrative hearings will adequate and that there will not be an opportunity for public input. .

Please consider the attached letter from our consultant.

Regards,

Ann Hutchinson

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Attachment: Consultant's analysis

PAUL H. McALLISTER
201 W. Circle Mountain Road
New River, AZ 85087
Date: 31 March 2013

To: NR-DHCA, INC.

I have reviewed the proposed TAs (Text Amendments) TA2013001, TA2013002 and TA2013003. TA2013001 proposes adopting 2012 International, Building, Residential, Plumbing, Mechanical, Fuel/Gas, Green Construction, Energy Conservation, Existing Building Codes. If Green Construction and Energy Conservation Codes are required, I can only hope Maricopa County does not require sealed plans/documents as part of the approval process.

TA2013001 incorporates The International Green Construction Code. This will elevate the cost of a new residence but only slightly. The new products on the market are tried and proven to be better or as good as the older required products. Presently the newer (Green) materials are much cheaper than their accepted older materials.

When it comes to energy conservation, my experience in California was that energy efficacy compliance on the plans had to be documented and sealed for approval. This seal provided by a registered Architectural Engineer or a Engineer was required for approval.

Energy Conservation is often an expensive process and will increase the cost of a new residences considerably. Insulation R designation (walls, attic, floors), windows shading, window size, air intrusion sealing (windows and doors mostly) all will become part of this change. Energy conservation in this area is a good thing but what cost is acceptable? The county should only require certain modifications to the structure and slowly, not enter all at once thereby avoiding anything that might be considered as a hardship.

I do not possess a copy of the International Existing Building Code and thereby know very little about it. I know virtually nothing about what requirements are in this code but it does not sound good (i.e. sounds expensive for little value).

TA2013002 this proposed addition to Chapter 11 will make no new requirements only spells-out those requirements that exist and clear up any confusion that currently exist.

TA2013003 Will allow drainage requirements to be approved administratively and not require (in some cases) approval only by the Drainage Review Board (a public meeting). The only objection to this method is that the county may use this method to approve everything. This TA provides no checks and balances but is open-ended.

Sincerely,

Paul H. McAllister



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.

Text Amendment TA2013003

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1205, and Drainage Regulations to allow drainage waivers to be granted administratively – Drainage Waivers.

Darren Gerard, Deputy Planning Director, presented the above item. This will allow drainage waivers to be granted administratively rather than automatically going before the Drainage Review Board. There was significant, verbatim language attached that was in leg-edit. Staff was adding language to grant drainage waivers administratively under the discretionary powers of the Drainage Administrator, who is the Department Director and can delegate that power to staff, such as the Drainage Engineering Supervisor. Staff was striking language under the Drainage Review Board. This matter may still be appealed to the Drainage Review Board and the Superior Court. Instead of posting for the Drainage Review Board, there will be a posting period advising of the drainage waiver that could be reviewed administratively. The public is still noticed that a drainage waiver is being considered, and if that waiver is approved or denied, that decision can be appealed. Staff believed previous concerns that were stated had been addressed. Before the Commissioners were some concerns expressed by the New River Desert Hills Community Association, but Mr. Gerard believed those were alleviated at this point, but would let them speak to that.

Chairman Deutsch asked if there were questions for staff.

Commissioner Hiatt asked if the appeal was now to Superior Court instead of the Board of Supervisors. Mr. Gerard stated the appeal of the administrative decision would go to the Drainage Review Board, specific to drainage waivers, and that was appealable to Superior Court, so it would be the same process as other administrative decisions, which are appealable to the Board of Adjustment and that was appealable to Superior Court.

Chairman Deutsch asked if there were any other questions.

Mr. Gerard stated there was very significant support for this from the development community.

Chairman Deutsch asked if anyone from the public wished to speak.

Ann Hutchinson, New River Desert Hills Community Association, stated that in some ways this seemed good and helped end some of the bureaucracy, but

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expressed concerned that because it could be administratively determined, there would be no opportunity to appeal. She had concerns that sometimes drainage would be approved that maybe would not be such a good idea. She stated they just wanted a public input process. Ms. Hutchinson stated they would like to see the language, but it sounded like Mr. Gerard had addressed it.

Mr. Gerard stated the language was verbatim, leg-edit in the staff report and the staff report was online and he could give Ms. Hutchinson a copy now.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

COMMISSION ACTION: Commissioner Aster moved to initiate TA2013003; Commissioner Hiatt seconded the motion which passed with a unanimous vote of 6-0.