

Zoning Code Rewrite Task Force and Stakeholder Comments

Source	#	Page/Section	Comment	Suggested Action	Final Action
ZCRTF - Member Manfredi	1	Pg	In mesa they recently started a program to reward those who move from grass to more appropriate desert landscaping. Is this something we can address in our code? This may help with our water issues going forward	Good idea; will do. Consider incorporating this into green building features to meet reduced water use element	
ZCRTF - Councilwoman Chapados	2	2, Adequate Facilities 1st ¶	ADD: "...when they will be completed, and who will pay for them and <u>who will maintain them.</u>	Good addition.	
	3	3, Voluntary Affordable Housing Density Prog.	Request discussion on benefits vs. challenges of program. Also want to wait & see incentive info offered by TF Member Cheney.	Task Force Discussion Issue. The idea is to promote interest in expanding housing affordability through a voluntary program, not a mandate.	
	4	3, Landscaping	I support the expectation/requirement for minimum landscaping and would like to see continued advocacy for Xeriscape / desert landscaping, low water consumption and native/desert plants.	Good idea; will be added. Approved plant list will only include drought tolerant species appropriate for Maricopa's climate.	
	5	3	ADD: "...they cannot just be dirt or stone. Must include vegetation.	Will be done in the Code Rewrite.	
	6	3, Lighting	Please clarify: if exterior lighting called for cannot be obtained, then why would regulations call for it?	If there is a limit on availability of a certain fixture, with shielding, because of material shortages, for example, and the lighting is needed for security, temporary provisions make sense. All of the specified lighting is available	
	7	3, Nonconforming Uses	This section is of major importance as we move forward. Please add this item for specific discussion, including these points: Heritage District standards / expectations; Façade Improvement Program; SR347 separation impact; Estrella Gin project impact; Transition time line and process	Task Force Discussion Issue.	
	8	4, Signs	Recommend we distribute current Sign Code copy for review.	City staff will do. Because this Code was recently adopted by the City, the consultant was not asked to rewrite it.	
	9	5, A. Design Guidelines	Needed? - <i>Yes, but revised to offer more options, less specifics</i>	More flexibility can be provided, with the idea of promoting good design by example.	
	10	(Article 402)			
	11	5	Shall and must or should? - <i>Varies, depending on section</i>	Good clarification.	
	12	5, B. Green Building - B - 1	Tiered approach appropriate? <i>Recommend keeping as a place holder ("Reserved") pending further input from D.Serv. & Council</i>	Task Force Discussion Issue.	
	13		Include in Code Rewrite?		
	14		Deferred until adoption of IGBC?		
	15	5 B - 2	Mandatory requirements for "covered projects"?		
	16		Development incentives?		
	17	5, C. Public Facilities C - 1	Include in Code Rewrite? - <i>Additional discussion requested</i>	Task Force Discussion Issue.	
	18	5 C - 2	Proposed regulations strike the right balance? - <i>Sometimes</i>		
	19	5, D. Affordable Housing	Proposed regulations appropriate? - <i>Additional discussion</i>		
	20		Proposed incentive sufficient? - <i>Additional discussion</i>		
	21	5, E. Landscaping	Right mix (variety) established? - <i>Too restrictive at times</i>		
	22		Include Alternative Landscape Plan? - <i>Yes, with revisions</i>		
	23		SFR required to have landscape/hardscape in visible yards? <i>YES!</i>		
	24	5, F. Lighting	Additional standards needed? <i>Examples? Areas of concern?</i>	This question was intended for the Task Force; we believe the draft covers the main issues.	
	25	5, G. Off-street Parking	Proposed standards and requirements appropriate? <i>YES, seems so</i>		
	26		Alternative Parking Area Designs be applied? <i>YES, good idea</i>		
	27	5, H. Performance Standards	Include noise standards? <i>YES, good idea</i>		
	28		Additional standards needed? <i>Pending Task Force discussion/input</i>		
	29	5, I. - 1 Amendment to Existing Sign Code	Include additional restriction and enforcement provisions for portable signs? <i>YES, good idea</i>		
	30	5, I - 2	Portable sign permit? <i>YES, good idea, with minimal 1x or annual fee</i>		
	31	5, I - 3	Approval for CSP be administrative procedure? <i>Sometimes, there may be cases when additional review / approval steps make sense</i>		
	32	13, B. 401.09 Fences, etc.	Is prohibiting electrified fencing too restrictive for farms, ranches?	An exception can be added for farms and ranches. Intent is to keep them away from residential, open space areas, and pedestrian activities	
	33	13, E. 401.09 Fences, etc.	Utility easement access should not establish the only option as "removable fencing". Are there other options? "Removable" could cause other unintended consequences for damage, liability, etc.	Good idea; more options will be added.	
	34	15, 401.10 Outdoor Storage A.	Need to include provisions for agricultural / farming equipment	Good idea; will be added.	
	35	15, 401.10 Outdoor Storage B.	Apply 8 ft. wall height maximum to lot walls as well, with approval	Will be done in the Code Rewrite.	
	36	16, 401.11 Screening A.	Cannot mandate screening of satellite dishes if it causes reception to be interrupted / compromised. May not have been the intent here.	Agree; this will be clarified.	
	37	16, 401.11 Screening A-1	Roof-mounted screening requirement seems excessive with big box or large buildings which may have multiple equipment. Why not allow separate but similar enclosures / screens?	Agree; this will be clarified. Screening though will still be required of unsightly mechanical equipment.	
	38	17, 401.11 Screening A-2	Having to "hide" elements cited is excessive in some instances. We need to have a more reasonable approach, especially for agricultural & residential buildings / structures / equipment.	An exception can be added for agricultural areas and equipment not "visible" from the street or neighboring property.	
	39	17, 401.11 Screening A-3	See above, particularly concerned over requirement to screen fire-related elements. CPTED may also apply here.	Good idea; will be clarified, and will check CPTED.	
	40	17, 401.11 Screening A-4	ADD: "...may waive <u>or modify</u> screening...."	Will be done in the Code Rewrite.	
	41	17, 401.11 Screening C	Is this always possible / practical? What about when we have adjoining buildings / structures built at different times?	This rule only applies to new construction.	
	42	17, 401.11 Screening E	CPTED - several concerns here about "over-screening", also does this section consider shade structures in parking areas/lots?	Good idea; will be clarified that shade structures may warrant flexibility.	

43	19, 401.12 - Pools & Spas A-4	Pools & spas refer to in-ground, correct? Need to clarify to eliminate confusion with temporary kiddie or above-ground pools. This section is too restrictive given Lot sizes and lifestyles. There are numerous cases where additional fencing may be excessive.	Good idea; will be clarified that this applies to in-ground pools.
44	20, 401.12 - Pools & Spas A-5a	Seems this could cause unintended consequences with regard to access in emergency situations. Too restrictive. <i>ELIMINATE</i>	This is the City's current requirement, and no change is proposed, so City staff would prefer it not be eliminated.
45	20, 401.12 - Pools & Spas A-6b & 6c	Seems like we're trying to over-legislate or to "mandate" safety. Too restrictive and will cause financial challenges for many by having these requirements. <i>REVISE OR ELIMINATE</i>	Current requirement; no change proposed. See above.
46	21, 401.12 - Pools & Spas A-6d	Revise, too restrictive with regard to ladder / step requirements	See above.
47	21-22, 401.15 - Visibility	Does this significantly increase current visibility triangle stipulations / requirements? Given proposed changes pending for several areas, 80 ft. may not be attainable.	This is essentially what is currently required.
48		<i>ADD: Variances may be approved by (appropriate authority).</i>	OK
49	23, 402.01 - Building Form B-1b	Some home models have garages that would be located in front of the primary wall. <i>ELIMINATE, TOO RESTRICTIVE</i>	OK, with the idea though that have 100% of the homes with such projecting garages probably is not desirable. The language uses "should" vs shall or must, giving staff some flexibility
50	23, 402.01 - Building Form C-2	Parking of RVs, etc. are prohibited by most HOAs. Second driveways would be acceptable but not specifically for RVs. Needs revisions.	Will be done in the Code Rewrite, however we would like to provide for storage of such vehicles where there is no HOA or where HOA may allow.
51	-----	What about perpendicular garages? Code does not address.	Will be done in the Code Rewrite.
52	26, 402.01 - Building Form D-2-d	Does on-site management office mean the same as sales office? If so, there should be a provision for access from a parking lot, if applicable.	Yes; agree, this will be added.
53		<i>General: Specifics seem over-restrictive, offering limited options. Note: for some undeveloped HOA lots, the Architectural Review committee may have right of approval of front elevations, color schemes, etc.</i>	Good point.
54	29, 402.03 - Shading	<i>ELIMINATE DATES</i> , Suggest revising to something like: <i>Shading positioned to provide shade complementary to weather conditions.</i>	<i>Dates are preferable because there is a specific sun angle that is then known, and whether shading is adequate can be readily determined. Otherwise, there is too much room for interpretation.</i>
55	30 – 35, Entire section	Recommend making this section "RESERVED". Since it requires Council action, keep as placeholder pending further review and Council / P&Z / Development Services involvement & input.	Task Force Discussion Issue.
56	38, 404.06 - Water A	It is also important to identify water type: potable, effluent, etc.	Good idea; will be added.
57	42, Article heading	<i>ADD VOLUNTARY</i> to heading since this is a voluntary program.	OK
58	42, 405.01 - Purpose, etc. B.	<i>ELIMINATE: 30 years</i> as it may cause unintended consequences. Needs revision	<i>Some minimum time period may be appropriate.</i>
59	42, 405.02 - General Provisions C	<i>ADD: "...shall use the most recent Phoenix..."</i> , and at the end <i>"...or other Economic Development report as appropriate."</i>	OK
60	43, 405.04 - Compliance A	<i>ELIMINATE: 30 years</i> . May not be practical to define time limit.	<i>Most cities with similar programs set a minimum time period.</i>
61	44, 405.04 - Compliance B-10c	<i>CHANGE .."which shall be used..." to ..."which may be used"</i> . City should not be obligated to promote housing availability.	OK
62	45, 406.02 - Applic. A-2	Clarification on meaning of "distinguishing traits" of a structure?	OK; will be done in definitions or in this section.
63	45, 406.03 - General A	<i>ADD ex. "...protection devices, utility housing boxes, or other permanent fixtures as approved for emergency or service access."</i>	OK
64	48, 406.04 - Site Landscaping B-1, c (1,3,4)	Requiring trees / plants in areas where people are entering/exiting vehicles should not interfere with that process. **Bees, plant type.	OK Good idea; will be clarified.
65	49, 406.05 - Parking Lots B	Why an island every 6 (or 8 w/ approval) spaces? An 8ft. island may unnecessarily reduce parking spaces. Allow more flexibility for "big box" commercial / retail locations. (Cart returns, trash, etc.) This requirement creates additional watering / maintenance needs that are not necessarily in the best interests of parties involved / City.	The island would provide growing area for trees and also assures sufficient shade is created. It will not reduce required parking but will mean more land for landscaping overall. With good irrigation system design and tree selection, these requirements are intended to make the city more livable; they also are consistent with peer cities. Current code requires 5' wide island every 8 spaces (section 2105 A&B).
66	49, 406.05 - Parking Lots B	If canopies / shade structures are to be included, there should not be any landscaping required. Creates more problems. <i>ELIMINATE</i>	Some substitution provisions can be added, but trees have the added benefit of reduce "heat islands" so a tree standard should not be eliminated altogether.
67	51, 406.05 - Parking Lots C	Medians - revise to reduce / eliminate landscaping. Too much!	Task Force Discussion Issue. The planting standard will help reduce "heat islands".
68		<i>General: While landscaping is an important element of design, I feel the requirements create problems: access / flow issues, increased water usage, additional maintenance costs, etc. Discussion required on landscaping and options to reduce / improve requirements. Desert landscaping approach.</i>	<i>Agree; Task Force Discussion Issue. As existing and proposed, the only landscape material to be allowed are drought tolerant species.</i>
69	57, 407.04 - Prohibitions A-5	Need to set time limit on conversion. Also need to provide process.	Good idea; will be added.
70	61, 408.05 - Right to Continue B	Could we add that making changes to bring the structure into compliance is strongly encouraged?	Good idea; will be added.
71	62, 408.05 - Right to Continue E	Suggest changing "and when" to " <u>or</u> when", 2nd to last sentence.	OK Good idea; will be clarified.
72	65, 409.03 - Standards F-2	<i>ADD: "...trellises, encouraging (requiring) use of desert plants."</i>	OK
73	66, 409.03 - Standards G1-3	<i>ELIMINATE #2: Most HOA CC&Rs prohibit storage / parking of RVs. Allow exception for loading/unloading or repairs / maintenance for periods not exceeding 72 hours. Also include: "Parking on the Lot shall not block access to any sidewalk or driveway."</i>	OK A rule may be needed if residential occurs and no HOAs are created. Task Force Discussion Issue.
74	66, 409.03 - Standards H	Is there a maximum width for parking spaces?	No, but could be added with a general rule that maximum space dimensions shall be no more than 125% of the minimum. I (Dana) have never encountered this. Sometimes loading areas or special vehicle parking may exceed typical space. In that case we require submittal of special vehicle parking standards and a clear understanding of need to avoid excessive pavement in lieu of landscaping.

	75	67, 409.03 - Standards J	Is EV the same charging equipment required for hybrid vehicles?	Hybrids do not use EV charging stations. They charge their batteries internally.	
	76	68, 409.04 - Spaces Table	Day Care Facility: Exception would be in-home day care, correct?	Yes.	
	77	69, 409.04 - Spaces C	Is "covered" the same as an enclosed garage?	Includes a carport as well.	
	78	73, 409.05 - Pkng. Area D	Keep at 9 ft. width	OK	
	79	81, 410.05 - Noise Table	Change times: 7:00am to 5:30am or include seasonal time limits	OK	
	80	84, 411 C	ADD: <i>On any sidewalk blocking pedestrian access. (#6 too vague)</i>	OK	
	81	84, 411 C-8	Creates "visual clutter" for a multi-tenant site. Discussion please.	Task Force Discussion Issue. Visual clutter may be open to interpretation.	
	82	84, 411	ADD: <i>Within any right-of-way</i>	OK	
	83	84, 411 D	Change: <i>"permitted 1/2 hour before opening until 1/2 hour after closing." May want to consider adding a special section on special event temporary signage or refer to current Sign Code section/s.</i>	Will add cross-reference, as necessary.	
	84	86, 412.01 - Purpose A-3	Change "minimize" to "effectively control / manage"	OK	
	85	89, 412.03 - General Req.N	What are examples of approved "anti-climbing devices"?	City staff will provide examples; typically, these would be horizontal impediments. Usually a locked cage over the climbing device to restrict trespassers from climbing the tower	
	86	96, 412.06 - Co-Location C	Is there standard criteria constituting "significant interference"?	<p>There is substantial guidance from the federal government (The FCC) on this. Potential for interference is one of the factors the FCC considers when deciding whether to license any antenna. If the ordinance allows the City to charge applicants for peer review of technical issues, this could be one of the factors the reviewer evaluates based on technical information provided by an applicant proposing a new tower. Most cities shift burden to the applicant to provide evidence that co-location will not be feasible. One city in California includes potential for interference with consumer electronic products and/or public safety communications as one of the issues to be addressed by peer review of technical aspects of proposal. Torrance has similar requirement for documentation showing that use of the facility will not interfere with other communication transmission or reception. There is no mention at all of interference in the FCC's 2000 Guide to Transmitting Antenna RF Emission Safety.</p> <p>The FCC receives and handles complaints on interference and has an on-line guide regarding the issue http://www.fcc.gov/guides/interference-defining-source, which it defines as:</p> <p>Interference is any unwanted radio frequency signal that prevents you from watching television, listening to your radio or stereo, or talking on your cordless telephone. Interference may prevent reception altogether, may cause only a temporary loss of a signal, or may affect the quality of the sound or picture produced by your equipment. The FCC also has rules requiring private mobile licensees to take precautions to avoid interference http://www.fcc.gov/guides/private-land-mobile-interference-complaints Also see http://transition.fcc.gov/cgb/consumerfacts/interference.pdf</p> <p>FCC regulations prohibit intentional or unintentional interference http://www.gpo.gov/fdsys/pkg/CFR-2012-title47-vol1/xml/CFR-2012-title47-vol1-sec15-5.xml</p>	
	87	96, 412.07 - Removal of Abandoned Antennas and Towers	What are the remedies in a case of co-located antennas where one party abandons and fails to remove, a second party is in compliance and continues in operation, and a third party applies for co-location but cannot locate there due to abandoned antenna? Are there provisions to remedy such a situation should it occur?	If the City requires a bond to ensure removal it can use those funds to cover the cost. The owner might also be held responsible. If this has been a problem, additional detail could be proposed. (Because this ordinance was just adopted by the City, no consultant review has been anticipated.)	
	88	97, 412.09 - Special District Requirements	Suggest ADD: <i>"Future special districts as established by (Resolution) of City Council shall specify requirements as applicable." or "Reserved for Future Special Districts". (7 Ranches, other?) Is this addition necessary, or would we just do a Code amendment?</i>	Good idea; will be added.	
ZCRTF - Member Stanfill	89	pg10, "a maximum of five dogs and five cats are allowed"	This number seems high. Arizona law, Section 6-1-4 reads "it is unlawful to keep, harbor, maintain more than four household pets in any residence within the town." I would recommend following this	This is current City policy; Task Force Discussion Issue.	
	90	p54, "shielding and filtering"	shielding is misspelled	Correction will be made.	
	91	p63, "in the even"	I believe should be event	Correction will be made.	
	92	p67, carhging	charging is misspelled	Correction will be made.	
	93	p84, Prohibited Locations	Can/Should anything be added that a-frames, sign walkers, are not allowed within 20 feet of permanent signage? The purpose of the permanent signs is to drive business and they are highly under utilized. This may be an effective way to drive businesses to use them and improve business advertising.	Good idea; will be added to list of prohibited locations.	
	94	p84, sign walkers	I think it should be specifically mentioned businesses are not allowed to have more than one portable sign, including sign walkers. As well as the mention of regulations around sign walkers including hours, location, cannot let go of sign, etc	OK. Sign walker rules and standards can be added. Task Force Discussion Issue.	
	95	p85, sigh	I believe it should say sign	Correction will be made.	

ZCRTF - Member Cheney	96	General	Why is this Zoning Code proposing to regulate items that are already regulated by the State Statutes in Title 9 Cities and Towns, Title 15 Education, Title 32, Chapter 20 Dept of Real Estate and Subdivision Public Reports, Title 40 Public Utilities, Title 45 Waters, Title 48 Special Taxing Districts and Title 49 Environment. It is obvious that the author/writer is not familiar with the Arizona State Statutes and the various State Departments that have been created to, among other purposes, make sure that adequate public facilities are provided. The State departments include, but are not limited to, the departments of Water Resources (adequate 100-yr water supply), Environmental Quality (air and water quality), Real Estate (subdivision public reports), Education (School Facilities Board and public school financing) and Public Utilities (Corporation Commission). What has happened in Maricopa that has created the need for these additional and overreaching regulations? Please provide specific examples of instances that have occurred in Maricopa that justify these additional regulations above and beyond what is required by the State Statutes. Please also provide the Task Force with citations to the legal authority which grants the City the power to do everything that is being proposed. This is not a 'light touch', but rather unnecessary and over regulation. I firmly believe that the approach should be to encourage and guide, rather than dictate. Doing so will attract rather than discourage economic development in Maricopa. Please see additional comments below under the specific Articles. <u>Please have this as a Task Force policy discussion item.</u>	Task Force Discussion Issue. An Adequate Public Facilities Ordinance is appropriate to assist the implementation of the 2005 General Plan Element E. Public Services and Facilities Element (pg.60).	
	97	General	There are numerous spelling errors in this draft that need to be corrected.	Corrections will be made.	
	98	General	If what is being proposed comes from Peer Communities and considered best practice, please provide names of communities. I have checked many and cannot find the ones that are doing this.	Queen Creek, for example, does have "Adequate Pubic Facilities" requirements as well as architectural design standards and performance requirements. Other topics, such as green building principles, public space design, transit-oriented development, sustainability, alternative energy, crime prevention, housing affordability and resource protection were specified in the City's Request for Proposals and so included in the consultant's scope of work.	
	99	General	I fear I am beginning to sound like a broken record, but many of the regulations proposed in this draft Module 3 are in conflict with the existing Subdivision Regulations. Why are we not revising the Subdivision Regulations, rather creating additional and/or conflicting regulations in the Zoning Code? Did the scope of the Consultants contract include beefing up the existing landscape requirements in the Subdivision Regulations? Can we please have this as a Task Force discussion item?	Task Force Discussion Issue. Again, no conflicts are intended and those that are inadvertent will be eliminated. Additional regulations for the zoning code may be appropriate, in response to the City's interest in them.	
	100	pg 5/Policy Questions	See comments specific to each of these 9 items in the respective Articles. Please have these as items for discussion by the Task Force at next meeting.		
	101	pg 8/Sec. 401.02 H.	No detached accessory structure shall be closer than 6 feet to main building inclusive of roof overhang - Why 6 feet? Is this a fire code issue? If not, please explain why a gazebo or covered Bar-B-Q area must be 7.5 to 8 feet from a house?	This is a Fire Code issue and we will consult City staff on this topic. City staff - correct this is derived from fire separation requirements, but also has a desirable site development/open yard component. The current separation is 7'. If you would like to locate a structure closure, a connection is typically required.	
	102	pg 10/Sec. 401.04 F.	Attached open porches, patios, carports, etc. shall not be closer than 15' to a rear property line. Why 15'? Why not 10'?	The idea is to have adequate outdoor living area with reasonable dimensions; reducing the setback to 10 feet may not provide usable space. This item may be reduced through a PAD to accommodate cluster housing	
	103	pg 11/Sec. 401.05 Green Building Project	Construction Material and Waste Management Plan - Why make this mandatory? Why not encourage construction entities to do this, rather than dictate? The majority of homebuilders and most apartment and commercial construction companies are already doing this at some level on their own, so why not go with the 'light touch' and encourage as Guidelines?	Task Force Discussion Issue. If the City wants to have this done as a matter of common practice, it should be in the Code, and many cities do this. If the City would prefer to have this addressed through guidelines, then it should not be codified.	
	104	pg 12/Table 401.08 A.	The fifth item on the Table on Elevator and Stair Towers (MF & non-residential buildings) under "Maximum Coverage, Locational Restrictions" - shall be set back at least the height of the pole; only one per residential lot - does not make sense.	The fifth item was intended for flag poles; correction will be made.	
	105	pg 13/Sec. 401.09 A.2.	Max. height of fence in rear or side yards in Rural and Residential Areas shall not exceed 6 feet. There may be circumstances where the fence needs to exceed 6 feet, a examples are a fence on a stepped retaining wall, where for a short distance the total height of 6 feet is exceeded or in a Rural area where there is a need for an 8' wall to screen the view of some unsightly object, structure or piece of equipment. Hence, there should be flexibility to administratively allow this. What about livestock fencing in rural areas?	Good ideas; will be clarified. Provisions for waivers and exceptions were in Module #2.	
	106	pg 14/Sec. 401.09 G.2.	Industrial Districts - Prohibited Materials, do we really want to prohibit the use of razor wire at the top of fencing or an electrified fence in an industrial park, if it is needed for security purposes and the fencing has attached signs that disclose the hazard?	Task Force Discussion Issue. This is a policy. With a good Police force and other forms of security razor wire and electrified fencing may not be needed.	
	107	pg 17/Sec. 401.11 A.2.	Screening of Ground Mounted Equipment - we need to be careful with this requirement. There are several utilities in Arizona that prohibit the screening of their equipment, such as transformers and cabinets, either with fencing or landscaping materials and they require the equipment to be within the 8' PUE that parallels the street ROW. Hence, this requirement could create a conflict where it is impossible for the developer to meet this requirement, as well as meet the Utility Company requirements. Suggest that the Consultant and/or staff investigate the various utilities that serve Maricopa and offer an alternative for screening that does not conflict.	Good points; we will investigate this issue with the utilities.	
	108	pg 19/Sec. 401.12 A.3.	Swimming Pool Setbacks - The sentence as it is written does not make sense. Please edit.	OK; this is the current requirement, however.	
	109	pg 19 & 20/Sec. 401.12 A.4. thru 6.	Pool Enclosures - I understand that the justification for this is to protect kids from drowning. However, what about a home where there are no children. There are peer communities that allow exemptions to the enclosure requirements when there are no children living in the house. I suggest adding a similar exemption.	Again, these are current requirements and no changes are proposed.	
	110	pg 21/Sec. 401.14	Underground Utilities - The majority of peer communities do not require the undergrounding of electrical lines that are over 12KV. Maricopa has this same provision, see Subdivision Regulations, Section 14-6-16 A. Please add this exemption to this provision.	OK; will do.	
	111	pg 23-29 Article 402 Design Guidelines	These Design Guidelines should not be incorporated into the Zoning Code, but rather adopted by separate resolution as Guidelines. Creating a separate set of guidelines will allow the flexibility to clarify and amend the guidelines when necessary. Per comments provided by Jackson Moll, HBACA, at our last Task Force meeting, the City of Phoenix is currently going through a process of removing its Design Guidelines from the Zoning Code and creating a separate document and there are already a number of Valley communities that have decided to keep the Design Guidelines separate from their Zoning Codes. Please have this as an item of discussion at our next Task Force meeting.	Task Force Discussion Issue. We agree that guidelines might be better as a separate document.	
	112	General Comment	It was decided at the last Task Force meeting that we would have an entire meeting devoted to Residential Design Guidelines . To help facilitate that discussion, I offered to research and compile a comparison spreadsheet identifying what other neighboring communities are doing in their Guidelines and/or Codes to create attractive and diverse residential developments. Because of the time it will take me to compile the comparison, I am not commenting here on the Design Guidelines, but rather will provide my comments on the comparison spreadsheet.	OK.	
	113	pg 30-35 Article 403 Green Building Program	403.02 Applicability - Applies to all projects determined by Council to be "Covered Projects" - what does that mean? I believe the Green Building Program should not be in the Zoning Code, but rather in a set of Design Guidelines. Can we have this as a Task Force discussion item?	Task Force Discussion Issue.	

114	pg 36-41 Article 404 Adequate Public Facilities	It strikes me as very odd that the City is proposing to regulate the adequacy of water and sewer utilities, as well as public schools, when the City does not own them and they are already sufficiently regulated by the State Statutes via the ACC, ADWR, ADEQ, ADRE, the State School Facilities Board and perhaps other State Departments. It appears this article was placed in the draft Zoning Code without any research and/or knowledge of the existing state requirements regarding adequacy of facilities. Many of the proposed regulations contradict the State regulations. As an example, the adequacy of water and sewer systems is regulated via the ADWR and ADEQ. Per State Statute the adequacy of water (100-yr supply) must be determined (by ADWR) prior to final plat recording or site plan approval and not at zoning or preliminary plat or site plan. Water and Sewer are already handled under Global's existing ICFA and/or future ACC approved Master Utility Agreements and Line Extension Agreements. School facilities are handled/regulated with specific Agreements with the various school districts and via the School Facilities Board. Please cite the State Statute that provides the City the legal authority to determine whether or not a school facility can adequately provide for new growth and in turn require additional facilities to be financed by an applicant for a development permit. Most of the public facilities are already governed by specific State Statutes and where they are not could be easily addressed/covered in a Development Agreement with the City regarding streets, open space, parks, drainage, etc. or in a Joint Development Agreement with adjacent contributing property owners and the City. The Article 404 on the Adequacy of Public Facilities is completely unwarranted, not justifiable and should not be in the Zoning Code. Can we have this as a Task Force discussion item?	Task Force Discussion Issue. Good point; this section is optional. We note that Queen Creek and Tempe have similar provisions. Development agreements are a logical way to address this topic if the City would prefer not to codify specific procedures.
115	pg 42 Article 405 Affordable Housing Density Bonus Program	What other Arizona cities have a comparable ordinance? How long have they had the regulation and have any been constructed? I would rather see this as a set of Guidelines, rather than incorporate it into the Zoning Code. Please have this as an item of discussion at our next Task Force meeting.	Task Force Discussion Issue. Mesa considered a voluntary program but chose not to codify it. Guidelines could address, but there would not be a way to grant a density bonus without specific provisions in the Code itself.
116	pg 42/Sec. 405.02 A.	"All affordable housing units shall be dispersed within market-rate projects and affordable housing units shall be comparable to market-rate units in appearance, use of materials and finish quality". The required (Federally regulated) accounting principles for homebuilders may not legally allow the artificial lowering of land, lot improvement and house costs in order to create the affordable housing units, because doing so will require the artificial raising of those same costs on the market-rate units. The proration of land and infrastructure improvement costs must be applied consistently and you cannot apply a disproportionately higher share of those costs to the market-rate homes in order to subsidize the affordable/homes.	Good points for the Task Force discussion.
117	pg 42/Sec. 405.03 A.2.	"A density bonus of 5 percent if 10 percent may be granted of the total dwelling units in a condominium project are affordable to low income households of moderate income, as defined by HUD and this Code". This sentence does not make sense. Please clarify.	Replacing "Of" with "if" clarifies the intent... a typo.
118	pg 45 Article 406 Landscaping	Zoning codes are supposed to regulate the USE of Land. There are a list of items that the State Statutes require and/or allow Zoning Codes to regulate. The list includes the regulation of signs, off-street parking, building setbacks, heights and lot coverage. Landscaping regulations are NOT included in the list. Jackson Moll with the Homebuilders Association commented at the end of our last meeting. One of his comments was related to being careful with placing certain regulations in the Zoning Code, because once they are in the Code they are difficult to revise. The example he used was the City of Phoenix. Phoenix's Residential Design Guidelines are currently part of their Zoning Code and they are in the process of removing them from the Zoning Code in order to make them more flexible and adaptable to the economy and the ever changing market. I believe Landscaping regulations fall under a similar situation; that being that there should be some regulations, but the Zoning Code is not the appropriate spot. In addition, the Subdivision Regulations already include landscape requirements and what is being proposed here is in conflict with these existing regulations. Can we have this as a policy discussion item at our next Task Force meeting?	Task Force Discussion Issue. Landscaping provisions may be appropriate in zoning for non-residential development; they also can complement what already is required by the Subdivision Regulations. Peer jurisdictions such as Gilbert, Mesa, and Tempe, do include landscape regulations that are similar in scope.
119	pg 45/Sec. 406.03A.	"Required landscaped areas shall be maintained free from encroachment by any use, structure, vehicle or feature not a part of the landscaping design, except for the fire hydrants and related fire protection devices." The drafter of this section does not understand the utility company requirements in Arizona. Please revise to include above ground pedestals, poles, cabinets, mailbox cluster units, etc. required by the utility providers, Electrical, Cable, Internet, Telephone, Gas and the Post Office. These above ground features/structures are required by the various utility entities and in the majority of circumstances they must be located in the landscape track that runs adjacent to the street ROW.	Will be done in the Code Rewrite.
120	pg 46/Sec. 406.03 B.	Please provide Task Force with a copy of the Arizona Nursery Association "Recommended Tree Specification".	City staff will do.
121	pg 47/Sec. 406.04 A.3. Streets	Basis for Calculation - What does "...based on a linear module of 25 trees" mean?	The linear module is 25 feet; it is suggested to allow flexibility in planting arrangements.
122	pg 47 Table 406.04 A.4.& 6.	Required Number of Plants by Street Type & Minimum Size of Plant Material - The requirements in this draft are in conflict with the Subdivision Regulations Sec. 14-6-5 Landscape Requirements, B. Street Tree / Streetscape Requirements. As an example for an Arterial street the Draft requirement is 1 tree & 6 shrubs per 20 lineal feet, while the Sub. Reg. requirement is 1 tree & 3 shrubs per 30 lineal feet. The tree box size criteria is also beefed up and hence, in conflict with the Sub. Regs. The HOAs are responsible for the maintenance of landscaping, even in the City owned ROWs. What is being proposed here will be substantially more expensive to install, the cost of which gets passed on to the purchase price, and significantly more expensive for the HOAs to maintain. Is that really what the City wants? Did the City ask the Consultant to raise the standards for landscape requirements along the City streets? If so, please explain/justify why the beefed up (closer planting interval & larger size) landscape requirements are necessary. Regarding the public or private local streets, which are primarily the internal streets in residential subdivisions, please explain how a requirement to have 1 tree and 4 shrubs every 20 lineal feet in the front of houses would be implemented and enforced. Would a 50' wide lot because of the rounding up criteria be required to have 3 trees and 12 shrubs? That is excessive and does not make sense. Typically, landscaping in front of a single family home is maintained by the home owner. Sometimes the homebuilder will install the landscaping prior to C of O or require the homeowner to install it within a certain period of time, usually 30 - 90 days. The HOA typically is the entity that enforces the installation & maintenance of the front yard landscaping. Front yard landscaping on residential lots is already covered by the Subdivision Regulations (Section 14-6-5, items A.4. and C. 1.) and the requirements in this draft are not consistent with the Subdivision Regulations. Why? What is the justification for requiring a larger box size and more frequent planting?	Task Force Discussion Issue. As stated previously, our intent was to be consistent with the Subdivision Regulations and this section can be revised accordingly. City staff did request higher standards than are in the Subdivision Regulations.
123	Additional Landscape Requirements - General Comment	Again, it does not make sense to adopt a new Zoning Code that is immediately in conflict or inconsistent with the City's Subdivision Regulations . Nor does it make sense to have similar Development Standards, such as Landscaping in the existing Subdivision Regulations and additional and/or conflicting Landscaping Requirements in the new Zoning Code. This will result in multiple interpretations of a Standard and is in conflict with the goal of streamlining the development review and approval process. I am not in agreement with the response to similar comments made on Module 1 Part 2, where in the case of conflicts between the two codes, the more restrictive code would prevail. This Task Force deserves to know what the conflicts are and should have the opportunity to discuss, understand and even eliminate many of the conflict(s). CAN WE PLEASE HAVE THIS AS AN ITEM OF DISCUSSION AT OUR NEXT TASK FORCE MEETING?	See above.
124	pg 48/Sec. 406.04 B.1.a.	Buffer Zones Adjacent to Residential Zoning Districts Width - "Minimum 20 feet or 25 feet measured from the lot line." Module 1 Part 2 Additional Development Standards, page 27, TRANSITIONS ADJACENT TO RS ZONES, F.3. the Landscape area width proposed in this draft module was 10 feet. Why is it now being proposed to be 20 to 25 feet? There are several other inconsistencies between what Consultant proposed to be required for landscaping in the Draft Module 3 and what Consultant proposed in the previous Module 1 Part 2. This Module 3 has a higher standard (more trees and shrubs per lineal foot and larger size trees) than what was proposed in Module 1 Part 2. Why the discrepancy? Did City staff ask the Consultant to incorporate the higher standards?	Task Force Discussion Issue. City staff did request increased buffering requirements. Staff found similar discrepancies between loading area buffers between the two modules. Consultant will revise to be consistent and not redundant or conflicting to keep the minimum buffer yards in one location of the code. Task Force should discuss appropriate landscape buffer distance for different land uses abutting single family development. For instance, Mod 1 Part 2 F.3, 10 landscape may be appropriate for abutting multi-family only, but may need to be 20' where abutting commercial land. It's written as 30' when commercial loading areas abut residential, elsewhere.
125	pg 48/Sec. 406.04 B.1.b.	The last sentence "Fifty percent of the landscape area shall be vegetative material maturity" does not make sense. Please clarify.	The idea is that when the plant materials grow to maturity, they cover the ground. Often ground cover, when initially planted, has a plant spacing that allows for the materials to fill in over time.
126	pg 48/Sec. 406.04 B.1.c.(1) & (3) & 1.d.	(1) "Screening - Landscape yardsshall have continuous tree canopy between 6 feet to 20 feet height at maturity, 50% canopy within 5 years, 70% canopy within 7 years and 100 % within 10 years." (3) "Areas Visible from Public Parking a minimum of 4 trees and 20 shrubs per 100 lineal feet...." d. "Size of Plants- required trees shall be a least 36-inch box size." Where is all of this coming from? Who is going to assess and measure this every year and make sure the percentage of canopy is met and who is going to enforce this when the canopy percentage is not met? Four trees and 20 shrubs per 100 lineal feet is excessive and not necessary.	These standards are similar to what have been adopted in Mesa; they can be tailored to the City, but do not necessarily represent an excessive requirement based on peer communities' standards.
127	pg 49/Sec. 406.05 B. C. & D.	Parking Lot Landscaping - B. Landscape island required every 6 parking spaces, C. minimum landscape median widths, and D. minimum tree sizes and frequency of planting- All of what is being proposed is excessive and should be scaled back. What is the goal more trees/landscaping or more shade? Does this conflict with the requirements for covered parking spaces in parking lots on page 72? What about the upper deck of parking structures?	The basic idea is to reduce heat island effect by promoting landscaping. This also will improve the overall appearance of the City.

128	Article 407 Lighting pg 54/Sec. 407.01 B.	Lighting - B. Second sentence... "Where any provisions of any Arizona State Statutes , ..., or any companion City Code comparatively conflicts with the requirements of this Article, the most restrictive shall govern. This is a cop-out statement. If what is being proposed in this draft code is in conflict with an existing City code or the State Statutes, this Task Force deserves to know what the conflicts are and should have the opportunity to discuss, understand and even eliminate the conflict(s). CAN WE PLEASE HAVE THIS AS AN ITEM OF DISCUSSION AT OUR NEXT TASK FORCE MEETING?	Task Force Discussion Issue.
129	pg 56/Sec. 407.03 A.	"All outdoor fixtures, other than bollard lighting, shall be setback from all lot lines a minimum of 10 feet or a distance equal to the height of the fixture, whichever is greater." Is this talking about street lights, if so there will be major conflicts with minimum 10 foot distance to lot line, especially on residential streets where the distance behind the curb to the property line or lot line is only 9 feet. (50' ROW, street width 32' back of curb to back of curb leaves 9' of ROW on each side of street behind curb). Please revise this so it works with the existing ROW street cross sections. Please also make sure that what is proposed regarding all lighting is acceptable to ED3.	This provision is only for on-site lighting; additional clarification with street lighting standards can be added.
130	pg 57/Sec. 407.04 A.	"No outdoor recreational facility ... shall be illuminated by nonconforming means after 11 PM." What does 'nonconforming means' mean? Does this apply to all City recreational facilities, as well as private recreational facilities?	Nonconforming means simply the lighting would not meet the standards of the code, and yes, this provisions would apply to both public and private recreational facilities.
131	pg 59 -63/Sec 408 Nonconforming Uses	B. 4. Who determines if the nonconforming use depresses the value of nearby properties? CAN WE PLEASE HAVE THIS NONCONFORMING USE AND STRUCTURES AS A DISCUSSION ITEM?	Task Force Discussion Issue. The effects of a nonconforming use on adjacent property values is not evaluated under the proposed regulations; they only address specific situations and the rules that apply to expansions, alterations, changes of use, and abandonment, for example.
132	Article 409 Parking & Loading	The proposed standards and design requirements appear to be on the excessive side and should be toned back for Maricopa. Please provide a comparison of what other cities in the Valley have as Off-street Parking requirements, so the Task Force can assess what is appropriate for Maricopa. Can we have this as a policy discussion item at our next Task Force meeting?	Task Force Discussion Issue. The proposed standards reflect "best practices" in per communities, and none are excess in comparison with standards in Gilbert, Mesa, and Tempe, for example. A table has been prepared for the Task Force showing details.
133	pg 66/Sec. 409.03 G.	Recreational Vehicle Parking within residential zoned property - typically HOA's have enforced the parking of recreational vehicles on residential lots. What is the justification for the Zoning Code to cover this?	The rationale is that there may be residential development in the future, where lots are owned individual, in fee simple title, and no HOA has been created. There also are pre-existing neighborhoods in the Heritage District, for example, where no HOAs have been created.
134	pg 66/Sec. 409.03 H.	Table 409.03 H. 1. Standard Parking Space and Aisle Dimensions - Does the current Zoning Code cover Parking Space and Aisle Dimensions? If so, how does this Table compare to those standards? How does this table compare to other municipalities standards? Please provide specifics or a comparison.	The old County ordinance, as amended, provides similar dimensions but not as specific to angle of parking. The proposed dimensions are more detailed and consistent with peer communities.
135	pg 66/Sec. 409.03 J.	"At least 5% of parking spaces shall be electric vehicle parking spaces" - are other local jurisdictions requiring the 5%. The percentage seems high.	Task Force Discussion Issue. Since EV charging is relatively new, few ordinances have set standards, but those that have in California are using a 5% standard.
136	pg 68/Sec. 409.04 A.	REQUIRED PARKING SPACES - Table 409.04.A. Parking Regulations - Residential Uses - single unit attached - min. 2 enclosed spaces required - Many of the existing cluster (six or eight units per cluster) developments have only one enclosed parking space (one-car garage). Why the requirement for two? Public and Semi Public Uses - please clarify the difference between "Colleges and Trade Schools" and "Educational Facility". How does the entire Table 409.04.A compare with other codes of similar size municipalities in the Phoenix area. Please do not respond that the number of parking spaces required for the various uses identified on the Table are comparable or best practices. I would like the Task Force to be provided with an actual comparison of what is being proposed here to other cities in the Valley.	A reduction for clustered development can be added with a provision for visitor parking. A comparison table has been prepared for the Task Force with details, including standards from the Town of Gilbert, the City of Mesa, the City of Queen Creek, and the City of Tempe.
137	pg 72/Sec. 409.04 C.	Covered Spaces - 1 covered parking space per each multiple-residence unit and 1 covered parking space per office or suite - So in addition to all of the additional trees and larger tree box sizes that are required in parking lots to create shade, there is also a covered parking requirement? Please see comments on pages 49 thru 52 above. How do you provide covered parking for an apartment or office complex over a double row of vehicle parking spaces, say for 30 total spaces at 15 per row, when there is a conflicting requirement to provide a landscape island with trees every 6 spaces? Please resolve conflicting requirements.	Good idea; will be clarified. The idea is that a tuck under garage space for an apartment/townhouse complex would suffice as would covered carport spaces would suffice. Mesa has had similar provisions for several years.
138	pg 72/Sec. 409.04 E.	Maximum Number of parking spaces - "The maximum number of parking spaces allowed shall be 10% more than the number required by Table 409.04.A., unless the applicant has demonstrated that the additional parking spaces will not result in an over-dependence of automobiles to the detriment of other modes of access to the site." Who determines if the additional parking spaces cause over-dependence of automobiles when you can't measure or quantify this? This provision needs to be moved in its entirety. The occurrence of a project needing more parking spaces than required by the Table would be very rare. If the applicant can prove the need for the additional spaces through calculations, the applicant should be allowed the additional parking spaces. What next, are we going to require that one out of every ten people ride a bike to work?	Mesa has set a similar standard but, at Task Force direction, this can be removed; City staff had specifically requested a maximum as well as a minimum to avoid over-building parking lots. Big box commercial may request an over abundance of parking not accounting for a mixture of uses at peak times, however residential (MF) may request less than that required.
139	pg 74/Sec. 409.05 H.2.a., b. & c.	Parking Lot Layout - where did the maximum of 200 spaces per parking lot come from? Please provide comparison of what other cities in the Valley are requiring as the maximum number of spaces per parking lot and a similar comparison of the criteria in H. a., b. and c. of so many parking spaces within a specified distance to the building. Please also provide illustrations of the criteria in H. a., b. and c. that demonstrate how the criteria will be met and how it will be measured.	The 200-space standard is based on the premise that very large lots contribute to heat island effects. Similar standards have been adopted in peer communities, such as Mesa, and illustrations will be created if these standards are confirmed by the Task Force.
140	Article 410 Performance Standards pg 81/Sec. 410	I would rather see this as a set of Guidelines, rather than incorporate it into the Zoning Code. Table 410.05A. Noise Limits and the Noise criteria and requirements in Section 410.05 - Please provide a comparison of what other cities in the Valley are requiring for noise measurements (dBA), so Task Force can determine is what is being proposed is comparable. Please have this as an item of discussion at our next Task Force meeting.	Task Force Discussion Issue. Queen Creek, for example, has the same standard for residential districts for the two time periods specified for noise that is between 10 minutes and two hours, and a lower standard for over two hours. Other peer communities do not have such specific standards.
141	Article 411 Signs pg 84/Sec 411	Proposed Amendment for Portable Signs - Not allowing A-Frame signs in single-family residential districts and not allowing A-Frame signs, or for that matter other temporary signage, to advertise and direct homebuyers to the homebuilders model home sites, on a temporary basis, is a major issue for the homebuilder community. It is one of several reasons why many of the homebuilders have left Maricopa and have stated that they are not coming back. I understand why residents of a subdivision that still has active home sales dislike them. However, it is the home building industry that funds a significant portion of the City's budget, i.e. sales tax, permit fees, impact fees, etc., and robust homebuilding activity in a community is a catalyst for other economic development. I honestly believe that the City of Maricopa should revisit the signage issue with the homebuilder community. Can we please have this as an item for Task Force discussion?	Task Force Discussion Issue. A specific exception can be added for temporary real estate signs, which are used treated separately from other temporary signage associated with an individual business, such as a retail shop, café or restaurant.
142	pg 85/Sec.441. G. & J.	G. No plastic A-frame signs are permitted. Why not? J. Permitted Permanent Signs - item 1.a.(1) "For multiple building developments or commercial centers one" - Please complete sentence.	The standard is "one". A colon can be inserted to reinforce this.
143	pg 86 - 97/Sec 412 Telecommunication Facilities	Please verify that Article 412 is identical to the Telecommunication Facilities ordinance that the City Council adopted in October 2012. If this draft proposes revisions to the existing code, please provide the Task Force with a redline version for review.	No revisions are proposed; these are the identical provisions that were adopted, however slight corrections will be made and provide to the Task Force for the Rewrite draft discussion. We will track all proposed changes for review.
144	pg 98 & 99	Adequate Public Facilities Definitions - In reading through these definitions it is obvious that the author/writer is not familiar with the Arizona State Statutes and the various State Departments that have been created to, among other purposes, make sure that adequate public facilities are provided. Nor does the writer have an understanding of the entities that own and/ or control or oversee the "public facilities" in Maricopa and for that matter the State of Arizona. First and foremost, the City of Maricopa does not own the water and sewer system/facilities in Maricopa nor do they have any control over the school facilities. Please also see above #1 General comments and comments specific to pages 36-41 on Adequate Public Facilities. In addition, what is being proposed is actually contrary to the State Statutes and very likely illegal. The Article (404) on Adequate Public Facilities and corresponding definitions should not be in the Zoning Code. Can we please have this as an item for Task Force discussion?	Task Force Discussion Issue. We understand the distinction and used the term "Utility Representative" to refer to the individual who would represent Global or Maricopa Domestic water companies. Similarly, we refer to "will serve" letters from providers. Tempe and Queen Creek have had similar provisions in their Municipal Codes for a number of years and there have been no adverse judgments rendered against either city that we know of.

	145	pg 99-100	Green Building Terms - Article 403 Green Building Program and corresponding definitions should not be in the Zoning Code. They could be established as Guidelines. Can we please have this as an item for Task Force discussion?	Task Force Discussion Issue. As proposed, City will have the ability to offer Zoning related incentives to encourage green building practices.
	146	pg 100-101	Telecommunication Terms - Are these terms identical to the terms in the existing Telecommunication Facilities Code? If not, please provide redline of existing definitions to proposed, so Task Force can read and then understand the proposed revisions.	Yes, these are identical terms.
ZCRTF - Member VonFleckinger	147	page 2: Introductions: Green Building Program..1st sentence	Clarification: International Green Construction Code IGCC has not been adopted by Phoenix or Scottsdale as "mandatory" in it's code. It is voluntary with incentives for implementation and certification; no extra fees or added permits and includes some fee reductions. Chandler's Green Building program is based on LEED certification (voluntary) with incentives for Silver and above	Good clarification. The idea was simply that if the IGCC were adopted, the City's program could tier off this Code and not have to repeat criteria or procedures for measurement.
	148	page2, Introduction: Last sentence:	A related question is whether the Program should have mandatory requirements for some projects	No. As modeled by other larger, more developed and "experienced" municipalities it should be voluntary with incentives
	148	page 2, Adequate Public Facilities: last sentence	Seems redundant: Doesn't the city already require that this infrastructure be in place before occupancy	Point noted. For the most part Adequate Public Facilities are planned for new subdivisions. However, there are areas of the community that may not have adequate infrastrucutre for more intense development , such as Seven Ranches and Heritage District.
	150	page 3, Landscaping Requirements	Last sentence of paragraph: Good suggestions ie not requiring landscape plans, irrigation	Good points. GR farm and ranch needs will be addressed differently.
	151	page 3, Nonconforming Uses- Amortization last sentence	If not viable and other cities have eliminated it why bring it up for discussion?	The intent was to note that this option is not really viable in case it were proposed.
	152	page 4, Nonconforming Uses- Amortization last sentence, 1st para	"Abatement" that allows the city to enforce a use that becomes a public nuisance. Too subjective and arbitrary! How often do we see zoning create legal non-conforming use then it becomes a public nuisance because the city allows the "public" to move in next door.	The City understands that there needs to be some appropriate mediation and fact finding before the city can declare it a public nuisance.
	153	page 4, Off Street Parking	..Not sure of the application of pedestrian access through parking areas i.e. supermarkets, big box	The idea is that there should be separate (sometimes shaded) walkways so families with children or seniors need not walk in vehicle circulation lanes.
	154	page 4, Signs	I had a lengthy comment here but everything I was concerned about was addressed when I got to the actual portable sign amendment. The only question I have is in regards to the distance from the "tenant" monument sign. All the tenants are not listed on the monument sign ..if you are a tenant and not listed on the monument just seems to be the logical place to have your sign	The proposed amendments only address A-frame signage.
	155	6, Article 401.02 Accessory Structures	B. Relation to Existing Structures: Having to merge two lots for a main building to add an accessory building makes no sense at all. Looks like another unnecessary regulation to: Let's make it difficult to do business in Maricopa	A freestanding structure on a separate lot would be regulated as a principal structure. City staff specifically requested the merger provision be included.
	156	page 8, Article 401.2 Accessory Structures	I. Facilities 2. A detached accessory structure shall not have plumbing for separate housekeeping facilities, such as a kitchen or laundry facilities. This is a great place to address making provision in the code for this type of accessory structure. We have an aging population in a struggling economy who are able but cannot afford to live independently. They need to be near their children to meet some of their needs, i.e medical emergency but for many reasons can't live with them	Good idea; additional provisions will be added. Second dwelling units/accessory dwelling units can be addressed separately and should be allowed to have separate housekeeping facilities.
	157	Page 9, 401.03 Animal keeping	C. Livestock. Two things: First the definitions are to vague to 1. Sites must be at least 10 acres. (What is defined as commercial breeding and how large is the operation?)Raising, training and grazing horses What part needs 10 acres? raising? (a stable and a small turnout works)training a large pen will do. Grazing? How many? E. on page 10 says you can have 3 horses to an acre. All the rest of the animals listed how many can you have on that 10 acres. Do you need 10 acres if you have two goats. And let's don't forget the swine, now they can be a public nuisance for a long way. Ostriches how high should the fence be?	The reference to the site means the lot or lots under the same ownership, not the area devoted to the commercial breeding operation itself, ot make it easy to administer this rule. The focus here is on commercial businesses. Keeping horse for individual use would not be subject to this standard.
	158	page 9, 401.03 Animal keeping	c. Livestock. 2. Pens buildings etc cannot be any closer that 200 feet from any residential etc. Well they already are because development encroached on the rural area.	This standard is written to apply to a zoning district boundary, not uses that have encroached into rural areas.
	159	page 10 , 401.03 Animal keeping	E. Horses: Last sentence; stables shall be provided. Need to define stables, they are not the standard for the Arizona dessert. Casual horse owners provide adequate shade and protection for their horses. It is a covered, open air, usually partitioned by panels according to the number of horses using it. It is called a "mare motel"	Valid point; will be clarified in the Code Rewrite.
	160	page 10 , 401.03 Animal keeping	F.Household pets; first three words: in all zones. If a stakeholder in GR lives on sizable acreage which all of them do why should they have the same pet restrictions that someone who lives on a 6,000 sq. ft. lot. Where is the common sense. There is little or no opportunity for an annoyance factor when your yard is 5-100 acres and your house is a 1/4 of a mile or more from your nearest neighbor.	OK; the GR can be excluded.
	161	page 10, 401.04 Building prjections into yard	C. Define awning: My home has a 68' by 12' metal (what we call an awning over our deck on the west HOT side of our house.)To inclusive: Why should awnings have the same restrictions as eaves and overhangs as long as the don't encroach set backs. We live in the desert the more awning we have the more shade we have.	The rule, as proposed, only relates to an encroachment into a required setback area; otherwise, awnings can be as large as an owner wants them to be.
	162	page 10, 401.04 Building projections into yard	e. Staircases I am not understanding the point. Especially the 10' horizontal in the back yard. If I build an open air redwood deck all the way across the back of my house and I want continuous steps on all three sides and I am within set backs..Why not?	Again, the rule only relates to encroachments into the required setback areas. If then home is well within the setbacks and continuous steps would not encroach, no conflict with the proposal would arise.
	163	page 13401.09 Fences	A Maximum heights 2. <i>Interior, side, and rear yards a. Rural and residential districts.</i> No fence or freestanding wall within or along the the exterior boundary of the required side or rear yards shall exceed a height of six feet. Why is this all inclusive of rural? The exterior boundary makes some sense. What "required side or rear yards" pertain to rural. Also does interior mean any fencing within the boundaries of the rural property? There is a small buffalo "ranch" in the GR district, that absolutely has to have 8 foot fences for safety.	Good point; will be clarified in the Code Rewrite.
	164	page 15, 401.10 Outside storage	Open storage of goods, materials, machines, equipment, and vehicles or parts out side of a building for more than 72 hours must conform to the standards of this Section	Good points; exceptions for the GR will be added. The intent was not to impose screening requirements.
	165	page 15 con't	A. permitted Locations Table 410.10 Base District: Rural Permissibility of open Storage: permitted it associate with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standard of this section from adjacent residential properties and public right of way..	
	166	page 15 con't	I apologize I just think ignorance is running rampant here. First of all to my knowledge farmers don't have to be permitted at least not yet. There is a very large farming operation west of White and Parker which has been here been here 20 or thirty years. He has multitudes of huge farming equipment and vehicles and haybarns etc and someone thinks he can screen them or should permit them?	
	167	Page 16, 401.11 Screening	A. Screening of Mechanical Equipment. Clarification does this include residential? If so not practical for roof mounts on a home.	The intent is to have this apply to new construction and not have air conditioning or "swamp coolers" on the roof without some architectural treatment.
	168	page 17, c. Roof access ladders and fire Sprinkler Risers	It seems an internal roof access ladder could actually translate to a stairway..very cost prohibitive and waste of space..what is the reasoning behind this?	The intent was to apply this standard to the design of new buildings.

	169	Page 17, Screening con't	E. Parking Areas and drive aisles. I addressed this in module 1 Part 2. This requirement seems much more than earlier businesses had to do. The response was "generally" they met the same requirements... a visual comparison...they didn't	Task Force Discussion Issue.	
	170	page 19, 401.12 Pool Fences	I think pool fences give people a false sense of security. There was a pool fence in every residential child drowning I have heard about in the last few years. Fences don't keep children from drowning, responsible, vigilant watchful adults do. It is not popular but I think having a pool fence should be a personal choice.	These are current requirements and no changes are proposed.	
	171	page 27, 402.02 commercial and mixed use design guidelines	B Ground Floor Opacity (last sentence) "Openings fulfilling this requirement should have glazing that provides views into work, display, sales, lobbies, or similar active spaces, or into window displays that are at least three feet deep Remembering that this is the desert: Define Glaze? tinting? How deep into the building do you need to be able to view these activities and how clearly? Does a business that has full sun exposure on it's windows all afternoon in the summer have the same requirements? What is the significance of "displays that are three feet deep?" Many businesses i.e Fry's have tinted windows you can't really see in them unless you press your face to the glass and in the heat of the day they pull additional shade. Besides maybe some security at some rare moment in time what other application is there?	Task Force Discussion Issue. The idea is to have some visual interest in lieu of blank walls of mirror-black windows (the "Darth Vader" look). Clarification can be added, if these guidelines are retained, to address sun exposure and shading structures/tinted glass.	
	172	page 28, 402.3 Shading of Sidewalks, Public and private	Figure 402.03 Shading of Sidewalks: Four drawings: landscape, building overhang/awning, freestanding shade structure and arcade. I visited the down town shopping areas of Scottsdale, Chandler, Gilbert, Mesa, Tempe and even Glendale. Figure 402.03 Shading of Sidewalks: Four drawings: landscape, building overhang/awning, freestanding shade structure and arcade. I visited the down town shopping areas of Scottsdale, Chandler, Gilbert, Mesa, Tempe and even Glendale. Some of the merchants had some sort of shade, it varied all up and down the street. some merchants had none. Seemed to be a personal preference. Many of them especially on the sunny side of the street had colorful retractable canvas type awnings. I could find nothing in their codes making it a requirement of course there are only so many hours in a life time	Good points; specific shading standards could be dropped. The City of Phoenix does require 75% shading in certain areas, recognizing the value of this as an amenity.	
	173	Page 30-35, Article 403 Green Building Program	I made some comments about the IGCC from the introduction page of this module. I have been assured that this will be a voluntary programbased on that information I am concerned about some of the language in these 5 pages.	Comment noted.	
	174	page 33, 403.06 Admin. Procedure etc.	C. Cost to AppC. Cost to Applicants: Are these costs referring only to third parties when applicants are seeking certification? Applicants: Clarification: Are these costs referring only to the services of third parties needed for applicants to get through the certification process.	Yes, these refer to third-party costs.	
	175	n/a, Independent, misc. Research Findings When Using IGCC for green building model and certification	Please see email with independent findings did not know how to incorporate into this spread sheet: The International Code Council (ICC), published the IgCC in March 2012, integrates sustainable design principles into existing ICC-sponsored building codes. Over the coming year, we can expect building departments in Arizona and elsewhere around the country to adopt some or all of the IgCC's components, both to serve the public's interest in conservation of land, air, and water resources and reduce consumption of energy and potable water. The IgCC is also poised to become the first meaningful alternative to the U.S. Green Building Council's Voluntary Leadership in Energy and Environmental Design (LEED) certification standard. Design professionals, contractors, developers, and code enforcement officials must prepare for the new technical challenges and cost/benefit analysis required by the IgCC. Many IgCC technical standards are based on existing and recently-updated building codes, such as the ICC International Energy Conservation Code®, and technical reference standards published by the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) for energy consumption (ASHRAE 90.1 – Energy Standard for Buildings Except Low-Rise Residential Buildings), user comfort (ASHRAE 55 – Thermal Environmental Conditions for Human Occupancy), and indoor air quality (ASHRAE 62.1 – Ventilation for Acceptable Indoor Air Quality). Collectively, these performance-based technical standards are raising the bar for design competence and, for the first time, mandating commissioning of building mechanical and electrical systems. Some legal and risk management issues to consider while we prepare for implementation of the IgCC include: Energy and water conservation requirements in the IgCC are premised on computer models that may not fully account for all demands generated by the project owner and users; Proof of waste reduction and conservation of construction materials—through ambitious goals for use of recycled, recyclable, and locally-produced materials—requires close coordination with the contractor for documentation and verification of compliance; Industry-standard forms of agreement have not been fully updated to account for IgCC processes and requirements; Penalties or consequences for failing to achieve mandated conservation or waste diversion requirements are not spelled out in the model code; creating uncertainty as to the remedies or potential damages for non-compliance; Designing mechanical, electrical and plumbing systems to conform with the code's performance standards could heighten the standard of care required under IgCC; IgCC performance standards and certification requirements may give rise to uninsurable warranties, guarantees, or other contractual liabilities; Building developers and users may come to prefer compliance with IgCC preferable to, and less expensive, than LEED® certification requirements. Some of the ambiguities and gaps in the IgCC may be resolved by the state and local code officials as they modify the code for adoption into local law. We will provide further analysis of the Code, and encourage	The City's adoption of the International Green Construction Code can include measures that fine-tune provisions, allow for voluntary compliance and allow for alternative compliance. Not all of the IgCC provisions need be adopted; City staff will be researching options adopted in peer communities and report on them when the City Council considers doing this. This work is outside the consultant's work on the Zoning Code Rewrite, but some additional thoughts the consultant has provided follow: • Alternative compliance with energy and water conservation requirements can be built into the Code, with streamlined provisions, as is done for alternative landscape plans. • For waste reduction and recycling, the City could "pre-approve" certain measures and pre-qualify contractors. This need not be onerous. Other cities have found this facilitates these programs. • The City Attorney can help draft flexible provisions on compliance to provide ample time from correction of potential violations. A staged program and deferred effective date are other options for the Council to consider. We agree that this program may be less onerous than LEED and would prefer to see how it can be the Code can be tailored, as it applies to the City of Maricopa, and provisions fine-tuned to meet the City's needs rather than rejecting the Code altogether.	
	176	Pages 38-39, Article 404 Adequate Public Facilities	404.06 Water 404.07 Sewer A lot of this is not applicable as the city of Maricopa is not in the utility business	Comment noted; these provision envision working with the "Utility Representative" to make the required determinations.	
ZCRTF - Members Yocum & Batt	177	P.2, Green bldg Program	1st P, 2nd to last sentence - typo "...must to conform..."	Correction will be made.	
	178	P.5, Policy Q's A.	Suggest we go with "should" rather than "shall & must" to allow more flexibility	Comment noted.	
	179	P.5, I.	Amendments to Sign Regs - 1) Yes, 2) Yes, 3) Yes; Let's discuss all 3	Task Force Discussion Issue.	
	180	P. 9, 401.03D. Urban Chickens	No chickens should be allowed in urban areas	Task Force Discussion Issue on chickens.	
	181	p. 10, 401.03 F. House Hold Pets	Recommend max of 5 pets. Commercial kenneling should not be permitted in RS Districts	OK	
	182	P. 13 & 14 401.09 D. Fences on Corner Lots	Clarify lot detail by showing driveway location and maybe house footprints rather than bldg envelope	Good idea; will be added.	
	183	P.31, 403.05	Development Bonuses - Explain and discuss why this may be too advanced for the city at this time?	Staff will provide a summary of green building programs in our market and suggest a direction to consider for discussion	
	184	P.31, 403.5.A	Provide acronym for Floor Area Ratio (FAR) to clarify	OK	
	185	P. 31, 403.05 H Dev Bonuses	We agree with this program, how will it be implemented? What do we do with the earned points after they are calculated?	Will be implemented in accordance with 403.06 Admin Procedures... through DSD. Earned points will enable to developer to get a percentage or all of the maximum density bonus available.	
	186	P. 34, 403.07 C.	Granting of Exemption - After Hearing Officer Determination, who ensures compliance?	Plan Reviewers, including the planning division. After permit, inspectors ensure compliance with approved plans and planning should be part of project final inspections to document compliance	
	187	P. 38, 404.07	What about Heritage District and Seven Ranches? Any mechanism for relief from adequate facilities?	The language is written to allow flexibility in what the City and utility providers deem appropriate based on existing and future plans for utility improvements. This should allow the City flexibility in processing projects while planning for infrastructure.	
	188	P. 42, 405.01 B	typo in first sentence - "build"?	Correction will be made.	
	189	P. 42, 405.01 B	Recommend separate session and discussion on affordable housing density bonus	OK.	
	190	P. 67, 409.03 J.	Electric Vehicle charging station - typo on spelling of "hotel"	Correction will be made.	
	191	P. 71-72, 409.04 B	Basis of Parking Calculations should cross reference/make mention of 409.06 Parking Reductions. Maybe locate these provisions together as they directly relate to one another.	Good idea; will be added.	
	192	P. 77, 409.06	Recommend using minor use permit process for shared parking approach. Consider using general terms rather than specific uses to identify the nature of the activity considering the days and times of each tenants peak demand. City should consider if all facilities and spaces are being used 100% of the time at all venues. If not, adjustments should/could be made.	Good idea; will be added.	
	193	P. 73, 409.05 A.	Setback of Cross Drive is necessary to avoid traffic conflicts in transportation corridors	Good idea; will be added.	
	194	P.81-83, 410.01	Performance Standards; Entire Article - who will be policing for compliance?	The City's Code Enforcement Officer would have this authority under Module #2.	

	195	P.84, 411 B Signs	A-Frames placement - do all tenants/occupants in a bldg or in-line retail center have the authority to place A-frames (are they a part of the establishment)?	Yes, although property management rules may apply in individual centers.	
	196	P. 84, 411.C.7-9	These placement provisions should help cleanup the existing visual clutter of the a-frame signs along the cities rights-of-way	Agree.	
	197	P.84, 411.D	Agree that A-Frames should only be permitted during the hours of business and must be removed during closed hours	Noted.	
	198	P.89, 412.03 K.3.b	Freestanding Antennas... typo "iStealth"	Correction will be made.	
	199	P. 90, 412.03 R. - 9th line	typo "years years "	Correction will be made.	
ZCRTF - Member Marsh	200	2	Typo: In Green Building Program Para 1, line 7: "...must to conform..."	Correction will be made.	
	201	2	Green Building Program, Q: If we build a dependency on the IGB Code, how do we maintain our code to track changes in their evolving code? Does this become a maintenance headache? Do we simply reference their code and then make decisions in future years by researching their current version to build context for our City Council's, P&Z's, and BOA's decisions?	The City would need to adopt amendments to the IGBC as they are available; it need not be cumbersome as these are readily available in digital format.	
	202	3	Typos: Landscaping para, line 7: "...landscape and hardscape..."	Correction will be made.	
	203	3	Lighting para, Q: How do we relate to the Dark Sky regulations? Is our code a local implementation and reinforcement of Dark Sky? Or are we writing our code as subordinate to Dark Sky? Does Dark Sky allow searchlights, open/unshielded lighting, and temporary exemptions for lighting that messes up the astronomy work being done in the many observatories on top of Kitt Peak and elsewhere in Southern AZ?	The more restrictive regulations would apply. This will be clarified.	
	204	3	Typos: Nonconforming Uses - Amortization Program: Title "...Amortization..."	Correction will be made.	
	205	6	Typo: Article 401 C. 1., Line 2: "...exiting..."	Correction will be made.	
	206	9	401.03, Q: Paragraphs A, B, C are in the context of Rural Districts. Should Paragraph D be a separate subsection as it refers to non-Rural zones?	A separate subsection could be created for Rural Districts.	
	207	10	Typo: 401.03 F. ...kept with a residence..."	Correction will be made to say "within".	
	208	10	401.03 F: As written, this does nothing to prevent animal hoarding within a property or within a residence. And it enables cats to be kept outdoors, which can lead to an increase in the feral cat population here and a potential increase in the visiting coyote problem, as they consider outdoor cats to be hors-d'oeuvres. Uncaged, unrestrained, outdoor cats in non-Rural zones do not respect property lines and can be a nuisance and deadly to native fauna, like our beneficial lizards. Our HOA's playgrounds' sandy play areas have become litterboxes, potentially enabling children to pick up diseases such as: Campylobacter Infection (campylobacteriosis): A bacterial disease associated with cats, dogs, and farm animals. Cat Scratch Disease (Bartonella henselae): A bacterial disease associated with cat scratches and bites. Coxiella burnetii Infection (Q fever): A bacterial disease occasionally associated with cats. Cryptosporidium Infection (cryptosporidiosis): A parasitic disease associated with cats, dogs, and farm animals. Dipylidium Infection (tapeworm): A parasitic disease associated with cats, dogs and fleas. Hookworm Infection: A parasitic disease associated with cats, dogs and their environment. Leptospira Infection (leptospirosis): A bacterial disease associated wild and domestic animals including cats. Plague (Yersinia pestis) Infection: A rare bacterial disease associated with rodents and cats and fleas. Q Fever (Coxiella burnetii): A bacterial disease occasionally associated with cats. Rabies: A viral disease associated with various animals, including cats. Ringworm: A fungal disease associated various animals, including with cats. Roundworm: Toxocara Infection. Salmonella Infection (salmonellosis): A bacterial disease associated with various animals, including cats. Tapeworm (flea tapeworm): Dipylidium Infection. Toxocara Infection (toxocarasis, roundworm): A parasitic disease associated with cats, dogs and their environment. Toxoplasma Infection (toxoplasmosis): A parasitic disease associated with cats and their environment.	Good points. Subsection (F) on Household Pets does set a maximum limit.	
	209	12	Typo: Table 401.08.A Row 11, column 1: "Religions..."	Correction will be made.	
	210	12	Table 401.08.A Row 11: Q: Is 20' a reasonable limitation on church spires? I know we aren't going to have in Maricopa a Notre Dame Cathedral or anything like Barcelona's Sagrada Familia, but I feel that 20' might come up short in some religions.	The limit can be increased for spires, towers, cupolas and similar features.	
	211	13	Table 401.08.A: Q: Are elevated sun decks allowed? These enable owners of single-story homes to get up enough to see sunrises/sunsets, and seem to be common in some communities.	Good idea; will be added.	
	212	13	4.01.09: This section seems to assume a polite, law-abiding society, free of crime -- which we don't have. Johannesburg, South Africa, is on the other extreme from this where each home is walled, with broken glass, concertina wire, et cetera. But how can you secure your castle with this code section?	No limitations on securing a home are intended beyond prohibitions of electronic fencing, barbed wire and razor wire in residential area, open space, or pedestrian ways .	
	213	13	401.09.B Q: Why the prohibited materials? They are hazardous to whom?	Visual and aesthetic issues would justify these limitations. This is a Task Force Discussion Issue.	
	214	13	401.09.B Q: Can we allow offsite-visible chain link fencing for temporary construction sites? And what happens when a construction project is delayed and the owners want to have the work-in-progress secured perhaps for years till the market comes back or a parcel can be sold to someone who can take over the project? Perhaps this is covered elsewhere in the code?	Yes, we can add this provision.	
	215	14	Fig. 401.09D: Q: I don't understand the visibility triangle requirement.	The idea is to enable a driver to see a car or a pedestrian before reaching an intersection or backing out over a sidewalk.	
	216	14	Fig. 401.09E: Q: Is a 6' fence limit the norm? We can't go higher? Even if your neighbor is a pro basketball player?	Six feet is a normal limit for fences and walls.	
	217	18	401.11.G Q: Can we set this higher? Is 6' sufficient?	Task Force Discussion Issue. Higher limits can be set.	
	218	19	Typo: 401.12.A.2: "... in in..."	Correction will be made.	
	219	19	Typo: 401.12.A.3: "...waters..."	Correction will be made (water's).	
	220	20	Typo: 401.12.A.6.b: "...American society of testing and materials..."	Will be changed to "ASTM International, formerly known as the American Society for Testing and Materials (ASTM)"	
	221	21	401.14: Q: Can we add fibre-optic cable, gas, water, sewer, irrigation/recycled water?	Yes.	
	222	23	402.01.B.1.b: Q: Many garages in Maricopa are way out front of the primary wall facing the street. This requirement seems arbitrary if not capricious, and unnecessarily limits architectural design in the age of automobiles.	If the Task Force directs, we can soften or delete paragraph and figure 402.01.b.1, and change Figure 402.01.c to provide examples wherein garages are prominent, out in front of the front of the house. Or, these guidelines may be eliminated. I recommend having some provision to discourage garage dominance and many communities have strived to achieve... ie Gilbert, Chandler, etc	
	223	32	Table 403.05.H Row 10, column 1, Landscape irrigation in Maricopa may require a different baseline other than a "mid-summer baseline.' We have distinct seasons with different watering profiles, such as the winter overseeding of lawns and the summer normal growth. So this might get more complicated.	Good idea; will be added.	
	224	32	403, general: Q: Can we specify a bonus for adding separate irrigation lines for using recycled water for residential and commercial developments?	This can be added to the Green Building Program and development incentives provisions.	
	225	43	40504.A Q: How does one keep a housing unit affordable for 30 years? I don't see how a local government or a developer or an HOA could control market forces enough to make this happen. I think affordability in current market at time of original sale to a consumer is all we could realistically stipulate. And we should present a clear, legal definition of "affordable." Perhaps tie it to the local definition of "minimum wage" and current mortgage interest rates and rent market?	This can be done by relating the rents or sales prices to area-wide incomes; normally in such programs, current mortgage rates are not considered.	
	226	89	Typo: 412.03.k.3.b: "...iStealth..." -- iStealth® is a registered trademark of Minnesota Wire Company.	This is in the City's adopted ordinance; change can be made.	
Stakeholder - PRI/Chriss Webb	227	Page 7, Section 401.02.D	Some large lots in Residential Districts could have a detached garage. This should apply to Residential Districts as well.	Flexibility can be provided.	
	228	Page 7, Section 401.02.E	Recommend allowing additional height up to 32 feet for Second Dwelling Unit or guest quarters above garages. 25 feet is tight.	Task Force Discussion Issue. With normal floor-to-floor heights for parking and residential units, 25 feet is viable, so no increase is recommended.	
	229	Page 8, Section 401.02.G	Are detached accessory structures allowed to occupy the required side yard? Need to address.	Subsection (F) includes rules for accessory structures in side yards.	

230	Page 8, Section 401.02.I.2	This would appear to eliminate "Second Dwelling Units". This needs to be looked at and defined better so as to not preclude "Second Dwelling Units".	Good idea; the standards will be revised to accommodate Second Units, in zones allowing more than one unit per lot. Will distinguish difference between guest quarters and second unit
231	Page 10, Section 401.03.F	Any provisions regarding dangerous reptiles (i.e. venomous snakes, etc.)?	None are proposed.
232	Page 10, Section 401.04	The proposed language governing projections poorly address front porches. This language forces the home to be setback further (thus, reducing backyard space) if a porch is to be accommodated.	Good point; we will clarify rules for porches so they do not require a home to be setback further, losing rear yard space.
233	Page 11, Section 401.05	Recommend deleting this section if it can't be justified from a cost perspective. This is an onerous requirement and is cost prohibitive for developers. What information do we have on existing programs in place elsewhere?	Task Force Discussion Issue. Many jurisdictions have established similar provisions as a matter of policy and many in the Phoenix metropolitan area already do this.
234	Page 14, Section 401.09.D	In the case of key lots, the visibility triangle described needs to be provided for during the platting process. The triangle should be made part of the key lot so it can be incorporated into front yard landscaping, rather than being an unusable and unnoticed part of the corner lot.	Good idea; will be clarified.
235	Page 17, Section 401.11.E	Does this apply to all parking in all cases? Need to add qualifiers and also discuss materials and the inclusion of landscaping possibilities ILO of walls or berms.	Good idea; will be clarified so there is flexibility.
236	Page 18, Section 401.11.E.4	Why do we need the five feet?	This setback allows for perimeter landscaping. It is a normal width so foundation planting can be established and maintained.
237	Page 18, Section 401.11.G	Need to consider that the use of walls between mixed and residential uses negates walkability, creating separation at property lines. This needs to be dealt with in order to prevent this.	Good idea; provisions for walkability will be added.
238	Page 21, Section 401.15	Need a graphic for this. Is this proposing an 80' x 80' SVT? Way too big if that's the case. 25' x 25' is typical.	Correction will be made.
239	Page 23, Section 402	In general, the Design Guidelines should be "guidelines" not requirements. The goal is quality building and design and diversity in streetscape. This can be achieved in a variety of ways. We don't want to be too rigid as it can have the opposite effect in some cases and put the City at a competitive disadvantage. Further, in the absence of a formal Design Review process (which we are not advocating for) it will be very difficult to implement. These are better left as guidelines and not requirements.	Task Force Discussion Issue. We agree that these may best be in a separately approved document if that is the City's preference.
240	Page 23, Section 402.01.B.1	Recommend deleting "a" and "b". This will place significant restrictions on creative smaller product. It would not allow product smaller than 40' wide and therefore lots smaller than 50' wide. There are other ways to de-emphasize garages and create streetscape diversity.	Good suggestions.
241	Page 23, Section 402.01.C.2	Why regulate the width of the driveway? We can regulate the width of the curb cut, but no need to arbitrarily regulate driveway width.	Good point; if retained, we can clarify.
242	Page 23, Section 402.02.C.3	Typo - should say 29 feet not 28 feet, but why are we regulating driveway widths at all?	Maybe be preferable to delete a driveway width provision. Residential Driveway widths should be regulated, particularly on smaller lots. Most communities have a limit
243	Page 24, Section 402.02.C.4	This requirement appears to be inconsistent with 402.01.B.1.a - if your garage cannot exceed 30% of your lot frontage then you will limit your smallest allowable lot width to 65' based on a 20' wide garage. Delete this requirement. The proper garage width and location is going to vary based on the size of the home, width of the lot and the architecture. We need to provide for flexibility.	OK
244	Page 24, Section 401.02.C.5	Recommend deleting this requirement. Having all garages recessed does not create a diverse streetscape. It is merely one way to de-emphasize garages. Need to provide for additional architectural flexibility.	OK
245	Page 25, Section 401.02.D.1	Unintended consequence - the creation of wall jogs that prevent continuous planes of 20 feet or less, which meets the letter of what is being asked without the intended benefit.	Good idea; will be clarified so there is flexibility.
246	Page 27, Section 402.02.A	These features should be regulated within the context of architectural styles rather than outside style as presently written. Style creates the discipline under which these features can be executed correctly.	Good idea; will be clarified so there is flexibility.
247	Page 27, Section 402.02.A.2	"noticeable change in height" is subjective language. Suggest revising.	OK
248	Page 27, Section 402.02.B	Regulation based on fenestration requirements will work better than this. This may also be more specific as to WHICH walls (front, sides, rear).	Good idea; will be clarified or a fenestration rule proposed if the guidelines are retained.
249	Page 28, Section 402.03	Clarify that this does not apply to "all" development. This should not apply to single-family residential. Also, these elements need to be regulated within the context of style, rather than separate from it. Finally, are there any provisions in the ordinance that actually allow buildings to abut the sidewalk?	Agree; these would only apply to non-residential development in pedestrian-oriented commercial districts.
250	Page 30, Section 403	The Green Building Program should be 100% optional. There should not be any required "covered projects". There can certainly be incentives to implement, but requiring it of certain projects has significant cost implications that will put the City at a competitive disadvantage. The long-term energy saving do not yet offset the additional upfront costs. Further, implementation will require significant training and certification on the part of City staff and will burden City resources.	Good idea; will be added if the Task Force directs this program to be included as an optional element.
251	Page 36, Section 404	All new development has to ensure adequate public facilities and infrastructure, but its typically not "adequate" until improvements are made with the development. The proposed process would appear to result in an "inadequate" determination in most cases and force developers into binding financial agreements before they even know if they have zoning for a project. This certainly is not "streamlining" the process in any way. It also doesn't appear to strike the right balance with the City's own capital infrastructure planning.	Task Force Discussion Issue. The intent is not to have binding agreements prior to receiving zoning or other entitlements.
252	Page 36, Section 404.04.A	At what stage of the entitlement process would the determination of adequate public facilities occur? If it's at rezoning then you'll almost never have adequate public facilities as defined here.	The intent would be to make a determination before granting a rezoning or discretionary approval.
253	Page 37, Section 404.04.A.3	If the determination is based on currently available public facilities, then most development applications will be determined to be inadequate. They don't need to be adequate until the impact is there. Consequently, 3a and 3b should be deleted.	The determination would account for planned improvements that would be funded and in place in time to serve the proposed development.
254	Page 37, Section 404.05.C	Typically an LOS of "D" is considered just fine. If you're at A or B you've built too much road. If you're at E or F you haven't built enough. C and D is usually where you want to be. So this should be revised to refer only to LOS E and F.	Good idea; a lower LOS could be set, either for all streets or just for commercial streets. Will defer to Engineering Dept for final Recommendation
255	Page 38, Section 404.06.B	Prior to development, the existing water system will almost always be "inadequate". This section would then deny applications on that basis and/or force developers to enter into binding financial agreements with utility providers to fund infrastructure before they even know if they can get zoning approval for the project. This doesn't work	Good point; if retained, we can clarify.
256	Page 39, Section 404.07	Same comment as above.	Agree,
257	Page 40, Section 404.08.A.1	Shouldn't the school district decide if their school facilities are adequate for the proposed development?	Yes, this can be done through "will serve" letters.
258	Page 40, Section 404.08.A.2	Does the City really want to require developers to enter into development agreement with school districts and get into the details of those agreements? This is a big jump in the level of involvement that most City's have.	Determinations for schools were added at City staff's request. DA's are not required but a letter of acknowledgment by the school district is appropriate, as required in the subdivision ordinance. This measure only applies to projects without need for subdivision, such as some multi-family

	259	Page 42, Section 405	Not seeing much in this section that would encourage a developer to want to voluntarily participate in this program. There really isn't a financial incentive and it certainly won't get done for philanthropic reasons. First, the density bonus has to more than simply offset its existence. Next, throwing density around as an incentive doesn't always make sense. The other side of the issue is whether there is room in the market for the increased density. Lastly, there is nothing offered in this section relative to the management that would be needed for dealing with the affordable units. A housing authority would need to be created. Is Maricopa ready to take that on?	All good points and may justify not including at this time. Provisions for affordable housing were part of the City's initial request for proposals; the Task Force could decide that these are not needed for the Code Rewrite.	
	260	Page 45, Section 406	Would it make sense to have a pre-approved landscape palette that could then be deviated from via an ALP?	Good idea; will be added.	
	261	Page 46, Section 406.03.B	Nobody knows that the Arizona Nursery Association's guidelines are. Simply citing this doesn't make this a user friendly document.	The City could include on its website to facilitate understanding what they are.	
	262	Page 46, Section 406.04.A.1	What does the term "landscape yards" mean in this context?	In this context, the term simply means a planted area.	
	263	Page 47, Section 406.04.A.6	Are these minimum sizes competitive with other jurisdictions?	Yes.	
	264	Page 48, Section 406.04.A.8	This is another very subjective statement.	Good point; these provision could be deleted.	
	265	Page 52, Section 406.06	Would the ALP be part of a rezoning or PAD application process? Trying to clarify at what stage this would be approved?	The ALP could be used at any time, but are not normally used at a rezoning stage when landscape details may not yet be set.	
	266	Page 52, Section 406.06.A	This section is getting too specific on the requirements of the ALP. Either it meets or exceeds the intent of the landscape guidelines or it doesn't. Let the ALP stand on its own. Don't make such specific requirements as preserving native vegetation or using rain water harvesting.	Good suggestion; this section can be simplified.	
	267	Page 54, Section 407	Would it make sense to have a pre-approved lighting palette for public streets?	Yes, but this section is just addressing lighting on privately-owned land.	
	268	Page 56, Section 407.03.A	Does this requirement work for streetlights? What about garage coach lights? Seems like it could be a problem	This section does not apply to streetlights. It would apply to coach lights; an exception can be added.	
	269	Page 57, Section 407.03.C	This requirement doesn't work for residential. Need to differentiate by land use.	Good suggestion.	
	270	Page 59, Section 408	Regarding potential amortization programs, how would this be done without constituting a "taking"?	An amortization program is not proposed. The limitations on page 59 relate to changes of use and expansion of a use; there is no implied "taking" we believe as the use can continue with no changes required.	
Stakeholder - Jackson Moll/HBACA	271	Page 2 - Design Guidelines	"...but would not establish fixed standards." With any type of regulations which deal with "design standards" one of the HBACA's primary concerns is vagueness. The expectations that are typically expressed in municipal design standards are often perilously close to infringing upon the due process rights of the applicants as they inevitably lead to the subjective, "I do not like this, bring me something else." Homebuilders, like other applicants, are constitutionally entitled to precise standards and well-defined rules. Moreover, they prefer such standards as they allow homebuilders to plan accordingly prior to making any significant investment. If we assume that the City should include design standards in its zoning ordinance (see comment number 3), the expectations should be clearly defined using technical terms commonly understood in the industry and have clear words of interpretation (e.g., shall) indicating what is required and in what quantities.	We agree that zoning should rely on measurable standings and commonly understood technical terms.	
	272	Page 2 - Design Guidelines	"...whether this additional guidance is needed..." Homebuilders design their products based on consumers' budgets and demands, not as preferred by the City. If a design is not warranted or attractive to consumers, the homebuilder carries the financial risk alone, regardless of the desires of city government, community or neighborhood groups, or affected merchants and business owners. Our homebuilder members spend considerable time and resources to determine what products will best fit their customers' needs and fit within their budgets. Regulations such as design standards tend to ignore this market research. Thus, many of these types of regulations are best left to the consumer based on an individualized cost-benefit analysis.	All good points and for this reason, it may be preferable to exclude design guidelines from the Zoning Code Rewrite, focusing instead on standards and criteria for approval.	
	273	Page 2 - Design Guidelines	"...whether this additional guidance is...appropriate for the new Code." As I mentioned at the previous meeting, the HBACA believes that zoning ordinances are an inappropriate place for design standards. In order to deviate from design standards, an applicant must request a variance from the Board of Adjustment. Pursuant to A.R.S. 9-462.06(H)(2), a board of adjustment may not "[g]rant a variance if the special circumstances applicable to the property are self-imposed by the property owner." It would be rare to find a request for a variance to deviate from design standards which would not be self-imposed by the owner. It is for this reason that other municipalities, including the City of Phoenix are looking to remove these design regulations from the zoning ordinance or already have them as stand alone documents.	All good points.	
	274	Page 2 - Green Building Program	Additional information regarding "covered projects" needs to be provided. In addition, it is questionable whether the City has the authority under A.R.S. 9-462.01 to create a green building program in a zoning ordinance.	City staff will be making a presentation to the Task Force on this topic.	
	275	Page 2 - Adequate Public Facilities	Generally - It is unclear whether the City has the power under A.R.S. 9-462.01 to include an Adequate Public Facilities Ordinance ("APFO") in its zoning ordinance. Cities do not possess unlimited zoning authority. Arizona courts have consistently stated that since cities derive the power to zone from the state legislature, their zoning ordinances must be consistent with the enabling act. The APFO does not define the type of land use that is permitted within a particular zone nor does it regulate the type of building that may be located within a particular zone. Rather, the APFO ties approval of a specific development to a certification that adequate public facilities exist, which is not one of the ways in which a city or town can regulate land use in a zoning ordinance under A.R.S. 9-462.01.	Both Tempe and Queen Creek have adopted similar provisions and, to our knowledge, legal action has not been taken to have these provisions removed. The APFO does not address what types of land use or zoning are allowed as this is done in the base district regulations.	
	276	Page 2 - Adequate Public Facilities	Schools - As we understand this proposal, the APFO will require a certification from a school district that the school system has adequate public facilities to accommodate new demand from new construction. If the district determines that it does not have adequate facilities, the developer or builder will be required to pay a substantial sum to the school district to secure its approval or follow one of the other means of mitigate the inadequate facilities. From this description it is quite clear that the operation of this ordinance will be very similar to the mandatory school impact fee struck down by the Arizona Court of Appeals in <i>Home Builders Association of Central Arizona v. City of Apache Junction</i> , 198 Ariz. 493, 11 P.3d 1032 (2000). In <i>Apache Junction</i> , the Court held that cities and town have "no authority or responsibility for public school matters" under A.R.S. 9-463.05 (impact fees) or any other statute. <i>Id.</i> Rather, the Arizona Constitution and case law has explicitly declared that "the legal responsibility for financing Arizona's public schools rests with the legislature and school districts, not with municipalities." <i>Id.</i> Finally, it is hard to imagine a scenario where a school district, knowing that approval of a project is conditioned upon its certification, would ever make the determination that it has all of the resources it needs and nothing further is required of the applicant.	Valid points and, for these reasons, it may make sense to exclude schools. These determinations were added at the request of City staff who may not have had knowledge of the case cited.	
	277	Page 11 - Section 401.05	"Projects over 10 acres" - is this an aggregate size or based on individual projects? For example in the context of a subdivision, is the entire subdivision a single project or is each individual lot a project? In the past, we have found that there is very little market for recycled construction materials and therefore difficult to get rid of these materials. In addition, there is frequently not enough space on a lot to place the storage bins, the storage bins create an attractive nuisance for neighborhood children, and the bins become the "neighborhood dumpster" for all types of materials and items. Moreover, this documentation or evidence of diversion is going to be very difficult to maintain throughout the course of a construction project particularly of a subdivision or master planned community which may take years to complete. Finally, this section seems out of place in this Article and is probably not appropriate for a zoning ordinance as it does not govern land use, but rather construction methods.	Task Force Discussion Issue. These are all good points for the Task Force to consider.	
	278	Page 16 - Section 401.11	Does this require that a Directv satellite dish needs to be screened from public view? Does "similar utility devices" include small electrical boxes, telco, or fire hydrants?	Specific exceptions for satellite dishes will be added as these are normally covered by a separate section of the Code.	
	279	Pages 23 - 29 - Design Guidelines	Please separate out those requirements dealing with multifamily residential from single family residential, because having them integrated is very confusing. For example, page 25 section 402.01(D)(2)(a), requires relates to multifamily but appears to be in with other regulations dealing with single family.	Good point; this will be done if these guidelines are retained.	
	280	Page 23 - Section 302.01(B)(1)(b)	By mandating that garages be located at least five feet behind the primary facing wall, the result will be a different kind of "sameness" these design standards are trying to avoid. The consequence of having a significantly recessed front-facing garage will be to reduce the amount of livable square footage in an effort to maintain affordability.	Good point; variety in the streetscape is preferable. If these guidelines are retained, this clarification will be added.	

281	Page 30 - Article 403	It appears that this Article outlines a Green Building Program that the City Council could adopt at some point in the future. For example, Section 403.03 states that for compliance "[t]he City Council may establish by resolution." If we are to assume that the City Council has the power to adopt such a green building program, then it is unnecessary to outline what the City Council could or may do in the Zoning Ordinance. The City Council could simply do it.	Good point; we were trying to set out some basic parameters for a subsequent program. City staff will be making a presentation on this topic for the Task Force to consider as it discusses options.
282	Page 30 - Section 403.02	Need clarification on "Covered projects."	This would be a subsequent Council determination.
283	Page 32 - Table 403.05(H)	Other than installing alternative energy, the next highest method for achieving points is achieving a LEED certification. From what I understand, this is a process that takes a number of years after completion of the building. For example, on August 9, 2013, the Arizona Republic ran a story about the Chandler City Hall achieving LEED Gold - the City Hall was completed in 2010. If this is the case and a density and height bonus is given, but the building fails to achieve the standard necessary to achieve the required points for the bonus, what is the result?	Because of this time delay, the option of "an equivalent third party certification program was included.
284	Page 36 - Adequate Public Facilities	Please see prior comments regarding adequate public facilities and the statutes regarding impact fees, construction moratoriums for lack of infrastructure, and the public reporting requirements for certificates of assured water supply. A.R.S. 9-463.05 which defines which projects are eligible for impact fees, the process for a city to develop an infrastructure improvement plan to ensure adequate public facilities and manage for growth, and the process for creating developers for infrastructure improvements, which is absent from this ordinance. A.R.S. 9-463.06 which outlines the process for cities and towns to enact a moratorium on new development necessary because of a lack of public infrastructure or inadequate public facilities. A.R.S. 32-2181 which states that before offering subdivided lands for sale or lease, the subdivider shall notify the [Arizona Department of Real Estate] commission, among other things, "[a] true statement of assurances for the completion of off-site improvements, such as roads, utilities, community or recreational facilities and other improvements to be included in the offering or represented as being in the offering, and approval of the offering by the political subdivision with authority" and "[a] true statement of the availability of sewage disposal facilities and other public utilities, including water, electricity, gas and telephone facilities in the subdivision, and estimated costs related to the facilities and utilities the twill be borne by purchasers of lots in the subdivision. A.R.S. 45-576 which requires a subdivider to apply and obtain a certificate of 100 year assured water supply.	These are all valid points; the Adequate Public Facilities program could be designed to defer to these other determinations for subdivisions but have a separate program for development that would not involve land division, but just development on already subdivided lots.
285	Page 42 - Affordable Housing Density Bonus	It is odd that the City would create a voluntary program to incentivize affordable housing for low and moderate income families, when the rest of the document imposes additional regulations which have the effect of increasing the cost of construction and decreasing the affordability of new housing product across all income levels. A preferable approach would be to reduce regulations on everyone which would lower the cost and provide for the most affordable housing across income levels.	Good point. This will be a Task Force consideration and may justify eliminating the voluntary program altogether.