



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2012-04
Supersedes:

Effective: Immediately

Initiator: Darren Gerard

Director: *Joy Rich*

PURPOSE: To ensure consistent treatment in placing **violations cases in Administrative Remedy** in unincorporated Maricopa County.

REFERENCE:

Maricopa County Zoning Ordinance (MCZO), Section 1502, Articles 1502.1, 1502.2 & 1502.3

POLICY/PROCEDURE:

The MCZO states "It shall be unlawful to erect, construct, reconstruct, alter or use any building or structure.... or use any land within a zoning district in violation of any regulation or any provision of any Ordinance.... Any such violation is a public nuisance."

Code Enforcement Officers have the ability to place a verified violation in an Administrative Remedy status if the matter is being resolved via application for review and approval by the Department and/or recommendation by this Department to the Board of Adjustment, Planning & Zoning Commission or Board of Supervisors. However, there is concern that applications can become inactive without progress made toward compliance and a public nuisance remaining unabated.

A verified violation of construction initiated or completed without first obtaining an issued construction permit and/or outside the scope of a valid construction permit shall not be placed in Administrative Remedy status without the execution of a Compliance Agreement.

A verified violation of a commercial business operation in a residential zoning district or other lack of proper zoning entitlement shall not be placed in Administrative Remedy status without the execution of a Compliance Agreement.

Verified violations (unpermitted construction and lack of zoning entitlement) must either be remedied or subject of an executed Compliance Agreement by the noticed compliance deadline or the case shall be scheduled for an Administrative Hearing before a Hearing Officer. Staff will not support a continuance before the Hearing Officer except at the direction of the Code Enforcement Supervisor, Deputy Director or Director.