



## Enhanced Regulatory Outreach Program NOTICE OF PUBLIC HEARING OF THE MARICOPA COUNTY PLANNING & ZONING COMMISSION

~~Date/Time: Thursday, August 7, 2014, 9:30 a.m.~~

**Location: Auditorium, 205 W. Jefferson St.**

Moved to 9/11/14 P&Z Meeting Due to Lack of Quorum

The Maricopa County Planning & Zoning Commission will host a Public Hearing to discuss recommendation to the Maricopa County Board of Supervisors (BOS) of the following proposed ordinance amendments. If this hearing is cancelled due to loss of quorum all items will be heard at the next available Commission public hearing. These matters are tentatively scheduled for a public hearing before the BOS on September 10, 2014. The subject matter to be discussed at the August 7, 2014 Public Hearing includes:

**TA2014001 – Wireless Communication Facilities:** This item will not be reviewed at the August 7, 2014 Commission hearing. Although it has been initialized, it will be further discussed at the August 21, 2014 Commission meeting including comparison of standards for surrounding jurisdictions before being scheduled for a Commission hearing for recommendation to the BOS.

**TA2014002 – Residential Lot Coverage:** This is a text amendment to the Maricopa Zoning Ordinance, Articles 601.5.4, 602.5.4, 603.5.4, 604.5.4, 605.5.4, 606.5.4, 701.5.4 & 702.5.4 increasing the Maximum Lot Coverage in all Single-Family Residential and Multi-Family Residential zoning districts. This text amendment will increase Maximum Lot Coverage (cumulative area under roof) for all Single-Family Residential and Multi-Family Residential zoning districts. The proposed verbatim language is (language to be added is underscored, language to be deleted is struck-through):

**SECTION 601. R1-35** (Single-Family Residential Zoning District – 35,000 Square Feet Per Dwelling Unit)

601.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~20%~~ 30% of the lot area.

**SECTION 602. R1-18** (Single-Family Residential Zoning District – 18,000 Square Feet Per Dwelling Unit)

602.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~25%~~ 35% of the lot area.

**SECTION 603. R1-10** (Single-Family Residential Zoning District – 10,000 Square Feet Per Dwelling Unit)

603.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~30%~~ 40% of the lot area.

**SECTION 604. R1-8 (Single-Family Residential Zoning District – 8,000 Square Feet Per Dwelling Unit)**

604.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~35%~~ 45% of the lot area.

**SECTION 605. R1-7 (Single-Family Residential Zoning District – 7,000 Square Feet Per Dwelling Unit)**

605.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~35%~~ 45% of the lot area.

**SECTION 606. R1-6 (Single-Family Residential Zoning District – 6,000 Square Feet Per Dwelling Unit)**

606.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~40%~~ 50% of the lot area.

**SECTION 701. R-2 (Two-Family Residential Zoning District)**

701.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~50%~~ 60% of the lot area.

**SECTION 702. R-3 (Multi-Family Residential Zoning District)**

**R-4 (Multi-Family Residential Zoning District)**

**R-5 (Multi-Family Residential Zoning District)**

702.5.4. **Lot Coverage:** The maximum lot coverage shall be ~~50%~~ 60% of the lot area.

**TA2014003 – C-1 Use Regulations:** This is a text amendment to the Maricopa Zoning Ordinance, Article 803.2 Use Regulations (C-1 Neighborhood Commercial Zoning District) – to revise Article 803.2 to insert a new Article 803.2.44 and renumber the following sub-articles of Article 803.2. The new article will state that all uses permitted in the R-5 Multi-Family Residential Zoning District are also permitted in the C-1 Neighborhood Commercial Zoning District. This will help foster mixed-used development as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. The proposed verbatim language is (language to be added is underscored, language to be deleted is struck-through):

**803.2. Use Regulations**

44. Any use permitted in the R-5 Multi-Family Residential Zoning District.

4445. Accessory buildings and uses customarily incidental to the above uses. [Truncated.]

**TA2014004 – R-5 Use Regulations:** This is a text amendment to the Maricopa Zoning Ordinance, Article 702.2 Use Regulations (R-5 Multi-Family Residential Zoning District) – to insert new Articles 702.2.5 & 702.5.6 and renumber the following sub-articles of Article 702.2. The new articles will state that all uses permitted in the C-1 Neighborhood Commercial Zoning District and Mobile Home Parks per Section 1203 shall be permitted in the R-5 Multi-Family Residential Zoning District. This will help foster mixed-used development as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. The proposed verbatim language is (language to be added is underscored, language to be deleted is struck-through; changes since the June 26, 2014 Commission meeting are highlighted):

**702.2. Use Regulations**

5. Any use permitted in the C-1 Neighborhood Commercial Zoning District may be located in the R-5 Multi-Family Residential Zoning District.
6. Mobile Home Parks subject to the standards outline in Section 1203 of this Ordinance may be located in the R-5 Multi-Family Residential Zoning District.
- ~~7.5.~~ *Accessory buildings and uses customarily incidental to the above uses including:*  
[Truncated.]

**TA2014005 – Billboard SUP:** This is a text amendment to revise Maricopa Zoning Ordinance, Article 1301.1.41.1 to insert clarifying language that a billboard may be relocated by Special Use Permit due to public acquisition of from a parcel located within the perimeter boundary of Maricopa County. Current ordinance language does not set a limit on where the public acquisition must have occurred. This is a housekeeping item. The proposed verbatim language is (language to be added is underscored):

- 1301.1.41. *Signs for off-site advertising or for directing attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same premises (billboards) provided that:*
1. *The sign is relocated from a parcel of property, located within the perimeter boundary of Maricopa County or within the corporate boundary of a city or town located partially within Maricopa County and partially within an adjacent county, that is acquired by a public entity for public use by condemnation, purchase or dedication.*
  2. *The sign must be removed due to that government action.*
  3. *The public entity has not paid just compensation for the sign.*
  4. *The standards of the C-2 Zoning District shall apply, except that the sign shall be permitted to remain the same size and height as the original sign.*
  5. *The standards of the C-2 Zoning District shall apply, except as noted above. No further variance to the C-2 standards may be granted by either the Board of Supervisors or the Board of Adjustment.*
  6. *Billboards may not locate in residential zoning districts; however, they may locate in rural zoning districts.*

**TA2014006 – Special Uses:** This is a text amendment to the Maricopa County Zoning Ordinance, Article 1301.1 Special Uses and the Use Regulations of Chapters 5, 6, 7, 8 & 9 – to overhaul Article 1301.1 so that special use categories are relegated to those uses that are temporal or of a unique nature not appropriate in a zoning district. Many of the use categories will be moved into the use regulations for the respective zoning districts for which they are appropriate (found in Chapter 5 for Rural zoning districts, Chapter 6 for Single-Family Residential zoning districts, Chapter 7 for Multi-Family Residential zoning districts, Chapter 8 for Commercial zoning districts and Chapter 9 for Industrial zoning districts). This will provide permanent zoning entitlement for

development of uses that are long term in nature as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. Proposed verbatim language is attached.

\* See bottom of this notice for complete Chapters 5, 6, 7, 8, 9 & 13.

**TA2014007 – Gates (Building):** This is a text amendment to add a paragraph Maricopa County Local Additions & Addenda, Section 205 Exemptions - that will eliminate requirement to obtain a building permit for gates within road easements. (TA2014009 is a companion text amendment to the Maricopa County Zoning Ordinance that will eliminate requirement for zoning clearance.) Gates in private streets tracts within platted subdivisions will be required to obtain a building permit. Gates will be prohibited within public right-of-way accepted into the County's road system. The proposed verbatim language is (language to be added is underscored; changed language from the stakeholder meeting is highlighted):

### ***Section 205, Building Exceptions***

*A building permit shall not be required for a roadway gate within a private road easement. (However, a building permit shall be required for gates within private street tracts of a platted subdivision. A MCDOT permit shall be required for gates within public rights-of-way.*

**TA2014008 – Property Maintenance:** This is a text amendment to revise Maricopa Zoning Ordinance adding new Article 1116, Property Maintenance and related definitions in Chapter 2, this article and definitions is derived from Maricopa County Ordinance No. P-10 (Abatement) and as such is not a new county regulation. Incorporation into the zoning ordinance will provide a civil enforcement process and will forego the need for formal abatement proceedings simple items such as weeds and junk/trash/debris which will usually be voluntarily complied upon initial notice of violation. The proposed verbatim language is (language to be added is underscored, language to be deleted is struck-through):

### **ARTICLE 1116. PROPERTY MAINTENANCE**

*A person, firm or corporation shall have committed a violation of this Ordinance if such person, firm or corporation without lawful authority:*

- 1. Allows for rubbish, junk, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety to remain upon property of which they are the owner or occupant, or to remain upon sidewalks, streets and alleys contiguous to the property which they are the owner or occupant.*
- 2. Places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the County which is not owned or under the control of the person, firm or corporation.*

### **CHAPTER 2. DEFINITIONS**

***DILAPIDATED BUILDING OR STRUCTURE:*** *Means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its conditions endangers the life, health, safety, or property of*

the public. The Building Official shall determine whether a building or structure is dilapidated. Dilapidated buildings or structures as determined by the Building Official shall include, but not be limited to, those buildings or structures that meet any or all of the following criteria:

- a) The building or structure's interior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- b) The building or structure, exclusive of the foundation, has thirty-three percent (33%) or more damage or deterioration to the supporting member or member's structural assembly, or fifty-five percent (55%) damage or deterioration to the non-supporting enclosing outside walls or covering.
- c) The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.
- d) The building or structure exhibits conditions that present actual hazards or dangers.
- e) The building or structure has been vacant and unsecured for more than forty-eight (48) hours, on more than one (1) occasion, during a previous twelve (12) month period.
- f) The building or structure or their contents represents an imminent health or fire hazard.

~~**JUNK:** Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.~~

~~**JUNKYARD:** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The term "junk" includes old or scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials. The term "junkyard" includes garbage dumps and sanitary fills.~~

~~**RUBBISH, JUNK, TRASH, DEBRIS AND FILTH:** Shall include, but not be limited to: ordinary litter, refuse, waste, or rubble and remains thereof and similar material including the waste or rubble of any dilapidated building.~~

~~**WEEDS:** Shall include any uncultivated vegetation of a combustible nature with an associated fire hazard which cannot be reasonably contained on the property where it exists and shall include, but not be limited to: dried grass higher than six inches (6"); or other dried vegetation higher than six inches (6"); tumbleweeds, branches or clippings; or dead trees, bushes or shrubs.~~

**TA2014009 – Gates (Zoning):** This is a text amendment to Maricopa County Zoning Ordinance, Article 1504.5.2 - that will eliminate requirement to obtain a zoning clearance for gates within road easements. (TA2014007 is a companion text amendment to the Maricopa County Local Additions & Addenda that will eliminate requirement for building permit.) Gates in private streets tracts within platted subdivisions will be required to obtain a zoning clearance. Gates will be prohibited within public right-of-way accepted into the County's road system. The proposed

verbatim language is (language to be added is underscored; and changes in proposed since the June 26, 2014 Commission meeting are highlighted):

**ARTICLE 1504.5 ZONING CLEARANCE:** *It shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the creation, construction, alteration, removal or demolition of a building, structure or use without first filing with the Zoning Inspector an application in writing and obtaining a Zoning Clearance, except that such clearance shall not be required for:*

1. *A non-habitable accessory building or structure that is a single story and no greater than 200 square feet in floor area.*
2. *Fences or walls with an overall maximum finished height of ~~six~~ eight (8) feet or less, including gates across streets, unless said fence:*
  - a. *Is part of a pool barrier;*
  - b. *Serves to retain soil greater than 18 inches, as measured vertically from finished grade;*
  - c. *Is associated with any hillside development;*
  - d. *Is used as a corral;*
  - e. *Is the primary use of the property, or*
  - f. *Is on a corner lot abutting a key lot as outlined in Section 601, Article 601.2.12 of this Ordinance.*

The public may submit comments to the project manager, Darren Gerard, at: <http://www.maricopa.gov/regulations/comments.aspx>.