



# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department



**Cases:** TA2010002 - Outstanding Fees and Fines  
 TA2010003  
 TA2010004  
 TA2010005  
 TA2010006  
 TA2010007

**Meeting Date:** April 1, 2010

**Agenda Items:** 4 - 9

**Supervisor District:** All Districts

**Applicant:** Staff Initiated

**Requests:** Text Amendments to the *Maricopa County Local Additions and Addenda, Maricopa County Zoning Ordinance (MCZO), Maricopa County Subdivision Regulations, Maricopa County Comprehensive Plan Amendment Guidelines, Maricopa County Development Master Plan Guidelines and Maricopa County Drainage Regulations* regarding the payment of outstanding fees and fines.

**Recommendation:** **Initiate and Approve**

## Background:

1. **February 26, 2009:** The Commission initiated Text Amendments TA2009002 – 006 regarding the payment of outstanding fees and fines.
2. **April 2, 2009:** The Commission recommended approval of Text Amendments TA2009002 – 006 regarding the payment of outstanding fees and fines.
3. **April 15, 2009:** The Board of Supervisors (BOS) approved Commission initiated Text Amendments, TA2009002 – 006 regarding the payment of outstanding fees and fines.

## Summary:

4. As the Commission may recall, previous Text Amendments regarding this topic were approved last year. The approved text is as follows:

*ALL OUTSTANDING FEES AND FINES AGAINST A PROPERTY OWED TO THE DEPARTMENT SHALL BE CURRENT AND PAID IN FULL BEFORE ANY APPLICATION WILL BE SCHEDULED FOR APPROVAL.*

The intent of the text was to prevent applications from being approved thus giving a property additional entitlement if fees or fines were outstanding on the subject property. However, cases were scheduled for hearing when staff recommendation was for denial. Further, a staff recommendation of denial does not equate to a denial decision by a legislative or quasi-judicial body. As a result, staff and County Counsel are proposing the following language for clarification:

NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE ["MARICOPA COUNTY LOCAL ADDITIONS AND ADDENDA, MARICOPA COUNTY ZONING ORDINANCE (MCZO), MARICOPA COUNTY SUBDIVISION REGULATIONS (MCSR), MARICOPA COUNTY DRAINAGE REGULATIONS, MARICOPA COUNTY COMPREHENSIVE PLAN AMENDMENT GUIDELINES, AND MARICOPA COUNTY DEVELOPMENT MASTER PLAN GUIDELINES"], OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

The proposed text is shown below in legislative format in the affected documents. This text has not been routed or reviewed by other One Stop Shop (OSS) agencies since this TA is more procedural in nature and there is

no external impact. However, the text has been posted on the Planning and Development website with a news item for general comment. As of the writing of this staff report, no comments have been received.

## **Maricopa County Local Additions and Addenda – TA2010002**

### **CHAPTER 2 - Administration**

#### SECTION 208. FEES

**Payment of Fees:** ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any permit will be issued.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY LOCAL ADDITIONS AND ADDENDA", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## **Maricopa County Zoning Ordinance (MCZO) – TA2010003**

### **CHAPTER 3 – Administration**

#### SECTION 303. BOARD OF ADJUSTMENT

##### ARTICLE 303.6. PUBLIC HEARINGS

303.6.4 ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## SECTION 304. AMENDMENTS

### ARTICLE 304.2 AMENDMENTS INITIATED BY PROPERTY OWNERS

~~304.2.6. All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

### ARTICLE 304.9. SITE PLAN AMENDMENTS

304.9.3 Applications for amendments to approved site plans shall include the appropriate fee as described in the Maricopa County Zoning Ordinance and the appropriate submittal requirements as required by the Planning and Development Department. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

### SECTION 306. PLAN OF DEVELOPMENT (POD) PROCESS

~~306.8 All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## **CHAPTER 13 – Use Regulations**

### **SECTION 1301. SPECIAL USES**

ARTICLE 1301.2 SUBMITTALS: Before permitting any of the above uses, plans together with supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Board of Supervisors. These plans and supporting statement shall be referred to the Commission for its review, report, and recommendation and for public hearing. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION. Notice and procedure for public hearing shall conform to the procedures prescribed in Chapter 3, Section 304. thereof.

### **SECTION 1302. TEMPORARY USES**

#### **ARTICLE 1302.3 TEMPORARY USE PERMIT REGULATIONS**

1302.3.2.6 ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## **CHAPTER 16 – Fees**

ARTICLE 1606. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY ZONING ORDINANCE (MCZO)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY

ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## **Maricopa County Subdivision Regulations (MCSR) – TA2010004**

### **CHAPTER 2 – Subdivision Application & Approval**

#### SECTION 202. PRELIMINARY PLAT

##### 4. PRELIMINARY PLAT APPROVAL

~~e. All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY SUBDIVISION REGULATIONS (MCSR)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

##### 5. PRELIMINARY PLAT EXTENSIONS

~~d. All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY SUBDIVISION REGULATIONS (MCSR)", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

##### 3. DEPARTMENT / COUNTY AGENCIES REVIEW PROCESS:

~~c. All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY SUBDIVISION REGULATIONS (MCSR)",

OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

## **CHAPTER 4 – Adoption, Amendments, Administration, Enforcement and Fees**

### SECTION 404. FEES

7. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE “MARICOPA COUNTY SUBDIVISION REGULATIONS (MCSR)”, OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

### **Maricopa County Comprehensive Plan Amendment Guidelines – TA2010005**

#### 3. Formal Review

e. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE “MARICOPA COUNTY COMPREHENSIVE PLAN AMENDMENT GUIDELINES”, OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

### **Maricopa County Development Master Plan Amendment Guidelines – TA2010006**

Application Process

Planning and Zoning Commission Public Hearings:

Once the DMP has been reviewed, and the applicant, TAC members, ZIPPOR committee members, and Planning and Development Department staff are satisfied that it is ready for consideration by the Planning and Zoning Commission, a minimum of fifteen (15) copies of the narrative report and land use display map must be submitted to the Planning and Development Department. ~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY DEVELOPMENT MASTER PLAN GUIDELINES", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

#### Fees

~~All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for approval.~~ NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY DEVELOPMENT MASTER PLAN GUIDELINES", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

### **Maricopa County Drainage Regulations – TA2010007**

#### SECTION 405. OUTSTANDING FINES AND FEES

NO APPLICATION SHALL BE SCHEDULED FOR HEARING BY ANY BOARD OR COMMISSION ACTING PURSUANT TO THE "MARICOPA COUNTY DRAINAGE REGULATIONS", OR ADMINISTRATIVELY APPROVED UNLESS AND UNTIL ALL FEES AND FINES OWED TO THE DEPARTMENT AS A RESULT OF ANY ACTIVITY OR INACTIVITY ATTRIBUTABLE TO THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION ARE BROUGHT CURRENT AND PAID IN FULL. THIS REQUIREMENT SHALL NOT BE WAIVED BY THE BOARD /COMMISSION.

**Recommendations:**

5. Staff recommends the Commission motion to **initiate and approve TA2010002** as proposed.
6. Staff recommends the Commission motion to **initiate and approve TA2010003** as proposed.
7. Staff recommends the Commission motion to **initiate and approve TA2010004** as proposed.
8. Staff recommends the Commission motion to **initiate and approve TA2010005** as proposed.
9. Staff recommends the Commission motion to **initiate and approve TA2010006** as proposed.
10. Staff recommends the Commission motion to **initiate and approve TA2010007** as proposed.

Planner: Terri S. Hogan, AICP, Principal Planner  
Reviewed by: Wayne Peck, Senior General Counsel

Attachments: 2/26/09 ZIPPOR minutes extract (3 pages)  
4/2/09 Commission minutes extract (2 pages)  
4/15/09 BOS report (2 pages)  
4/15/09 BOS minutes extract (6 pages)  
Leg-Edit text (X pages)

Enclosures: None