

MARICOPA COUNTY ZONING ORDINANCE

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SECTION 301. BOARD OF SUPERVISORS

Reserved.

SECTION 302. PLANNING AND ZONING COMMISSION

Reserved.

SECTION 303. BOARD OF ADJUSTMENT

ARTICLE 303.1. MEMBERSHIP: ^{*13} The Board of Adjustment is composed of five (5) members, one (1) member is appointed from each of the five (5) supervisor districts. Each member shall be a resident and taxpayer of the supervisor district from which he or she is appointed. The appointments shall be for staggered terms of four (4) years each. Members are appointed and/or removed by the Board of Supervisors.

ARTICLE 303.2. POWERS AND DUTIES: ^{*1, *3, *4, *5, *8, *10, *12, *13} The Board of Adjustment shall have only the powers and duties prescribed by §A.R.S. 11-807, which are more particularly described as follows:

303.2.1. Interpret the Zoning Ordinance when the meaning of any word, phrase, or section is in doubt, when there is dispute between the appellant and the Zoning Inspector (Enforcing Officer), or when the location of a zoning district boundary is in doubt.

303.2.2. Allow a Variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such Variance the general intent and purposes of the Zoning Ordinance will be preserved. Under no circumstances shall there be granted a Variance to allow a use of property not permitted by the regulations for the zoning district in which such property is located or where such Variance is specifically prohibited within this Ordinance. No variance to Chapter 13, Sections 1302 or Chapter 11, Section 1115 shall be considered.

303.2.3. Grant, upon application and filing of a letter of protest or request for extension or a Variance to the requirements for by-right temporary model home sales complexes and temporary construction office/yard complexes (all of which shall be considered appeals to the Board of Adjustment), for Temporary Use Permits as required by this Ordinance.

303.2.4. In addition to the Powers and Duties outlined in Article 303.2 of this Ordinance, the Board of Adjustment shall not modify, waive, or otherwise vary any standard or

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regulation identified in Chapter 10, Section 1010 of this Ordinance without a specific finding that military airport or ancillary military facility compatibility is preserved pursuant to Arizona Revised Statute §28-8481C. ^{*14}

303.2.5 Code enforcement review as outlined in Articles 1504.3.7 – 1504.3.11 of this ordinance.

ARTICLE 303.3. MEETINGS AND RULES: ^{*1, *3, *4, *11, *13} Meetings of the Board of Adjustment shall be held at the call of the Chairman, regularly at least once a month and at such other times deemed necessary for the transaction of business. All such meetings shall be open to the public. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of member upon each request or if absent or failing to vote, indicating such facts, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every Variance and every order, requirement, decision or determination of the Board of Adjustment shall be filed with the Director and shall be a public record. The Board of Adjustment shall adopt its own rules of procedure and elect its own officers.

ARTICLE 303.4. APPEALS: ^{*3; *13} An appeal to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the Ordinance or that due to unusual circumstances attaching to the person's property an unnecessary hardship is being indicted on the person. The appeal shall state whether it is a plea for an interpretation or a Variance and the grounds for the appeal. Such appeal shall be taken within a reasonable time, not to exceed **60 days** or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the Director and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such an appeal shall stay all proceedings in the matter appealed from unless the Director certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in the opinion of the Director cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by said Board of Adjustment or by a court of record on application and notice to the Zoning Inspector from whom the appeal is taken. Said Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

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ARTICLE 303.5. APPLICATION FOR VARIANCE: ^{*1, *3, *8, *13, *25} Application for any Variance from the regulations of this Zoning Ordinance shall be made to the Board of Adjustment. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

- 303.5.1. Accurate site plans to scale and a description of the property involved, description of the request or requests, preliminary floor plans and elevations of all proposed buildings. The zoning inspector may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.
- 303.5.2. Evidence, satisfactory to the Board of Adjustment, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within **120 days** after allowing any Variance. ^{*8}
- 303.5.3. Reasons for requesting the Variance including a detailed description of a statutorily based hardship and evidence that granting of said Variance will not in any way adversely impact the intent and purpose of the Zoning Ordinance.

ARTICLE 303.6. PUBLIC HEARINGS: ^{*8, *12, *13}

- 303.6.1. **Appeals:** Upon receipt in proper form of appeals concerning interpretation or administration of the Zoning Ordinance, the Board of Adjustment shall hold a public hearing thereon after giving public notice thereof by posting of the hearing agenda as well as due notice to the parties in interest, and decide the same within a reasonable time.
- 303.6.2. **Variance or Temporary Use Permit:** Upon receipt in proper form of an application for any Variance to the regulations of this Ordinance or upon receipt of a letter of protest or request for extension for any Temporary Use Permit, the Board of Adjustment shall hold public hearing thereon after giving public notice thereof by adequately posting the area of concern in such application at least **ten days** in advance of the public hearings as well as due notice to parties of interest, and decide the same within a reasonable time.
- 303.6.3. Deleted 07-07-06. (TA2003005)
- 303.6.4. 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 or any amounts owed pursuant to

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an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. ^{*15}

ARTICLE 303.7. APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT: ^{*4,}
^{*13} A person aggrieved in any manner by an action of the Board of Adjustment may within **30 days** of such action, appeal to the Superior Court and the matter shall be heard de novo.

ARTICLE 303.8. LIMITATIONS: Any Variance or Temporary Use Permit granted under the terms of this Ordinance shall expire by limitation of substantial construction, in accordance with the plans for which such Variance or Temporary Use Permit was granted, which has not been completed within **one year** from the date of granting said Variance or Temporary Use Permit, or if judicial proceedings to review the Board of Adjustment's decision shall be instituted **one year** from the date of entry of the final order in such proceedings, including all appeals. ^{*8}

ARTICLE 303.9. TIME EXTENSION: ^{*13} Prior to the expiration of a time sensitive stipulation, an applicant may apply to the Board of Adjustment for a stipulation modification under the original case number subject to a continuance fee to allow a single time extension not to exceed **60 days**.

Date of Revisions			
*1	Revised 12-30-74	*10	Effective 1-17-98
*3	Revised 10-3-77	*11	Effective 2-4-00
*4	Revised 2-26-79	*12	Effective 6-1-2009 TA2009003
*5	Revised 4-14-80	*13	Effective 11-7-09 TA2009011
*8	Revised 2-20-94	*14	Effective 3-17-10 TA2009012
**8	Added 2-20-94	*15	Effective 6-1-10 TA2010003

SECTION 304. AMENDMENTS

ARTICLE 304.1. AUTHORITY: The Board of Supervisors may from time to time, after receiving report and recommendation thereupon by the Commission and after public hearings required by law, amend zoning district boundaries or the regulations herein or subsequently established. Amendments may be initiated either by the property owner or by the Commission on its own motion. ^{*14}

ARTICLE 304.2. AMENDMENTS INITIATED BY PROPERTY OWNER(S): ^{*14}

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- 304.2.1. Any property owner or authorized agent of a property owner desiring an amendment or change in the Zoning Ordinance changing the zoning district boundaries within an area previously zoned shall file an application for the amendment or change with the Board of Supervisors.
- 304.2.2. Upon receipt of the application, the Board of Supervisors shall submit it to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold public hearing thereon after giving at least **15 days** notice thereof by publication once in a newspaper of general circulation in the seat of Maricopa County and by posting of the area included in the proposed change. The posting shall be in no less than **two** places with at least **one** notice for each **one-quarter mile** of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way.
- 304.2.3. The Commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within **300 feet** of the proposed amendment or change and each county or municipality which is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered; a general description of the area of the proposed amendment or change; and notification that if **20%** of the property owners by area and number within the zoning area file protests, an affirmative vote of **three-fourths** of all members of the Board will be required to approve the rezoning.
- 304.2.4. If the Planning Commission has held a public hearing, the Board may adopt the recommendations of the Planning Commission through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection, a request for public hearing or a protest, the Board of Supervisors shall hold public hearing on such petitions giving at least **15 days** notice thereof by publication once in a newspaper of general circulation in the seat of Maricopa County and by adequate posting of the area of concern in said petition at least **15 days** in advance of the public hearing. After holding the public hearing, the Board of Supervisors may adopt the petitioner's proposed change provided that if **20%** of the owners by number and by area, of all property within **300 feet** of the proposed change, file a protest, such a change shall not be made except by a **three-fourths** vote of all members of the Board of Supervisors. However, except that the required number of votes shall in no event be less than a majority of the full members of the Board. ^{*17}

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- 304.2.5. In calculating the owners by area for a protest, only that portion of a lot or parcel of record situated within **300 feet** of the property to be rezoned shall be included. In calculating the owner by number or area, County property and public rights-of-way shall not be included.
- 304.2.6. As used in the Ordinance, legal protests for the purposes of requiring a three-fourths vote of the Board of Supervisors as referenced in Article 304.2.4 shall be subject to the following: ^{*27}
1. The legal protest shall be filed in writing with the Department by **12:00 noon** on the Friday prior to the public hearing before the Board of Supervisors.
 2. The legal protest shall clearly state opposition to the amendment or change.
 3. The legal protest shall be filed by the record property owner of any property located within **300 feet** of the proposed amendment or change. In the event title shall be held in multiple parties, the filing by any such party shall be sufficient.
 4. The legal protest shall indicate the Assessor Parcel Number of the parcel(s) owned by the party filing the opposition.
- 304.2.7. 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 or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. ^{*26*27 *28}

ARTICLE 304.3. AMENDMENTS INITIATED BY THE COMMISSION: ^{*14, *19}

- 304.3.1. Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein Chapter 3, Section 304, Article 304.2 (amendments initiated by property owners).
- 304.3.2. Notice by first class mail of proceedings that are not initiated by the property owner involving rezoning of land to a more restrictive zone shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within **300 feet** of property to be rezoned. ^{**10, *11}

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A *"more restrictive zone"* shall be interpreted to mean:

1. Zoning from one category to another category; or,
2. Zoning from a less restrictive use to a more restrictive use within categories as shown on the following table:

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CATEGORY A:	
(More Restrictive)	Rural-190 Rural Zoning District
(Less Restrictive)	Rural-70 Rural Zoning District Rural-43 Rural Zoning District
CATEGORY B:	
(More Restrictive)	R1-35 Single-Family Residential Zoning District R1-18 Single-Family Residential Zoning District R1-10 Single-Family Residential Zoning District R1-8 Single-Family Residential Zoning District R1-7 Single-Family Residential Zoning District R1-6 Single-Family Residential Zoning District R-2 Limited Multiple-Family Residential Zoning District R-3 Limited Multiple-Family Residential Zoning District R-4 Limited Multiple-Family Residential Zoning District R-5 Limited Multiple-Family Residential Zoning District
(Less Restrictive)	
CATEGORY C:	
(More Restrictive)	C-O Commercial Office Zoning District C-S Planned Shopping Center Zoning District C-1 Neighborhood Commercial Zoning District C-2 Intermediate Commercial Zoning District C-3 General Commercial Zoning District
(Less Restrictive)	
CATEGORY D:	
(More Restrictive)	IND-1 Planned Industrial Zoning District IND-2 Light Industrial Zoning District IND-3 Heavy Industrial Zoning District
(Less Restrictive)	
CATEGORY E:	Any Special Use
CATEGORY F:	Hillside Development Overlay Zoning District
CATEGORY G:	Senior Citizen Overlay Zoning District
CATEGORY H:	Residential Unit Plan of Development
CATEGORY I:	Industrial Unit Plan of Development
CATEGORY J:	Commercial Unit Plan of Development

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ARTICLE 304.4. AMENDMENTS TO ZONING ORDINANCE STANDARDS: ^{**11, *21}

304.4.1. Proceedings involving **one** or **more** of the following proposed changes or related series of changes in the standards governing land uses, shall include notice to real property owners provided by one of the methods discussed below:

1. A **10%** or **more** increase or decrease in the number of square feet or units that may be developed.
2. A **10%** or **more** increase or reduction in the allowable height of buildings.
3. An increase or reduction in the allowable number of stories of buildings.
4. A **10%** or **more** increase or decrease in setback or open space requirements.
5. An increase or reduction in permitted uses.

Prior to the first hearing on such changes, notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes; or the change shall be published in a display ad covering not less than **one-eighth** of a full page in a newspaper of general circulation in the County. ^{*20}

304.4.2. For amendments to Zoning Ordinance standards or uses, the Department will send notice by first class mail to persons who register their names and addresses with the Department as being interested in receiving such notice. A fee of **\$5.00 per year** will be charged for the provision of this service payable initially upon registration and yearly thereafter.

ARTICLE 304.5. AMENDMENT APPROVED BY THE BOARD: ^{**10,*11,***11,*18} A decision by the Board of Supervisors involving rezoning of land which changes the zoning classification of such land or amends Zoning Ordinance standards or uses shall not be effective until the dedication of required right-of-way but not prior to **31 days** after final approval of the change in classification, standard or use by the Board. Unless a resident files a written objection with the Board of Supervisors, the rezoning may be enacted as an emergency measure that becomes effective immediately by a **four-fifths** majority vote of the board.

ARTICLE 304.6. CONDITIONAL ZONING: ^{***11}

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304.6.1. The Board of Supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. When the Board of Supervisors adopts the zoning amendment, it may impose a schedule of development including, but not limited to, a date by which construction shall commence or dates by which phases of development of the property for the use approved shall be substantially completed. ^{**9, ***10}

304.6.2. The owner or developer of property which was rezoned conditioned on compliance with a schedule of development shall submit to the Department a certified statement of compliance prior to the expiration of any time limits imposed by the Board. If the certified statement of compliance is not filed or the Department independently determines that the property has not been improved for the use for which it was conditionally approved, a public hearing shall be set before the Commission. The findings and recommendation of the Commission shall be forwarded to the Board of Supervisors for public hearing to determine compliance with the schedule of development, grant an extension, or cause the property to revert to its former zoning classification. Notification by registered mail of both the hearing before the Commission and the hearing before the Board shall be sent to the owner and applicant who requested the rezoning. Notice of public hearing shall be as set forth in Chapter 3, Section 304., Article 304.2. herein.

ARTICLE 304.7. RECONSIDERATION OF DENIED PETITION: ^{*2, ***9, ***10, ***11} If a petition for amendment is withdrawn by the applicant or denied by the Board of Supervisors, that petition shall not be refiled nor shall there be filed with the Board of Supervisors any other petition for the same amendment within a period of **one year** unless in the opinion of the Commission there is a change of circumstances warranting such filing.

ARTICLE 304.8. COMPLIANCE WITH COUNTY PLANS: ^{*12 *23} All applications for changes of Zoning District boundaries must be in compliance with the County's adopted Comprehensive Plan and/or any adopted area plan.

ARTICLE 304.9. SITE PLAN AMENDMENTS^{*22 *25}

304.9.1. Holders of approved Special Use Permits, Plans of Development, and Unit Plans of Development may apply to amend associated site plans as set forth in the provisions of this Ordinance. ^{*25}

304.9.2. Amendments to approved site plans may be categorized as major or minor. In determining the status of proposed amendments, the Department of Planning and Development shall adhere to the procedures and criteria of this Article.

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- 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. 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 or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. ^{*26 *28}
- 304.9.4. Unit Plans of Development that were originally processed through the Board of Supervisors may be amended administratively, either as a Major or Minor Amendment, as set forth in the provisions of this Ordinance. If, however, the amendment changes or alters a development standard or stipulation of approval, then the amendment shall be processed through the Planning and Zoning Commission and Board of Supervisors for approval. Major Amendments to Special Use Permits shall be processed through the Planning and Zoning Commission and Board of Supervisors for approval. ^{*25}
- 304.9.5. Minor Amendments shall be reviewed by staff of the Planning and Development Department and other County Departments as deemed necessary, according to standard administrative procedures. Staff will recommend approval, approval subject to conditions, or denial.
- 304.9.6. An applicant may appeal a staff decision in writing to the Planning Director within two weeks of the staff decision. Such appeal shall state the purpose and subject of the proposed amendment, the date of the staff decision, and the justification for an alternate decision.
- 304.9.7. Major Amendments:
1. An amendment will be considered major if the proposed amendment involves one or more of the following: ^{*25}
 - A. A change altering any condition or stipulation of approval;
 - B. An increase of **more than 10%** in the following:
 - i. Building size, dimensions, or height of any proposed or existing structure to be retained,

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- ii. The number of parking spaces,
- iii. The size of landscaped areas, or
- iv. The size or height of approved signs.

C. A decrease of **more than 10%** in setback;

D. A change in the location of buildings, parking areas, access drives, recreational amenities, exterior lighting, signs or fencing or landscaping used as buffering/screening, if such change would significantly and/or materially increase potential adverse impacts on adjacent property as determined by the Zoning Inspector;

E. The request is for a different type of land use;

F. Non-compliance with existing Zoning Ordinance standards;

G. A written objection by the Maricopa County Department of Transportation, the Maricopa County Flood Control District, or the Maricopa County Department of Environmental Services;

H. The request is found by the Zoning Inspector to be a Major Amendment.

304.9.8. Minor Amendments:

1. An amendment will be considered minor if the proposed amendment is not a Major Amendment. In general, Minor Amendments are small adjustments to the details of a site plan that allow continued compliance with an approved site plan and that do not substantively or materially alter the original character and/or intent of the approved site plan. ^{*25}
2. The Zoning Inspector shall make the final determination of whether an amendment is a Minor Amendment.

Date of Revisions			
*2	Revised 9-13-71	*18	Revised 8-21-96
**9	Added 8-4-86	*19	Effective 5-15-98
***9	Renumbered 8-4-86	*20	Effective 6-21-98
**10	Added 12-7-87	*21	Effective 1-15-99
***10	Renumbered 12-7-87	*22	Effective 2-7-03
*11	Revised 2-6-89	*23	Effective 9-7-07
**11	Added 2-6-89	*25	Effective 9-22-08

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***11	Renumbered 2-6-89	*26	Effective 6-1-2009 TA2009003
*12	Added 8-23-90	*27	Effective 7-17-09 TA2008009
*14	Revised 8-06-93	*28	Effective 6-01-10 TA2010003
*17	Revised 8-21-96		

SECTION 305. CITIZEN REVIEW PROCESS^{*24}

- 305.1. Upon application for a change in the Zoning Ordinance changing the zoning district within an area previously zoned as set forth in Chapter 13, Section 304, Articles 304.2 and 304.3 herein or upon application requesting a special use as set forth in Chapter 13, Section 1301 herein, a citizen review process shall be conducted. The purposes of the citizen review process shall be the following:
1. Adjacent landowners and other potentially affected citizens will be notified of the application and substance of the proposed change in zoning district or special use.
 2. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issues or concerns they may have with the proposed rezoning or special use before any public hearing required as set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.
- 305.2. Prior to any application that requires a citizen review process, the applicant shall conduct a pre-application meeting with the Planning Department.
- 305.3. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall post the property included in the proposed change. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter right-of-way so that the notices are visible from the nearest public right-of-way. Each notice shall be a minimum of six square feet in area and shall be laminated. The posting shall include, at a minimum, a brief description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and contact information for the applicant. A signed affidavit along with photographic evidence shall be submitted to staff demonstrating proof of posting within 30 days of application submittal.
- 305.4. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change. The notice by mail shall include, at a minimum, description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and

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contact information for the applicant. A copy of the notice and an affidavit demonstrating proof of such notification shall be submitted to staff within 30 days of application submittal.

- 305.5. Every application that requires a citizen review process shall include a citizen participation plan. The citizen participation plan, at a minimum, shall include the following information:
1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application.
 2. How those interested in and potentially affected by an application will be notified that an application has been made.
 3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
 4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems they may have with the proposal in advance of the public hearing.
 5. The applicant's schedule for completion of the citizen participation plan.
 6. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
- 305.6. The level of citizen interest and area involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined through a coordinated effort of the applicant and staff. The Planning Director shall resolve any disputes that may arise while arriving at the target area. At a minimum, the target area shall include the following:
1. Real property owners within the noticing area set forth in item 305.4 herein;
 2. The head of any homeowners association within the noticing area set forth in item 305.4 herein;
 3. Other potentially affected citizens in the target area who have requested that they be placed on the routing list maintained by the Planning Department.

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- 305.7. These requirements apply in addition to any notice provisions set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.
- 305.8. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with planning department staff.
- 305.9. The citizen participation plan shall include a written report on the results of the citizen participation effort prior to notice of public hearing set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein. At a minimum the citizen participation report shall include the following information:
1. Details and techniques the applicant used to involve the public, including:
 - a. Dates and locations of any and all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other publications;
 - c. The location of residents, property owners, and interested parties receiving notices, newsletters or other written materials.
 - d. The number of people that participated in the process.
 2. A summary of perceived or real concerns, issues and problems expressed during the process, including:
 - a. The substance of the concerns, issues, and problems;
 - b. How the applicant has addressed or intends to address perceived or real concerns, issues, and problems expressed during the process; and,
 - c. Perceived or real concerns, issues and problems with which the applicant disagrees, which the applicant cannot address, or which the applicant chooses not to address, including an explanation of the applicant's reasoning.

Date of Revisions

*24	Effective 6-1-01	*25	Effective 07-07-06
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SECTION 306. PLAN OF DEVELOPMENT (POD) PROCESS^{*1}

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- 306.1 All development involving non-residential zoning districts, two-family or multi-family residential development in a two-family residential zoning district or multi-family residential zoning district, or property with a Unit Plan of Development (UPD), Planned Area Development (PAD), or Planned Development (PD) overlay shall be subject to a plan of development (POD) approval as set forth in the provisions of this Ordinance. A preliminary plat may serve as a POD for residential projects.
- 306.2 A POD may be processed through the Planning and Zoning Commission and Board of Supervisors for approval concurrent with a zone change request (under the zone change application) or it may be processed administratively (under a separate POD application) as set forth in the provisions of this Ordinance. All zone change requests that require a POD shall be processed as a zone change with overlay and be charged accordingly. Separate POD requests will be charged accordingly. Residential UPD requests shall require separate submittal of a preliminary plat application per the Maricopa County Subdivision regulations.
- 306.3 An application and phasing plan, if proposed, for a POD shall be submitted to the Planning and Development Department through the One Stop Shop (OSS) on an official form provided by the Department. The application shall satisfy the submittal requirements as well as pertinent regulations as set forth in the provisions of this Ordinance or from other county departments. The application shall contain sufficient information for staff to determine whether the proposal meets the requirements of the County. A pre-application meeting is recommended.
- 306.4 A POD is a precise plan. Staff shall review the POD in accordance with submittal requirements, regulations, and policies. If staff determines that the proposal is consistent with the purposes and intent of the Ordinance and other pertinent regulations and policies, then staff shall grant approval and may impose stipulations as deemed necessary to satisfy the provisions of this Ordinance or other applicable regulations and policies. Staff may also find that conditions required for approval do not exist and, therefore, deny the request. Alternatively, staff may forward the request to the Planning and Zoning Commission for a recommendation to the Board of Supervisors.
- 306.5 The applicant may file a request to appeal an administrative decision regarding a POD request within two (2) weeks of said decision. The appeal shall be forwarded to the Planning and Zoning Commission for a recommendation to the Board of Supervisors.
- 306.6 For all development subject to a POD, and approved POD and subsequent building permits are required prior to the commencement of any construction or development

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on the site. The applicant shall ensure that required building permits for the site or first phase shall be issued within two (2) years of the date of approval of the POD. Prior to the date of expiration, the applicant may file a single request via a Minor Amendment application for a one (1) year time extension authorized by the Director of Planning and Development. If the time frame has expired, the applicant shall submit a new POD application.

- 306.7 Any change or modification to an approved POD shall be considered an amendment to the POD. Staff shall determine whether changes constitute a Minor or Major Amendment according to the provisions set forth in this Ordinance.
- 306.8 Non-compliance with stipulations of POD approval shall be considered a zoning violation. 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 or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. ^{*3}

Date of Revisions			
*1	Effective 9-22-08	*2	Effective 6-2-2009 TA2009003
*3	Effective 6-1-2010 TA2010003		