Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014002 – Residential Lot Coverage**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to lack of a quorum
Agenda Item:	11
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County 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
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

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. It will lessen regulatory burden by providing more flexibility in residential design. 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.*

There is no change to the proposed language since the June 26, 2014 Commission meeting. This follows TA2012033 which similarly increased the Rural-43 maximum lot coverage from 15% to 25%.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) is supportive of the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014002 RESIDENTIAL LOT COVERAGE
> ☐ This TA would increase lot coverage for all residential parcels from R1-35 to R-5.
>
> After review, I find nothing that would negatively impact the New River or any area.
> I recommend approval

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014002** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014002 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014002 6/26/14 Commission meeting packet (3 pages)

No enclosures.

<u>Text Amendment: TA2014002</u> **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County 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 – Residential Lot Coverage

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above. Requesting the Commission initiate, this is increasing the maximum residential lot coverage; area under roof for the entire parcel. We would be increasing the maximum lot coverage for all residential zoning districts. There was an increase about a year and a half ago to Rural 43 lot coverage from 15 percent to 25 percent. Now we are trying to be consistent to maintain the same ratios that we had before. There is no known opposition, there is one email in support. In general this puts the department consistent with the City of Phoenix, we'll be higher than Glendale but lower than Gilbert and Chandler.

Acting Chairman Aster asked about the increases to the lot coverages and what is the rational. Mr. Gerard stated that with all text amendments the idea is to have the least amount of regulation necessary and maintain the public health and safety but to align ourselves more closely with community values. People build bigger today than they used to.

Acting Chairman asked if there were other questions, none, requested a motion.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2014002. Commissioner Burrows seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014002 – Residential Lot Coverage**
Meeting Date:	June 26, 2014
Agenda Item:	2
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County 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
Support/Opposition:	One email of support
Recommendation:	**Initiate**

Discussion:

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.*

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) is supportive of the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

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From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014002 RESIDENTIAL LOT COVERAGE
> ☐ This TA would increase lot coverage for all residential parcels from RI-35 to R-5.
>
> After review, I find nothing that would negatively impact the New River or any area.
> I recommend approval

This follows TA2012033 which similarly increased the Rural-43 maximum lot coverage from 15% to 25%. Staff recommends the Commission initiate this text amendment.

Recommendation:

Staff recommends the Commission **initiate TA2014002**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014003 – C-1 Use Regulations**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to lack of a quorum
Agenda Item:	12
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Article 803.2 Use Regulations
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

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. It will lessen regulatory burden by permitting a greater range of uses and mixed-use development within neighborhood commercial centers.

As proposed, this text amendment will insert new language into the middle of the C-1 use regulations so that current Article 803.2.44 becomes 803.45, etc. 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.

~~44~~45. Accessory buildings and uses customarily incidental to the above uses. [Truncated.]

There is no change to the proposed language since the June 26, 2014 Commission meeting.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's

hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment, but the City of Glendale (COG) has expressed opposition. The following email thread with NRDHCA and COG were external to EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Wednesday, May 28, 2014 7:02 PM
> **To:** 'Ann Hutchinson'
> **Cc:** Alan & Candy Muller
> **Subject:** RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren
>
> [signature block snipped]
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> **From:** Ann Hutchinson [mailto:behomes@q.com]
> **Sent:** Sunday, May 18, 2014 12:11 PM
> **To:** Darren Gerard - PLANDEVX
> **Cc:** Alan & Candy Muller
> **Subject:** TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
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> Darren,
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> Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.
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> We are submitting these directly to you since it regulation comment option is not yet up for these TAs.
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> Regards,
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> Ann Hutchinson
> Planning and Development Liaison
> New River - Desert Hills Community Association
> PO Box 75068
> New River, AZ 85087-1000
> Email: behomes@q.com
> www.nrdhca.org
> 623-742-6514
>
> Email attachment excerpt (clarified due to formatting):
>
> > TA2014003 C-1 USE REGULATIONS
> > Amendment refers to 703.2. Within the existing Maricopa County Zoning Ordinances, no such Article exist. Assuming 703.2 is really 803.2 then
> > □4445 should be ~~44~~45 so that next text will by 803.2 number 45 if TA approved.

☐ The purpose for the change is to allow mixed-use.

After review, I find nothing that would negatively impact the New River or any area, refer to TA2014004.
I recommend approval with recommendation for the typo correction.

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:05 PM
To: 'Ritz, Thomas'
Cc: Froke, Jon
Subject: RE: Opposition to blending R-5 and C-1 Districts

Thomas: thanks for the City of Glendale comments on proposed text amendments TA2014001 through TA2014009. I see you only have comment regarding TA2014003 (C-1 use regulations) & TA2014004 (R-5 use regulations) noting opposition to the proposal to permit mixed uses in these zoning districts. Your comments will be discussed at Friday's stakeholder meeting. Darren

[signature block snipped]

From: Ritz, Thomas [mailto:TRitz@GLENDALEAZ.com]
Sent: Friday, May 09, 2014 2:14 PM
To: Darren Gerard - PLANDEVX
Cc: Froke, Jon
Subject: Opposition to blending R-5 and C-1 Districts

The City of Glendale opposes the proposed blending of R-5 and C-1 uses in Maricopa County. This would allow multi-family on currently commercially zoned arterial – arterial corners where the City of Glendale's General Plan designates the property as Planned Commercial. The change would also allow mid-mile commercial development where the City of Glendale's General Plan designation is for residential uses. This blending would be an unpleasant surprise to homeowners who live next to land currently zoned for residential or commercial uses for the opposite use to now be allowed by right.

Prior to 1993 Glendale's zoning ordinances permitted these blended uses, and the legacy along Northern Avenue and Thunderbird Road is not pleasant.

Please contact me if you have any questions.

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014003** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014003 6/26/14 Commission meeting minutes (excerpt, 2 pages)
TA2014003 6/26/14 Commission meeting packet (3 pages)

No enclosures.

Text Amendment: TA2014003 **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 803.2 Use Regulations – C-1 Use Regulations

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above. This item is very similar, comes out of our Task Force and recommended by the Task Force. This will revise the use regulations of the C-1 regular and commercial zoning districts so that it will allow any use permit in the R-5 multi-family residential zoning districts. He then gave an example of mixed use of an apartment building to have a convenience store on the ground floor corner, it would also allow just the apartment building. The idea is that the potential is there to foster mixed use zoning.

Commissioner Hiatt asked how this compares to other jurisdictions. Mr. Gerard stated that the City of Glendale had concerns with this, they previously allowed what they considered similar opportunities and they do not like the idea of apartments at arterial intersections and mid-lot commercial. But this is the direction of our Task Force and this was one of the easiest routes to facilitate. The department is also considering a mixed use zoning district which would likely be included in any master planned communities. C1 and R5 do tend to be proximate with one another. Mr. Gerard also noted a lot of commercial adjacent to R5 along Apache Trail. This will allow for better use of those properties and redevelopment in those areas.

Acting Chairman Aster noted Mr. Gerard mentioning Apache Trail and unincorporated master planned communities that have certain conveyance and those conveyance would supersede in cases like this. Mr. Aster then asked if there were any other questions.

Commissioner Johnson stated that answered the question he had.

Commissioner Muller stated that he has seen similar set up in other cities and states and asked if this would take care of a retail store and apartments, residence on the floor above. Mr. Gerard advised that in the commercial zoning this would present opportunity to have second or third floor residential above. Ms. Stark advised that they do allow that in the City of Phoenix but you don't foresee a lot of it. It's usually mix-use but still separated, like the multi-family and you'll have community shopping next to it. It's the nature of the valley and

noted an apartment complex in Moon Valley with a coffee shop on the first floor at 7th Street and Greenway.

Acting Chairman Aster stated if there are no other questions, he'll take a motion.

COMMISSION ACTION: Commissioner Burrows moved to initiate TA2014003. Commissioner Hiatt seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014003 – C-1 Use Regulations**
Meeting Date:	June 26, 2014
Agenda Item:	3
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance, Article 803.2
Support/Opposition:	One email of opposition. One email of support
Recommendation:	**Initiate**

Discussion:

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 (current 803.2.44 becomes 803.45, etc.). 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.

~~44~~45. Accessory buildings and uses customarily incidental to the above uses. [Truncated.]

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) supports the text amendment, but the City of Glendale (COG) has expressed opposition. The following email thread with NRDHCA and COG were external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
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Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
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New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt (clarified due to formatting):

> TA2014003 C-1 USE REGULATIONS
> Amendment refers to 703.2. Within the existing Maricopa County Zoning Ordinances, no such Article exist. Assuming 703.2 is really 803.2 then
> ☐4445 should be ~~44~~-45 so that next text will by 803.2 number 45 if TA approved.
> ☐ The purpose for the change is to allow mixed-use.
>
> After review, I find nothing that would negatively impact the New River or any area, refer to TA2014004.
> I recommend approval with recommendation for the typo correction.

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:05 PM
To: 'Ritz, Thomas'

Cc: Froke, Jon
Subject: RE: Opposition to blending R-5 and C-1 Districts

Thomas: thanks for the City of Glendale comments on proposed text amendments TA2014001 through TA2014009. I see you only have comment regarding TA2014003 (C-1 use regulations) & TA2014004 (R-5 use regulations) noting opposition to the proposal to permit mixed uses in these zoning districts. Your comments will be discussed at Friday's stakeholder meeting. Darren

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From: Ritz, Thomas [mailto:TRitz@GLENDALEAZ.com]
Sent: Friday, May 09, 2014 2:14 PM
To: Darren Gerard - PLANDEVX
Cc: Froke, Jon
Subject: Opposition to blending R-5 and C-1 Districts

The City of Glendale opposes the proposed blending of R-5 and C-1 uses in Maricopa County. This would allow multi-family on currently commercially zoned arterial – arterial corners where the City of Glendale's General Plan designates the property as Planned Commercial. The change would also allow mid-mile commercial development where the City of Glendale's General Plan designation is for residential uses. This blending would be an unpleasant surprise to homeowners who live next to land currently zoned for residential or commercial uses for the opposite use to now be allowed by right.

Prior to 1993 Glendale's zoning ordinances permitted these blended uses, and the legacy along Northern Avenue and Thunderbird Road is not pleasant.

Please contact me if you have any questions.

Staff recommends the Commission initiate this text amendment. As proposed, this text amendment will insert new language into the middle of the C-1 use regulations so that current Article 803.2.44 becomes 803.45, etc.; however, if the Commission prefers the new language can be added at the end of the use regulations as new Article 803.2.51.

Recommendation:

Staff recommends the Commission **initiate TA2014003**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014004 – R-5 Use Regulations**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	13
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Article 702.2 Use Regulations
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

Article 702.2 Use Regulations (R-5 Multi-Family Residential Zoning District) – to insert new Articles 702.2.5 & 702.5.6 and renumber existing 702.2.5 as 702.2.7. 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. It will lessen regulatory burden by permitting a greater range of uses and missed-use development within areas of highest residential density.

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.]

The highlighted language was altered due to discussion at the June 26, 2014 Commission meeting. The revision is to clarify the commercial uses and mobile home parks are only permitted in R-5 and not in the R-3 & R-4 multi-family residential zoning districts.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment, but the City of Glendale (COG) has expressed opposition. The following email threads with NRDHCA and COG were external to EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Wednesday, May 28, 2014 7:02 PM
> **To:** 'Ann Hutchinson'
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> **Subject:** RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren
>
> [signature block snipped]
>
> **From:** Ann Hutchinson [mailto:behomes@q.com]
> **Sent:** Sunday, May 18, 2014 12:11 PM
> **To:** Darren Gerard - PLANDEVX
> **Cc:** Alan & Candy Muller
> **Subject:** TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Darren,
>
> Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.
>
> We are submitting these directly to you since it regulation comment option is not yet up for these TAs.
>
> Regards,
>
> Ann Hutchinson
> Planning and Development Liaison
> New River - Desert Hills Community Association
> PO Box 75068
> New River, AZ 85087-1000
> Email: behomes@q.com
> www.nrdhca.org
> 623-742-6514
>
> Email attachment excerpt (clarified due to formatting):

TA2014003 C-1 USE REGULATIONS
Amendment refers to 703.2. Within the existing Maricopa County Zoning Ordinances, no such Article exist. Assuming 703.2 is really 803.2 then
☐4445 should be ~~44~~-45 so that next text will by 803.2 number 45 if TA approved.
☐ The purpose for the change is to allow mixed-use.

After review, I find nothing that would negatively impact the New River or any area, refer to TA2014004.
I recommend approval with recommendation for the typo correction.

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:05 PM
To: 'Ritz, Thomas'
Cc: Froke, Jon
Subject: RE: Opposition to blending R-5 and C-1 Districts

Thomas: thanks for the City of Glendale comments on proposed text amendments TA2014001 through TA2014009. I see you only have comment regarding TA2014003 (C-1 use regulations) & TA2014004 (R-5 use regulations) noting opposition to the proposal to permit mixed uses in these zoning districts. Your comments will be discussed at Friday's stakeholder meeting. Darren

[signature block snipped]

From: Ritz, Thomas [mailto:TRitz@GLENDALEAZ.com]
Sent: Friday, May 09, 2014 2:14 PM
To: Darren Gerard - PLANDEVX
Cc: Froke, Jon
Subject: Opposition to blending R-5 and C-1 Districts

The City of Glendale opposes the proposed blending of R-5 and C-1 uses in Maricopa County. This would allow multi-family on currently commercially zoned arterial – arterial corners where the City of Glendale's General Plan designates the property as Planned Commercial. The change would also allow mid-mile commercial development where the City of Glendale's General Plan designation is for residential uses. This blending would be an unpleasant surprise to homeowners who live next to land currently zoned for residential or commercial uses for the opposite use to now be allowed by right.

Prior to 1993 Glendale's zoning ordinances permitted these blended uses, and the legacy along Northern Avenue and Thunderbird Road is not pleasant.

Please contact me if you have any questions.

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014004** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014004 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014004 6/26/14 Commission meeting packet (4 pages)

No enclosures.

<u>Text Amendment: TA2014004</u> **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 702.2 Use Regulations – R-5 Use Regulations

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above stating it is the companion, R-5 Use Regulations. This would revise the R-5 Use Regulations of the R-5 multi-family residential zoning district to indicate any use permitted in the C-1 neighborhood commercial zoning district may be located in the R-5 as well as mobile home parks set in the outlining section for mobile homes. This is a companion to the previous, recommended by the Task Force and can answer any questions.

Acting Chairman Aster asked if there were any questions, none, he requested a motion.

COMMISSION ACTION: Commissioner Muller moved to initiate TA2014004. Commissioners Aster and Burrows seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014004 – R-5 Use Regulations**
Meeting Date:	June 26, 2014
Agenda Item:	4
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance, Article 702.2
Support/Opposition:	One email of opposition. One email of support
Recommendation:	**Initiate**

Discussion:

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 existing 702.2.5 as 702.2.7. 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):

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.

7.~~5.~~ Accessory buildings and uses customarily incidental to the above uses including:
[Truncated.]

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions for altered language. The New River

Desert Hills Community Association (NRDHCA) supports the text amendment, but the City of Glendale (COG) has expressed opposition. The following email thread with NRDHCA and COG were external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt (clarified due to formatting):

TA2014004 R-5 USE REGULATIONS

- 702.2.5 & 702.2.6 added and 702.2.5 changed to 702.2.7 within the Maricopa County Zoning Ordinances.
- This proposed change would allow mixed use between R-5 & C-1 as a use right. This proposed change would eliminate the need for a unit plan or a variance process (costly and time consuming).

Mixed use is needed and used in many jurisdictions without negative results when allowed. I recommend approval.

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:05 PM
To: 'Ritz, Thomas'
Cc: Froke, Jon
Subject: RE: Opposition to blending R-5 and C-1 Districts

Thomas: thanks for the City of Glendale comments on proposed text amendments TA2014001 through TA2014009. I see you only have comment regarding TA2014003 (C-1 use regulations) & TA2014004 (R-5 use regulations) noting opposition to the proposal to permit mixed uses in these zoning districts. Your comments will be discussed at Friday's stakeholder meeting. Darren

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From: Ritz, Thomas [mailto:TRitz@GLENDALEAZ.com]
Sent: Friday, May 09, 2014 2:14 PM
To: Darren Gerard - PLANDEVX
Cc: Froke, Jon
Subject: Opposition to blending R-5 and C-1 Districts

The City of Glendale opposes the proposed blending of R-5 and C-1 uses in Maricopa County. This would allow multi-family on currently commercially zoned arterial – arterial corners where the City of Glendale's General Plan designates the property as Planned Commercial. The change would also allow mid-mile commercial development where the City of Glendale's General Plan designation is for residential uses. This blending would be an unpleasant surprise to homeowners who live next to land currently zoned for residential or commercial uses for the opposite use to now be allowed by right.

Prior to 1993 Glendale's zoning ordinances permitted these blended uses, and the legacy along Northern Avenue and Thunderbird Road is not pleasant.

Please contact me if you have any questions.

The Commission should consider if it's appropriate to permit commercial uses within existing multi-family residential zoning districts. Staff points out the proposal calls for the lowest intensity (C-1) commercial uses to be permitted within the highest intensity (R-5) multi-family residential zoning districts. This intensity of urban development is rather limited within unincorporated Maricopa County to master-planned communities and along Apache Trail. The former is likely to have private covenants that may restrict certain uses regardless of county zoning. The latter is expected to benefit from potential for mixed use redevelopment.

This will also permit Mobile Home Parks in the R-5 zoning district. It's important to note that mobile home parks were relegated to the R-5 zoning district from the 1960s – 1980s when the ordinance was amendment to require a special use permit (SUP). There has not been an observed benefit to the SUP requirement for a mobile home park. The majority of mobile home parks in unincorporated Maricopa County remain in the R-5 zoning district without an SUP.

Staff recommends the Commission initiate this text amendment. Although not discussed at the stakeholder meeting, staff will recommend the proposed language be revised to clearly state that the commercial uses and mobile home parks are only permitted in R-5 and not in the R-3 & R-4 multi-family residential zoning districts, as follows:

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.]

Recommendation:

Staff recommends the Commission **initiate TA2014004**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014005 – Billboard SUP**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	14
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Article 1301.1.41.1
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

This is a text amendment to the 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, and not considered to increase regulatory burden. 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.*

There is no change to the proposed language since the June 26, 2014 Commission meeting.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison

New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014005 BILLBOARDS SUP
> ☐ This proposed change would not alter the existing ordinance just add "located within the perimeter of Maricopa County" to 1301.1.1.41.1.
>
> I recommend approval

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014005** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014005 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014005 6/26/14 Commission meeting packet (3 pages)

No enclosures.

<u>Text Amendment: TA2014005</u> **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1301.1.41.1 – Billboard SUP

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above and stated it is a housekeeping item. Language is to clarify the relocated billboard has to come from within the greater Maricopa County area, not from another area outside of Maricopa County. There is no opposition.

Ms. Stark noted that the department was approached by a billboard company where Arizona Department of Transportation was widening a project in Prescott Valley and they wanted to relocate a billboard to our County.

COMMISSION ACTION: Commissioner Muller moved to initiate TA2014005. Commissioner Arnett seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014005 – Billboard SUP**
Meeting Date:	June 26, 2014
Agenda Item:	5
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance, Article 1301.1.41.1
Support/Opposition:	One email of support
Recommendation:	**Initiate**

Discussion:

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; and changes since the Stakeholder Meeting are highlighted):

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.*

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

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Sent: Sunday, May 18, 2014 12:11 PM
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Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

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We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014006 – Special Uses**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	15
Supervisor District:	All
Applicant:	Staff
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Article 1301.1 Special Uses and the Use Regulations of Chapters 5, 6, 7, 8 & 9
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

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. The purpose of this amendment is to move several special uses from Article 1301.1 to the respective zoning district for which they are appropriate due to their permanent nature. The move to the respective zoning districts will include Chapter 5 – Rural Zoning Districts, Chapter 6 – Single Family Residential Zoning Districts, Chapter 7 – Multiple Family Residential Zoning Districts, Chapter 8 – Commercial Zoning Districts, and Chapter 9 – Industrial Zoning Districts. The rest will remain Special Uses because of their temporary and/or unique character that makes them inappropriate for existing zoning districts. The text amendment is being put forth at the recommendation of the Maricopa County Planning and Development Ad Hoc Task Force. The proposal will lessen regulatory burden by providing permanent zoning entitlement for long term development.

The proposed verbatim language in leg-edit format for Chapters 5, 6, 7, 8, 9 & 13 is attached to the June 26, 2014 Commission packet (added language is underscored, deleted language is struck-through). There have been a number of questions raised and potential revisions to the staff proposed language since the June 26, 2014 Commission meeting, summarized as follows:

- Art. 501.2.5 (Art. 501.2.6 & -7): Staff is referencing "**elementary and high schools**" rather than "public and charter schools" and "private schools". This includes eliminating conditions for location of private schools (i.e. min. 5 ac. site, min. 100' setback, etc.) One concern is that public schools are operated by a school district with an elected body representing the district who can hear grievances with siting school locations, as well as siting standards which results in elementary schools on at least 10 acre site and high schools on at least 20 acre sites. Private schools do not have a representative body or similar siting standards and an unconditional location of a private school within a single-family residential neighborhood may prove problematic. The Commission may

want to consider separate reference to private schools for future consideration as a Conditional Use. It's important to note the same siting location/standards problem exist with charter schools, but unfortunately state law prevents charter schools from being treated differently than public schools with regard to zoning, despite the lack of an elected representative body for charter schools that are not part of a school district.

- Art. 501.2.4 (Art. 501.2.5): The Commission may wish to clarify that "**Group homes** for not more than ten persons..." are excluded from having adjudicated residents.
- Art. 501.2.16.a: Staff has inserted "**amateur radio antennas and amateur radio support structures**" as an accessory use to a residence. It should be noted the development standards for these structures are found in Sec. 1115 Amateur Radio Antennas and Antenna Support Structures. Staff will revise the proposed language for consistency with this section of the ordinance.
- Art. 501.2.18 (501.2.24): Staff would recommend revision to delete this article and to reference in Sec. 1302 **Temporary Uses** that the listed temporary uses are permitted in every zoning district or as specified.
- Art. 501.2.19 (501.2.25): Staff would recommend revision to delete this article and to reference in Sec. 1301 **Special Uses** that the listed special uses are permitted in every zoning district or as specified.
- Art. 501.2. 20 (501.2.25 & 501.2.27): These categories have been consolidated into a single article, but the former is related to an ongoing use and the latter is specific to an active construction project. Upon further review staff does not wish to have zoning regulate the **construction yard/office** for an active construction project, and perhaps any reference should be deleted from the ordinance and covered by a Substantive Policy Statement. In regard to the **model home complex** related uses, if relegated to a temporary use permit then staff would recommend revision so that this is only listed in Sec. 1302 Temporary Uses, or that the language in Art. 501.2.20 be retained for future consideration as a Conditional Use Permit.
- Art. 601.2: The Commission may wish to add a sub-article permitting "**home occupations/cottage industry**" in the Single-Family Residential zoning districts. At present they are only permitted in the Rural zoning districts or by SUP in the Rural zoning districts.
- Art. 601.2.4: Same as above discussion of group homes.
- Art. 601.2.5 (Art. 601.2.5 & -6): Same as above discussion of elementary and high schools.
- Art. 601.2.12.a: Same as above discussion of amateur radio antennas.
- Art. 601.2.16 (Art. 601.2.26 & -27): Same as above discussion of model home complex and construction yard/office.
- Art. 601.2.18: Staff has inserted "offices for homeowners associations". Should this be expanded to permit other types of **HOA related uses** for the residents of master-planned communities, such as the recreation center complexes and ancillary uses, maintenance facilities, storage facilities, horse stables and other facilities for the benefit of subdivision/master-planned community residents?
- Art. 701.2.4: Same discussion as above discussion of model home complex and construction yard/office. Upon further review, staff believes this article can be deleted as uses permitted in the Single-Family Residential zoning districts are also permitted in the Multi-Family Residential zoning districts unless otherwise specified.
- Art. 801.2.4 (Art. 801.2.5): Same as above discussion of Temporary Uses.
- Art. 801.2.5 (Art. 801.2.6): Same as above discussion of Special Uses.
- Art. 801.2.6 (Art. 801.2.7): Same as above discussion of construction yard/office.
- Art. 802.2.12 (Art. 802.2.13): Same as above discussion of construction yard/office.

- Art. 803.2.34: Staff has inserted "private clubs and fraternal organizations, excluding such use for which the chief activity is a service customarily conducted as a business". The Commission may wish to consider deleting the caveat phrase if there is no concern with fraternal organizations operating similar to commercial businesses in Neighborhood Commercial zoning district.
- Art. 803.2.48 (Art. 803.2.47): Same as above discussion of Temporary Uses.
- Art. 803.2.49 (Art. 803.2.48): Same as above discussion of Special Uses.
- Art. 803.2.50 (Art. 803.2.49): Same as above discussion of construction yard/office.
- Art. 804.2.22: Staff has inserted "**hospitals**, subject to a UPD overlay" as a permitted use in the C-2 Intermediate Commercial Zoning District. Upon further review staff believes the language should be revised to not include the condition of a UPD as this may have the unintended consequent of forcing a hospital proposal that otherwise meets the C-2 zoning district development standards (i.e. 40' max. ht.) to file for a C-2 CUPD zone change.
- Art. 804.2.33 (804.2.29): Permits "**pet shops**, not involving the treatment or boarding of cats, dogs or other small animals" in the C-2 zoning district. The Commission may wish to delete the caveat phrase since the proposal is to permit "**kennels**" in this district per Art. 804.2.25.
- Art. 901.2.17 (Art. 901.2.18): Same as above discussion of Temporary Uses.
- Art. 901.2.18 (Art. 901.2.19): Same as above discussion of Special Uses.
- Art. 901.2.19 (Art. 901.2.20): Same as above discussion of construction yard/office.
- Art. 901.2.1: Staff has inserted "**airports**" but the Commission may want to broaden this description to include runways/airstrips, helipads/heliports, facilities for unmanned aerial vehicles (i.e. drones), etc.
- Art. 902.2.2 (Art. 901.2.1) refers to any use permitted in the C-3 zoning district will be permitted in the IND-1 zoning district if "...such us has a primary purpose of **providing services for existing industrial uses** in the area with only incidental sales/service provided for the general public..." In order to promote opportunity for mixed-used development the Commission may wish to delete this caveat phrase.
- Art. 1301.1: Staff recommends this article be revised to include language to the effect that **Special Uses** are permitted in all zoning districts except as otherwise specified in the article.
- Art. 1301.1.2: This article refers to "**heliports**" with "airports" having been relegated to the IND-2 zoning district. Upon further review it may be appropriate to continue allowing airports as a special use in consideration of runways/airstrips servicing agricultural operations, isolated facilities, residential development that cater to aviation enthusiasts, etc. As per the above discussion of airports, the Commission may want to include airports, helipads/heliports, runways/airstrips, facilities for unmanned aerial vehicles, etc. in this article.
- Art. 1301.1.3 (Art. 1301.1.4): Should "**cemeteries**, including pet cemeteries and mausoleums, including accessory uses such as mortuaries" remain a Special Use? This cemetery use is a relatively benign, park like setting. Should the cemetery use be permitting in the Rural zoning districts?
- (Art. 1301.1.30): Staff has recommended that "**mini warehouses**" be relegated to the C-2 zoning district. Does the Commission want to leave the option open for an SUP to locate mini warehouse facilities in rural or residential zoning districts? It's important to note that these tend to be long term uses / permanent development; and arguably there is the option to have private facilities for the benefit of subdivision residents when such us is identified for a Tract on a recorded subdivision plat.

- Art. 1301.1.21 (Art. 1301.1.34): Should "**home occupations/cottage industry**" continued to be limited to the Rural zoning districts? The Commission may wish to also permit them in the Single-Family Residential and Two-Family Residential zoning districts (or even in Multi-Family Residential ancillary to a single-family residence).
- Art. 1301.1.26 (Art. 1301.1.43): Staff wishes to point out that adding the condition for "**interim industrial uses**" not exceed a 10-year SUP is consistent with the Task Force recommendation for longer SUP periods because the key identifier with this use category is that it's interim. A longer duration for this type of higher intensity use warrants permanent zoning entitlement.
- Sec. 1302: Staff recommends this article be revised to include language to the effect that **Temporary Uses** are permitted in all zoning districts except as otherwise specified in the article.
- Sec. 1303. **Conditional Use**: This Section is being retained for future consideration of conditional uses permitted in respective zoning districts subject to condition(s) and an administrative approval process. This will be the subject of a future text amendment.

Based upon Commission discussion and motion today, proposed language revisions can be brought back to the Commission for further discussion or included in the recommendation to the BOS.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Wednesday, May 28, 2014 7:02 PM
> **To:** 'Ann Hutchinson'
> **Cc:** Alan & Candy Muller
> **Subject:** RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren
>
> [signature block deleted]
>
> **From:** Ann Hutchinson [mailto:behomes@q.com]
> **Sent:** Sunday, May 18, 2014 12:11 PM
> **To:** Darren Gerard - PLANDEVX
> **Cc:** Alan & Candy Muller
> **Subject:** TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014006 SPECIAL USES
>
> ☐ This TA will overhaul 1301 in total. All Articles within the Maricopa County Zoning Ordinance when no longer needed, repetitive, minor amendments and update all Chapters effected by the deletions or amendments.
>
> ☐ This is primarily a housekeeping item.
>
> ☐ This proposed change will eliminate public, charter schools, and add elementary and high schools. This change will designate schools in general (not private or public).
>
> ☐ These proposed amendments will effect Chapters 5,6,7,8 and 9 and be included in the proposed amendment.
>
> After review, I find nothing that would negatively impact the New River or any area. I recommend approval.

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014006** as presented in the draft version attached with this report.

Prepared by Matthew Holm, AICP, Comprehensive Planning Supervisor
Reviewed by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014006 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014006 6/26/14 Commission meeting packet (107 pages)

No enclosures.

Note: TA2014006 leg-edit ordinance chapters 5, 6, 7, 8, 9 & 13 (104 pages) – is attached to the TA2014006 6/26/14 Commission packet

Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014005 BILLBOARDS SUP
> ☐ This proposed change would not alter the existing ordinance just add "located within the perimeter of Maricopa County" to 1301.1.1.41.1.
>
> I recommend approval

Staff recommends the Commission initiate this text amendment. This housekeeping item is necessary as evidenced by recent inquiries in regard to relocating billboards from other counties in Arizona. The current language has no codified limitation as to where the billboard may be relocated from.

Recommendation:

Staff recommends the Commission **initiate TA2014005**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 5 – Rural Zoning Districts

SECTION 501. RURAL-190 (Rural Zoning District - 190,000 Square Feet Per Dwelling Unit)

ARTICLE 501.1. **PURPOSE:** The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development. The primary purpose of requiring large minimum lots of not less than **190,000 square feet** in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made available. Principal uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses. *26

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

1. **One single-family dwelling** per lot of record.*5

~~2. Deleted~~ ~~*35~~

~~3~~2. Churches, including accessory columbariums provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s). *8

~~4~~3. Farms, as defined in Chapter 2.

~~5~~4. Group homes for not more than **ten persons**, subject to the following performance criteria: *11, *16

   a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home.

   b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.

~~6~~5. ~~Public and charter~~ elementary and high schools.*19 *27

~~9. Private schools as long as the following standards are met:~~ [*27]

~~a. The lot shall be a minimum of **five acres** in size or larger.~~

~~b. All structures must setback a minimum of **100 feet** from all property lines and shall be screened from adjacent rural and residential zoned properties by a **six foot** high fence.~~

~~c. The lot shall have frontage along a paved road that has been accepted as a public right-of-way by the Maricopa County Department of Transportation.~~

~~d. The site shall include on-site drop-off and pick-up of students. All on-site drop-off and pick-up and other parking must be setback at least **50 feet** from all property lines, excluding ingress and egress, and meet requirements as outline in Chapter 11, Section 1102.1.2.1.~~

~~e. All other standards of the Zoning District shall apply. A zoning clearance must be obtained prior to construction of any school.~~

~~If these standards cannot be met, a Special Use Permit may be applied for.~~

~~7~~6. Public and private forests and wildlife reservations.

~~8~~7. Service to the public of water, gas, electricity, telephone and cable television. The foregoing shall be deemed to include without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. Public utility treatment and generating plants, offices and attendant facilities to the above uses may be allowed with a Special Use Permit.[*5, *18]

~~9. Deleted~~ [*36]

~~10~~8. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

~~11~~9. Libraries, museums, parks, playgrounds and community buildings, provided such uses are conducted on a nonprofit basis. [*1]

~~12~~10. Home occupations, residential, subject to the following: *10

a. The entrepreneur of a home occupation shall reside in the dwelling in which the business operates.

b. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.

c. The business shall be conducted entirely within a completely enclosed dwelling.

d. The total area used in the conduct of the business shall not exceed **15%** or **250 square feet** of the habitable dwelling area, whichever is less.

e. There shall be no signs, advertising, display or other indications of the home occupation on the premises.

f. The residential address of the business shall not be listed in any business directory or in any advertising.

g. Direct sales of products, from display shelves or racks, is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.

h. The home occupation shall not interfere with the delivery of utilities or other services to the area.

i. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.

j. No mechanical equipment or power tools shall be used, except that used for normal household purposes.

k. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.

l. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

m. No more than **one vehicle** used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times and shall have no more than **two axles**.

n. The number of clients or students on the premises shall not exceed **one** at any time.

o. No clients or students shall be permitted on the premises for business purposes between the hours of **10:00 p.m**. and **7:00 a.m.**

p. Deliveries from commercial suppliers shall not occur more than once a month, shall not restrict traffic circulation, and shall occur between **8:00 a.m.** and **5:00 p.m.**, Monday through Friday.

q. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.

r. If the home occupation requires that any clients or students visit the property, **one parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. For the purpose of providing said parking space, tandem parking is permissible.

~~13~~11. Home occupations, cottage industry subject to securing a Special Use Permit. **10

~~14. DELETED – Roadside stands. (See Section 501.2.21.g) *34~~

~~15. DELETED – Public riding stables and boarding stables. (See Chapter 13, Section 1301.1., Article 1301.1., Item 1301.1.20. **3~~

~~16~~12. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than **50 feet**.

~~17~~13. Corrals for the keeping of horses.

~~18~~14. Fences or freestanding walls per Article 1111.5 of this Ordinance, except for entry feature structures to a residence, ranch or farm, subject to the following:*24 *37

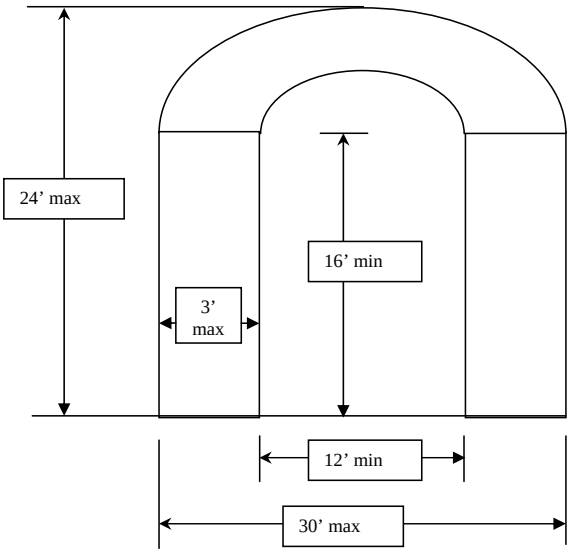
1. The entry feature shall be over a driveway, and limited to one entry feature per parcel;

2. The entry feature shall not contain lighting fixtures.

3. The entry feature shall observe a maximum height of 24', a maximum width of 30', and the structural support components shall be no greater than 3' in diameter or 3' square.

4. The entry feature shall observe a minimum opening of 12' in width and 16' in height;

5. Any signage incorporated into the entry feature shall be a maximum of 24 square feet, shall be contained within the exterior dimensions of the entry feature, and shall not obstruct the minimum opening dimensions prescribed in Article 501.2.19.4 above.



Note: Those utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state or local safety standards.[*7]

~~19~~15. Accessory dwelling unit (ADU)/guest house.[*22,*23 *33]

a. Only one ADU/guest house shall be permitted where at least one, but no more than one, single family residence exists on the property.[*23]

b. An ADU/guest house may not be rented or leased separate from the primary structure.[*23]

c. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.[*23]

~~20~~16. Accessory buildings and uses customarily incidental to the above uses, including:[*11 *31]

a. Amateur radio antenas and amateur radio support structures.

b. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current County Building Code[*21], are met and maintained:

1. Such pool and incidental installations are located in other than the required front yard.

2. Such pools are set back from all lot lines a distance of not less than **three feet**.

3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current County Building Code.[*21]

4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pool barriers as provided in the current County Building Code.*21

5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current County Building Code.*6,*7,*9,*11,*12,*17*21

c. Private tennis court, provided that such court is not constructed within **20 feet** of any adjoining property under other ownership, and provided that tennis court fences or walls shall not exceed **12 feet** in height.*2

d. Servant's quarters with kitchen facilities provided that the servant's quarters are integral to the primary dwelling unit and does not exceed **35%** of its area.**11

e. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height.

f. Public equestrian uses accessory to a single-family residence limited to the following:*25

1. The boarding of up to five (5) horses and/or other equine not owned by the private property owner and/or resident. Documentation of ownership shall be maintained when more than five (5) horses and/or other equine are kept on the property.

2. Non-commercial public activities (no admission fee shall be charged) involving up to a maximum of 24 persons (including staff, participants and spectators).

3. All structures shall meet minimum setback requirements and the maximum lot coverage requirement. All parcels must meet minimum lot area and width requirements.

4. Any public equestrian use that cannot meet these conditions will require a Special Use Permit in accordance with Article 1301.1.20 of this ordinance.

g. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation of storage of electricity, only grid-connected or off-grid systems are permitted. *26

h. Roadside stands offering for sale only farm products produced on the premises.*34

~~21~~17. Emergency housing: Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. **11, *15

~~22. Deleted 07-07-06. (TA2003005)~~

~~23~~18. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.**11*21

~~24~~19. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.**11

~~25~~20. Temporary model home sales offices, temporary real estate offices, and temporary construction administration offices/yard complex, subject to a temporary use permit, ~~complex – a model home sales complex as part of an approved, recorded subdivision~~ provided that the following conditions are met during the duration of the temporary use permit:

A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Model homes must be located on-site.

B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures,

modifications to structures and related uses ~~related to the model home sales complex~~ shall be removed. Cessation of use shall been deemed to have occurred if there have been no active building permits for a one (1) year period of time.

C. Those uses of structures allowed shall meet all building code requirements.

D. All necessary permits must be issued prior to placement on the site.

E. Temporary flagpoles of up to 60 feet in height are allowed for temporary model home sales ~~complexes~~ offices. These temporary flagpoles must be removed at the cessation of use as outlined in 501.2.24.b above.

~~F. If these requirements cannot be met, the request shall be processed through the board of adjustment as a temporary use permit.~~

~~26. Temporary construction office/yard complex -- construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:~~

~~A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.~~

~~B. Upon sale of the development, cessation of the need for the use **(95% buildout)**, or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex shall be removed.~~

~~C. Those uses of structures allowed shall meet all building code requirements.~~

~~D.~~F. All items stored on site shall only be those required for the construction on site.

~~E.~~G. The allowed uses may encroach into setback areas.

~~F. All necessary permits must be issued prior to placement on the site.~~

~~G. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.~~ ~~*21~~

~~27~~21. Home daycare for up to four (4) children with the following stipulations:

a. A land use permit from Maricopa County is required establishing the use of the residence as day-care.

b. The permit holder of the daycare shall reside in the dwelling unit in which the daycare operates.

c. The rear and/or side yard is enclosed and provides a minimum of 75 sq. ft. per each child occupying the outdoor activity area.

d. There shall be no signs, advertising, display or other indications of the daycare on the premises.

e. The total number of children under compensated care shall not exceed **four (4)** at any one time.

f. The residential address of the business shall not be listed in any business directly or in any advertising.

g. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

h. No pick-up or drop off of children shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m. *29

22. Offices for homeowners associations

ARTICLE 501.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet**. *30

ARTICLE 501.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **60 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **one half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **30 feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **60 feet**.

ARTICLE 501.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*32

1. ***Lot Area****:* Each lot shall have a minimum lot area of **190,000** square feet.

2. ***Lot Width****:* Each lot shall have a minimum width of **300 feet**.

3. ***Lot Area Per Dwelling Unit:*** The minimum lot area per dwelling unit shall be **190,000 square feet**.

4. ***Lot Coverage:*** The maximum lot coverage shall be **5%** of the lot area.

ARTICLE 501.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *26

ARTICLE 501.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401. *26

Date of Revisions					
*1	Revised 1-24-72	*15	Revised 6-5-96	*29	Effective 2-11-2011 – TA2010014
*2	Added 4-07-75	*16	Effective 5-16-98	*30	Effective 3-16-11 – TA2010022
**3	Deleted 8-11-75	*17	Effective 8-6-99	*31	Effective 9-30-11 – TA2011001
*4	Revised 1-03-77	*18	Effective 11-19-99	*32	Effective 10-19-11 – TA2011013

*5	Revised 11-8-82	*19	Effective 11-19-99	*33	Effective 10-19-11 – TA2011014
*6	Revised 8-15-83	*20	Deleted 11-19-99		
*7	Revised 4-1-85	*21	Effective 07-07-06	*34	Effective 10-19-11 – TA2011017
*8	Revised 4-10-89	*22	Effective 01-19-2007	*35	Effective 1-11-12 – TA2010012
*9	Revised 1-04-90	*23	Effective 11-14-2008	*36	Effective 1-11-12 - TA2007018
*10	Revised 9-12-90	*24	Effective 7-17-09 – TA2009008	*37	Effective 8-22-12 – TA2010009
**10	New 9-12-90	*25	Effective 9-18-09 – TA2008006		
**10	Renumbered 9-12-90	*26	Effective 11-19-10 – TA2009014		
*11	Revised 2-20-94	*27	Effective 11-03-10 – TA2010013		
**11	Added 2-20-94	*28	Effective 12-28-10 – TA2010017		

SECTION 502. RURAL–70 (Rural Zoning District - 70,000 Square Feet Per Dwelling Unit)

ARTICLE 502.1. **PURPOSE:** The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development. The primary purpose of requiring large minimum lots of not less than **70,000 square feet** in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made available. Principal uses permitted in this zoning district include both farm and nonfarm residential uses, farms and recreational institutional uses. *2

ARTICLE 502.2. **USE REGULATIONS:** The use regulations are the same as those in the **Rural-190** Zoning District.

ARTICLE 502.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *3

ARTICLE 502.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **60 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

c. Yards along each street side of corner lots shall have a width equal to not less than **one half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **30 feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **60 feet**.

ARTICLE 502.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*4

1. ***Lot Area***: Each lot shall have a minimum lot area of **70,000 square feet.**

2. ***Lot Width:*** Each lot shall have a minimum width of **250 feet.**

3. ***Lot Area per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **70,000 square feet**.

4. ***Lot Coverage:*** The maximum lot coverage shall be **10%** of the lot area.

ARTICLE 502.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 502.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401. *2

Date of Revisions			
*1	Revised 10-13-70	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 TA2010009		
*3	Effective 3-16-11 TA2010022		

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

ARTICLE 503.1. PURPOSE: The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development, but when governmental facilities and

services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to any single-family residential zoning district will be given favorable consideration. Principal uses permitted in this zoning district include both farm and non-farm residential uses, farms and recreational and institutional uses. *2

ARTICLE 503.2. **USE REGULATIONS:** The use regulations are the same as those in the **Rural-190** Zoning District.

ARTICLE 503.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *3

ARTICLE 503.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **40 feet.**

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **one half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **30 feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **40 feet**.

ARTICLE 503.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:*4

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**.

4. ***Lot Coverage:*** The maximum lot coverage shall be **15%** of the lot area.

ARTICLE 503.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 503.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401. *2

Date of Revisions			
*1	Revised 10-13-70	*3	Effective 3-16-11 TA2010022
*2	Effective 11-19-10 TA2010009	*4	Effective 10-19-11- TA2011013

MARICOPA COUNTY ZONING ORDINANCE

Chapter 6 – Single Family Residential Zoning Districts

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

ARTICLE 601.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **35,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks, playgrounds and other community facilities. *25

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

1. **One single-family dwelling** per lot of record.*6

2. Deleted *33

3. Churches, including accessory columbaria provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s). *9 *25

4. Group homes for not more than **ten** persons, subject to the following performance criteria: *13, *18

   a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home.

   b. If licensing is required by the State of Arizona for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.

5. ~~Public and charter~~ elementary and high schools. *21 *26

~~6. Private schools as long as the following standards are met:~~ *26

   ~~a. The lot shall be a minimum of **five acres** in size or larger.~~

   ~~b. All structures must setback a minimum of **100 feet** from all property lines and shall be screened from adjacent rural and residential zoned properties by a **six foot** high fence.~~

~~c. The lot shall have frontage along a paved road that has been accepted as a public right-of-way by the Maricopa County Department of Transportation.~~

~~d. The site shall include on-site drop-off and pick-up of students. All on-site drop-off and pick-up and other parking must be setback at least **50 feet** from all property lines, excluding ingress and egress, and meet requirements as outline in Chapter 10, Section 10010.~~

~~e. All other standards of the Zoning District shall apply. A zoning clearance must be obtained prior to construction of any school.~~

~~If these standards cannot be met, a Special Use Permit may be applied for.~~

~~7~~6. Service to the public of water, gas, electricity, telephone and cable television. The foregoing shall be deemed to include without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. Public utility treatment and generation plants, offices and attendant facilities to the above uses may be allowed with a Special Use Permit. *6, *20

~~8. Deleted~~ ~~*34~~

~~9~~7. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

~~10~~8. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a nonprofit basis. *2

~~11~~9. Home occupations, residential, subject to the following: *11

a. The entrepreneur of a home occupation shall reside in the dwelling in which the business operates.

b. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.

c. The business shall be conducted entirely within a completely enclosed dwelling.

d. The total area used in the conduct of the business shall not exceed **15%** or **250 square feet** of the habitable dwelling area, whichever is less.

e. There shall be no signs, advertising, display or other indications of the home occupation on the premises.

f. The residential address of the business shall not be listed in any business directory or in any advertising.

g. Direct sales of products from display shelves or racks is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.

h. The home occupation shall not interfere with the delivery of utilities or other services to the area.

i. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.

j. No mechanical equipment or power tools shall be used except that used for normal household purposes.

k. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.

l. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

m. No more than **one vehicle** used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times and shall have no more than **two axles**.

n. The number of clients or students on the premises shall not exceed **one** at any time.

o. No clients or students shall be permitted on the premises for business purposes between the hours of **10:00 p.m. and 7:00 a.m.**

p. Deliveries from commercial suppliers shall not occur more than once a month, shall not restrict traffic circulation and shall occur between **8:00 a.m. and 5:00 p.m.**, Monday through Friday.

q. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.

r. If the home occupation requires that any clients or students visit the property, **one parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. For the purpose of providing said parking space, tandem parking is permissible.

~~12~~10. Fences or freestanding walls per Article 1111.5 of this Ordinance. *5, *6, *8, *35

~~13~~11. Accessory dwelling unit (ADU)/guest house.*24 *32

a. Only one ADU/guest house shall be permitted where at least one, but no more than one, single-family residence exists on the property.*24

b. An ADU/guest house may not be rented or leased separate from the primary structure.*24

c. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.*24

~~14~~12. Accessory buildings and uses customarily incidental to the above uses, including:*30

a. Amateur radio antennas and amateur radio support structures.

b. 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.

c. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current County Building Code, are met and maintained:*23

1. Such pool and incidental installations are located in other than the required front yard.

2. Such pools are set back from all lot lines a distance of not less than **three feet**.

3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current County Building Code.*23

4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pools as provided in the current County Building Code. *23

5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current County Building Code. *6, *7, *9, *11, *12, *19 *23

d. Private tennis court, provided that such court is not constructed within **20 feet** of any adjoining property under other ownership, and provided that tennis court fences or walls shall not exceed **12 feet** in height. *3, *13

e. Servant's quarters with kitchen facilities provided that the servant's quarters are integral to the primary dwelling unit and does not exceed **35%** of its area. **13

f. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height. **13

g. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *25

~~15~~13. Emergency housing: Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. **13, *17

~~16. Deleted 07-07-2006 (TA2003005)~~

~~17~~14. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. **13

~~18~~15. Special uses may be allowed on any lot in the district as authorized in Chapter 13, Section 1301. **13

~~19~~16. Temporary ~~M~~model home sales offices, temporary real estate offices, and temporary construction administration offices/yard complex, subject to a temporary use permit, ~~complex – A model home sales complex as part of an approved, recorded subdivision~~ provided that the following conditions are met during the duration of the temporary use permit:

a. The uses are only associated with the developer/owner and subdivision or project in which they are located. Model homes must be located on site.

b. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and related uses ~~related to the model home sales complex~~ shall be removed.

c. Those uses of structures allowed shall meet all building code requirements.

d. All necessary permits must be issued prior to placement on the site.

e. Temporary flagpoles of up to 60 feet in height are allowed for temporary model home sales ~~complexes~~offices. These temporary flagpoles must be removed at the cessation of use as outlined in 601.2.17.b above.

f. The allowed uses may encroach into setback areas

g. All items stored on site shall only be those required for the construction of the site.

~~e. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.~~

~~20. Temporary construction office/yard complex – construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:~~

~~a. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.~~

~~b. Upon sale of the development, cessation of the need for the use (**95% – buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex shall be removed.~~

~~c. Those uses of structures allowed shall meet all building code requirements.~~

~~d. All items stored on site shall only be those required for the construction on site.~~

~~e. The allowed uses may encroach into setback areas.~~

~~f. All necessary permits must be issued prior to placement on the site.~~

~~g. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.*23~~

~~21~~17. Home Daycare for up to **four (4)** children with the following stipulations:

a. A land use permit from Maricopa County is required establishing the use of the residence as day-care.

b. The permit holder of the daycare shall reside in the dwelling unit in which the daycare operates.

c. The rear and/or side yard is enclosed and provides a minimum of 75 sq. ft. per each child occupying the outdoor activity area.

d. There shall be no signs, advertising or other indications of the daycare on the premises.

e. The total number of children under compensated care shall not exceed four (4) at any one time.

f. The residential address of the business shall not be listed in any business directory or in any advertising.

g. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

h. No pick-up of drop off of children shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m. *28

18. Offices for homeowners associations

ARTICLE 601.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *28

ARTICLE 601.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

a. There shall be a front yard having a depth of not less than **40 feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2 ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **20 feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **40 feet**.

ARTICLE 601.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:[*31]

1. ***Lot Area:*** Each lot shall have a minimum lot area of **35,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **145 feet**. [*1]

3. ***Lot Area Per Dwelling Unit:*** The minimum lot area per dwelling unit shall be **35,000 square feet**.

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

ARTICLE 601.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. [*25]

ARTICLE 601.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. [*25]

Date of Revisions					
* 1	Revised 10-13-70	*14	Added 7-23-94	*29	Effective 3-16-11 – TA2010022
* 2	Revised 1-24-72	*17	Revised 6-5-96	*30	Effective 9-30-11 – TA2011001
* 3	Added 4-7-75	*18	Effective 5-16-98	*31	Effective 10-19-11 – TA2011013
* 4	Revised 1-3-77	*19	Effective 8-6-99	*32	Effective 10-19-11 – TA2011014
*5	Revised 6-6-77	*20	Effective 11-19-99	*33	Effective 1-11-12 – TA2010012
*6	Revised 11-8-82	*21	Effective 11-19-99	*34	Effective 1-11-12 – TA2007018
*7	Revised 8-15-83	*22	Deleted 11-19-99	*35	Effective 8-22-12 – TA2010009
*8	Revised 4-1-85	*23	Effective 07-07-06		
*9	Revised 4-10-89	*24	Effective 11-14-2008		
*11	Revised 9-12-90	*25	Effective 11-19-10 – TA20090014		

*12	Revised 7-5-91	*26	Effective 11-03-10 – TA2010013		
*13	Revised 2-20-94	*27	Effective 12-28-10 – TA2010017		
**13	Added 2-20-94	*28	Effective 2-11-11 – TA2010014		

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

ARTICLE 602.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **18,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. *2

ARTICLE 602.2. **USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

ARTICLE 602.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *3

ARTICLE 602.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **30 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **ten feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **30 feet**.

ARTICLE 602.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:*4

1. ***Lot Area:*** Each lot shall have a minimum lot area of **18,000 square feet**.
2. ***Lot Width:*** Each lot shall have a minimum width of **120 feet**.
3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **18,000 square feet**.
4. ***Lot Coverage:*** The maximum lot coverage shall be **25%** of the lot area.

ARTICLE 602.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 602.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-7-83	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014		
*3	Effective3-16-11 – TA2010022		

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

ARTICLE 603.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **10,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. *2

ARTICLE 603.2. **USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

ARTICLE 603.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *3

ARTICLE 603.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **20 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **seven feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 603.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*4

1. ***Lot Area:*** Each lot shall have a minimum lot area of **10,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **80 feet**.

3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **10,000 square feet**.

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

ARTICLE 603.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 603.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-7-83		
*2	Effective 11-19-10 – TA2009014		
*3	Effective3-16-11 – TA2010022		

*4	Effective 10-19-11 – TA2011013		

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

ARTICLE 604.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **8,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. *2

ARTICLE 604.2. **USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

ARTICLE 604.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet**. *3

ARTICLE 604.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **20 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **seven feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 604.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:*4

1. ***Lot Area:*** Each lot shall have a minimum lot area of **8,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **80 feet**.

3. ***Lot Area Per Dwelling Unit:*** The minimum lot area per dwelling unit shall be **8,000 square feet**.

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

ARTICLE 604.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 604.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-3-75	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014		
*3	Effective 3-16-11 – TA2010022		

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

ARTICLE 605.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **7,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. *2

ARTICLE 605.2. **USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

ARTICLE 605.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *3

ARTICLE 605.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **20 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 605.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*4

1. ***Lot Area:*** Each lot shall have a minimum lot area of **7,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **70 feet**.

3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **7,000 square feet**.

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

ARTICLE 605.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 605.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-3-75		
*2	Effective 11-19-10 – TA2009014		
*3	Effective 3-16-11 – TA2010022		

*4	Effective 10-19-11 – TA2011013		
*5	Effective 9-21-12 – TA2010009		

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

ARTICLE 606.1. **PURPOSE:** The principal purpose of this zoning district is to conserve, protect, and encourage sustainable single-family residential development where minimum lots of not less than **6,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. *1

ARTICLE 606.2. **USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

ARTICLE 606.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *2

ARTICLE 606.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **20 feet**.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 606.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:[*3]

1. ***Lot Area:*** Each lot shall have a minimum lot area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **6,000 square feet**.

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

ARTICLE 606.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. [*1]

ARTICLE 606.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. [*1]

Date of Revisions			
*1	Effective 11-19-10 – TA2009014		
*2	Effective 3-16-11 – TA2010022		

MARICOPA COUNTY ZONING ORDINANCE

Chapter 7 – Multiple Family Residential Zoning Districts

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

ARTICLE 701.1. **PURPOSE:** The principal purpose of this zoning district is to provide for efficient use of land and facilities by single-family attached or detached dwellings and limited multiple-family residential projects taking into consideration sustainable development practices, and existing conditions, including present use of land, future land use needs and the availability of public utilities. The minimum lot required is **6,000 square feet** in area and the minimum lot area required for each dwelling unit is **4,000 square feet**. Principal uses permitted in this zoning district include single-family, two-family, and limited multiple-family dwellings and other uses permitted in the single-family residential zoning district. *6

ARTICLE 701.2. **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

1. Any use permitted in the **R1-35** Zoning District, subject to all the regulations specified in the use regulations for such R1-35 Zoning District.

2. Two-family and multiple-family dwellings. *4

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

   a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property not internal to the multiple-family development and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located.

   b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pools and incidental installations are located in other than the required front yard and provided such pools are set back from all lot lines a distance of not less than **three feet**. Pools and spas must

meet all barrier requirements as provided in the current U.B.C.*3

c. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected systems are permitted. *6

4. Temporary model home sales offices, temporary real estate offices, and temporary construction administration offices/yard complex, subject to a temporary use permit, provided that the following conditions are met during the duration of the temporary use permit:

a. The uses are only associated with the developer/owner and subdivision or project in which they are located. Model homes must be located on site.
b. Upon sale of the development, cessation of the need for the use (95% buildout), or cessation of the use, all structures, modifications to structures and related uses shall be removed.
c. Those uses of structures allowed shall meet all building code requirements.
d. All necessary permits must be issued prior to placement on the site.
e. Temporary flagpoles up to 60 feet in height are allowed for temporary model home sales offices. These temporary flagpoles must be removed at the cessation of use as outlined in this Chapter.
f. The allowed uses may encroach into setback areas.
g. All items stored on site shall only be those required for the construction of the site.

ARTICLE 701.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.** *7

ARTICLE 701.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

a. There shall be a front yard having a depth of not less than **20 feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 701.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*8

1. ***Lot Area:*** Each lot shall have a minimum lot area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **4,000 square feet**.

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

ARTICLE 701.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 701.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403.

ARTICLE 701.8. OUTDOOR LIGHTING: Any outdoor lighting used shall conform to the standards as provided in Chapter 11, Section 1112.

ARTICLE 701.9. ADDITIONAL REGULATIONS: *4

1. All two-family or multi-family residential development in the R-2 Zoning District shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.

2. Two-family or multi-family uses, which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all two-family or multi-family structures located on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. *5

Date of Revisions			
*1	Revised 2-4-85	*5	Effective 12-17-08
*2	Revised 4-1-85	*6	Effective 11-19-10 – TA2009014
*3	Effective 8-6-99	*7	Effective 3-16-11 – TA2010022
*4	Effective 9-22-08	*8	Effective 10-19-11 - TA2011013

SECTION 702. **R-3** (Multiple-Family Residential Zoning District), **R-4** (Multiple-Family Residential Zoning District) & **R-5** (Multiple-Family Residential Zoning District)*2

ARTICLE 702.1. ***Purpose:*** The principal purpose of these zoning districts are to provide for multiple-family residential developments in locations which are suitable and appropriate taking into consideration existing conditions, sustainable development practices, and including present use of land, future land use needs, and the availability of public utilities. The minimum lot area required for each dwelling unit in each of the districts is as follows: **3,000 square feet for R-3**; **2,000 square feet for R-4**; and **1,000 square feet for R-5**. Principal uses permitted in these zoning districts include two-family dwellings, multiple-family dwellings, dormitories, and the uses permitted in the single-family residential zoning district. *9

ARTICLE 702.2. ***Use Regulations:*** A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-2 Zoning District, subject to all the regulations specified in the use regulations for such R-2 Zoning District unless the use is otherwise regulated in this Section.

2. Two-family dwellings

3. Multiple-family dwellings

4. Dormitories

5. Group homes for not more than **ten persons** subject to the following performance criteria: *4 *5

a. If licensing is required by the State of Arizona for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.

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

a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property under other ownership and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located. *1

b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pools and incidental installations are located in other than the required front yard and provided such pools are set back from all lot lines a distance of not less than **three feet**. Pools and spas must meet all barrier requirements as provided in the current U.B.C. *6

c. Grid renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *9

ARTICLE 702.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet.** *10

ARTICLE 702.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

a. There shall be a front yard having a depth of not less than **20 feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 702.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:[*11]

1. ***Lot Area:*** Each lot shall have a minimum lot area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

3. ***Lot Area Per Dwelling Unit:*** The minimum lot areas per dwelling unit shall be as follows:

   a. **R-3** Zoning District - **3,000 square feet** per dwelling unit

   b. **R-4** Zoning District - **2,000 square feet** per dwelling unit

   c. **R-5** Zoning District - **1,000 square feet** per dwelling unit

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

ARTICLE 702.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 702.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403.

ARTICLE 702.8. ADDITIONAL REGULATIONS: [*7]

1. All multi-family or two-family residential development in the R-3, R-4, or R-5 Zoning Districts shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.

2. Two-family or multi-family uses, which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all two-family or multi-family structures located on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development.*8

Date of Revisions			
*1	Revised 4-1-85	*7	Effective 9-22-08
*2	Revised 4-7-86 Effective 1-1-88	*8	Effective 12-17-08
*4	Added 4-15-93	*9	Effective 11-19-10 – TA2009014
*5	Revised 1-20-94	*10	Effective 3-16-11 – TA2010022
*6	Effective 8-6-99	*11	Effective 10-19-11 – TA2011013

SECTION 801. C-S (Planned Shopping Center Zoning District)

ARTICLE 801.1. **PURPOSE:** The principal purpose of this zoning district is to provide for well designed and attractive retail shopping facilities on sites not less than five (5) acres in size and in appropriate locations to serve adjacent and nearby residential neighborhoods while encouraging sustainable building practices. Permitted uses in this zoning district include the retail sale of merchandise and services customarily considered as shopping center uses.*11

ARTICLE 801.2. **USE REGULATIONS:** A building or premises shall be used for the following purposes:

1. Retail sale of merchandise, services, recreational and otherwise, parking area and other facilities customarily considered as shopping center uses.

2. Uses permitted on the shopping center site, according to the rural or residential zoning district regulations in effect prior to the establishment of the C-S Zoning District on said site, as the only alternative in the event that the C-S Zoning District is not used for the purpose for which it was specifically intended; namely, a shopping center.

3. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. **5, *6

~~4. Deleted 07-07-06 (TA2003005)~~

~~5~~4. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. **5

~~6~~5. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. **5

~~7~~6. Temporary construction administration offices/yard complex, subject to a temporary use permit, ~~– construction yard and construction office complex~~ which may include a security office or residence for a security guard provided that the following conditions are met during the duration of the temporary use permit:

A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site

construction administration offices/yard complexes may be allowed subject to approval by the Board of Adjustment.

B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex shall be removed.

C. Those uses of structures allowed shall meet all building code requirements.

D. All items stored on site shall only be those required for the construction on site.

E. The allowed uses may encroach into setback areas.

F. All necessary permits must be issued prior to placement on the site.

~~G. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.~~ ~~*8~~

~~8~~7. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *11

ARTICLE 801.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet.** *12

ARTICLE 801.4. YARD REGULATIONS: The buildings shall set back from all lot lines bounding the shopping center site or in the absence of lot lines, the boundaries delineating the shopping center site, a distance of not less than **50 feet**.

ARTICLE 801.5. INTENSITY OF USE REGULATIONS: The maximum lot coverage shall be **25% of the area** in the shopping center site.

ARTICLE 801.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.*4

ARTICLE 801.7. **SIGN REGULATIONS:** A comprehensive sign package shall be approved that conforms to the sign regulations as provided in Chapter 14, Section 1404 and 1406 thereof. The comprehensive sign package should include, but is not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type, and architectural features. The comprehensive sign package shall be reviewed concurrently with the precise plan of development.*8

ARTICLE 801.8. **LOADING AND UNLOADING REGULATIONS:** The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 801.9. **ADDITIONAL REGULATIONS:** The additional regulations are as follows:

1. The shopping center buildings shall be designed and built as a whole, unified, and single project.

2. Any part of the shopping center site not used for buildings or other structures, loading and access ways, or pedestrian walks shall be landscaped with grass, trees or shrubs.

3. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district.*1

4. ***Walls and screening:***

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. **2

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*5

6. The shopping center site and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or under management or supervision of a central authority; or they shall be subject to other supervisory lease or ownership control as may be necessary to carry out the purpose of regulations relating to the C-S Zoning District.

7. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *9

8. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development.*10

ARTICLE 801.10. DELETED WITH TA2007016 EFFECTIVE 9-19-08

ARTICLE 801.11. DELETED WITH TA2007016 EFFECTIVE 9-19-08

Date of Revisions			
*1	Revised 4-2-84	*7	Effective 5-16-98
**2	Added 10-15-84	*8	Effective 9-21-07
*4	Revised 4-3-91	*9	Effective 9-22-08
*5	Revised 2-20-94	*10	Effective 12-17-08
**5	Added 2-20-94	*11	Effective 11-19-10 - TA2009014
*6	Revised 6-5-96	*12	Effective 3-16-11 – TA2010022

SECTION 802. C-O (Commercial Office Zoning District) *1

ARTICLE 802.1. **PURPOSE:** The principal purpose of this zoning district is to provide for well designed and attractive business and professional office facilities on sites in appropriate locations while encouraging sustainable building practices. This zoning district would constitute a transition between other commercial land

uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional and business office uses. *10

ARTICLE 802.2. **USE REGULATIONS:** A building or premise shall be used only for the following purposes:

1. Any business office in which chattels or goods, wares or merchandise are not commercially created, repaired, sold or exchanged.

2. Offices for accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, minister, naturopath, osteopath, physician, surgeon, surveyor, optometrist, geologist, insurance broker, public stenographer, real estate broker, stock broker, advertising agency, talent agency, private employment agency, labor union, marriage counselor, private detective, telephone message service, professional membership organization, business association, collection agency, homeowners associations and other similar professional and semi-professional work.

3. Banks, building and loan associations, savings and loan associations, title insurance companies, trust companies, credit unions, finance companies and investment companies.

4. Studios for photography, fine or commercial arts or other professional work.

5. Medical and clinical laboratories.

6. Post office.

7. Pharmacy, when in conjunction with a medical center consisting of offices occupied by **five or more doctors** provided that there shall be no outside entrance for business purposes, and that no sign or display be located so as to be visible from a public thoroughfare or adjacent property.

8. Service to the public of water, gas, electricity, telephone and cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. *6

9. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector.[*4, *5]

~~10. Deleted 07-07-2006 (TA2003005)~~

~~11~~10. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.[*4]

~~12~~11. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.[*4]

~~13~~12. Temporary construction administration offices/yard complex, subject to a temporary use permit, ~~– construction yard and construction office complex~~ which may include a security office or residence for a security guard provided that the following conditions are met during the duration of the temporary use permit:

a. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction administration offices/yard complexes may be allowed subject to approval by the Board of Adjustment.

b. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex are removed.

c. Those uses of structures allowed shall meet all building code requirements.

d. All items stored on site shall only be those required for the construction on site.

e. The allowed uses may encroach into setback areas.

f. All necessary permits must be issued prior to placement on the site.

~~g. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.*7~~

~~14~~13. Renewable energy systems are not permitted as a primary use but may be permitted s an accessory use as set forth in Section 1206

of this ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *10

ARTICLE 802.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** except that within **20 feet** of any rural or residential zoning district, no building shall exceed **15 feet** in height. *11

ARTICLE 802.4. **YARD REGULATIONS:** The required yards are as follows:

1. ***Front Yard:***

   a. There shall be a front yard having a depth of not less than **ten feet**.

   b. Where the frontage between **two intersecting streets** is located partly in the C-0 Zoning District and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:***

   a. There shall be a side yard on each side of a building of not less than **five feet** unless otherwise provided herein.

   b. Where the lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.

   c. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **15 feet**.

3. ***Rear Yard:***

   a. There shall be a rear yard having a depth of not less than **five feet**.

ARTICLE 802.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. ***Lot Area:*** The minimum lot area shall be **12,000 square feet**.

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

3. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

ARTICLE 802.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 802.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404.

ARTICLE 802.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103.

ARTICLE 802.9. ADDITIONAL REGULATIONS*:* The additional regulations are as follows:

1. All refuse collection areas shall be screened from view from all public streets.

2. There shall be a solid fence, wall and suitable planting **six feet** in height where the side or rear lot lines or boundaries of the lot area adjacent to a rural or residential zoning district.

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. *3

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted, shall be enclosed to a height of not less than **six feet** in height by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

3. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *2

4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. *4

5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *8

6. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development.*9

ARTICLE 802.10. LANDSCAPING REGULATIONS:

1. The required front yard of the lot shall be landscaped.

2. The required side yards shall be landscaped.

3. **Four percent** of the gross parking area shall be landscaped with grass, trees, shrubs, or natural vegetation.

4. Any part of the lot not used for buildings, other structures, parking and vehicular and pedestrian access shall be landscaped with grass, trees, shrubs or natural vegetation.

5. All landscaped areas shall be provided with water bibs or an automatic sprinkler system.

Date of Revisions			
*1	Added 12-12-77	*7	Effective 07-07-06
*2	Revised 4-2-84	*8	Effective 9-22-08
*3	Added 10-15-84	*9	Effective 1-16-09
*4	Added 2-20-94	*10	Effective 11-19-10 TA2009014
*5	Revised 6-5-96	*11	Effective 3-16-11 – TA2010022

*6	Effective 11-19-99		

SECTION 803. C-1 (Neighborhood Commercial Zoning District) *1

ARTICLE 803.1. **PURPOSE:** The principal purpose of this zoning district is to provide for smaller shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhoods while encouraging sustainable building practices. Principal uses permitted in this zoning district include food markets, drugstores and personal service shops. *16

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

1. Antique shops

2. Arcades

3. Art galleries

4. Automobile parts and supplies

5. Bakery shops, including baking on the premises for on-site sales only.

6. Banks

7. Barber and beauty shops

8. Book, stationery and gift shops except adult oriented facilities as defined under Chapter 2.*2

9. Business schools (such as: real estate, secretarial, data processing), but not including trade schools.

10. Candy shops, including manufacturing of candy on the premises for on-site sales only.

11. Churches, including accessory columbariums provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s).*6

12. Cleaning agencies, laundry agencies, pressing establishments and self-service laundries, including self-service dry cleaning machines, provided there is no cleaning of clothes on the premises.

13. Clock and watch repair shops

14. Clothing and dry good shops, including clothing and costume rental.

15. Craft and hobby shops, with incidental craft or hobby instruction only.

16. Day nurseries and nursery schools, including a playground and playground equipment which shall be screened from any adjoining rural or residential zoning district.

17. Delicatessen shops

18. Dress shops

19. Drugstores and soda fountains

20. Privately owned or operated stations for fire protection, police or security service, ambulance or other emergency service providers.*[18]

21. Florist shops

22. Gasoline service stations, provided all incidental repair work is conducted wholly within a completely enclosed building and space required for such repair work does not constitute more than **60%** of the floor area.

23. Grocery stores and meat markets, provided there is no slaughtering of animals or poultry on the premises.

24. Hardware shops

25. Household appliance shops

26. Ice cream shops, including manufacturing of ice cream on the premises for on-site sales only.

27. Interior decorator shops

28. Jewelry shops

29. Key, locksmith or gun shops

30. Liquor stores limited to retail sales of package goods for off-site consumption.

31. Offices

32. Photographer's and artist's studios

33. Precision, optical and musical instrument repair shops

34. Private clubs and fraternal organizations, excluding such use for which the chief activity is a service customarily conducted as a business.

35. Private schools operated as a commercial enterprise, except trade schools.

36. Public facilities such as libraries, museums, parks, playgrounds, community buildings including police stations, post offices and other community service buildings used for non-commercial non-profit purposes.

37. Public schools; elementary, high school and college

38. Radio and television shops, including repair

39. Restaurants and cafes, including drive-through service with no outside eating facilities, but not including those having dancing or shows, or drive-in car service. The sale of alcoholic beverages for on-site consumption only may be permitted as an accessory use subject to the following requirements:

    a. The kitchen facilities in the restaurant shall be no less than **20%** of the floor area.

    b. The floor plan of the restaurant shall be approved by the Planning and Development Department.*13

40. Secretarial or answering services

41. Service to the public of water, gas, electricity, telephone, cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including, without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines.*12

42. Shoe repair shops

43. Tailor shops

44. Variety or notion stores

45. Videotape rental stores[*8]

46. Accessory buildings and uses customarily incidental to the above uses. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. [*16]

47. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. [*9, *11]

~~48. Deleted 07-07-06 (TA2003005)~~

~~49~~48. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. [*9]

~~50~~49. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. [*9]

~~51~~50. Temporary construction administration offices/yard complex, subject to a temporary use permit, ~~– construction yard and construction office complex~~ which may include a security office or residence for a security guard provided that the following conditions are met during the duration of the temporary use permit:

a. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction administration offices/yard complexes may be allowed subject to approval by the Board of Adjustment.

b. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex are removed.

c. Those uses of structures allowed shall meet all building code requirements.

d. All items stored on site shall only be those required for the construction on site.

e. The allowed uses may encroach into setback areas.

f. All necessary permits must be issued prior to placement on the site.

~~g. If these requirements cannot be met, the request shall be processed through the board of adjustment as a Temporary Use Permit.*13~~

ARTICLE 803.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet**, except that the height of any building or structure closer than **30 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance. *17

ARTICLE 803.4. YARD REGULATIONS:

1. ***Front Yard:*** A minimum of **ten feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-1 Zoning District, and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 8, Section 803., Article 803.3. - Height Regulations), except that:

a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.

b. Where a corner lot abuts a rural or residential zoning district, whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.

3. ***Rear Yard:*** None required (see Chapter 8, Section 803., Article 803.3. - Height Regulations), except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

   a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 803.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

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

ARTICLE 803.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 803.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404.

ARTICLE 803.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103.

ARTICLE 803.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. All activity (except required on-site parking, loading or unloading) including incidental or accessory storage and display area shall be within a completely enclosed building, unless otherwise specifically noted herein.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *3

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings unless approved as a Special Use by the Board of Supervisors. *5, *10

4. ***Walls and Screening:***

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. *4

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. *9

6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *14

7. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. *15

Date of Revisions			
*1	Revised 5-11-81	*11	Revised 6-5-96
*2	Revised 6-1-81	*12	Effective 11-19-99
*3	Revised 4-2-84	*13	Effective 07-07-06
*4	Added 10-15-84	*14	Effective 9-22-08
*5	Renumbered 1-7-85	*15	Effective 1-16-09
*6	Revised 4-10-89	*16	Effective 11-19-10 TA2009014

*8	Added and renumbered after subparagraph Ch. 8, Section 803.2.43	*17	Effective 3-16-11 – TA2010022
*9	Added 2-20-94	*18	Effective 1-11-12 – TA2007018
*10	Revised 5-6-94		

SECTION 804. C-2 (Intermediate Commercial Zoning District) *1

ARTICLE 804.1. **PURPOSE:** The principal purpose of this zoning district is to provide for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the immediate residential neighborhoods while encouraging sustainable building practices. Principal uses permitted in this zoning district include automobile sales and services, furniture stores, hotels and motels, travel trailer parks, restaurants, and some commercial recreation and cultural facilities such as movies and instruction in art and music. This zoning district is designed for application at major street intersections. 17

ARTICLE 804.2. **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

1. Any use permitted in the C-1 Zoning District, subject to all the regulations specified in the use regulations for such C-1 Zoning District unless the use is otherwise regulated in this Section.

2. Adult oriented facilities as defined under Chapter 2, subject to the following conditions: *11

   a. Adult oriented facilities shall not be located within **1,500 feet** of any other adult oriented facility.

   b. Adult oriented facilities shall not be located within **1,500 feet** of:

      1. A church; or

      2. A public or private elementary or secondary school; or

      3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or

      4. A public park or playground; or

      5. A medical marijuana dispensary or a medical marijuana offsite cultivation location. *18

c. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.

d. An adult oriented business lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a park or playground, or a medical marijuana dispensary or medical marijuana offsite cultivation location within **1,500 feet** of the adult oriented business. *18

e. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

3. Art metal and ornamental iron shops.

4. Automobile laundries, provided steam cleaning is confined to a building.

5. Automobile repair shops and garages, including an outside vehicle storage area to be used for vehicles under repair which shall be completely screened from any street or surrounding property, and further provided all repair operations are conducted within a building.

6. New and used, automobile and golf cart sales, and rentals provided all sales, service, and repair activities are conducted within a building. *10, *13 *15

7. Awning and canvas stores.

8. Bars, including retail sales of package goods for off-site consumption, provided that there is no entertainment or music audible offsite.

9. Health spas and public gyms. *2

10. Blueprint, photostat and reproduction (copy) services.

11. Boat sales, including an outside display area, providing all sales and repair activities are conducted within a building. *15

12. Cabinet and carpenter shops.

13. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.

14. Conservatories or studios: Art, dancing or music.

15. Department stores.

16. Drive-in restaurants and refreshment stands.

17. Electrical fixtures and appliance sales, repair and service.

18. Feed stores, inside storage only.

19. Funeral homes, mortuaries and chapels.

20. Furniture stores including: New, used, finished or unfinished merchandise.

21. Gas (butane or propane), retail sales of.[*6]

22. Hospitals, subject to a UPD overlay.

23. Hotels.

24. Indoor race tracks and indoor amusement parks.

25. Kennels.

26. Laboratories, medical or dental.

27. Farm animal (horse, cattle and other farm animal) medical clinics and surgical referral hospitals.

28. Liquor stores.

29. Motels.

30. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least **six feet** in height and no goods, materials or objects are stacked higher than the fence or wall so erected.

31. Paint and wall paper stores.

32. Parking lots and public garages, subject to parking standards in Chapter 11, Section 1102.

33. Pet shops, not involving the treatment or boarding of cats, dogs or other small animals.

34. Plumbing shops.

35. Pool halls or billiard centers.

36. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.

37. Rental services: Household, lawn, garden, sickroom or office equipment.

38. Resort hotels.

38. Restaurants and cafes, including patios, with or without cocktail lounges, provided there is no entertainment or music audible off-site. *14

39. Retail stores.

40. Taxidermists.

41. Theaters, but not including a drive-in or outdoor theater and adult oriented facilities as defined under Chapter 2. *2

42. Tinsmith shops.

43. Trade schools.

44. Deleted 2-20-94

45. Upholstery shops.

46. Veterinary hospitals and clinics for animals, subject to:

    a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.

b. Animals shall be kept within a completely enclosed building, which shall be constructed and maintained as to prevent objectionable noise and odor outside the walls of the buildind

c. No open kennels or exercise runs will be permitted.

d. All refuse shall be stored within the enclosed building or within odor proof containers.

47. Warehouses, mini.

48. Accessory buildings and uses customarily incidental to the above.

ARTICLE 804.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed that distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance. *19

ARTICLE 804.4. YARD REGULATIONS:

1. ***Front Yard:*** A minimum of **10 feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-2 Zoning District and partly in a rural or residential zoning district there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 8, Section 804., Article 804.3. - Height Regulations) except that:

a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of a lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.

b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.

3. ***Rear Yard:*** None required (see Chapter 8, Section 804., Article 804.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or nor separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

   a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 804.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

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

ARTICLE 804.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 804.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 804.8. **LOADING AND UNLOADING REGULATIONS:** The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 804.9. **ADDITIONAL REGULATIONS:** The additional regulations are as follows:

1. All activity (except required on-site parking, including loading and unloading areas), incidental or accessory storage and display areas shall be within a completely enclosed building unless otherwise specifically noted herein.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. [*3]

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings, unless approved as a Special Use by the Board of Supervisors. [*5, *13]

4. ***Walls and Screening:***

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.*4

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*12

6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *15

7. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. *16

Date of Revisions			
*1	Revised 5-11-81	*13	Revised 5-6-94
*2	Revised 6-1-81	*14	Effective 5-9-97
*3	Revised 4-2-84	*15	Effective 9-22-08
*4	Added 10-15-84	*16	Effective 1-16-2009
*5	Renumbered 1-7-85	*17	Effective 11-19-10 TA2009014
*6	Revised 4-1-85	*18	Effective 12-28-10 – TA2010017
*10	Revised 5-16-90	*19	Effective 3-16-11 – TA2010022

*11	Added 8-21-93		
*12	Added 2-20-94		

SECTION 805. C-3 (General Commercial Zoning District) *1

ARTICLE 805.1. **PURPOSE:** The principal purpose of this zoning district is to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways while encouraging sustainable building practices. Principal uses permitted in this zoning district include retail and wholesale commerce and commercial entertainment. [14]

ARTICLE 805.2. **USE REGULATIONS*:*** A building or premise shall be used only for the following:

1. Any use permitted in the C-2 Zoning District, subject to all the regulations specified in the use regulations for such C-2 Zoning District unless the use is otherwise regulated in this Section.

2. Amusement enterprises and outdoor amusement parks.

3. Auction sales, including swap meet operations.

4. Automobile sales, service and rental.

5. Boat sales, service and rental.

6. Bowling alleys.

7. Bus depots.

8. Circus and carnival grounds having permanent facilities.

9. Dance halls and nightclubs, except adult oriented facilities as defined under Chapter 2. *2

10. Drive-in or outdoor theaters.

11. Equipment rentals and sales, but not including equipment customarily used for heavy construction.

12. Frozen food lockers, including processing but not slaughtering of animals.

13. Hospitals and clinics for animals, provided animals are not boarded or lodged other than those being treated.

14. Wholesale ice distributing stations.

15. Landscape material sales provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least **six feet** in height, and no goods, materials or objects are stacked higher than the fence or wall so erected.

16. Lumber yards not including industrial milling or planning operations.

17. Miniature golf courses and golf driving ranges.

18. Mobile home, travel trailer and recreation vehicle sales and service.

19. Outdoor race tracks.

20. Permanent facilities for rodeos, auctions, swap meets, campgrounds, and sites rented for private parties.

21. Printing, lithography and publishing establishments.

22. Sports arenas.

23. Stone monument sales.

24. Commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of no less than **one acre.**[*5,*11]

25. Truck stops, with customary accessory facilities including but not limited to restaurant, convenience retail, motel, truck wash, and minor repair facilities but not including major repair, freight storage, freight handling, warehousing or distribution facilities.[**7]

26. Wholesale stores.

27. Zoos, including the keeping of wild or exotic animals on a private or commercial basis.

28. Accessory buildings and uses customarily incidental to the above uses.

ARTICLE 805.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance. *15

ARTICLE 805.4. YARD REGULATIONS:

1. ***Front Yard:*** A minimum of **ten feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-3 Zoning District and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that:

   a. Where a lot is adjacent to a rural or residential zoning district there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.

   b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

   c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.

3. ***Rear Yard:*** None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

   a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 805.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

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

ARTICLE 805.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 805.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 805.8. **LOADING AND UNLOADING REGULATIONS:** The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 805.9. **ADDITIONAL REGULATIONS:** The additional regulations are as follows:

1. Site Enclosure and Screening Requirements: Commercial site and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:

   a. A solid wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be

placed so as to reflect light away from any adjoining rural or residential zoning district. *3

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwelling purposes unless approved as a Special Use by the Board of Supervisors. *4,*10

4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*9

5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *12

6. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. *13

Date of Revisions			
*1	Revised 5-11-81	*10	Revised 5-6-94
*2	Revised 6-1-81	*11	Effective 09-15-06
*3	Revised 4-2-84	*12	Effective 9-22-08
*4	Renumbered 1-7-85	*13	Effective 1-16-09
*5	Revised 4-1-85	*15	Effective 3-16-11 – TA2010022
**7	Added 4-10-89		
*9	Added 2-20-94		

SECTION 901. IND-1 (Planned Industrial Zoning District)[*1]

ARTICLE 901.1. **PURPOSE:** The principal purpose of this zoning district is to provide sufficient space in appropriate locations for certain types of business and manufacturing uses that are quiet, attractive and well designed including appropriate screening and/or landscape buffers to afford locations close to existing residential uses, so that people can live and work in the same neighborhood while encouraging sustainable development practices. [*6] [*13]

ARTICLE 901.2. **USE REGULATIONS:** A building or premise shall be used only for the following purposes, and subject to procedural regulations as listed in Chapter 9, Section 901~~.~~, Article 901.11. [*4]

1. Art needlework, handweaving and tapestries.

2. Books, hand binding and tooling.

3. Compounding of cosmetics and pharmaceutical products.

4. Jewelry, manufacture from precious metals and minerals.

5. Laboratories, research, experimental and testing.

6. Manufacture and assembly of clay, leather, metal and glass products of a handicraft nature.

7. Manufacture and assembly of medical, dental and drafting instruments.

8. Manufacture and assembly of optical goods and equipment, watches, clocks and other similar precision instruments.

9. Manufacture and assembly of electrical or electronic apparatus, musical instruments, games and toys.

10. Motion picture producing.

11. Offices.

12. Radio and television broadcasting stations and studios, but not including transmitter towers and transmitter stations.

13. Warehousing, storage and wholesale distribution facilities.

14. Any other office, laboratory, manufacturing and assembling uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which, by reason of high value in relation to size and weight of merchandise received and shipped create very little truck traffic.

15. Accessory buildings and uses customarily incidental to the above uses. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *13

16. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. **7, *9

~~17. Deleted 07-07-06 (TA2003005)~~

~~18~~17. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. **7

~~19~~18. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. **7

~~20~~19. Temporary construction administration offices/yard complex, subject to a temporary use permit, ~~– construction yard and construction office complex~~ which may include a security office or residence for a security guard provided that the following conditions are met during the duration of the temporary use permit:

A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.

B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction administration offices/yard complex are removed.

C. Those uses of structures allowed shall meet all building code requirements.

D. All items stored on site shall only be those required for the construction on site.

E. The allowed uses may encroach into setback areas.

F. All necessary permits must be issued prior to placement on the site.

~~G. If these requirements cannot be met, the request shall be processed through the board of adjustment as a Temporary Use Permit.*11~~

~~21~~20. Service to the public of water, gas, electricity, telephone and cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. *10

ARTICLE 901.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet,** except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundary, except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance. *14

ARTICLE 901.4. **YARD REGULATIONS:** The required yards are as follows: *5

1. ***Front Yard:*** *6

a. All properties abutting a public street shall have an open setback area which shall be landscaped extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated as follows:

1. Abutting any major street, section line road, State or Federal Highway not less than **20 feet**.

2. Abutting collector streets and midsection line roads and roads adjoining rural or residential zoning districts not less than **15 feet**. *7

3. Abutting local streets and interior streets of industrial subdivisions not less than **ten feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. For corner lots the yard along each street side of such corner lot shall conform with the front yard regulations. *7

2. ***Side Yard:*** Where the side of a lot is adjacent to a rural or residential zoning district, there shall be a side yard having a width of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (see Chapter 9, Section 901., Article 901.3. - Height Regulations). *7

3. ***Rear Yard:*** Where the rear of a lot is adjacent to a rural or residential zoning district there shall be a rear yard having a depth of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (See Chapter 9, Section 901., Article 901.3. - Height Regulations). *6

ARTICLE 901.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows: *5

1. ***Lot Area:*** Each lot shall have a minimum lot area of **35,000 square feet**. *6

2. ***Lot Width*:** Each lot shall have a minimum width of **150 feet**. *6

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

4. ***Volume Ratio:*** The volume of all structures on a lot shall not exceed the product of the lot area in square feet multiplied by **nine feet**. *6

ARTICLE 901.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. hereof except as provided herein. *4, *6

ARTICLE 901.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1405.

ARTICLE 901.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103 hereof except as provided herein. *4, *6

ARTICLE 901.9. ADDITIONAL REGULATIONS: The additional regulations are as follows: *5

1. All uses except for parking, loading, unloading and storage shall be conducted within a completely enclosed building.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112 hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *2

3. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this Ordinance. *6

4. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows: *6

   a. Adjacent to any rural or residential zone, automobile parking shall be screened from view.

   b. A solid masonry, concrete or earthen product wall not less than **six feet** in height or approved landscaped berms, landscape screening or combinations thereof shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Board of Supervisors upon recommendation of the Commission. *6

   c. The perimeter of any portion of a site not adjacent to a rural or residential zoning boundary upon which any outdoor use of an industrial nature is permitted, shall be screened to a height of not less than **six feet** in height by building walls, walls or fences of any view obscuring material, approved landscaped berms, landscape screening or combinations thereof. No

outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure. Approval of the alternative screening methods listed above shall be by the Board of Supervisors upon recommendation of the Commission. *6

d. Landscape Requirements: Minimum site landscape requirements are as follows: (Note: The Board of Supervisors or the Planning and Zoning Commission may include additional landscape requirements.) *6

1. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained.

2. Not less than **2%** of all vehicle storage or parking areas, nor less than **8%** of the total net lot area, shall be landscaped and continuously maintained in a healthy condition. The landscaped area within the storage and parking areas shall not be included in the calculation for the minimum **8%** landscaping requirement for the total net lot area.

3. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. The approval of the above mixture of landscape materials shall be by the Board of Supervisors upon recommendation of the Commission.

4. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water. *6

5. All landscaped areas adjacent to vehicular parking and access areas shall be protected by **six inch** vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic. *6

5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. *7

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *12

7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to the property, this as-built plan indicating the changes may be submitted. The zoning inspector may approve changes as long as any expansion is part of the existing land use, does not conflict with existing codes, does not exceed one hundred percent of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are hot limited to parking covers, interior remodeling, additions to the buildings or new buildings. *8

ARTICLE 901.10. DELETED WITH TA2007016 EFFECTIVE 9-22-08

ARTICLE 901.11. DELETED WITH TA2007016 EFFECTIVE 9-22-08

Date of Revisions			
*1	Revised 4-9-79	*8	Added 5-3-95
*2	Revised 4-2-84	*9	Revised 6-5-96
*3	Revised 10-15-84	*10	Effective 11-19-99
*4	Revised/Renumbered 10-15-84	*11	Effective 07-07-06
*5	Renumbered 10-15-84	*12	Effective 9-22-08
*6	Revised 1-25-88	*13	Effective 11-19-10 - TA2009014
*7	Revised 2-20-94	*14	Effective 3-16-11 – TA2010022
**7	Added 2-20-94		

SECTION 902. IND-2 (Light Industrial Zoning District) *2

ARTICLE 902.1. **PURPOSE:** The principal purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities while encouraging sustainable development practices. Principal uses permitted in this zoning district include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare. *8

ARTICLE 902.2. **USE REGULATIONS:** A building or premise shall be used only for the following purposes, and subject to procedural regulations as listed in Chapter 9, Section 902-, Article 902.11. *5

1. Airports

2. Any use permitted in the **IND-1** Zoning District. Any use permitted in the **C-3** Zoning District provided such use has a primary purpose of providing services for existing industrial uses in the area with only incidental sales/service provided for the general public, subject to all the regulations in the use regulations for the IND-2 Zoning District unless the use is otherwise regulated in this article except that the following uses shall be prohibited: mobile home parks, travel trailer parks, mobile home subdivisions, resort hotels, dwellings and mobile homes, other than the residence, or **one mobile home**, of the family of the operator or caretaker employed on the premise of a commercial or industrial use. *1, *8

3. Aircraft firms including sales, service and rental.

4. Bakeries, wholesale.

5. Bottling plants or breweries.

6. Cleaning plants, including carpets and dyeing.

7. Construction equipment, including sales, service, rental and storage.

8. Dairy products, processing of.

9. Experimental and proving grounds.

10. Farms as defined in Chapter 2.

11. Laboratories, experimental, photo or motion picture, research or testing.

12. Manufacturing, compounding, assembling, processing, packaging or treatment of products such as candy, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, but not including the refining or rendering of fats and oils.

13. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone,

cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, light sheet metal, shell, textiles, tobacco, wire, yarns, wood not involving planing mills, and paint not employing a boiling process.

14. Manufacturing or assembly of electrical appliances, electronic instruments and devices, optical goods, precision instruments, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.

15. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.

16. Packing houses, fruit or vegetable not including processing.

17. Public utility treatment and generating plants including sewage, wastewater, power, electrical, nuclear and solar, and including ancillary offices. Attendant facilities and appurtenances to the above uses as well as uses associated with service to the public of water, gas, telephone, and cable television. Where an electrical generating plant is in operation, evaporation ponds and other appurtenances may be permitted provided such evaporation ponds or appurtenances are associated within the facility being serviced.

18. Training centers, industrial.

19. Truck terminals, including service and storage.

20. Warehousing, storage and wholesale distribution facilities.

21. Any other office, laboratory, manufacturing and assembly uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare, and which by reason of high value in relation to size and weight of merchandise received and shipped create very little truck traffic.

22. Accessory buildings and uses customarily incidental to the above uses. Renewable energy systems are not permitted s a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or striate of electricity, only grid-connected or off-grid systems are permitted. *8

ARTICLE 902.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet,** except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundary except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance. *13

ARTICLE 902.4. **YARD REGULATIONS:** Yards are required as follows:

1. ***Front Yard:***

   a. All properties abutting a public street shall have an open setback area extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated below:

      1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.

      2. Abutting collector streets and midsection line roads not less than **15 feet**.

      3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.

   b. Where the frontage between **two** intersecting streets is located partly in the IND-2 Zoning District and partly in a rural, residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining rural, residential or commercial zoning district, but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 9, Section 902-, Article 902.3. - Height Regulations) except that:

   a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **five feet**.

b. Where a corner lot abuts a rural or residential zoning district, whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

c. If a side yard is otherwise provided it shall have a width of not less than **three feet**.

3. ***Rear Yard:*** None required (see Chapter 9, Section 902~~.~~, Article 902.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 902.5. INTENSITY OF USE REGULATIONS:

1. ***Lot Area:*** Each lot shall have a minimum area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

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

ARTICLE 902.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 902.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1405.

ARTICLE 902.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103.

ARTICLE 902.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. All uses except for parking, loading, unloading or storage shall be conducted within a completely enclosed building.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *4

3. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:

   a. Adjacent to any rural or residential zone automobile parking shall be screened from view.

   b. A solid masonry wall not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring material to provide effective site screening.

   c. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of an industrial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

4. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. [*9]

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. [*11]

7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to the property, this as-built plan indicating the changes may be submitted. The zoning inspector may approve changes as long as any expansion is part of the existing land use,

does not conflict with existing codes, does not exceed one hundred percent of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are hot limited to parking covers, interior remodeling, additions to the buildings or new building. *10

ARTICLE 902.10. DELETED WITH TA2007016 EFFECTIVE 9-22-08

ARTICLE 902.11. DELETED WITH TA2007016 EFFECTIVE 9-22-08

Date of Revisions			
*1	Revised 3-29-71	*9	Added 2-20-94
*2	Revised 4-9-79	*10	Added 5-3-95
*4	Revised 4-2-84	*11	Effective9-22-08
*5	Revised 10-15-84	*12	Effective 11-19-10 - TA2009014
**5	Added 10-15-84	*13	Effective 3-16-11 – TA2010022
*8	Revised 5-16-90		

SECTION 903. IND-3 (Heavy Industrial Zoning District) *2

ARTICLE 903.1. **PURPOSE:** The principal purpose of this zoning district is to provide for heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities while encouraging sustainable development practices. Principal uses permitted in this zoning district include the industrial uses that are not permitted in any other zoning district. *8

ARTICLE 903.2. **USE REGULATIONS:** A building or premise shall be used only for any industrial use not in conflict with any federal law, state law or any Ordinance of Maricopa County, and subject to procedural regulations as listed in Chapter 3, Section 306. Renewable energy systems as set forth in Section 1206 of this Ordinance may be permitted as either a primary or an accessory use. *4, *8 *10

ARTICLE 903.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries, except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance. *9

ARTICLE 903.4. **YARD REGULATIONS:** Yards are required as follows:

1. ***Front Yard:***

   a. All properties abutting a public street shall have an open setback area extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated below:

      1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.

      2. Abutting collector streets and midsection line roads not less than **15 feet**.

      3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.

   b. Where the frontage between **two intersecting streets** is located partly in the IND-3 Zoning District and partly in a rural, residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining rural, residential or commercial zoning district, but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 9, Section 903~~.~~, Article 903.3. - Height Regulations) except that:

   a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **five feet**.

   b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

   c. If a side yard is otherwise provided it shall have a width of not less than **three feet**.

3. ***Rear Yard:*** None required (see Chapter 9, Section 903~~.~~, Article 903.3. - Height Regulations) except that where a lot abuts a rural or

residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 903.5. INTENSITY OF USE REGULATIONS:

1. ***Lot Area:*** Each lot shall have a minimum area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

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

ARTICLE 903.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.

ARTICLE 903.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1405.

ARTICLE 903.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103.

ARTICLE 903.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:[*1]

1. A building or premise other than the residence, or **one** mobile home of the family of the operator or caretaker employed on the premise of a commercial or industrial use shall not be used for dwellings, mobile home parks, travel trailer parks, mobile home subdivisions and resort hotels.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112~~.~~ hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. [*3]

3. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows*:*

   a. Adjacent to any rural or residential zone, automobile parking shall be screened from view.

   b. A solid masonry wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line

abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring material to provide effective site screening.

c. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of any industrial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

4. Signs shall be subject to the same provisions applying to signs when located in the **IND-2** Zoning District.

5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a method or plan approved by the Department of Planning and Development. *5

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *7

7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to the property, this as-built plan indicating the changes may be submitted. The zoning inspector may approve changes as long as any expansion is part of the existing land use, does not conflict with existing codes, does not exceed one hundred percent of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are hot limited to parking covers, interior remodeling, additions to the buildings or new buildings. *6

ARTICLE 903.10. DELETED WITH TA2007016 EFFECTIVE 9-22-08

ARTICLE 903.11. DELETED WITH TA2007016 EFFECTIVE 9-22-08

Date of Revisions			
*1	Revised 3-29-70	*6	Added 5-3-95

*2	Revised 4-9-79	*7	Effective 9-22-08
*3	Revised 4-2-84	*8	Effective 11-19-10 - TA2009014
*4	Revised 10-15-84	*9	Effective 3-16-11 – TA2010022
**4	Added 10-15-84	*10	Effective 9-30-11 – TA2011001
*5	Added 2-20-94		

SECTION 1301. SPECIAL USES

ARTICLE 1301.1. SPECIAL USES[*2 *37]**:** The Board of Supervisors may permit as a Special Use any of the following uses in zoning districts from which they are otherwise prohibited by this Ordinance:

1301.1.1. Agriculturally oriented operations and facilities such as but not limited to:[*3, *16]

1. Cotton gins, but not including the manufacturing or processing of by-products.

2. Storage, mixing and/or blending, sale and distribution of agricultural chemicals, but not the manufacturer thereof.

3. Custom meat processing plants including slaughtering, butchering and temporary storage of products, but not including rendering or refining of by-products, storage of offal, tanning or storage of hides, wholesale or retail sales.

4. Storage and maintenance of specialized machinery and equipment used specifically in agriculture or rural areas.

5. Commercial aquaculture facilities to include breeding and holding lakes and ponds.

6. Non-agricultural operations of facilities which were established for and which continue to be operated primarily for agricultural uses. [*16]

1301.1.2. ~~Airports,~~ Heliports (not associated with a hospital) and other landing areas provided that the OFZ or RPZ as defined in Chapter 11, Section 1111, Article 1111.3. should be located entirely on the same lot or parcel as the runway or landing strip. In any instance where any portion of the OFZ or RPZ of a runway or landing strip extends beyond the lot or parcel of property containing the runway or landing strip, written consent or aviation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie.[*26]

~~1301.1.3. Amusement parks, arcades, Drive-in or outdoor theaters, miniature golf courses, and golf driving ranges.~~

1301.1.3. Cemeteries, including pet cemeteries and mausoleums, including accessory uses such as mortuaries.

~~1301.1.5. Circus and carnival grounds having permanent facilities~~.

1301.1.~~6~~4. Development ~~or extraction~~ of earth products, clay, coal, gas, gravel, minerals, sand, stone and topsoil.

~~1301.1.7. Dormitories, commercial.~~

1301.1.~~8~~5. Experimental and proving grounds.

1301.1.6 Feed lots, commercial.

1301.1.7. Feed stores.

1301.1.~~11~~8. Group care facilities and hospitals and institutions of an educational, religious, charitable or philanthropic nature, homes for the aged, nursing homes, convalescent homes and group homes of more than **ten residents** for the handicapped and adult care. *11, *13

1301.1.~~12~~9. Guest ranches.

1301.1.~~13~~10. Kennels.

1301.1.~~14~~11. Mobile home parks subject to all the development standards applicable to mobile home parks specified in Chapter 12, Section 1203. herein. *5

~~1301.1.15. Deleted~~ ~~*38~~

1301.1.~~16~~12. ~~Permanent facilities for rodeos, auctions, swap meets, campgrounds, sites rented for private parties or similar types of~~ Land uses involving large assemblage of people.

1301.1.~~17~~13. Plant nurseries, which are herewith defined as establishments where trees, shrubs, flowers and other plants are grown on or brought to the premises and maintained there for the purposes of sale from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.

~~1301.1.18. Private clubs and fraternal organizations, excluding such use for which the chief activity is a service customarily conducted as a business.~~

1301.1.~~19~~14. ~~Privately and commercially operated~~ Recreational open-air facilities, including but not limited to lakes, swimming pools and tennis courts.

1301.1.~~20~~15. Public riding and boarding stables, subject to the following requirements:

1. Buildings housing animals shall be setback from all property lines a distance of not less than **100 feet**.

2. There shall be no variance or waiver from this requirement except by unanimous vote of all members of the Board of Supervisors.*27

~~1301.1.21. Public utility treatment and generating plants including sewage, wastewater, power, electrical, nuclear and solar, and including ancillary offices. Attendant facilities and appurtenances to the above uses as well as uses associated with service to the public of water, gas, telephone and cable television.~~ [24] ~~Where an electrical generating plant is in operation pursuant of an existing Special use Permit, evaporation ponds and other appurtenances may be permitted under a separate Special use Permit, provided the addition of said evaporation ponds or appurtenances are not associated with a change to the use or intensity of the facility being served.~~ *31

~~1301.1.22. race tracks.~~

~~1301.1.23. Refining, processing and manufacturing of oil, condensate, gas and the production of any products resulting from this refining, processing and manufacturing.~~

~~1301.1.24. Resort hotels.~~

~~1301.1.25. Sanitary landfills and hazardous waste dumps.~~

~~1301.1.26. Sports arenas.~~

1301.1.~~27~~16. Commercial storage, or impoundment (not to include salvage operations, dismantling or sale of parts) of automobiles, motor vehicles, mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of not less than **one acre**. *28 *29

1301.1.~~28~~17. Primary or accessory commercial television, microwave and radio transmitter, receiving stations and towers and dishes, including earth stations.

1301.1.~~29~~18. Travel trailer or recreation vehicle (RV) parks provided that:**13

1. Each travel trailer or RV space shall have an area of not less than **1,250 square feet** and a width of not less than **25 feet**. Only **one travel trailer or RV** shall be placed on each space.

2. Travel trailers, RVs and accessory structures shall be located to provide a minimum setback of not less than **five feet** from all space lines. Accessory

structures shall not be permitted in overnight parks on travel trailer or RV spaces.

3. The location of mobile homes on travel trailer or RV spaces shall be prohibited.

4. The minimum distance between a travel trailer and any building in the same travel trailer park shall be **ten feet**. The minimum distance between a RV and any building in the same travel trailer park shall be **ten feet**.

5. Each travel trailer or RV space shall set back from lot lines in common with street lines a distance of not less than **20 feet** and from all other lot lines a distance of not less than **ten feet**.

6. The front yard and street side yard areas shall be landscaped in accordance with a landscape and irrigation plan approved by the zoning inspector. When a fence of less than **six feet** is proposed, the landscape plan shall include adequate trees to provide screening of the park.

7. The travel trailer or RV park shall be screened from surrounding lots by a solid fence or wall of not less than **three and one half feet** or more than **six feet** in height when located in a front yard or street side yard and by a solid fence or wall **six feet** in height when located in any other yard. Screen walls shall be located on the interior edge of the required front and street side yard areas.

8. The height, yard, and intensity of use regulations of the **C-2 Zoning District** shall apply to buildings located in travel trailer or RV parks.

9. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Code. Said facilities, if required, shall be completed prior to use of the park.

10. Minimum distances or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a travel trailer or RV including pullouts, tip-outs, or portable affixed awnings.

11. Destination park/spaces shall require the issuance of a building permit prior to the use of the park/space by a travel trailer or RV.

~~1301.1.30. Warehouses, mini.~~

~~1301.1.31. Zoos, including the keeping of wild or exotic animals on a private or commercial basis.~~

1301.1.~~32~~19. Single and multiple-family dwellings in **C-1, C-2** and **C-3 Zoning Districts** subject to establishing the need and compatibility of the residential use within the commercial zoning districts.

1301.1.~~33~~20. Residential facilities, public or private, which provide group or individual living quarters which may provide skilled health care or welfare supervision, common food preparation or dining facilities and other living support activities, including but not limited to the following uses: Intermediate care, homes for the aged or handicapped, nursing homes, convalescent homes, rest homes, or similar facilities.[**7]

1301.1.~~34~~21. Home occupations, cottage industry in Rural Zoning Districts subject to the following requirements: [*8]

1. The entrepreneur of the cottage industry shall reside in the dwelling unit in which the business operates.

2. The number of persons who are employed in connections with the occupants, but who are non-residents of the dwelling, shall not exceed **three**.

3. The cottage industry may be conducted either within the dwelling or an accessory structure, or both. Not more than **50%** of the combined floor area of the dwelling and any accessory structure(s) shall be used in the conduct of the cottage industry. The square footage of the cottage industry shall not exceed the square footage of the dwelling. [*17]

4. Only **one** sign for the cottage industry may be permitted. Such sign shall not exceed **16 square feet** in area. Such sign shall be nonilluminated. Such sign may be placed flat against the wall of a building or such sign may be a freestanding monument sign, but the height of such sign shall not exceed **12 feet** for a wall sign and **six feet** for a monument sign.

5. The business shall be conducted in an enclosed building, and any commercial vehicle used in conjunction with the cottage industry conducted on the lot shall be limited to **one** and shall be parked within an enclosed building when not in use.

6. Adequate off-street parking shall be provided in accordance with the standards of Chapter 11, Section 1102. herein (including design and paving of parking areas), and the maximum number of parking spaces permitted shall be **six**.

7. The outdoor storage of materials shall be limited to a maximum of **25%** of total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.

8. Any property for which a Special Use for a cottage industry is approved shall front on and have direct access to a paved road accepted for maintenance by the County Highway Department or other governmental agency.

9. Any outdoor lighting on a property approved for a cottage industry use shall be directed on site and shall conform to the shielding requirements for outdoor lighting as specific in Chapter 11, Section 1112. herein.

10. A Cottage Industry Special Use Permit issued to **one** person shall not be transferable to any other person; is not attached to the land; and is not transferable from one place of residence to another.

11. Direct sales of products from display shelves or racks is allowed provided such sales are specifically approved as part of the Special Use. However, a customer may pick up an order previously made by telephone or at a sales meeting.

12. The cottage industry shall not interfere with the delivery of utilities or other services to the area.

13. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.

14. The owner or operator of a cottage industry shall obtain a cottage industry permit from the Zoning Inspector prior to initiating business activity on the premises.

15. There shall be no variance or waiver from these requirements except by unanimous vote of all members of the Board of Supervisors.

16. The recommendation of the Commission may consist of additional reasonable requirements including but not limited to the following:

    a. The number of customers or students visiting the site.

b. The hours of operation.

c. Deliveries to the site.

d. The types of materials used in the business.

e. The types and amounts of materials, products and services sold by the business.

f. The types and amounts of materials manufactured by the business.

g. The types, amounts and locations of materials stored for use by the business.

h. The types and sizes of vehicles used in the business.

1301.1.~~35~~22. Wireless Communication facilities or structures or towers which exceed the development standards specified in Chapter 12, Section 1202. of this Ordinance, or which have not been able to obtain administrative approval from the Director, the standards for which are also specified in Chapter 12, Section 1202. The location and height of the facility or structure or tower shall be indicated on the application for Special Use Permit approval. In a Residential or Rural Zoning District, the applicant must demonstrate that it has made substantial efforts to locate the use in an appropriate nonresidential zone. *10

~~1301.1.36. Real Estate Offices, Construction Administration Offices, and Homeowners Association Offices located within and only serving a Development Master Plan Community provided that: **13~~

~~1. The approved Development Master Plan establishes the location of these uses, designates the type of permanent reuse to be allowed, and establishes general layout for the proposed uses.~~

~~2. All structures shall meet all building code requirements for the appropriate commercial category of construction.~~

~~3. Upon cessation of the need for the use (**95% buildout**), cessation of the use, violation of conditions established by the Development Master Plan and/or Special Use Permit, or expiration of a time limit established under the approval of a Special Use Permit, all transitional structures, uses and modifications shall be removed to bring the property into compliance with its permanent use.~~

~~1301.1.37. Residential use (including use of a mobile home) when proposed in conjunction with another authorized Special Use.~~ [*14]

1301.1.~~38~~23. Deleted [*38]

~~1301.1.39. Amateur radio antennas and amateur radio support structures.~~ [*19]

1301.1.~~40~~24. ~~Large~~ Farm animal (horse, cattle and other farm animal) medical clinics and surgical referral hospitals, subject to the following standards: [*20]

1. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.

2. Any building or corral for the keeping of animals shall maintain a minimum setback of **40 feet** from any property line.

3. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers.

1301.1.~~41~~25. 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: [*22]

1. The sign is relocated from a parcel of property that is acquired by a public entity for public use by condemnation, purchase or dedication.

2. The sign must be removed due to that governmental 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.

~~1301.1.42. Private schools on lots more than **one acre**.~~ [*25 *35]

1301.1.~~43~~26 Outdoor storage including wholesale and retail sales of landscape materials, storage rental yards, construction yards and similar, interim industrial uses for a period not exceeding ten years. [*29, *32]

1301.1.~~44~~27 Privately owned or operated stations for fire protection, police or security service, ambulance, or other emergency service providers.*39

ARTICLE 1301.2. SUBMITTALS: Before permitting any of the above uses, plans together with a supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Board of Supervisors. These plans and supporting statement shall be referred to the Commission for its review, report, and recommendation and for public hearing. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. Notice and procedure for public hearing shall conform to the procedures prescribed in Chapter 3, Section 304. thereof. *33 *34

ARTICLE 1301.3. REPORT TO BOARD OF SUPERVISORS: The Commission having held public hearing shall then present its report and recommendation and the plans, together with the supporting statement to the Board of Supervisors for consideration and public hearing. Notice and procedure for public hearing shall conform to the procedures prescribed in Chapter 3, Section 304. thereof.

ARTICLE 1301.4. RECOMMENDATION: The recommendation of the Commission shall include its reasons for approval or disapproval of such plans and a supporting statement, and if recommended for approval, specific evidence and facts showing that the public health, safety and general welfare will not be adversely affected, that ample off-street parking facilities will be provided and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof.

ARTICLE 1301.5. VARIATIONS OF STANDARDS AND REQUIREMENTS: The recommendation of the Commission may include variations of the standards and requirements of the underlying zoning district including, but not limited to the following: **13

1301.5.1. Yards and open spaces.

1301.5.2. Fences and walls, or other screening.

1301.5.3. Parking areas, street improvements, including provision of service roads or alleys when practical and necessary, except for paving requirements unless it can be

shown that the paving alternative will comply with the **Maricopa Association of Government's Particulate Plan for PM-10** by reducing particulate pollution.

1301.5.4. Regulation of points of vehicular ingress and egress.

1301.5.5. Regulation of signs.

1301.5.6. Landscaping and maintenance thereof.

1301.5.7. Maintenance of grounds.

1301.5.8. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.

1301.5.9. Time limits may be imposed for the commencement of construction and/or review and further action by the Commission; and/or a time limit within which the Special Use shall cease to exist.

ARTICLE 1301.6. NONCONFORMING USE: Any use that the Board of Supervisors may permit as a Special Use, existing at the time this Ordinance or amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a Special Use as herein provided.

ARTICLE 1301.7. AMENDMENTS: Amendments shall be processed in the same manner as the initial plans and supporting statement of proposed use.

Date of Revisions					
*2	Revised 11-8-82	*16	Added 2-5-95	*30	Effective 01-19-07
*3	Revised 8-15-83	*17	Effective 5-9-97	*31	Effective 01-19-07
*5	Revised 1-7-85	*19	Effective 1-17-98	*32	Effective 11-14-08
*7	Added 4-7-86; Effective 1-1-88	*20	Effective 1-17-98	*33	Effective 6/1/2009 - TA2009003
*8	Added 9-12-90	*22	Effective 5-7-99	*34	Effective 6-1-2010 TA2010003
*10	Added 4-5-92	*25	Deleted 11-19-99	*35	Effective 11-03-10 – TA2010013
*11	Added 4-15-93	*26	Effective 9-7-01	*36	Effective 12-28-10 – TA2010017
*13	Revised 2-20-94	*24	Effective 11-19-99	*37	Effective 9-30-11 – TA2011001
**13	Added 2-20-94	*27	Effective 11-19-04	*38	Effective 1-11-12 – TA2010012
*14	Added 5-6-94	*28	Effective 02-04-05	*39	Effective 1-11-12 – TA2007018
*15	Added 7-23-94	*29	Effective 09-15-06		

SECTION 1302. TEMPORARY USES**1

The uses, buildings and structures permitted in this Section shall be established and maintained so as to provide minimum interference with the use and enjoyment of neighboring uses, buildings and structures and to ensure public health, safety and convenience. Temporary uses shall only be permitted as authorized within this Chapter.

ARTICLE 1302.1. PURPOSE:

1302.1.1. The provisions of this article are based on the recognition of buildings, structures and uses which, because of their unique characteristics:

1. Should not be permitted on a permanent basis but which may be either necessary or desirable for a limited period of time, or

2. Requires careful regulation especially regarding location, duration of use and operation.

ARTICLE 1302.2. TEMPORARY USES: Temporary Uses shall be limited to the following:[*2]

1302.2.1. ***Temporary Housing:*** Temporary housing on the same lot of a permanent dwelling or use shall be authorized only in the following situations: The owner of the property is (re)constructing his own permanent dwelling on the property. This use shall be limited to a maximum time period of **two years** provided that the building permit for the permanent dwelling remains active.

1302.2.2. ***Temporary Event:*** Temporary events such as, but not limited to, circuses, carnivals, concerts, revivals, horse shows, rodeos, sales promotion events, and charity events. Any such event shall last no longer than a total of **30 days** within a **six-month period**. No continuations shall be approved. Any application submitted for such a use shall address the issues and satisfy the requirements as outlined below:

1. Site plans – ten (10) copies drawn to scale indicating all activities and facilities proposed as part of the temporary event use. If the proposed temporary event is proposed to use a portion of an existing facility or use, an additional plan showing the entire facility or use as well as the location of the temporary use is required.

2. Authorization to use the site – a signed copy of the lease or other agreement which is being used by the owner to allocate the space and time frame of the temporary event is required.

3. Narrative report – ten (10) copies of a narrative report which addresses the following items is required:

   a. Police protection/traffic control.

   b. Water facilities

   c. Food concessions. quality and quantity of food and location of concessions must be approved by the Maricopa County

Environmental Services Department (MCESD) prior to issuance of any use permit.

d. Sanitation facilities. All sanitation facilities must be approved by the Maricopa County Environmental Services Department prior to issuance of any use permit.

e. Medical facilities and fire protection

f. Parking areas – identify amount and location of parking for attendees of the temporary event. Parking shall be required to meet minimum requirements as outlined in Section 1102 of the Maricopa County Zoning Ordinance (MCZO). Adequate dust control shall be provided as per Maricopa County Department of Transportation (MCDOT) and Maricopa County Environmental Services Department (MCESD) requirements.

g. Access, traffic and parking control – identify ingress/egress for temporary event.

h. Hours of operation – identify duration of the proposed temporary event (dates and hours of operation).

i. Illumination – state if proposed and identify how it is to be provided. all outdoor lighting must comply with Section 1112 of the MCZO.

j. Overnight camping facilities – all overnight camping facilities shall be reviewed and approved by the MCESD prior to issuance of any use permit.

k. Other – identify the anticipated number of attendees; include any other information which staff deems necessary.*3

4. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 consecutive hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit, that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of this Ordinance. *6

1302.2.3. ***Underage Occupancy:*** Temporary occupancy, by reason of exceptional or unusual family situation, of a dwelling unit located in the Senior Citizen Overlay Zoning District (Chapter 10, Section 1006.) by persons not in conformance with the age limitations of Chapter 10, Section 1006. This use shall be limited to a maximum time period of **two years**. This use shall only be permitted upon issuance of a Temporary Use Permit.

1302.2.4. ***Nonresidential Use of Mobile Home:*** Nonresidential use of a mobile home shall be limited to a maximum time period of **six years**. In rural and residential districts only permitted nonresidential uses as identified in each zoning district may apply for this type of temporary use. This use shall only be permitted upon issuance of a Temporary Use Permit. Mobile homes intended for nonresidential use shall include mobile homes used for quarters of on-duty personnel in connection with publicly or privately owned or operated fire stations or mobile homes used for the residence of a security guard in commercial and industrial zoning districts.

1302.2.5 ***CARETAKER(S) QUARTERS:*** An additional detached accessory dwelling unit for caretaker(s) may be permitted, provided that all of the following conditions are met:

1. The additional dwelling unit may be a manufactured house, mobile home or a recreational vehicle. It may not be a site built (permanent) structure.

2. The justification for the caretaker shall not be merely those activities associated with the normal responsibilities of a resident to maintain his property, including the care of a limited number of farm animals. An unusual condition(s) must exist which requires the on-site residency of a caretaker to perform the duties identified. Said condition(s) shall be identified as part of the Temporary Use Permit application. An unusual condition(s) may consist of:

   a. Documented extended absences from the property by the occupant(s) of the principal residence.

   b. Medical condition(s), when documented by a notarized statement from a physician. In the case of a medical caretaker, the caretaker or the recipient of the care may live in either the principal residence or the additional permitted residence (caretaker's quarters).

   c. Other similar conditions as determined by the zoning inspector.

3. Only **one** additional dwelling unit shall be permitted on any property by approval of a Temporary Use Permit.[*3]

1302.2.6 ***TEMPORARY SEASONAL SALES:*** Temporary seasonal sales operations provided that the following conditions are met:

1. Any such use shall be limited to **30 days** and shall not be renewed. temporary use permits for this type of use shall be permitted not more than four times during any calendar year.

2. The site shall be cleared of all indications that such a use occurred within **ten days** of the termination of the Temporary Use Permit.

3. The parking requirements of Chapter 11, Section 1102 shall not apply to this use. However, approved access and adequate safe parking shall be required as a condition of approval.

4. An annual status report is not required.*3

1302.2.7 ***TEMPORARY MODEL HOME SALES COMPLEX:*** A model home sales complex that does not meet the requirements outlined in Article 501.2.24.*3

1302.2.8 ***TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX:*** Temporary construction yard and construction office complex that does not meet the requirements outlined in Article 501.2.25.*3

1302.2.9 ***OTHER USES:*** Other uses not listed here, as determined by the zoning inspector, which may be appropriate as temporary uses as outlined in Article 1302.2.1. Temporary Use Permits for these uses shall be processed in accordance with Article 1302.3.*3

ARTICLE 1302.3. TEMPORARY USE PERMIT REGULATIONS: All Temporary Use Permits shall be subject to the following regulations:

1302.3.1. ***Application Requirements:***

1. Regulations identified for the zoning district in which the proposed Temporary Use is located shall apply. Any such regulation may be varied by the Board of Adjustment.

2. Application procedures and informational requirements for a Temporary Use Permit and its renewal shall be established by the zoning inspector. The application shall provide all information needed by the Board of Adjustment, should a written letter of opposition be filed.

3. Upon acceptance of a complete application for a new Temporary Use Permit, the subject property shall be posted with a "Notice of Application"

for a **ten-day** period. If a written letter of opposition is received within the **ten-day** posting period, the request for a Temporary Use Permit shall be placed on the Agenda of the first available Board of Adjustment Hearing*3 for Resolution and noticed in accordance with Chapter 3, Section 303., Article 303.6. If no written letter of opposition is received within the posting period, then a Temporary Use Permit may be approved by the zoning inspector.

1302.3.2. ***Approval of Temporary Use Permit:*** A Temporary Use Permit shall only be approved provided that:

1. The proposed use does not create adverse impacts on surrounding property or residents. The zoning inspector or the Board of Adjustment may only approve such a proposed use by stipulating additional requirements, provided that said stipulations substantially reduce all adverse impacts on surrounding property or residents.

2. The Temporary Use Permit shall be approved for a period of time not exceeding the authorized limits in Chapter 13, Section 1302, Article 1302.2. The time period for a Temporary Use Permit shall commence upon issuance of a Building Permit, its renewal date, or upon determination of the Board of Adjustment or zoning inspector.

3. In a rental lease situation, the Temporary Use Permit shall be approved for a time period not exceeding the duration of the lease, excluding options.

4. The permit for the Primary Use has been issued for any Temporary Use Permit requested under Chapter 13, Section 1302, Article 1302.2.1.

5. Upon approval, a Temporary Use Permit shall be issued to the applicant. This permit shall indicate the nature of the use approved, its expiration date, and must be on visible display by the applicant on the property. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if issued a Zoning Citation.

6. No application shall be scheduled for hearing by any board or commission acting pursuant to the “Maricopa County Zoning Ordinance (MCZO)”, or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. *4 *5

1302.3.3. ***Extension of Temporary Use Permit:*** The duration of a Temporary Use Permit shall only be extended by the Board of Adjustment. Upon application, the Board may grant a one-time only extension of the duration of any Temporary Use Permit for up to **two years** (except a temporary event or seasonal sales), provided that all other requirements for the Temporary Use Permit must be met and the applicant presents justification to the Board of unusual or exceptional circumstances not of the applicant's own creation. Further, any such request for extension must be applied for prior to expiration of the current Temporary Use Permit.

1302.3.4. ***Denial, Termination, or Expiration of Temporary Use Permit:*** Denial, termination or expiration of a Temporary Use Permit shall occur as follows:

1. Denial of a Temporary Use Permit by the zoning inspector, for a reason other than the Temporary Use Permit has or will exceed its authorized time frame (Chapter 13, Section 1302, Article 1302.2. or as extended by the Board of Adjustment under Chapter 13, Section 1303., Article 1303.2.3.) may be appealed to the Board of Adjustment upon submittal of an appropriate application and must be filed within **ten days** of any such decision by the zoning inspector. Any appeal by the applicant shall be placed on the Agenda of the first available Board of Adjustment Hearing for Resolution and noticed in accordance with the Board's procedures.

2. Any Temporary Use Permit remains in effect only as long as those conditions regarding the use of the property and control of the use (lease or ownership) remain as originally approved.

3. Upon denial, expiration, or termination of a Temporary Use Permit, the Temporary Use shall cease. Furthermore, any temporary or mobile structures shall be removed within **ten days** of said expiration or termination and any required physical alterations to principal or accessory buildings or structures should be issued permits within **ten days** and shall be completed and finalled within **30 days** of said expiration.

ARTICLE 1302.4. LOCATION OF TEMPORARY USES Temporary Uses shall be permitted in zoning districts as follows:

TEMPORARY USES:		PERMITTED ZONING DISTRICTS:
1302.4.1.	Temporary Housing	All Rural Zones
1302.4.2.	Temporary Event	All Rural and Residential Zones, C-S, C-2, C-3

1302.4.3.	Underage Occupancy	SC Overlay Zone
1302.4.4.	Non-residential Use of a Mobile Home	All Zones
1302.4.5	Caretaker's Quarters	All Rural Zones
1302.4.6	Temporary Seasonal Sales	All Rural Zones, C-S, C-1, C-2, C-3

Date of Revisions			
**1	Added 2-20-94	*5	Effective 6-01-2010 TA2010003
*2	Revised 5-6-94	*6	Effective 8-22-2012 TA2012020
*3	Effective 7-07-06		
*4	Effective 6-01-2009 TA2009003		

SECTION 1303. CONDITIONAL USE

This entire Section has been deleted 07-07-06. (TA2003005)

SECTION 1304. EXEMPTED USES

This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract/s concerned is/are **five** or **more contiguous commercial acres** in size (**Note: One Commercial acre = 35,000 square feet**). *1, *22

ARTICLE 1304.1. Property is not exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance unless and until the Maricopa Planning and Development Department has issued a certificate of exemption for that property. In order to secure a certificate of exemption, an applicant shall submit a zoning clearance application, including site plan and other reasonable supporting documentation.*32

ARTICLE 1304.2. Only property classified by the Maricopa County Assessor's office or the Arizona Department of Revenue as property used for one of the purposes enumerated in the first paragraph of this Section is eligible for exemption under this section. If property has been so classified, the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning and Development Director independently determines that all or part of the property is not used primarily for one or more of the purposes enumerated in the first paragraph of this section.*32

ARTICLE 1304.3. Any structures built under an exemption that do not meet the underlying zoning district and/or Building Safety Ordinance standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable.*31

Date of Revisions			
*1	Revised 7-17-72	*31	Effective 11-19-99
*22	Revised 2-20-94	*32	Effective 2-4-00

SECTION 1305. NONCONFORMING USES

ARTICLE 1305.1. CONTINUING EXISTING USES: Unless an earlier date is specified in this Ordinance any building or structure that was existing, or any use of land that was lawfully existing, as of January 1, 2000 or as of the effective date of subsequent amendments to this Ordinance may continue even though such use, building or structure does not conform to the regulations of this Ordinance or amendments thereto for the zoning district in which it is located, provided the size, shape and configuration of the parcel remains unchanged since January 1, 2000.*[35]

ARTICLE 1305.2. DISCONTINUANCE OF NONCONFORMING USES:

1305.2.1. In the event that a nonconforming use of land, building or structure is discontinued for a period of **12 consecutive months**, any future use thereof shall be in conformity with the regulations of this Ordinance.

1305.2.2. In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy to the extent of **75%** of its value, according to the appraisal thereof by competent appraisers, then and without further action by the Board of Supervisors, the future use thereof shall from and after the date of such destruction, be subject to all the regulations of this Ordinance or amendments thereto for the zoning district in which such future use is located.

ARTICLE 1305.3. EXPANSION OF A NONCONFORMING USE: A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alternation and further use of such property conform with the regulations of this Ordinance for the zoning district in which such property is located, except that a nonconforming business use may expand if such expansion does not exceed **100%** of the floor area of the original business.

ARTICLE 1305.4. CHANGE OF NONCONFORMING USE: If no structural alterations are made, any nonconforming use of land, building or structure may be changed to another nonconforming use provided the proposed use is of the same or more restricted classification as evidenced by a finding and resolution of record by the Board of Adjustment having jurisdiction.

SECTION 1306. RELIEF FROM DEVELOPMENT STANDARDS DUE TO GOVERNMENT ACTION

ARTICLE 1306.1 Government Action: When a government action results in a building, lot, parcel or tract of land not meeting the requirements of this ordinance:

a. For an undeveloped lot, parcel or tract of land, the government action shall alter the development standards to the extent alteration is necessitated by the government action.

b. For a lot, parcel or tract of land that has already been developed as of the time of the government action, the government action shall alter the development standards (including setback requirements) applicable to any improvements already constructed as well as subsequent improvements.*33

Date of Revisions			
*33	Effective 02-16-07	*35	Effective 10-10-11 – TA2011011
*34	Effective 10-19-11		

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014007 – Gates (Building)**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	16
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Local Additions & Addenda, Section 205 Building Permit Exemption
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

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, except as may be permitted by MCDOT. This is intended to improve customer service and reduce regulatory burden. The proposed verbatim language is (language to be added is underscored):

> ***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.*

There is no change to the proposed language since the June 26, 2014 Commission meeting.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. On July 8, 2014 the Maricopa County Building Code Advisory Board (BCAB) voted unanimously to initiate and recommend approval of this item to the Board of Supervisors (BOS). If the Commission makes a recommendation at today's hearing

the matter will be forwarded to the September 10, 2014 BOS hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

> From: Darren Gerard - PLANDEVX
> Sent: Wednesday, May 28, 2014 7:02 PM
> To: 'Ann Hutchinson'
> Cc: Alan & Candy Muller
> Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren
>
> [signature block snipped]
>
> From: Ann Hutchinson [mailto:behomes@q.com]
> Sent: Sunday, May 18, 2014 12:11 PM
> To: Darren Gerard - PLANDEVX
> Cc: Alan & Candy Muller
> Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Darren,
>
> Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.
>
> We are submitting these directly to you since it regulation comment option is not yet up for these TAs.
>
> Regards,
>
> Ann Hutchinson
> Planning and Development Liaison
> New River - Desert Hills Community Association
> PO Box 75068
> New River, AZ 85087-1000
> Email: behomes@q.com
> www.nrdhca.org
> 623-742-6514
>
> Email attachment excerpt:
>
>> TA2014007 GATES.
>> This is a companion proposal to TA2014009.
>> This proposed will amend Maricopa County Local Additions & Addenda, Section 205 Exemptions by deleting the need to obtain a building permit to construct gates within road easements.
>> There are occasions when gates need be construction within a road alignment, not acquired thru the Emanate Domain. If denied that right a hardship would be created
>>
>> After review, I find nothing that would negatively impact the New River or any area.
>> I recommend approval.

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014007** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014007 7/8/14 BCAB meeting minutes (4 pages)
TA2014007 7/8/14 BCAB meeting packet (3 pages)
TA2014007 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014007 6/26/14 Commission meeting packet (3 pages)

No enclosures.

BUILDING CODE ADVISORY BOARD
MEETING MINUTES

DATE: July 8, 2014
TIME: 2:00 p.m.

LOCATION: 501 North 44th Street, 1st Floor
Phoenix, AZ 85008

MEMBERS PRESENT:

Mr. John Kight, Vice-Chairman
Mr. Vincent Territo
Mr. Tracy Finley
Mr. Arthur Luera
Mr. Robert Ghan

STAFF PRESENT:

Tom Ewers, Plan Review Manager/Chief Building Official
Lynn Favour, Deputy Director
Ralph Shepard, Plan Review Supervisor
Kimberly Grable, Administrative Assistant

ROLL CALL

Vice-Chairman Kight called the meeting to order at 2:00 p.m.

APPROVAL OF MINUTES

Member Luera moved to approve the minutes of the January 28, 2014 regular meeting. Member Gahn seconded the motion which passed unanimously by a vote of 5-0.

REPORT OF COMMITTEES

None

UNFINISHED BUSINESS

None

NEW BUSINESS

TA2014007 – Exemption for Roadway Gates

Mr. Tom Ewers, Plan Review Manager/Chief Building Official, presented the item as stated above. Mr. Ewers said the proposed amendment would be a new paragraph added to section 205; Building Exceptions of the Maricopa County Local Additions & Addenda. The intent of this amendment is to not require a building permit for a roadway gate within a private roadway easement. He

added that a building permit for a gate within a private street tract in a platted subdivision would be required, and a Maricopa County Department of Transportation (MCDOT) permit shall be required for gates within public rights-of-way.

Mr. Ewers stated that unregulated lot splits have led to neighbor disputes whereby gates have been installed across private easements. Presently there is not any language to address this in the recorded easement document and in many instances the county ends up in the middle of these disputes. Mr. Ewers also noted that the Maricopa County Zoning Ordinance would be amended by way of Text Amendment TA2014009 and would be in concert with this text amendment to the Local Additions & Addenda. TA2014007 has been processed through the county's Enhanced Regulatory Outreach Program (EROP) process as required. A stakeholder's meeting was held on May 30, 2014. No public was present; however, a letter was received from the New River/Desert Hills Association in favor of the amendment. Mr. Ewers noted that the letter was included in each board members packet. Mr. Ewers stated that the Building Code Advisory Board (BCAB) is being asked to both initiate and make a recommendation to expedite the processing of this text amendment. To be considered for the expedited processing the following criteria must be met: 1) the amendment has been the subject of at least one Stakeholder Workshop; 2) a draft of the regulatory change was available on the EROP web site at least two weeks prior to the Board hearing; and 3) the BCAB has received no opposition to the proposed text amendment and is recommending approval of the proposed language. Mr. Ewers explained that that this text amendment has met all three of these requirements.

Member Territo asked what the current review process is for gates.

Mr. Ewers explained that if there is an existing principal use on the property, the gate/fence becomes an accessory to the property and requires only a drainage review. This is called a D-Fence. If the adjacent property is vacant, the gate/fence becomes a principal use fence and requires review from zoning, building and drainage. This is called a B-Fence.

Member Territo asked if there is a limit to size for fences. He added that fencing can become very elaborate in design and may create safety issues.

Mr. Ewers responded that if the gate is on a private easement, there is no limit to size and it is now left up to the property owner.

Member Territo questioned how emergency vehicles gain access if there is a gate installed.

Mr. Ewers stated that again this is left up to the private property owners to allow access. This is the same for mail delivery or package delivery – property owners must consider these matters when installing any types of gates.

Member Ghan asked how gates that have power are addressed. He added that many have automatic opening and closing mechanisms.

Mr. Ewers said that a permit is issued for the electrical work associated with the gate/fence. Presently, minor electrical permits are issued for a variety of projects such as irrigation systems, gates, and cell control boxes.

Member Luera asked if there are any distinctions with the size of gates when it comes to safety.

Mr. Ewers explained that generally plan reviews and inspections all relate to safety. Drainage has a concern in the county with fences to ensure there are openings in fences for storm water flow. Our codes currently allow for barbed wire, chain link, and concrete fences, among other types of fences. Mr. Ewers added that there are always safety issues with any type of fence with regards to height. He pointed out that the county zoning ordinance requires fences over 6 feet to undergo a building and zoning review.

Member Luera mentioned that he had learned of an accident that occurred with a gate that was of significant height – 12 to 16 feet – and under-designed. He is concerned with safety and stability issues with gates of this size. He asked if the county would be held liable for any accidents that might occur with gates of extreme size, height and/or poor design.

Mr. Ewers questioned if the gate was built with a permit. If it were it would have most likely included a review of the design and structural state of the gate. He went on to say that in his opinion if there was not a permit for the gate then it would be difficult to lay responsibility with the county or any other jurisdiction.

Member Territo also asked if there were any height restrictions for fencing that is solid versus open.

Mr. Ewers said that in rural zoning districts solid or open fences can be built up to 8 feet in height on all perimeter yards, except for site visibility triangle areas. In residential zoning districts solid or open fences can be built up to 8 feet in side and rear yards. Front yards in this zoning district are limited to 3.5 feet for solid fencing. Fencing greater in height of 3.5 feet in front yards must be open. In the industrial and commercial zoning districts you can have 8 feet solid fencing on all perimeters.

Ms. Favour echoed Mr. Ewers earlier comments that the reason this is coming forward to the county is a result of the situations regarding private property rights. She added that certain individuals have private easements and they believe they should have the right to place gates on these easements. These issues presented by property owners are not in the county's purview to regulate. The county does not get involved with private agreements. This text amendment clarifies that if a property owner has a private easement and wants to install a gate on that private easement, they should be able to do so without obtaining a permit. Ms. Favour stated that the county will still be involved with permitting gates across subdivision and rights-of-way easements. She added that the county is not the right party to adjudicate these matters and that it is ultimately a private property matter.

Member Luera expressed concern that these gates could be a safety issue and that the county is allowing these gates without any responsibility to their safety. He asked if there is language that could be added that states the county is not liable for any accidents that may occur as a result of this fence or gate.

Ms. Favour explained that the county's focus is that this is more of a private property issue and the county has been prudent of not getting involved with these matters. She reiterated that these are all private properties and not public roadways and issuing permits on private roadways will incur more problems with the private property owners. Ms. Favour concluded by stating that the county stopped regulating clearances for fencing in the year 2000 for general privacy fencing, with the exception to pool barriers, corral fencing and primary fences. Gates have been addressed by the drainage department regarding storm water flow only. If there happened to be a roadway involved, then MCDOT would be involved. Ms. Favour reminded the board that this text amendment speaks only to gates across a private roadway easements and not fencing.

Member Luera made a motion to accept and approve Text Amendment 2014007 as presented. Member Finley seconded the motion. The motion passed unanimously by a vote of 5-0.

Member Ghan made a motion to recommend the expedited processing of Text Amendment 2014007. Member Luera seconded motion. The motion passed unanimously by a vote of 5-0.

OTHER BUSINESS

None

SET DATE OF NEXT MEETING

Mr. Ewers confirmed the next regular meeting is scheduled for October 14, 2014, at 2:00 p.m.

ADJOURNMENT

Member Ghan made a motion to adjourn the meeting. Member Finley seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:24 p.m.

Minutes prepared by Kimberly Grable, Administrative Assistant
July 11, 2014

Minutes Reviewed by Thomas F. Ewers, Chief Building Official

Report to the Building Code Advisory Board

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014007 – Exemption for Roadway Gates**
Meeting Date:	July 8, 2014
Agenda Item:	1
Supervisor District:	All
Applicant:	Staff
Request:	Initiate and Consider a Recommendation for a Text Amendment to the Maricopa County Local Additions & Addenda to adopt a new paragraph to Section 205.
Support/Opposition:	No known opposition.
Recommendation:	**Initiate and Recommend Approval**

Discussion:

TA2014007 – Exemption for Roadway Gates: This is a text amendment to the Maricopa County Local Additions & Addenda, Sec. 205, Building Permit Exceptions to exempt private roadway easement gates from permit requirements and to require permits for gates on private street tracts in platted subdivisions and to prohibit gates on public rights-of-way. This is intended to improve customer service and reduce regulatory burden.

The proposed code amendment will relieve customers of the responsibility to obtain permits for private roadway easement gates.

The proposed language is:

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.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item will be presented on July 8, 2014 for initiation and possible recommendation. At the July 8th meeting, the BCAB may recommend that the text amendment process be expedited. An expedited process recommendation means that the BCAB would both initiate and make a recommendation regarding the text amendment at the same meeting. To be considered for the expedited process, the following three criteria must be met: (1) the amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in

advance); (2) a draft of the regulatory change was available on the EROP web site at least two weeks prior to the Board hearing; and (3) the BCAB has received no opposition to the proposed text amendment and is recommending approval of the proposed language. If the BCAB does not make a recommendation for expedited processing, an additional hearing date must be scheduled.

In accordance with state statutes, this text amendment is also scheduled to be heard by the Maricopa County Planning and Zoning Commission (Commission). If positively acted upon, this amendment will be scheduled for a hearing before the Board of Supervisors (BOS) this fall. This schedule is subject to change depending on information and recommendations received by the public and by the actions of the BCAB, Planning and Zoning Commission and BOS.

The initial May 30, 2014 Stakeholder Meeting was attended by no public and this matter was discussed. (No minutes of the meeting were prepared.) An email in support from the New River/Desert Hills Community Association is attached.

Recommendation:

Staff recommends that the BCAB initiate TA2014007.

Staff further recommends, if the EROP criteria are met, that the BCAB recommend that TA2014007 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt TA2014007.

Prepared by Tom Ewers, Plan Review Manager

Attachments: New River/Desert Hills Association email (1 page).

From: Plan-Dev@nrdhca.com[SMTP:PLAN-DEV@NRDHCA.COM]
Sent: Wednesday, June 18, 2014 3:09:15 PM
To: Regulatory
Subject: Regulatory Outreach
Auto forwarded by a Rule

Citizen Comments

Issue: PD-TA2014007 – Gates

Citizen's Name: Ann Hutchinson
Organization: New River-Desert Hills Community Association
City: New River
Zip: 85087
Phone Number: 6237426514
Phone Type:
Email: Plan-Dev@nrdhca.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:
The NR-DHCA Board recommends approval for this amendment. We also wish to point out that this seems to contradicted or is confused by TA2014009

Time of Request: 6/18/2014 3:09:15 PM

<u>Text Amendment: TA2014007</u> **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Local Additions & Addenda, Section 205 Building Permit Exemption – Gates (Building)

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above, stating it is to initiate the text amendment to the Maricopa County local edition and addendum which is the adopted construction safety codes as amended. Specifically section 205 building permit exemption, we would add a paragraph. One email of support, no known opposition and he can answer any questions.

Acting Chairman Aster asked about the text amendments for gates. Mr. Gerard stated that this text amendment specifically exempts the building permit requirement, also called sometimes building safety clearance.

COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2014007. Commissioner Burrows seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014007 – Gates (Building)**
Meeting Date:	June 26, 2014
Agenda Item:	7
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Local Additions & Addenda, Section 205 Exemptions
Support/Opposition:	One email of support
Recommendation:	**Initiate**

Discussion:

This is a text amendment to add a second paragraph to Maricopa County Local Additions & Addenda, Section 205, Building Permit Exemption - 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, PERMITS***
> ***Building Permit Exemption:***
>
> *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.*

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item is also scheduled for the July 8, 2014 Maricopa County Building Code Advisory Board (BCAB). Assuming BCAB initiation and recommendation, if the Commission initiates this item the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were suggestions for altered language. The New River

Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

TA2014007 GATES.
This is a companion proposal to TA2014009.
☐ This proposed will amend Maricopa County Local Additions & Addenda, Section 205 Exemptions by deleting the need to obtain a building permit to construct gates within road easements.

☐ There are occasions when gates need be construction within a road alignment, not acquired thru the Emanate Domain. If denied that right a hardship would be created

After review, I find nothing that would negatively impact the New River or any area.
I recommend approval.

Staff recommends the Commission initiate this text amendment.

Recommendation:

Staff recommends the Commission **initiate TA2014007**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014008 – Property Maintenance**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	17
Supervisor District:	All
Applicant:	Staff
Request:	Text Amendment to the Maricopa County Zoning Ordinance adding new Article 1116 – Property Maintenance and related definitions in Chapter 2
Support/Opposition:	One email of support
Recommendation:	**Approve**

Discussion:

This is a text amendment to revise Maricopa Zoning Ordinance (MCZO) 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 for simple items. Civil enforcement usually results in timely and voluntary compliance for weeds and junk/trash/debris upon initial notice of violation. The proposal does not increase regulatory burden but rather incorporates existing county regulation into the MCZO for a more efficient civil code enforcement process.

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 our 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.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. If the Commission makes a recommendation at today's hearing the matter will be forwarded to the Board of Supervisors' (BOS) September 10, 2014 hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com

www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014008 PROPERTY MAINTENANCE
> ☐ This proposed amendment derived from Maricopa County P-10 Ordinance and creates a new Article (1116.) to the Maricopa County Zoning Ordinance.
> ☐ The proposal will define dilapidated buildings/structures, junkyards, rubbish, junk, trash, debris and filth, dried weeds or anything that would present a fire hazard.
>
> After review, I find nothing that would negatively impact the New River or any area. I recommend approval.

There is no new comment since the June 26, 2014 Commission meeting.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014008** as presented in the draft version attached with this report.

Prepared by Matthew Holm, AICP, Comprehensive Planning Supervisor
Reviewed by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014008 6/26/14 Commission meeting minutes (excerpt, 1 page)
TA2014008 6/26/14 Commission meeting packet (4 pages)

No enclosures.

<u>Text Amendment: TA2014008</u> **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance adding new Article 1116 – Property Maintenance

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above, adding new article 1116 – Property Maintenance, it will include some new and revised definitions in chapter 2 of the Zoning Ordinance. This will put in the ordinance the ability to civilly enforce issues like weeds, junk vehicles and dilapidated buildings. We could simply write a notice saying that you have so much time to address the issue or we can set up an administrative hearing process. That's what we do, we set up approximately 3,000 violations a year. It's a timely process that is very successful about 90 percent of the complaints are addressed. This is the process that we would rather continue versus physical abatement.

Acting Chairman Aster stated that it seemed to be a good amendment that frees up resources. Then he asked if there were any questions.

Commissioner Muller asked if someone is not attending a lot and it is asked of them to do it now and they won't do it, do you have the right to go in there and charge them for it? Or hire a company to go in and do it? Mr. Gerard stated that is the physical abatement that he was talking about or we would have to seek some type of injunction. But what we want to do is be able to legally and appropriately issue the citation. Where we know 9 out of 10 will take care of the issue and we don't have to fine them.

COMMISSION ACTION: Commissioner Burrows moved to initiate TA2014008. Commissioner Muller seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014008 – Property Maintenance**
Meeting Date:	June 26, 2014
Agenda Item:	8
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance adding new Article 1116 – Property Maintenance
Support/Opposition:	One email of support
Recommendation:	**Initiate**

Discussion:

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 on 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 our 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.*

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) supports the text amendment. The email thread with NRDHCA was external to EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Wednesday, May 28, 2014 7:02 PM
> **To:** 'Ann Hutchinson'
> **Cc:** Alan & Candy Muller
> **Subject:** RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren
>
> [signature block snipped]
>
> **From:** Ann Hutchinson [mailto:behomes@q.com]
> **Sent:** Sunday, May 18, 2014 12:11 PM
> **To:** Darren Gerard - PLANDEVX
> **Cc:** Alan & Candy Muller
> **Subject:** TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18
>
> Darren,
>
> Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.
>
> We are submitting these directly to you since it regulation comment option is not yet up for these TAs.
>
> Regards,
>
> Ann Hutchinson
> Planning and Development Liaison
> New River - Desert Hills Community Association
> PO Box 75068
> New River, AZ 85087-1000
> Email: behomes@q.com
> www.nrdhca.org
> 623-742-6514
>
> Email attachment excerpt:
>
> TA2014008 PROPERTY MAINTENANCE

☐ This proposed amendment derived from Maricopa County P-10 Ordinance and creates a new Article (1116.) to the Maricopa County Zoning Ordinance.

☐ The proposal will define dilapidated buildings/structures, junkyards, rubbish, junk, trash, debris and filth, dried weeds or anything that would present a fire hazard.

After review, I find nothing that would negatively impact the New River or any area. I recommend approval.

Staff recommends the Commission initiate this text amendment.

Recommendation:

Staff recommends the Commission **initiate TA2014008**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014009 – Gates (Zoning)**
Meeting Date:	~~August 7, 2014~~ Moved to 9/11/14 due to a lack of a quorum
Agenda Item:	18
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Article 1504.5.2
Support/Opposition:	One email of opposition
Recommendation:	**Approve**

Discussion:

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 streets and road easements. (TA2014007 is a companion text amendment to the Maricopa County Local Additions & Addenda that will eliminate requirement for building permit.) It is intended to lessen regulatory burden.

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 highlighted language was altered due to discussion at the June 26, 2014 Commission meeting. The revision broadens the exemption – the original proposal only exempted gates across road easements but the above reference to the general "streets" will also exempt gates in private streets tracts within platted subdivisions from the requirement to obtain a zoning clearance. Gates will remain prohibited within public right-of-way accepted into the County's road system, except as may be permitted by MCDOT.

Public Participation:

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. On July 8, 2014 the Maricopa County Building Code Advisory Board (BCAB) voted unanimously to initiate and recommend approval of this item to the Board of Supervisors (BOS). If the Commission makes a recommendation at today's hearing the matter will be forwarded to the September 10, 2014 BOS hearing for adoption/disposition. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) opposes the text amendment. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [mailto:behomes@q.com]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt:

> TA2014009 GATES ZONING
>
> ☐ A proposed amendment to Maricopa County Zoning Ordinance, Article 1504.5.2 zoning clearance. This proposal will delete the requirement to obtain a zoning clearance prior to the construction of a gate within a road easement.
>
> ☐ TA2014007 is a companion amendment.
>
> ☐ Amend 1504.5.2 and add 1504.5.2.g. I believe this amendment will make the existing more confusing.
>
> ☐ The introduction refers to gates within the county's road system as prohibited.
>
> ☐ There are instances where gates are permitted in public right of easy. A gate across a public right of way is prohibited except as a matter of safety.
>
> ☐ There are no references or exceptions that would allow restrictions.
>
> I believe that the amendment does not lessen the confusion, only adds to it. I believe that even a knowledgeable person would have trouble in understanding this Article. It is due to this that as presented I can see much added confusion.
> It is for this reason that I recommend denial.

There is no new comment since the June 26, 2014 Commission meeting. It's important to note that the proposed language has been revised and staff believes that NRDHCA's concern has been alleviated.

Recommendation:

Staff recommends the Commission motion to **Approve TA2014009** as presented in this report.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014009 6/26/14 Commission meeting minutes (excerpt, 2 pages)
TA2014009 6/26/14 Commission meeting packet (3 pages)

No enclosures.

Text Amendment: TA2014009 **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1504.5.2 – Gates (Zoning)

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above. This is a text amendment to Maricopa County Zoning Ordinance, Article 1504.5.2, very similar to the text amendment discussed earlier, but the language is different. This section speaks to zoning clearance, then read the information to be changed.

Commissioner Hiatt then asked to clarify if the fence or wall is within a private street tract in a platted subdivision then they do need to have clearance. Mr. Gerard stated yes, that is correct. Commissioner Hiatt asked why if it is a private street. Mr. Gerard then advised the main issue, separate from that is if it is in a road easement in an unregulated land division we will not look at it. Private street tracks are more likely to be some type of an electric gate as opposed to a gate that is pushed open. Also, if they are in a private street within a platted subdivision it will probably be more of a height issue. Commissioner Hiatt stated that made sense, then asked about demolition within a private street. Mr. Gerard advised that issue has never come up, the way it's written it would require a demo permit which is very simple. The main issue with the demo permit is to make sure that any electrical is safe and if it's constructed if certain material, such as asbestos or concrete.

Ms. Stark stated that the Commissioner had a good point. It is more of a building safety issue versus a zoning issue. Maybe we should look at that again and take it out, as it doesn't necessarily need zoning clearance because it's really a safety issue and not a zoning issue.

Acting Chairman Aster stated that staff will come up with the language.

Commissioner Muller asked if they should look at what the Desert Foothills Community suggested as well. Mr. Gerard replied that they did not offer changed language. Mr. Gerard stated that with the discussion today that we would just not include the proposed new item at the end. As discussed we possibly need to say across easement or street or tract.

Commissioner Hiatt noted that with staff working on the language that this item will then be revisited. Mr. Gerard concurred.

Acting Chairman Aster agreed.

COMMISSION ACTION: Commissioner Muller moved to initiate TA2014009 and bring back for further discussion with updated language. Commissioner Hiatt seconded the motion which passed with a unanimous vote of 7-0.

Prepared by Debbie Lemon
Planning and Zoning Commission Secretary
Maricopa County
June 26, 2014

DRAFT

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	**TA2014009 – Gates (Zoning)**
Meeting Date:	June 26, 2014
Agenda Item:	9
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance, Article 1504.5.2
Support/Opposition:	One email of opposition
Recommendation:	**Initiate**

Discussion:

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, except encroachment permitted by MCDOT. The proposed verbatim language is (language to be added is underscored; and changes since the Stakeholder 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 easements, 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; or

g. Is within a private street tract in a platted subdivision or dedicated public right-of-way.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) is opposed to the text amendment. The email thread with NRDHCA was external to EROP:

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Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

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To: Darren Gerard - PLANDEVX
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Regards,