



## Enhanced Regulatory Outreach Program PUBLIC NOTICE OF PROPOSED TEXT AMENDMENTS

**Date/Time: Wednesday, July 17, 2013 at 9:00 a.m.**

**Location: Board of Supervisors' Auditorium  
205 W. Jefferson Street, Phoenix**

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The Maricopa County Board of Supervisors has scheduled a public hearing on July 17, 2013, to discuss proposed ordinance amendments:

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

**TA2012011 – Community Gardens:** A text amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in every zoning district. This is part of an effort to promote sustainability. Proposed verbatim language listed below.

**TA2012012 – Chickens:** A text amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts. (It is expected there will be future text amendments for consideration in regard to the keeping of other small and medium sized animals for urban agriculture.) This is part of an effort to promote sustainability. Proposed verbatim language listed below.

**TA2012015 – RV Storage/Parking:** A text amendment to the Maricopa County Zoning Ordinance to permit storage of RVs in other than the required front yard. This is intended to bring code into alignment with community values. This may present concerns with blocking paths for emergency fire protection. Proposed verbatim language listed below. Changes to previous proposed language have been highlighted.

**TA2012016 – Unregistered/Inoperable Vehicles Storage/Parking:** A text amendment to the Maricopa County Zoning Ordinance to permit the storage of three (3) unregistered and/or inoperable vehicles in both the rear and side yards if screened from view of the street or in a carport. This is intended to bring code into alignment with community values, and is expected to mitigate a number of violation cases. Note that car hobby enthusiasts often keep a second car for parts while rehabilitating a classic car, muscle car, etc. Proposed verbatim language listed below. Changes to previous proposed language have been highlighted.

**TA2012033 – Rural-43 Lot Coverage:** A text amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to raise the maximum permitted Lot Coverage (cumulative area under roof) from 15% to 25% of the total lot area. The original proposal of 20% was increased after the Stakeholder Meeting. This will bring unincorporated Maricopa County zoning jurisdiction in alignment with the City of Phoenix RE-43 and most other area jurisdictions' equivalent to Rural-43. A Lot Coverage increase in the Rural-70 and Rural-190 zoning districts is not being considered at this time because those locations tend to be remote from emergency fire protection. Proposed verbatim language listed below.

**TA2013002 – Hillside Retaining Walls:** A housekeeping text amendment to the Maricopa County Zoning Ordinance, Art. 1111.5.2 to reference the fact that Art. 1201.4 permits retaining walls subject to hillside slopes to have a max. 30' height (where they are otherwise limited to a max. 6' height). Proposed verbatim language listed below.

**TA2013003 – Drainage Waivers:** A text amendment to the Maricopa County Zoning Ordinance, Sec. 1205, Drainage Regulations to add Art. 1205.3.3.9 and revising Art. 1205.6 to allow drainage waivers to be granted administratively. Proposed verbatim language listed below.

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

TA2012011 proposed language (added text is underscored, deleted text is struck-through):

## Chapter 2 - Definitions

### GARDEN:

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

### GARDEN, COMMUNITY:

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

## Chapter 5 – Rural Zoning Districts

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

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

## Chapter 6 – Single Family Residential Zoning Districts

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

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

## Chapter 8 – Commercial Zoning Districts

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

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

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

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

## Chapter 9 – Industrial Zoning Districts

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

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

TA2012012 proposed language (added text is underscored, deleted text is struck-through):

**Chapter 6 – Single Family Residential Zoning Districts**

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

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

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

1. Up to **five** chicken hens.

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

TA2012015 proposed language (added text is underscored, deleted text is struck-through, changes to proposed language is highlighted):

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

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

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

**1114.1.2.** If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot or side yard of the lot, but not within the required front yard except that ~~placement in other than the rear yard~~ for loading and unloading purposes may be permitted for a period of time not to

exceed **72 hours**. Such storage shall maintain a **five (5) foot** clear path around any structures.

**TA2012016** proposed language (added text is underscored, deleted text is struck-through, changes to proposed language is highlighted):

**ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:**

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

**TA2012033** proposed language (added text is underscored, deleted text is struck-through):

**Chapter 5 – Rural Zoning Districts**

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

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

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

**TA2013002** proposed language (added text is underscored, no language is proposed for deletion):

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

**TA2013003** proposed language (added text is underscored, deleted text is struck-through):

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

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

1205.3.2 Mandatory Duties:

The Drainage Administrator shall:

1. Review drainage reports and plans for all developments of land covered by this ordinance and approve such plans when the requirements of this section are met.
2. Investigate violations and complaints of non-compliance with the Ordinance.
3. Keep copies of all documents or other submissions made pursuant to the requirements of this section.
4. Issue notices or orders necessary to enforce the provisions of this section.
5. Upon determination that development of land subject to this Ordinance has proceeded without drainage clearance, take action necessary to obtain compliance with this Ordinance.

1205.3.3 **Discretionary Powers:**

The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.
2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Ordinance.
3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, record a notice of non-compliance or disclaimer with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.
4. Issue notices of violation pursuant to this Ordinance.
5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Ordinance.
6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this section.
7. Establish, collect and regulate fees, which have been which have been approved by the BOS, for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.
8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:

- a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;
- b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;
- c. A development that has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;
- d. A project that has more than one phase and the schedule of construction of all phases is longer than one year.

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

**ARTICLE 1205.4 DRAINAGE REVIEW BOARD**

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

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

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

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

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

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

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

## ARTICLE 1205.5 APPEALS

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

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

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

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

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

## ARTICLE 1205.6 DRAINAGE WAIVER

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

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

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

1205.6.3 The Drainage ~~Review Board~~ Administrator may attach such conditions or restrictions to the granting of a waiver as ~~it~~ the Drainage Administrator determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the waiver. The applicant may

be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.

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

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