

**City of Maricopa -Subdivision Ordinance
30 Day Review Comments – Working Draft
Sorted by Section
January 23, 2019**

Number	Date	Code Reference	Comment	Type of Change	Comment By	Notes
Overall						
1	9/17/18		What can we do to ensure hoa's cannot restrict parking on public streets!?	Policy	Vincent Manfredi	Forwarding to legal to review options
2	10/18/18		The changes proposed to the PAD structure and requirements seem to be eroding the historical flexibility of that zoning designation by implementing some unnecessary and somewhat arbitrary (in our opinion) requirements.	Policy	Chris Webb, Rose Law Group on behalf of Property Reserve, Inc (PRI)	The previous PAD structure was the old Pinal Code, the City is updating the code to require more give with a PAD then simply to request variances. It attempts to keep it somewhat flexible while giving more direct requirements so it is clearly known what is required of a PAD
3	10/18/18		When note states relocation to Zoning Code or Design Standards Manual, please reference code for guidance.		Chris Webb, Rose Law Group	Will do for Zoning Code. Design Standards Manual is still being worked on and reorganized, as currently not sure code location.
14-1 Title, Authority and Definitions						
1	10/18/18	14-1-6	Density: Should include a definition of "Density" and how it is calculated.	New Text	Chris Webb, Rose Law Group	Added per the GP "The number of permanent residential dwelling units per gross acre of land."
2	10/18/18	14-1-6	Lot Coverage: Consider, start at using...delete and simply by adding "described as a percentage of net lot area by floor area of the first floor or building footprint only," or something similar to note that coverage is calculated on net vs. gross	Edit	Chris Webb, Rose Law Group	Revised to add Net and first-floor building footprint
3	10/18/18	14-1-6	Master Development Plan (MDP): Existing MDP property exists in Maricopa. Please specify how existing MDP is now zoned and treated. This would be a good place to explain.	New Text	Chris Webb, Rose Law Group	Zoning code has a transition section, MPDs are recognized on the zoning map as PADs
4	10/18/18	14-1-6	Net Acres: Change to "Net Area", not always in acres.	Edit	Chris Webb, Rose Law Group	Revised
5	10/18/18	14-1-6	Net Acres: Consider taking out specification of street and change to "excluding all dedicated streets, alleys or roadways."	Edit	Chris Webb, Rose Law Group	Local roads, alleys and the like are not excluded from net acres. Item remains as is.
6	10/18/18	14-1-6	Net Acres: Consider deleting "and school/civic site reservations" as this is irregular and does not promote development dedicating public parks and/or schools as it won't be counted toward overall open space numbers.	Edit	Chris Webb, Rose Law Group	Intent was not to remove public parks, but schools or civic functions or buildings and uses. Will clarify
7	10/18/18	14-1-6	Net Acres: Consider taking out last sentence as it is repetitive.	Edit	Chris Webb, Rose Law Group	Not repeated for PAD. Left the same.
8	10/18/18	14-1-6	Open Space: Should outline in here somewhere if open space % calculations are based on gross or net acreage. Should be net.	Edit	Chris Webb, Rose Law Group	Will add into definitions, but also stated in section 14-6-4 they are based on net acres.
9	10/18/18	14-1-6	PAD: As noted before, consider lowering threshold as the district is better applied to infill and urban smaller sites with more constraints.	Edit	Chris Webb, Rose Law Group	The PAD section was moved to the ZO, the PAD section 207.02.2a does allow for PADs to reduce to 5 acres in infill areas when not single family detached.
14-2 Administration						
1	10/18/18	14-2-1.B	Other language strikes MPD district, assuming this should be removed as well?	Edit/ Deletion	Chris Webb, Rose Law Group	Deleted
14-3 Types of Subdivision Developments						
1	10/18/18	14-3-5	"or"	Edit	Chris Webb, Rose Law Group	Done
2	10/18/18	14-3-5	Consider specifying if residential/non-residential applies per parcel and/or by building to meet intent of Mixed Use.	Edit	Chris Webb, Rose Law Group	Maricopa is not prepared to define at this time how Mixed use should look, it will be project specific if it meets the intent of the code/ GP
3	10/18/18	14-3-6	Consider less acreage as minimum, especially to promote pedestrian activity, circulation, multi-modal transportation, etc. Many PADs are being applied on small parcels in more dense/urban/infill areas.	Edit	Chris Webb, Rose Law Group	The PAD section was moved to the ZO, the PAD section 207.02.2a does allow for PADs to reduce to 5 acres in infill areas when not single family detached.
14-4 Platting Procedures and Regulations						
1	10/18/18	14-4-2.B.6	Consider removing for consistency throughout all documents.	Edit/ Deletion	Chris Webb, Rose Law Group	Done
2	10/18/18	14-4-2.B.7	Clarification needed, does this mean a General Plan and a rezoning can't run concurrently and be on the same Council agenda? They should be able to, as they are dependent on each other	Edit	Chris Webb, Rose Law Group	They can run concurrently, however the City requests that a zoning case run 30 days behind the GPA for the 30 day period.
3	10/18/18	14-4-6.F.2	Inconsistent, says 12 months above	Edit	Chris Webb, Rose Law Group	Revised
4	10/18/18	14-4-8.D	Clarification needed, it sounds like a lot split is required to follow the plat process, which seems unnecessary. Typically jurisdictions have a minimum threshold between a minor and major land division, like less than the creation of 5 lots is considered minor/lot split and done administratively. Most lot splits are for an oversized parcel and the creation of two lots.	Edit	Chris Webb, Rose Law Group	Revised

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14-5 MDP and PAD						
1	10/18/18		MPD no longer being recognized in Maricopa? If so is land currently entitled for MPD automatically recognized as PAD and to operate under new PAD regulation? Suggestion for added language with clarity.	Edit/ New Text	Chris Webb, Rose Law Group	MDP type developments were zoned as PADs.
PAD Changes to Zoning Code (Article 207)						
1	10/18/18	207	Clarification on if MPD is now governed by PAD. If so, I would suggest specific language that says such.	New Text	Chris Webb, Rose Law Group	MDP type developments were zoned as PADs.
2	10/18/18	207.01.2	Consider deleting this statement and use/create a use table that shows permitted uses, or at a minimum specify where, what chapters this applies.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep. It is a purpose statement not a permitted use list. PADs may allow any type of use provided they are appropriate for the site and development.
3	10/18/18	207.02	Insert statement about how the PAD zoning applies as a base district and/or option for overlay?	New Text	Chris Webb, Rose Law Group	It is listed several times in Section 207 as a zoning designation and not an overlay
4	10/18/18	207.02.1	Consider removing, repetitive, see below clause.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; not repetitive as that is the min for a conventional single family detached PAD; below details the 5-acre requirement
5	10/18/18	207.03.7	Consider replacing "trail" with pedestrian circulation or complete multi-modal transportation. Using trail implies no paving and requiring of all PAD development is surely not the intention.	Edit	Chris Webb, Rose Law Group	Replaced
6	10/18/18	207.03.10	Suggestion to remove as it's something that is not normally regulated or is done so indirectly through the review of the PAD.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; was part of previous code, but increased for 40% to 60%
7	10/18/18	Table 207.03	Request to delete. This is unnecessary regulation and standard. This can be addressed case by case and stands to cause too many issues. I can understand this if the PAD was utilized as an overlay in which you were amending base development standards in return for higher quality of design, but as I understand it the PAD is a base district and the point of the district is to allow flexibility and creativity. Each PAD is examined independently, therefore the merits of the design should be judged as such.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; previously in code, written in table format for easier understanding. Reduced min number of land use requirements for smaller acreages.
8	10/18/18	Table 207.03 (Minimum Number of Land Uses)	A mid size master planned community will typically only include residential land use, reconsider column.	Edit	Chris Webb, Rose Law Group	Keep; intent of the PAD through the City it to require more than just residential for a PAD unless an infill site.
9	10/18/18	Table 207.03 (1)	Request to delete. Many times residential product varies less, and if multiple builders are involved they will be fighting for prime lot sizes. Also, as it applies to commercial and multi-family it's very challenging.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; this was previously in the code and this revision was determined during the stakeholders meetings with builders who provided these numbers.
10	10/18/18	Table 207.03 (3)	Request to delete. The way that commercial, office, multi-family, mixed-use, and industrial are platted do not align with the way this is regulated by "lot type"	Edit/ Deletion	Chris Webb, Rose Law Group	Revised heading
11	10/18/18	207.03.12	This is difficult if a homebuilder is not associated with the project. Adding a section about amended through administration would be helpful.	Edit/ New Text	Chris Webb, Rose Law Group	Keep; they "shall be encouraged" but not required.
12	10/18/18	207.03.15	If the project is already expected to provide Design Standards & Residential Design Guidelines (#12) with the PAD, there is no need for additional design requirements. Request to delete.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; these are separate design guidelines
13	10/18/18	207.03.16.i	Suggestion for 5', with an aggregate of 10'.	Edit	Chris Webb, Rose Law Group	Revised
14	10/18/18	207.05.1.b	Clarification necessary. Add statement on should a non-permitted use be request a minor/major PAD amended necessary or address land use change in Major/Minor amendment section 510.	Edit/ New Text	Chris Webb, Rose Law Group	Added clarification
15	10/18/18	207.05.2.a	Request deletion, not impactful statement.	Edit/ Deletion	Chris Webb, Rose Law Group	Deleted
16	10/18/18	207.06	Request to delete. This is unnecessary regulation and standard. This can be addressed case by case and stands to cause too many issues. I can understand this if the PAD was utilized as an overlay in which you were amending base development standards in return for higher quality of design, but as I understand it the PAD is a base district and the point of the district is to allow flexibility and creativity. Each PAD is examined independently, therefore the merits of the design should be judged as such.	Edit/ Deletion	Chris Webb, Rose Law Group	Keep; The City is requiring a higher level of design for future PADs moving forward then to simply get variance zoning deviations. The minimum design elements are typical across many Arizona municipalities for standard design requirements.

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17	10/18/18	Table 207.05.C.	Clarification necessary, are you able to deviate from these required elements or just development standards?	Edit/ New Text	Chris Webb, Rose Law Group	The required elements must be met or shown similar, the additional maybe chosen which to do.
18	10/18/18	Table 207.05.C Residential Land Uses	Clarify if Multi-family as well?	Edit/ New Text	Chris Webb, Rose Law Group	For all residential
19	10/18/18	Table 207.05.C Arch, Landscape, Open Space	Consider adding interior amenities for additional points	Edit/ New Text	Chris Webb, Rose Law Group	Added
20	10/18/18	Table 207.05.C Arch, Landscape, Open Space	These are very specific percentages, consider revisions to say increase by X% of standard district.	Edit	Chris Webb, Rose Law Group	Keep; it is an option and not required.
21	10/18/18	Table 207.05.C Streets, Connectivity Parking	Consider adding street calming elements for additional points.	Edit/ New Text	Chris Webb, Rose Law Group	Added
22	10/18/18	Table 207.05.C Sustainability	Consider adding more general statements to be applied like; preservation of washes, native vegetation, topography, and other natural features.	Edit/ New Text	Chris Webb, Rose Law Group	Added
23	10/18/18	Table 207.05.C Streets, Connectivity Parking	Consider adding bike racks for additional points	New Text	Chris Webb, Rose Law Group	Added
PAD Changes to Zoning Code (Article 510)						
1	10/18/18	510.02	Clarify is same applied for current MPD zoning?	New Text	Chris Webb, Rose Law Group	MDP type developments were zoned as PADs.
2	10/18/18	510.03.G.5.d	consider deleting paving coverage, unnecessarily specific.	Edit/ Deletion	Chris Webb, Rose Law Group	Removed
3	10/18/18	510.03.G.5.f	Clarify is this can be a unique Sign Plan specific to the project, or if it shall comply with Sign Ordinance?	Edit/ New Text	Chris Webb, Rose Law Group	Clarified
4	10/18/18	510.04.H	Consider deleting, repetitive.	Edit/ Deletion	Chris Webb, Rose Law Group	Revised
5	10/18/18	510.04.I.a.	Consider defining "minor"	New Text	Chris Webb, Rose Law Group	City recommends to delete the word "minor" from the section. The approval criteria within the section establish what the modification is.
6	10/18/18	510.06.A	Clarify if this applies to currently zoned MPD as well?	New Text	Chris Webb, Rose Law Group	The zoning code has a transition section for this. MPDs are called out on the zoning map as PADs and shall move forward as PAD as they are the same.
7	10/18/18	510.06.B.1	Consider adding within 10% of overall area, as this is more typical and allows for flexibility.	Edit/ New Text	Chris Webb, Rose Law Group	Revised
8	10/18/18	510.06.C	Consider deleting this sentence. If a project is deemed minor and subject to an administrative process, outreach should not be standard.	Edit/ Deletion	Chris Webb, Rose Law Group	It is at the discretion of the ZA if the change would cause substantial public interest even if it does not warrant a Major amendment
9	10/18/18	510.06.C	Simplify and take out 1-5. If not Major then minor covers all other options.	Edit/ Deletion	Chris Webb, Rose Law Group	City recommended to keep. Language modified.
14-6 Design Standards						
1	10/18/18	14-6-4.A.3	Please clarify how was this determined?	Edit/ New Text	Chris Webb, Rose Law Group	Was in previous ordinance, no change.
2	10/18/18	14-6-4.D.2	Please re-evaluate as this will have a big impact on retention.	Edit	Chris Webb, Rose Law Group	Previously were not permitted in retention areas.. They now are provided they meet this requirement.. More options for site layout.
3	10/18/18	14-6-4.D.10	Consider adding unless associated with a community center or school.	Edit/ New Text	Chris Webb, Rose Law Group	Added
4	10/18/18	14-6-5.C.1.f.	Consider providing an alternative ways to satisfy this.	Edit/ New Text	Chris Webb, Rose Law Group	Revised slightly
14-7 Improvement Requirements						
1	10/18/18	14-7-2.B	Please clarify is this committee is referring to a HOA?	Edit/ New Text	Chris Webb, Rose Law Group	Yes, will clarify
2	10/18/18	14-7-3.E.	Seems like regulatory and process instruction is overall being relocated to Design Standards Manual. Move for consistency.	Edit/ Deletion	Chris Webb, Rose Law Group	Checklist deleted
3	10/18/18	14-7-4.G.	Seems like regulatory and process instruction is overall being relocated to Design Standards Manual. Move for consistency.	Edit/ Deletion	Chris Webb, Rose Law Group	Moved to DSM, but kept general language
4	10/18/18	14-7-4.Q.2.a.	Consider C of O hold?	Edit/ New Text	Chris Webb, Rose Law Group	Clarified to 14-7-4.Q.2.b

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Overall						
1	4/3/18		Will these changes will allow for the reduction in the sizes of lots for houses, and also allow houses to be built closer than they presently are now?	Policy	Thomas DeGraphenreed	Replied 5/14: Change in lot size continues to be through existing entitlements/PAD/variance process
14-1 Title, Authority and Definitions						
1	4/2/18	14-1-6	As written the definition of a 'Condominium' would include townhouses and patio homes which I do not believe is the intent. I would suggest that the first sentence should read as "Real estate, portions of which are designated for separate ownership of air space ... " Ownership in condominiums is limited to only the air space within a unit extending to the surface of the walls, floor and ceiling with the physical structure being a common element belonging to the community of owners.	Edit	Bill Collings, DNA, Inc.	Added language
2	4/2/18	14-1-6	There should be a definition of air space.	New Text	Bill Collings, DNA, Inc.	Defined
3	4/2/18	14-1-6	The lot width shown in the graphic does not correspond to the written verbiage of the lot width definition which states that it is to be measured "at the minimum front yard setback line". As shown in the graphic it is taken on a line that is less than the minimum setback over the full extent of the lot. The width should be taken at the mid-point of the setback curve along a line parallel with the street right of way curve cord.	Edit	Bill Collings, DNA, Inc.	Matches the zoning ordinance
4	4/2/18	14-1-6	Under the definition of a corner lot does a "corner lot" cease to be a corner lot if it is separated from the side street by a tract privately held by the HOA?	Edit	Bill Collings, DNA, Inc.	No. Min 10' width tract is required of the corner lot
5	4/2/18	14-1-6	Under the definition of Private Access Way there is a reference to "air spaces" which is an undefined term.	New Text	Bill Collings, DNA, Inc.	Addressed as air space is defined
6	4/2/18	14-1-6	Public Utility Easements by its current definition infers " ... City ownership and maintenance of a utility line ... " would appear to preclude its use by any utility other than the City (which does not currently own and maintain any utilities).	Edit	Bill Collings, DNA, Inc.	Language changed
7	4/2/18	14-1-6	Water Supply Assurances (100 Year) definition it does not acknowledge or provide for the alternative method for establishing a 100 year water supply designation for a development as set forth in Article 7 of Chapter 15 under Title 12 of the Arizona Administrative Code where the water provider is not designated as being an assured water provider. This definition in its current form violates the cited State Administrative Code and discriminates against land owners and developers served by water providers other than Global Water Resources' Palo Verde Water Company.	Edit	Bill Collings, DNA, Inc.	Removed water company language
8	4/30/18	14-1-6	The proposed revision to the definition of "Net Acres" is concerning, particularly if densities will be calculated based on net acreage. The proposed revision would make net acreage exclusive of ALL streets within the project, where most municipalities only exclude arterial streets (and sometimes collector streets). This would result in densities calculating out much higher than they actually are.	Edit	Chris Webb, Rose Law Group	Language changed
9	5/2/18	14-1-6	As Builts: Identify on the second line should be "identifies"	Edit	Brad Mecham, CAG	Done
10	5/2/18	14-1-6	Bus Stop: Structure spelled incorrectly on 3rd line	Edit	Brad Mecham, CAG	Done

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11	5/2/18	14-1-6	Figure: No comma after ordinance on 1st line	Edit	Brad Mecham, CAG	Done
12	5/2/18	14-1-6	What was the rationale for taking out the numbering? It serves a purpose and provides ease of use. I know it's alphabetical, but it's another layer.	Edit	Brad Mecham, CAG	Allows for easier 1-line amendments/additions
14-2 Administration						
1	5/2/18	14-2-3.B	stand-alone instead of stand alone	Edit	Brad Mecham, CAG	Done
14-3 Types of Subdivision Developments						
1	4/30/18	14-3-6	The proposed revision to the definition of "PADs" implies that a PAD must have both residential and non-residential uses. We don't think that was the intent, but would suggest using "residential and/or non-residential uses".	Edit	Chris Webb, Rose Law Group	This was the City's intent for layer subdivisions. It is defined in the Zoning Code that PADs under a certain acreage can have only one land use.
2	4/30/18	14-3-6.B	The proposed revisions to this section appear to change the open space % requirements to be based on gross acreage rather than net acreage. This would require developers to provide additional open space acreage even though this required percentage hasn't increased. This change especially penalizes large PADs where you might have a school site and/or commercial corner included in the PAD.	Edit	Chris Webb, Rose Law Group	Kept net acreage language
3	5/2/18	14-3	Medium Density Residential should be Section 14-3-3 instead of 14-3-34 (may be strikethrough the 4 but it does not look like it)	Edit	Brad Mecham, CAG	Done
14-4 Platting Procedures and Regulations						
1	4/25/18	14-4-3-A	Geotech Report is not necessary at preplat stage and I'm not sure there is such thing as a preliminary geotech report; not needed final engineering.	Edit/ Deletion	Brad Hinton, El Dorado Holdings, Inc.	Removed
2	4/25/18	14-4-3-A	Residential Design Guidelines should not be required if already included in an approved PAD.	Edit/ Deletion	Brad Hinton, El Dorado Holdings, Inc.	Must meet the minimum requirements for all development
3	4/25/18	14-4-4-B.3	Utilities and Services – Pinal County Environmental Health, ADEQ and ADWR reviews do not happen at preplat. That needs removed from the section.	Edit/ Deletion	Brad Hinton, El Dorado Holdings, Inc.	This requirement is seen in other jurisdictions in the Valley
4	4/25/18	14-4-5-H.4	I like the 12 month period from Council approval to recordation, however section H(5 & 6) contradict section 4. In a lot of cases, 3 months is not enough time. I highly recommend sticking with the 12 month timeframe.	Edit	Brad Hinton, El Dorado Holdings, Inc.	Changed to 12 months
5	4/25/18	14-4-5-H.4	Extension language needs revised to 12 month for section (i) and (ii)(b) I highly recommend a 6 month extension.	Edit	Brad Hinton, El Dorado Holdings, Inc.	Done
6	4/25/18	14-4-10	The last sentence in section (D) and the first sentence of section (E) should be removed from those sections and combined into its own section (compensation piece). The new section needs to address instances when compensation is not required: When the abandonment is a part of a subdivision plat with an adequate roadway network to replace it, If the City deems it not needed and Clarify that the 33 foot section line roadway easements from the 1922 Declaration of Roadways does not require compensation.	Edit	Brad Hinton, El Dorado Holdings, Inc.	Added an exception clause
7	4/25/18	14-4-10	I think abandonments are approved by Resolution, not Ordinance	Edit	Brad Hinton, El Dorado	Done
8	4/25/18	14-4-12-H.4-5	Approval timeframe should match 14-4-6 (H)4 of 12 months and extensions should be 6 months.	Edit	Brad Hinton, El Dorado Holdings, Inc.	Done

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9	4/25/18	14-4-12-H.4-5	It seems odd that the extensive Administrative Completeness Review and Substantive Review requirements are only included in this section. Is that intentional? I would think that the review/approval process for MOD's would follow or be similar to the FP process.	Edit	Brad Hinton, El Dorado Holdings, Inc.	These requirements are in line with final plat process.
10	4/30/18	14-4-2.B.7	The proposed revisions to this section appear to clarify that if a General Plan Amendment is required, it doesn't have to be approved before a corresponding rezoning application is processed, it just has to be approved prior to the zoning application being approved. This is a good change, but we would recommend also clarifying that the two applications can be processed simultaneously, even with a Major General Plan Amendment.	Edit	Chris Webb, Rose Law Group	Changed to "prior to being heard"
11	4/30/18	14-4-4.E	This section appears to place a 6 months inactivity time limit on Preliminary Plat and Final Plat application, upon which they would expire, with no ability to extend. However, Section 14-4-5.A.7 appears to contemplate the ability to get a 6-month extension. We recommend making these two sections consistent so its clear that a 6 month extension can be obtained.	Edit	Chris Webb, Rose Law Group	6 month extension
12	4/30/18	14-4-6.H.4	This section states that Final Plat approvals are valid for 12 months, yet subsequent sections (Sections 14-4-6.H.5 & 6) appears to change this approval period to 3 months. We are not supportive of a change to 3 months and recommend keeping the initial approval period at 12 month, with the ability to get a 3 month extension.	Edit	Chris Webb, Rose Law Group	12 month window and 6 month extension
13	4/30/18	14-4-8.C	This section provides for the ability to correct platted lot lines via an affidavit of correction. We recommend clarifying that this is an administrative process and doesn't require Council approval.	Edit	Chris Webb, Rose Law Group	Added language
14	4/30/18	14-4-10.E	This section requires a property owner requesting/processing a right-of-way abandonment through the City to pay the City appraised fair market value for that right-of-way. This shouldn't be required in all cases. In many instances property owners or developers must go through this process because a road alignment has changed and they are dedicating the same right-of-way elsewhere. They shouldn't be required to pay the City for the abandonment in such instances.	Edit	Chris Webb, Rose Law Group	Added an exception clause