



## Enhanced Regulatory Outreach Program NOTICE OF MARICOPA COUNTY PLANNING & ZONING COMMISSION MEETING

**Date/Time: Thursday, March 27, 2014, 9:30 a.m.**  
**Location: Board of Supervisors Conference Room,  
301 W. Jefferson St., 10<sup>th</sup> Fl.**

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The Maricopa County Planning & Development Department will host a Public Hearing to consider recommendation of the following to the Board of Supervisors:

**TA2013004 – Exemption for building/structures existing prior to 1/1/2000:** This is a text amendment to the Maricopa County Local Additions & Addenda, Sec. 205, Building Permit Exceptions to exempt construction of buildings and other structures that have been in existence prior to January 1, 2000, from the requirement to obtain a Building Permit. This is intended to improve customer service and reduce regulatory burden. It will bring the critical date for a building permit requirement in alignment with that for drainage clearance and zoning clearance in the Maricopa County Zoning Ordinance, January 1, 2000. This item was recommended for approval at the 1/28/14 meeting of the Maricopa County Building Code Advisory Board (BCAB). Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

*A building permit shall not be required for a 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 regulation provided there are no visible signs of defects or unsafe conditions. When verification is required by the Building Official a Certificate of Observable Compliance from a third party Registered Architect or Structural Engineer must be submitted.*

**TA2013005 – Annual Facilities Permit (AFP):** This is a text amendment to the Maricopa County Local Additions & Addenda revising Section 301 (with reference to Sections 105.1.1 & 105.1.2 of the 2012 International Building Code regarding an annual permit and annual permit records) to create a process for an Annual Facilities Permit (AFP) and adoption of related fees in Section 208. This is intended to improve customer service, reduce regulatory burden, and streamline the permitting process. This item was recommended for approval at the 1/28/14 meeting of the Maricopa County Building Code Advisory Board (BCAB). Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 6/11/14. The proposed language is (changes since the 1/28/14 BCAB meeting are highlighted):

## **Section 301 – 2012 International Building Code:**

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

Delete Sections 105.1.1 and 105.1.2 and replace with:

### 105.1 Annual Facility Permits.

105.1.1. General. The Annual Facilities Permit is an administrative system intended to simplify the permitting and inspection process for qualified facilities by allowing inspectors to review plans and maintaining inspectors familiar with the construction history of such facilities. Qualified facilities electing to participate in this program are exempt from the requirement to obtain individual permits for the work regulated by this code when such work does not increase the floor area, does not constitute a change of use or occupancy classification, and is performed on existing buildings, structures, and utilities associated with that qualified facility. This alternative permit process shall not exempt compliance with the technical requirements of this code, the technical codes, or with other County, State, or Federal laws, nor exempt work from inspection prior to concealment.

105.1.2. Definitions. For purposes of this Section, the following terms shall apply:

**AGENT:** An architect or engineer registered **and residing** in the State of Arizona and who is responsible for complying with the substantive provisions of this Chapter. The agent, as authorized by rules established by the Arizona Board of Technical Registration, shall assure work has been performed in accordance with this code and the technical codes.

**QUALIFIED FACILITY:** A firm, corporation, or political entity engaged in manufacturing, processing, service, or property management that occupies and controls specialized buildings and building service equipment to the extent that full-time personnel are required to manage, operate, or maintain such buildings and equipment in compliance with all the provisions of this code and the technical codes.

105.1.3. Annual Facilities Permit Transferability. An Annual Facilities Permit is not transferable.

105.1.4. Annual Facilities Permit Renewal. An Annual Facilities Permit may be renewed every twelve (12) months by payment of a renewal fee as set forth in the Maricopa County Schedule of Fees. Additional hourly charges will be assessed for each work project. Renewal fees shall be due and payable prior to the permit expiration date, or a new initial application shall be required. Work performed after the permit expiration date shall be in violation of this code and subject to penalty.

105.1.5. Annual Facilities Permit Operation. The agent shall notify the Building Official or his/her designee prior to the start of any work involving alteration of the building structure system, alteration of any fire-resistive wall, floor, or ceiling assembly, alteration of any fire corridor system, or installation of any structural, mechanical, plumbing, or electrical work intended to be enclosed or concealed. The Building Official shall determine the nature and extent of plan reviews and/or inspections required. Maricopa County shall invoice the Qualified Facility and the Qualified Facility shall pay for the professional services rendered as set forth in the Maricopa County Schedule of Fees.

105.1.6 Annual Facilities Permit Records. The agent shall keep a detailed record of alterations made under an Annual Facilities Permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

**Section 208 – Other Inspections and Fees:**

14. Annual Facilities Permit Program:	
<u>Registration Fee</u>	<u>\$750</u>
<u>Annual Facilities Permit</u>	<u>\$500 per year</u>
<u>Inspection Fee</u>	<u>\$190 per hour</u>

**TA2013006 – Location of Parking:** This is a text amendment to the Maricopa County Zoning Ordinance, Article 1102 regarding the location of parking spaces in relation to the use served. This is intended to improve customer service and reduce regulatory burden. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

*1102.3.1. Parking spaces shall be located on the same lot as the use they are intended to serve, or within 600 feet of the use to be served provided assurances are supplied to the Zoning Administrator that the off-site parking will be continuously available during normal business hours of the use to be served.*

*1102.3.2. Parking spaces shall be located such that each space has access to the use to be served without crossing an ~~public or private~~ arterial street, or a railroad right-of-way, unless requirement is waived by the Zoning Administrator due to an approved valet parking plan or other provision.*

*1102.3.3. The number and location of required parking spaces, and the distance of parking spaces from the use to be served, may be waived by the Zoning Administrator with an approved valet parking plan.*

**TA2013007 – Temporary Uses:** This is a text amendment to the Maricopa County Zoning Ordinance, Section 1302, to permit Temporary Uses as an administrative remedy of a zoning violation. This is intended to improve customer service and reduce regulatory burden. It will allow an existing land use that is the subject of a zoning violation to obtain a temporary use permit approval to permit the use to continue for a limited period as an exit strategy or until proper long-term zoning entitlement is approved. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

*SECTION 1302. TEMPORARY USES*

*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 or long-term basis, but which may be either necessary or desirable for a limited period of time; provided, however, a temporary use may be approved, even where such use may be appropriate on a permanent or long-term basis, where the purpose of the temporary use permit is to allow an applicant to satisfy a plan of compliance entered into with the County to remedy a violation of this Ordinance, or
2. Requires careful regulation especially regarding location, duration of use and operation.

**TA2013008 –Amendment to Licensing Time Frames Ordinance No. P-30 per HB 2443:** This is a text amendment to Maricopa County Ordinance No. P-30 regarding licensing time frames. This is a general ordinance applicable to all County regulatory agencies. This is a housekeeping item to update the ordinance with regard to changes already effective and implemented due to changes in State law per HB 2443. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is attached.



**TA2013009 – Setbacks:** This is a text amendment to the Maricopa County Zoning Ordinance to delete language from the definitions of “Yard”, “Front Yard”, “Rear Yard” and “Side Yard” in Chapter 2 and delete language from Article 1110.6.2 so that setbacks will be measured from the lot line to the building at grade and that ordinary projections above grade may encroach up to 2’ into any required yard. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

**SECTION 201. DEFINITIONS**

**Yard:** ~~The open space at grade level between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line (see “YARD, REQUIRED”).~~

**Yard, Front:** ~~A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.~~

*Yard, Rear:* A yard extending between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building ~~or any projection thereof~~, other than steps, unenclosed balconies and unenclosed porches. On corner lots and interior lots, the rear yard is in all cases at the opposite end of the lot from the front yard.

*Yard, Side:* A yard between the building and the side lot line of a lot and extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the principal building ~~or any projection thereof~~, other than steps, unenclosed balconies and unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.

## **SECTION 1110. ADDITIONAL YARD AND OPEN SPACE REGULATIONS**

**Article 1110.6. Exceptions:** Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:

~~1110.6.2. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding **two feet (2')** into any required yard, except that in the case of accessory buildings in the required rear yard and /or the required side yard this projections shall not exceed one foot beyond the walls of such accessory building.~~

**TA2013010 – Hillside Measurement:** This is a text amendment to the Maricopa Zoning Ordinance, Article 1201.2.1 to revise the Hillside measurement from areas of natural slope of 15% or greater within any horizontal distance with a 5' elevation change to within any horizontal distance with a 10' elevation change. This is intended to remove minor washes and small features from Hillside designation. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

### **Section 1201. HILLSIDE**

~~1201.2.1. All portions of a lot, tract or parcel having a natural slope of **15% or greater** within any horizontal distance with a **ten foot (10') five-foot elevation change** shall be subject to the regulations set forth in this Section. Any challenge to a determination by the Department that any portion of a lot, tract or parcel is subject to the regulations set forth in this Section, shall include as part of the challenge a written determination of an Arizona registered civil engineer supported by sealed topographical plans.~~

**TA2013011 – Street Name Suffixes:** This is a text amendment to the Maricopa County Addressing Regulations, Section 702 to permit "Glen" and "Dale" street name suffixes west of the County 0/0 block numbering and "Terrace" and "Run" suffixes to the east. Assuming Commission recommendation for action this item will be heard by the Board of Supervisors on 4/23/14. The proposed language is:

### **702 GRID STREETS**

~~5. Numbered ~~streets~~ alignments ~~west~~ of County 0/0 block numbering starting point shall have street types assigned by Avenue (Ave.), Drive (Dr.) ~~and~~ Lane (Ln.), Glen (Gl.) and Dale (DL.) in a~~

*westerly direction with q standard of every 1/8 alignment being an Avenue. However, there are places where the alignments will be 1/7.*

*6. Numbered ~~streets~~ alignments East of County 0/0 block numbering starting point shall have street types assigned by Street (St.), Place (Pl.) ~~and~~ Way (Way), Terrace (Ter.) and Run (Run) in an easterly direction with q standard of every 1/8 alignment being a Street. However, there are places where the alignments will be 1/7.*

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



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**Date/Time:** Thursday, March 27, 2014, 9:30 a.m.  
**Location:** Board of Supervisors Conference Room,  
301 W. Jefferson St., 10<sup>th</sup> Fl.

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The Maricopa County Planning & Development Department will host a Public Meeting to discuss initialization of proposed regulatory amendments and to consider recommendation of the following to the Board of Supervisors:

**TA2013012 – Commercial Signs:** This is a text amendment to the Maricopa County Zoning Ordinance, Articles 1403.2.3.2.b & 1404.2.2.2.b and the Chapter 14 Sign Table by Zoning District - to clarify maximum height limitation for free-standing on-site signs in Commercial and Industrial zoning districts proximate to Rural and Residential zoning districts. This is considered a housekeeping item clarifying intent of the current language. The proposed language is (language to be added is underscored):

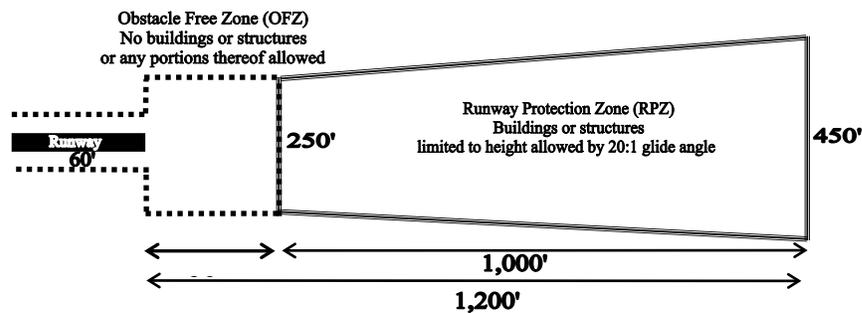
**Articles 1403.2.3.2.b (Commercial Zoning Districts) & 1404.2.2.2.b (Industrial Zoning Districts)**

*Any sign within two-hundred (200) feet of a Rural or Residential zone, unless developed for non-residential use, shall not exceed twelve (12) feet in height. However, for each five (5) feet beyond the two-hundred (200) feet as described in the previous section, the maximum may increase one (1) foot to a maximum height of twenty-four (24) feet.*

**TA2013013 – Runways:** This is a text amendment to the Maricopa Zoning Ordinance, Article 1111.3 to clarify that the required obstacle free zones (OFZ) and runway protection zones (RPZ) for runways / landing strips may be waived subject to Federal Aviation Administration (FAA) requirements. This is considered a housekeeping item removing confusing language and clarifying the article is specific to private runways rather than public or military runways. The proposed language is (language to be deleted is struck-through):

**ARTICLE 1111.3. RUNWAYS AND LANDING STRIPS:** *Buildings or structures or any portions thereof, except for navigational aids, shall not be located in the obstacle free zone ("OFZ") which shall be defined as an area which is **60 feet wide** along each side of the edge of the runway of an existing or proposed runway or landing strip and **250 feet wide** centered along the projected runway center line at a distance of **200 feet** from the end or ends of an existing or proposed runway or landing strip where takeoff and landing is either executed or*

*proposed. A runway protection zone ("RPZ") shall be located at the end or ends of the existing or proposed runway or landing strip where takeoff or landing is either executed or proposed which shall be a trapezoidal area which is 200 feet beyond the ends of the runway and centered along the projected runway centerline. The RPZ shall be 1,000 feet long. The width of the RPZ closest to the end of the runway or landing strip shall be 250 feet. The width of the RPZ furthest from the end of the runway or landing strip shall be 450 feet. Within the RPZ, buildings or structures or any portions thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one foot vertical for every 20 feet horizontal, such glide angle to be computed as beginning at the RPZ boundary which is closest to the end of the runway. The OFZ or RPZ 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 avigation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie. The provisions of this paragraph may be waived for any ~~public or military~~ airport subject to Federal Aviation Administration or Department of Defense requirements*



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

MARICOPA COUNTY  
ORDINANCE ESTABLISHING  
LICENSING TIMES FRAMES IN  
COMPLIANCE WITH A.R.S. §11-1601  
THROUGH A.R.S. §11-1610

Adopted December 12, 2012

Amended \_\_\_\_\_, 2014

Effective December 31, 2012



Maricopa County

MARICOPA COUNTY  
 ORDINANCE ESTABLISHING LICENSING TIMES FRAMES  
 IN COMPLIANCE WITH  
 A.R.S. §11-1601 THROUGH A.R.S. §11-1610

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IN COMPLIANCE WITH  
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**Chapter 1 – Purpose and Title**

**SECTION 101. Purpose**

The purpose of this Ordinance is to establish both administrative completeness review and substantive review time frames for **those** Licenses, as defined in A.R.S. §11-1601 ("License," "Licenses" or "Licensing ") issued by Maricopa County, as required by A.R.S. §11-1605.

**SECTION 102. Title**

This Ordinance shall be referred to and known as 'Ordinance Establishing Licensing Time Frames.'

**SECTION 103. Severability**

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

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**Chapter 2 – Administration**

**SECTION 201. Purpose**

The purpose of this chapter is to provide in one location all administrative authorizations for implementation of this Ordinance.

**SECTION 202. Administrative Responsibility**

It shall be the responsibility of the Deputy County Manager or Assistant County Manager with responsibility to oversee the applicable department, office or agency, or the Clerk with responsibility to oversee the Office of the Clerk of the Board of Supervisors, to enforce the provisions of this Ordinance. Each Maricopa County department and agency is hereby authorized to adopt necessary forms, processes and procedures to implement the provisions of this Ordinance.

**SECTION 203. Posting of Notice**

Each Maricopa County department and agency shall post on the same web page that contains information to the public about each License, all applicable administrative completeness review time frames and substantive review time frames which are germane to said License.

**SECTION 204. Amendment**

This Ordinance may be amended from time to time in accordance with A.R.S. §11-251.05(C). The Clerk of the Board of Supervisors may correct typographical errors and/or reformat this document without such corrections being considered an amendment.

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Chapter 3 - Definitions

**SECTION 301. Purpose**

The purpose of this chapter is to centrally locate all terms specifically defined for use in the administration of this ordinance.

**SECTION 302. Definitions**

In this Ordinance, unless the context requires otherwise, the following terms shall be as defined below. If a capitalized term is not defined herein, it shall have the definition in A.R.S. §11-1601.

**APPLICATION** means all documents, plans and materials required by the applicable department, office or agency to support a request for License.

**DESIGN BUILD** means a construction project delivery system in which the design and construction aspects are contracted for with a single entity known as the design-builder or design-build contractor, and in which the system is used to minimize the project risk for an owner(s) and to reduce the delivery schedule by overlapping the design phase and construction phase of a project entity

**COUNTY** means Maricopa County.

**MANAGER** means the Deputy County Manager or Assistant County Manager assigned to oversee a specific department, office or agency of Maricopa County, or the Clerk who oversees the Office of the Clerk of the Board of Supervisors.

~~**PROJECT WITH SPECIAL CIRCUMSTANCES** means an application that involves a series of Licenses, all of which are interrelated, where it is necessary for the applicant to complete different elements at different times and for which any one time frame would be inappropriate. A project qualifies as one with Special Circumstances where Licenses will be issued at separate times as opposed to one where all Licenses must be obtained simultaneously.~~

**REGULATORY BILL OF RIGHTS** means A.R.S. §11-1601 through A.R.S. §11-1610. Any term not specifically defined in this Ordinance shall have the meaning set forth in the Regulatory Bill of Rights.

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**Chapter 4 – General Regulations**

**SECTION 401. Purpose**

The purpose of this chapter is to provide in one location the general regulations implementing the Regulatory Bill of Rights.

**SECTION 402. Time Frames**

a. **Administrative Completeness Time Frames**

The administrative completeness time frames for each License issued by the County shall be as set forth on Exhibit A attached hereto and made a part hereof. As used in Exhibit A, days shall mean Working Days.

b. **Substantive Review Time Frames**

The substantive review time frames for each License issued by the County shall be as set forth on Exhibit A attached hereto and made a part hereof. As used in Exhibit A, days shall mean Working Days.

c. **Default Time Frames**

If Exhibit A shall fail to identify an administrative completeness time frame for any License issued by the County, in such event the administrative completeness time frame for such License shall be sixty (60) Working Days. If Exhibit A shall fail to identify a substantive review time frame for any License issued by the County, in such event the substantive review time frame for such License shall be one hundred twenty (120) Working Days.

**SECTION 403. Changes to Applications**

a. **Substantially Altered Applications**

If, during the course of review of a pending application, the applicant revises the application **with significant changes, alterations, additions, or amendments that are not in response to a request for corrections that results in** ~~so that~~ the application **is being** substantially altered such that extensive additional review is necessary, in such event, the submission shall be deemed to be a new application, the

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substantive review time frame shall start over and the fee established by the Board of Supervisors as set forth in Exhibit B hereto, shall be charged.

**b. Related Applications**

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and the fee, established by the Board of Supervisors as set forth in Exhibit B hereto, shall be charged.

**SECTION 404. Denial of Applications**

**a. General Denial of Applications**

The Director of each department, office or agency is granted the power and authority to deny any and all License applications, of any kind whatsoever, made to the department, office or agency if, in the opinion of the Director, it is not possible to grant the application within the time frame established pursuant to the requirements of A.R.S. §11-1605 and this Ordinance.

**b. Denial for Failure to Supply Information**

In the event an applicant for License has been provided with a written or electronic request for additional or supplemental information, or has been provided with a written or electronic notice of deficiencies, and in the further event the applicant has not provided said additional or supplemental information within 365 days (not Working Days) of the written or electronic notice **of Administrative Incompleteness or of Substantive Incompleteness** having been sent to the applicant, then and in such event, the department, office or agency to which such application has been made shall issue a written notice of ~~denial~~ **administrative closure** of the application and the department, office or agency shall close any and all files opened in connection with such application. The ~~denial~~ **closure** shall be without prejudice to the right of the applicant to re-apply for the same License.

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**SECTION 405. ~~Additional Requests~~ Extensions of Time Frames**

~~A.R.S. §11-1605(G) permits the County to make one comprehensive request for additional information during substantive review, but allows mutual agreement authorizing the County to make more than one comprehensive written or electronic request for additional information during the substantive review time frame. A.R.S. §11-1605(H I) permits the applicant and County to mutually consent to the extension of the substantive review and overall time frames for up to twenty-five fifty percent (25 50%) of the overall time frame. Maricopa County hereby consents to any and all such extensions. In no event shall any department, office or agency of the County consent to extend the applicable time frame unless the applicant shall also agree, as provided by statute, to waive the limitation of only one comprehensive request for additional information during substantive review. In no event shall any department, office or agency of the County consent to waive the limitation of only one comprehensive written or electronic request for additional information during the substantive review unless the applicant shall also agree, as provided by statute, to extend the applicable time frame for twenty-five percent (25%) of the overall time frame.~~

**SECTION 406. ~~Projects with Special Circumstances~~ Design Build  
Projects**

~~In the event the applicant shall request to have its project treated as a Project with Special Circumstances, the department(s) or agency(ies) to which the application is made or to be made, shall determine if the department(s) or agency(ies) consent to such treatment. In the event of applications to multiple departments or agencies, each department and agency must so consent; provided, however, that if an application is submitted to the Maricopa County One Stop Shop, the determination of applicability shall be made by the Director of the Planning and Development Department. If the application is determined to be a Project With Special Circumstances, the applicant and the appropriate departments or agency(ies), shall mutually agree to an appropriate administrative completeness review time frame and an appropriate substantive review time frame, and shall agree to any procedures and processes which may deviate from the customary procedures and processes. Any such agreement shall be written and executed by the Director of each department, office or agency, or in the event of an application to the Maricopa County One Stop Shop, by the Director of the Planning and Development Department, on behalf of Maricopa County. In the event the applicant and the department(s) or agency(ies) are unable to mutually agree to appropriate administrative~~

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~~completeness review and substantive review time frames, then and in such an event, the time frames set forth in Exhibit A hereto, as may be modified from time to time, shall apply.~~

ARS §11-1610(6) exempts from the statute Design Build projects. The agreement referenced in §11-1610(6), shall be initiated by the applicant but to which Maricopa County is to be a party, may be reached on behalf of Maricopa County the the Director of the Planning and Development Department or by his/her designee.

**SECTION 407. Exemptions**

An application specific to residential is not subject to time frames per ARS § 11-1605 M.2. Design build projects may establish negotiated time process during a pre-application meeting and are exempt from time frames per ARS § 11-1610 – 6.

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**Chapter 5 – Appeals**

**SECTION 501. Purpose**

The purpose of this chapter is to provide a process for appeal for any applicant whose application has been denied either due to the determination that the County cannot issue an approval due to the presence of the time frames required in this Ordinance or because of the failure of the applicant to comply with substantive requirements required to obtain the License sought.

**SECTION 502. Hearing Officer**

The Board of Supervisors hereby establishes the position of Hearing Officer to hear and decide all appeals of decisions denying any application for License pursuant to this Ordinance. The Board of Supervisors hereby designated any and all Hearing Officers appointed pursuant to Chapter 15 of the Zoning Ordinance for the Unincorporated Areas of Maricopa County (No. P-18) as Haring Officers for all purposed under this Ordinance.

**SECTION 503. Procedure**

The Board of Supervisors hereby delegates to the Manager the responsibility to develop the procedures to implement an appellate process after the denial of any application for License pursuant to this Ordinance, provided, however, that any such procedure shall include:

- a. All notices of appeal shall be by either the applicant or the property owner as identified on the application, shall be in writing, shall be served upon the Director of the department from which the denial is being appealed and shall include all appropriate fees as established by the Board of Supervisors and as set forth in Exhibit B hereto.
- b. The Hearing Officer may, upon application by a party and good cause shown, issue a subpoena for the production of documents or to compel the appearance of a witness.
- c. The Arizona rules of evidence shall not apply in the appellate process. Any evidence offered may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant and material and has some probative value to a fact at

MARICOPA COUNTY  
ORDINANCE ESTABLISHING LICENSING TIMES FRAMES  
IN COMPLIANCE WITH  
A.R.S. §11-1601 THROUGH A.R.S. §11-1610

**Chapter 5 – Appeals**

issue. This is not to be construed as abrogating any statutory provision relating to privileged communications.

- d. The Hearing Officer may, on Motion of the Hearing Officer, call and examine witnesses, including the appealing party. No person may be examined at a hearing except by the Hearing Officer, the appellant or their representative, or a deputy county attorney.
- e. A verbatim record of the appeal shall be kept.
- f. Applications for discovery shall be made to the Hearing Officer in a timely manner.

**SECTION 504. Final Decision**

The decision of the Hearing Officer shall be the final determination by the County on the application. Judicial review of the Hearing Officer's decision shall be pursuant to Arizona Revised Statutes Title 12, Chapter 7, Article 6

MARICOPA COUNTY  
ORDINANCE ESTABLISHING LICENSING TIMES FRAMES  
IN COMPLIANCE WITH  
A.R.S. §11-1601 THROUGH A.R.S. §11-1610

Chapter 6 – Effective Date

**SECTION 601. Effective**

This Ordinance shall be effective as of December 31, 2012.

**PASSED AND ADOPTED** this 12th day of December 2012, by the Board of Supervisors of Maricopa County, Arizona.

**AMENDMENT PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014, by the Board of Supervisors of Maricopa County, Arizona. The change to Licensing Time Frames Ordinance P-30 accounts for amendments to ARS §11-1601 through ARS §11-1610 with House Bill 2443.

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**Chairman**

**Attest:**

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**Clerk**

**Approved as to form:**

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**Deputy County Attorney**

## Licensing Time Frames

### Exhibit – A

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
1	MCOSS	PnD	Building	Commercial	Accessory	60	120	180
2	MCOSS	PnD	Building	Commercial	Addition	60	120	180
3	MCOSS	PnD	Building	Commercial	Alteration	60	120	180
4	MCOSS	PnD	Building	Commercial	Demolition	60	120	180
5	MCOSS	PnD	Building	Commercial	Move On Structure	60	120	180
6	MCOSS	PnD	Building	Commercial	Multi-Section Manufactured Home	60	120	180
7	MCOSS	PnD	Building	Commercial	New	60	120	180
8	MCOSS	PnD	Building	Commercial	Pools and Spas	60	120	180
9	MCOSS	PnD	Building	Commercial	Principal Use	60	120	180
10	MCOSS	PnD	Building	Commercial	Production	60	120	180
11	MCOSS	PnD	Building	Commercial	Signs	60	120	180
12	MCOSS	PnD	Building	Fence	Fences	60	120	180
13	MCOSS	PnD	Building	Grading	Grading Only	60	120	180
14	MCOSS	PnD	Building	Grading	Infrastructure Only	60	120	180
15	MCOSS	PnD	Building	Grading	Miscellaneous Grading	60	120	180
16	MCOSS	PnD	Building	Grading	Subdivision Infrastructure	90	180	270
17	MCOSS	PnD	Building	Miscellaneous_1	Electrical	60	120	180
18	MCOSS	PnD	Building	Miscellaneous_1	Mechanical	60	120	180
19	MCOSS	PnD	Building	Miscellaneous_1	Miscellaneous	60	120	180
20	MCOSS	PnD	Building	Miscellaneous_1	Plumbing	60	120	180
21	MCOSS	PnD	Building	Residential_1	Accessory	60	120	180
22	MCOSS	PnD	Building	Residential_1	Addition	60	120	180
23	MCOSS	PnD	Building	Residential_1	Alteration	60	120	180
24	MCOSS	PnD	Building	Residential_1	Demolition	60	120	180
25	MCOSS	PnD	Building	Residential_1	Move On Structure	60	120	180

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
26	MCOSS	PnD	Building	Residential_1	Multi-Section Manufactured Home	60	120	180
27	MCOSS	PnD	Building	Residential_1	New	60	120	180
28	MCOSS	PnD	Building	Residential_1	New with Basement	60	120	180
29	MCOSS	PnD	Building	Residential_1	Pools and Spas	60	120	180
30	MCOSS	PnD	Building	Residential_1	Principal Use	60	120	180
31	MCOSS	PnD	Building	Residential_1	Production	60	120	180
32	MCOSS	Flood Control	Flood Control	Floodplain Permit	Floodplain Permit	30	60	90
33	MCOSS	MCDOT	ROW Permit	Right of Way Permit	Right of Way Permit	90	180	270
34	MCOSS	Planning	Current Planning	Board of Adjustment	Board of Adjustment	25	75	100
35	MCOSS	Planning	Current Planning	Drainage Review Board	Drainage Review Board	25	75	100
36	MCOSS	Planning	Current Planning	Plan of Development	Plan of Development	90	180	270
37	MCOSS	Planning	Current Planning	Subdivision	Final Plat	90	180	270
38*	MCOSS	Planning	Current Planning	Subdivision	Modification of Stipulation	90	180	270
39*	MCOSS	Planning	Current Planning	Subdivision	Preliminary Plat	90	180	270
40*	MCOSS	Planning	Current Planning	Subdivision	Preliminary Plat Extension	90	180	270
41	MCOSS	Planning	Current Planning	Temporary Use Permit	Temporary Use Permit	25	75	100

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
42	MCOSS	Planning	Current Planning	Wireless Communication Facility	Wireless Communication Facility	25	75	100
43	MCOSS	PnD	Adult Business	License	License	90	180	270
44	MCOSS	PnD	Adult Business	License	License Renewal	90	180	270
45	MCOSS	PnD	Adult Business	License	Manager	90	180	270
46	MCOSS	PnD	Adult Business	License	Provider	90	180	270
47	MCOSS	PnD	Land Use	Land Use	Land Use	25	75	100
48	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Permit	Drinking Water System <i>A.A.C. R18-1-525 Table 5, Group I &amp; II</i>	16	67	83
49	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Plan Review	New Source Approval <i>A.A.C. R18-1-525 Table 5, Group I &amp; II</i>	16	67	83
50	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Plan Review	Compliance Plan	16	67	83
51	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Plan Review	Emergency Operation Plan	16	67	83
52	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Plan Review	Site Sampling Plan	16	67	83
53	MCESD	Environmental	Water & Waste Mgt	Drinking Water – Plan Review	Backflow Prevention Plan	16	67	83
54	MCESD	Environmental	Water & Waste Mgt	Solid Waste – Plan Review	Experimental Project Approval	16	67	83
55	MCESD	Environmental	Water & Waste Mgt	Solid Waste – Plan Review	NHLW Transfer Facility	42	94	136
56	MCESD	Environmental	Water & Waste Mgt	Solid Waste – Plan Review	Refuse Collection Variance <i>A.A.C. R18-1-525 Table 12</i>	21	41	62

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
57	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Public Water Supply Distribution Line A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
58	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Drinking Water Chlorination Plan A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
59	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Drinking Water Master Plan or Amendment A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
60	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Reclaimed Water System Plan Review A.A.C. R18-1-525 Table 10	42	53	95
61	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Drinking Water Booster Pump Station A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
62	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Drinking Water Storage Tank A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
63	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Drinking Water or Wastewater Line Waiver	16	37	53

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
64	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Sewer Collection System Force Mains A.A.C. R18-1-525 Table 10	42	53	95
65	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Sewer Collection System Gravity Sewer 0 – 300 Connections A.A.C. R18-1-525 Table 10	42	53	95
66	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Sewer Collection System Gravity Sewer 301 – or more Connections A.A.C. R18-1-525 Table 10	42	94	136
67	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Waste Water – Master Plan or Amendment A.A.C. R18-1-525 Table 10	42	53	95
68	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Wastewater Review of Alternative Features A.A.C. R18-1-525 Table 10	42	53	95
69	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Review of Soils / Hydrology Report A.A.C. R18-1-525 Table 10	21	46	67
70	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Wastewater – Sewer Lift Station A.A.C. R18-1-525 Table 10	42	53	95

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
71	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Wastewater Reuse A.A.C. R18-1-525 Table 10	42	53	95
72	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Approval of Sanitary Facilities A.A.C. R18-1-525 Table 10	21	37	58
73	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	All other Wastewater Plans A.A.C. R18-1-525 Table 10	42	53	95
74	MCESD	Environmental	Water & Waste Mgt	Subdivision & Infrastructure	Trailer Coach (Mobile Home) Park Facility A.A.C. R18-1-525 Table 10	21	46	67
75	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Alteration Plan: Treatment – Public Water A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
76	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Complex Experimental Project Approval A.A.C. R18-1-525 Table 5, Group I & II	16	67	83
77	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Operations & Maintenance Plan A.A.C. R18-1-525 Table 5, Group I & II	16	37	53

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
78	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Complex Water Treatment Plant A.A.C. R18-1-525 Table 5, Group I & II	16	67	83
79	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Treatment System Plan – Public Water A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
80	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Water Blending System Plan A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
81	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Well Site Review & Approval A.A.C. R18-1-525 Table 5, Group I & II	16	37	53
82	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Complex Experimental Project Approval (Wastewater) A.A.C. R18-1-525 Table 10	35	186	221
83	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Ground Water Recharge A.A.C. R18-1-525 Table 10	42	94	136
84	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	MAG 208 Certification A.A.C. R18-1-525 Table 10	42	94	136

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
85	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Non-Hazardous Liquid Waste Transfer Facility A.A.C. R18-1-525 Table 10	42	94	136
86	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Wastewater Treatment Plant A.A.C. R18-1-525 Table 10	35	186	221
87	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Treatment System Plan – Wastewater A.A.C. R18-1-525 Table 10	42	94	136
88	MCESD	Environmental	Water & Waste Mgt	Treatment Plant	Wastewater Reuse A.A.C. R18-1-525 Table 10	42	94	136
89	MCESD	Environmental	Water & Waste Mgt	Swimming Pool Plan Review	Swimming Pool or Special Use Pool A.A.C. R18-1-525 Table 5, Group I & II	26	67	93
90	MCESD	Environmental	Water & Waste Mgt	Swimming Pool Plan Review	Swimming Pool Remodel Complex A.A.C. R18-1-525 Table 5, Group I & II	26	67	93
91	MCESD	Environmental	Water & Waste Mgt	Swimming Pool Plan Review	Swimming Pool Remodel Simple A.A.C. R18-1-525 Table 5, Group I & II	26	26	52
92	MCESD	Environmental	Water & Waste Mgt	Swimming Pool Plan Review	Fence Remodel A.A.C. R18-1-525 Table 5, Group I & II	26	67	93

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
93	MCESD	Environmental	Water & Waste Mgt	Swimming Pool Plan Review	Swimming Pool Variance	42	184	226
94	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Alteration	10	20	30
95	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Alteration with Inspection	10	20	30
96	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Composing Toilet <3000 Gal/Day A.A.C. R18-1-525 Table 10	42	31	73
97	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Septic Tank with Additional Alternative Elements A.A.C. R18-1-525 Table 10	42	53	95
98	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Septic Tank, Conventional Disposal <3000 Gal/Day A.A.C. R18-1-525 Table 10	42	31	73
99	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Aerobic System with Surface Disposal A.A.C. R18-1-525 Table 10	42	53	95
100	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Onsite Wastewater Treatment Facility, Flow 3000 to <24000 Gal/Day A.A.C. R18-1-525 Table 10	42	94	136
101	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Reconnect / Remodel Review	10	20	30

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
102	MCESD	Environmental	Water & Waste Mgt	Onsite Wastewater	Reconnect / Remodel Review with Inspection	10	20	30
103	MCESD	Environmental	Environmental Health	Environmental Health	New Business Owner – Food Service <i>A.A.C. R9-8-104 Table 1</i>	30	30	60
104	MCESD	Environmental	Environmental Health	Environmental Health	New Business Owner – Public Accommodation	30	30	60
105	MCESD	Environmental	Environmental Health	Environmental Health	New Business Owner – School Grounds	30	30	60
106	MCESD	Environmental	Environmental Health	Environmental Health	New Business Owner – Pet Shop / Groomer	30	30	60
107	MCESD	Environmental	Environmental Health	Environmental Health	New Business Owner – Mobile Food <i>A.A.C. R9-8-104 Table 1</i>	30	30	60
108	MCESD	Environmental	Environmental Health	Environmental Health	Eating & Drinking 0-9 Seating Capacity Plan Review <i>A.A.C. R9-8-104 Table 1</i>	30	30	60
109	MCESD	Environmental	Environmental Health	Environmental Health	All Other Food Establishments Plan Review <i>A.A.C. R9-8-104 Table 1</i>	30	60	90
110	MCESD	Environmental	Environmental Health	Environmental Health	Mobile Food Establishments Plan Review <i>A.A.C. R9-8-104 Table 1</i>	30	60	90

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
111	MCESD	Environmental	Environmental Health	Environmental Health	Mobile Pet Groomer / Shop Plan Review	30	60	90
112	MCESD	Environmental	Environmental Health	Environmental Health	Pet Shops Plan Review	30	60	90
113	MCESD	Environmental	Environmental Health	Environmental Health	Public Accommodation Plan Review	30	60	90
114	MCESD	Environmental	Environmental Health	Environmental Health	Pushcart Plan Review <i>A.A.C. R9-8-104 Table 1</i>	30	60	90
115	MCESD	Environmental	Environmental Health	Environmental Health	School Facilities (Food) Plan Review <i>A.A.C. R9-8-104 Table 1</i>	30	60	90
116	MCESD	Environmental	Environmental Health	Environmental Health	School Facilities (Non-Food) Plan Review	30	60	90
117	MCESD	Environmental	Environmental Health	Environmental Health	Other Minor Review <i>A.A.C. R9-8-104 Table 1</i>	30	60	90
118	MCESD	Environmental	Environmental Health	Environmental Health	Approval of Request for Variance <i>A.A.C. R9-8-104 Table 1</i>	30	60	90
119	MCESD	Environmental	Environmental Health	Environmental Health	Approval of HACCP Plan <i>A.A.C. R9-8-104 Table 1</i>	30	60	90

## Licensing Time Frames

#	AGENCY	GROUP	PERMIT TYPE	PERMIT SUBTYPE	PERMIT CATEGORY	Administrative Time (days)	Substantive Time (days)	Overall Time (days)
120	MCESD	Environmental	Environmental	Storm Water	Pre-Construction Plan Review	25	50	75
121	MCESD	Environmental	Environmental	Storm Water	Post-Construction Plan Review	25	50	75
122	Animal Care & Control	Animal Care & Control	Animal Care & Control	License / Permit	Dog License	5	10	15
123	Animal Care & Control	Animal Care & Control	Animal Care & Control	License / Permit	Kennel Permit	10	60	70
124	Clerk of the Board	Clerk of the Board	Clerk of the Board	Bingo License	Bingo License	5	65	75
125	Clerk of the Board	Clerk of the Board	Clerk of the Board	Fireworks Permit	Fireworks Permit	5	45	50
126	Clerk of the Board	Clerk of the Board	Clerk of the Board	Off-Track Pari-Mutuel Wagering Permit	Off-Track Pari-Mutuel Wagering Permit	5	45	50
127	Clerk of the Board	Clerk of the Board	Clerk of the Board	Franchise License	Franchise License	10	45	55

\* Deleted Planning and Development licenses with Text Amendment - TA2013008.

## Fees

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### **Exhibit B – Fees**

Fees will be adopted by separate ordinance to be adopted by the Board of Supervisors.

### **Exhibit – B**

- \$350 pre-application meeting fee for non-residential projects
- \$150 pre-application meeting fee for residential projects subject to a violation
- \$50 pre-application meeting fee for residential projects not subject to a violation
- \$50 fee for a change to an application for a license in progress
- \$50 fee for an application to be added to an application for a license in progress
- \$50 fee to re-initiate application for a license administratively denied due to time (within 180 days)
- \$150 fee to appeal administrative denial of a license (within 30 days)