



**PLAN OF DEVELOPMENT (POD)  
MODIFICATION OF CONDITION(S)**

**SUBMITTAL FORMS INDEX**

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**\*Note: As of December 31, 2012, all Plan of Development applications are subject to ARS §1605.  
- As of September 13, 2013 all Residential uses are excluded per ARS §11-1605 M.2.**



# PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) PROCESS

## INTRODUCTION

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 Maricopa County Zoning Ordinance (MCZO).

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## GENERAL PROCESS

Obtaining a POD is an administrative approval process involving a precise site plan, narrative report, and other supporting documentation (see attached checklist). Approval of a POD is required before any development of the property can occur. The use, height, yard, intensity of use, parking, loading and unloading, and any additional regulations shall remain the same as specified in the primary or approved UPD zoning district.

Per MCZO, Section 306, 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 the MCZO 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.**

Please note there is a fundamental difference between the site plan required for a POD and that required for subsequent permits. In the case of a POD, the site plan must convey the conditions that will ultimately exist at build-out, whereas the site plan submitted for construction permits may only consider existing structures and those contemplated by that/those particular construction permit(s).

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## ARS § 1605

As of September 13, 2013, the Plan of Development (POD) process shall be subject to ARS § 1605, a State statute that mandates establishment of timeframes to either approve or deny a "license" as defined by the statute. The full statute may be viewed at:

<http://www.azleg.gov/arstitle/>

The statute sets up two types of review timeframes: Administrative and Substantive. The Board of Supervisors (BOS) through the P-30 Licensing Timeframes Ordinance, has adopted a 90 (working) day administrative timeframe

and a 180 (working) day substantive timeframe for PODs. An application related to a residential use is not subject to the statute. An application that is part of design build project may establish negotiated time process during the pre-application meeting.

### **Administrative Review Period**

The statutes allow for multiple reviews during the administrative review period.

### **Substantive Review Period**

Only one review is allowed for the substantive review period. The County can amend the substantive review comments to address legal requirements not identified on the original substantive review comments.

The applicant can authorize a 50% time increase. This authorization can be given at time of application or at any time during the process.

After receipt of a POD application, the administrative review period begins and Planning will review for administrative completeness. The applicant will receive a formal response from their assigned planner and may be required to submit additional information. Once administrative comments have been given to the applicant, the timeframe clock will stop and will resume upon resubmittal of the application materials. Once the application is deemed administratively complete, the planner will formally notify the applicant that the project has entered the substantive review period and shall set a Technical Advisory Committee (TAC) date.

## TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW

After an application is deemed administratively complete, the assigned planner will set a date for the Technical Advisory Committee (TAC) to meet. The TAC is composed of representatives of the County's Planning, Transportation, Drainage Review, Flood Control, Storm Water Management and Environmental Services Departments, as well as representatives from any other County Departments, fire district, school district, City or Town, homeowner association, or other interested party that is in close proximity or has jurisdiction over the site. The owner or authorized agent is required to attend the TAC meeting.

TAC comments from all reviewing agencies will be given in writing to the applicant at the TAC meeting and can be discussed. The substantive timeframe clock stops from receipt of comments until the applicant makes a formal resubmittal.



# PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) PROCESS

At any time during the process, an applicant can check the status of their application by viewing the Citizens Access Portal on the Planning and Developments website:

<https://accela.maricopa.gov/citizenaccessmccoss/>

The applicant's assigned planner can also be utilized as a resource for checking application status. If at any time comments are given to the applicant, a notation will be made as to the administrative or substantive timeframe remaining which will not resume until a resubmittal is made.

**Note:** It is very important to return the planner's comment memo upon resubmittal so that the appropriate statutory timeframe can resume.

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## POST-TAC REVIEW

Depending on the comments received at the TAC, the application materials (such as the site plan, grading and drainage plan, traffic impact study, narrative report, etc.) may need revisions. The owner or authorized agent must submit revised materials, reflecting the TAC comments, to the OSS, which will forward the revised materials to the appropriate agencies.

Once staff is satisfied that the technical requirements have been met, staff will make a determination regarding the request. 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 MCZO, other pertinent regulations and policies, then staff shall grant approval and may impose conditions as deemed necessary to satisfy the provisions of MCZO or other applicable regulations and policies.

Staff may also find that conditions required for approval do not exist and, may therefore, deny the request. Alternatively, staff may forward the request to the Planning and Zoning Commission for a recommendation to the Board of Supervisors. If an application has been scheduled for a Commission meeting, the substantive timeframe clock will stop.

Additionally, a decision of denial can be made for the following reasons: 1) the Director finds that it is not possible to grant the application within the timeframe, or 2) the applicant has not provided additional or supplemental information within 365 days (not working days) of a written or electronic request for said information.

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## INACTIVITY

If an applicant has not made a resubmittal of application materials in either administrative or substantive review

periods after six (6) months, the application will be closed due to inactivity.

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## APPROVAL TIMEFRAME

For all development subject to a POD, an approved POD and subsequent building permits are required prior to the commencement of any construction or development on the site. The owner or authorized agent 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 owner or authorized agent 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 owner or authorized agent shall submit a new POD application.

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## AMENDMENTS

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 MCZO Article 304.9. UPDs and PODs 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 MCZO.

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## APPEALS

The conditions of approval of this Plan of Development may be appealed to the Hearing Officer pursuant to ARS § 11-832. Provide request for appeal to the Hearing Officer Liaison at this address within 30 calendar days of the administrative/ministerial approval date to schedule an administrative hearing.





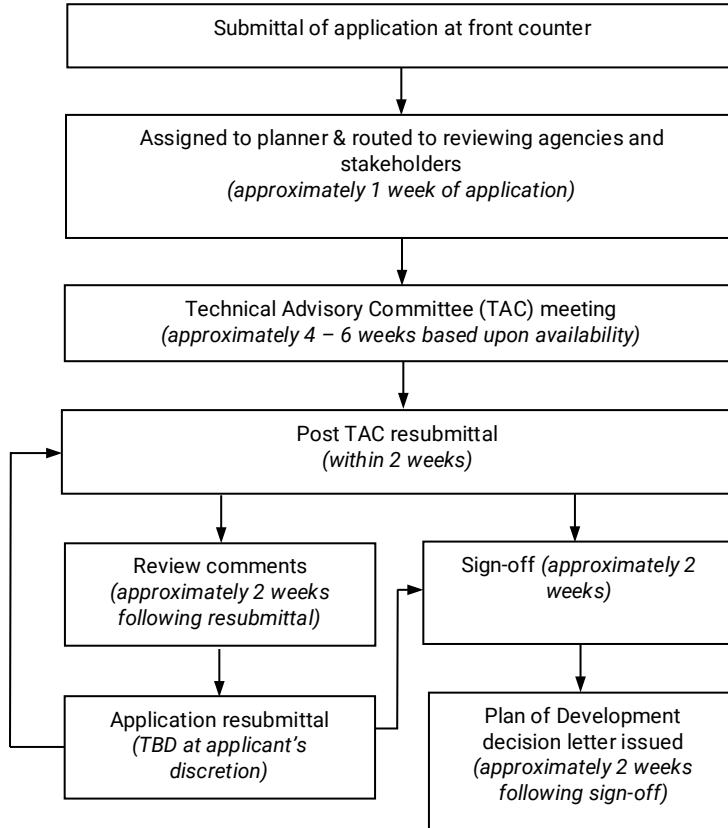
# PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) APPLICATION

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is this Residential? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>REQUEST</b>	
Title of Project _____ Description of Request: _____ Existing Use of Property: _____ Existing Zoning District: _____ Related Case Number: _____	
<b>PROPERTY INFORMATION</b>	
Address (if known): _____ General location (include nearest city/town): _____ Size in Acres: _____ Square Feet: _____ Legal Description Section: _____ Township: _____ Range: _____ Assessor's Parcel Number: _____ Subdivision Name (if applicable): _____	
<b>OWNER'S AUTHORIZED AGENT INFORMATION</b>	
Name: _____ Contact: _____ Address: _____ City: _____ State: _____ Zip: _____ Phone #: _____ Fax#: _____ E-mail Address: _____	
<b>PROPERTY OWNER INFORMATION</b>	
Name: _____ Contact: _____ Address: _____ City: _____ State: _____ Zip: _____ Phone #: _____ Fax#: _____ E-mail Address: _____	
<b>PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION</b>	
I (property owner) _____ authorize (owner's agent) _____ to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.	
<b>PROPOSITION 207 WAIVER – Signature required</b>	
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.  Property Owner Signature: _____ Date: _____	
<b>INSPECTIONS</b>	
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.	
<b>VERIFICATION OF APPLICATION INFORMATION – Signature required</b>	
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.  Owner or Authorized Agent Signature: _____ Date: _____	
<b>ARS § 1605 TIMEFRAME EXTENSION</b>	
I authorize a <b>50% timeframe extension</b> for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.  Property Owner Signature: _____ Date: _____	



## PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) PROCESS FLOW CHART & PROJECTED TIMEFRAME



Approximate timeframe of 5 months



## PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) APPLICATION SUBMITTAL CHECKLIST

Applications submitted to the Maricopa County Planning and Development Department shall include all of the exhibits, items, and information listed in this checklist. This information is required by County Ordinance or Department Staff in order to adequately review the proposal. An application will only be accepted by the Planning and Development Department when all of the items listed below are submitted, unless otherwise deemed unnecessary by staff. Once an application is accepted, it must be reviewed for Administrative Completeness by all One Stop Shop (OSS) agencies. Once the application is deemed Administratively Complete, the Substantive Review Period shall commence and technical review comments will be given. **PLEASE BE ADVISED THAT COMPLIANCE WITH EITHER ADMINISTRATIVE OR TECHNICAL REQUIREMENTS DOES NOT GUARANTEE STAFF SUPPORT OF THE REQUEST OR FINAL APPROVAL OF THE REQUEST.**

### 1. APPLICATION:

- \_\_\_ A. Completed and signed application – **2 copies**
- \_\_\_ B. Proof of ownership (Recorded Deeds – unofficial copy acceptable etc.) – **1 copy**
- \_\_\_ C. Electronic copies of application materials saved as Adobe PDF files – **1 jump drive.**

Application materials	Required Naming Convention for the Adobe PDF documents
Completed Application	APPL-FORM-1
Official recorded or unofficial deed	DEED-DETL-1
Narrative Report	NARR-RPTS-1
Drainage Report/Plan (if applicable)	DRAI-RPTS-1
Traffic Impact Study (if applicable)	TRAF-RPTS-1

### 2. NARRATIVE REPORT: (Brief explanation of the project. **2 copies** – 8-1/2" X 11" paper, Underlined wording indicates a section heading.)

- \_\_\_ A. Title page – include project name, general location, case/tracking #, and vicinity map
- \_\_\_ B. Purpose of Request – Include written discussion with justification to modify approved conditions. Identify all approved conditions from previous Plan of Development case. Identify proposed modifications to conditions with deleted language shown with strike-through and new language as bold and underline.
- \_\_\_ C. Description of Proposal, including proposed uses(s), business operations, hours/days of operation, # of employees, description/location of buildings, color palette, type of construction material, sign detail/descriptions, screening wall/fence details and location, etc.
- \_\_\_ D. Relationship to Surrounding Properties
- \_\_\_ E. Explanation of how the proposed development will benefit the community or area
- \_\_\_ F. Discussion of recent changes in the area of your request that support the application request (i.e. adoption of city or town plans, subdivision approvals, surrounding development, etc.)
- \_\_\_ G. Location and Accessibility
- \_\_\_ H. Circulation System (on & off) – include proposed improvements or dedications
- \_\_\_ I. Development Schedule (phasing)
- \_\_\_ J. Community Facilities and Services (school district, parks, amenities, etc.)
- \_\_\_ K. Public Utilities and Services (refuse, sewer, water, police, fire, etc.)
- \_\_\_ L. Other information that will be helpful in evaluating the request
  - Architectural renderings and themes (descriptions)
  - Landscaping renderings and themes (descriptions)
  - Floor plans, elevations



**PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S)  
APPLICATION SUBMITTAL CHECKLIST**

**3. Fees:**

- \_\_\_ A. Planning Review Fee Modification of Condition/s **\$500 per condition** (\$1000 min, \$5000 max.)

See Maricopa County Zoning Ordinance, Chapter 16 – ([www.maricopa.gov/planning](http://www.maricopa.gov/planning)) – Please be aware that an additional investigation fee equal to the planning fee will be charged when a request is related to an active zoning violation case. This investigation fee will be assessed upon implementation of a signed compliance agreement, or upon a Hearing Officer’s determination that the respondent(s) is/are responsible for the applicable code violation(s).

Change to an application for a license in progress - **\$50**

For an application to be added to an application for a license in progress - **\$50**

To re-initiate application for a license administratively denied due to time (within 180 days) - **\$50**

Appeal of administrative denial of a license due to time (within 30 days) - **\$150**

- \_\_\_ B. Drainage Review Fee Modification of Condition(s) **\$60 per condition**

- \_\_\_ C. Department of Transportation Review Fee of **\$250**.

- \_\_\_ D. Maricopa County Environmental Services Department (MCESD) Review Fee of **\$225**.

- \_\_\_ E. Addressing Review Fee of **\$10 to verify an existing address** or **\$50 to assign an address**.

**No application shall be scheduled for hearing by any board or commission 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 of Supervisors or Planning and Zoning Commission.**

**4. OTHER INFORMATION:** (as applicable if required by staff and/or other department or agency)

- \_\_\_ A. Title report – 2 copies
- \_\_\_ B. Deed restrictions (CC & R's) – 2 copies
- \_\_\_ C. Parcel map(s) of site and area – 2 copies
- \_\_\_ D. Letters of support or commitment – 2 copies
- \_\_\_ E. Market study – 2 copies
- \_\_\_ F. Landscape plans (including plant types, quantities, sizes, % coverage, ground-cover, etc.) – 2 copies
- \_\_\_ G. Building elevations (including material, color and treatment descriptions, etc.) – 2 copies
  
- \_\_\_ H. Drainage Report/Plan (check with Drainage Review to determine if applicable) – 2 copies
- \_\_\_ I. Traffic Impact Study (check with MCDOT to determine if applicable) 2 copies

**MARICOPA COUNTY AGENCY CONTACTS:**

Planning and Development (Planning, Plan Review, and Engineering):	(602) 506-3301
Environmental Services:	(602) 506-0371
Flood Control District:	(602) 506-1501





## 2023 FILING DEADLINES AND HEARING DATES

TECHNICAL ADVISORY COMMITTEE (TAC)	PLANNING & ZONING COMMISSION (P & Z)			BOARD OF SUPERVISORS (BOS)
TAC meetings are scheduled as needed. Typically, a TAC meeting is held within 60 days of application; however TAC slots are limited.	This deadline refers to written sign off being obtained by all County agencies. A submittal must be received <u>at least three (3) weeks prior to this deadline</u> to allow for review/sign off.	This deadline refers to the last day an applicant can provide an Affidavit of Posting and Photos to the assigned Planner.	Dates in <b>bold</b> indicate meetings of the Maricopa County Zoning, Infrastructure, Policy, Procedure & Ordinance Review Committee (ZIPPOR) committee.	These dates typically follow the preceding P&Z date unless the case is continued or the P&Z does not take action.
TAC meetings	County Agency sign-off deadlines	Affidavit of Posting and Photo deadlines	P&Z Hearings/ZIPPOR Meetings	Board of Supervisors Hearings
January 3, 2023	November 7, 2022	November 10, 2022	December 8, 2022	January 25, 2023
January 17, 2023	December 12, 2022	December 16, 2022	January 12, 2023	February 8, 2023
February 7, 2023	December 26, 2022	December 30, 2022	January 26, 2023	March 1, 2023
February 21, 2023	January 9, 2023	January 13, 2023	February 9, 2023	March 15, 2023
March 7, 2023	January 23, 2023	<b>N/A</b>	<b>February 23, 2023</b>	March 29, 2023
March 21, 2023	February 6, 2023	February 10, 2023	March 9, 2023	April 12, 2023
April 4, 2023	February 21, 2023	February 24, 2023	March 23, 2023	April 26, 2023
April 18, 2023	March 6, 2023	March 10, 2023	April 6, 2023	May 10, 2023
May 2, 2023	March 20, 2023	March 24, 2023	April 20, 2023	May 24, 2023
May 16, 2023	April 10, 2023	April 14, 2023	May 11, 2023	June 14, 2023
June 6, 2023	April 24, 2023	<b>N/A</b>	<b>May 25, 2023</b>	June 28, 2023
June 20, 2023	May 8, 2023	May 12, 2023	June 8, 2023	July 26, 2023
July 18, 2023	May 22, 2023	May 26, 2023	June 22, 2023	July 26, 2023
August 1, 2023	June 12, 2023	June 16, 2023	July 13, 2023	August 9, 2023
August 15, 2023	June 26, 2023	June 30, 2023	July 27, 2023	August 23, 2023
September 5, 2023	July 17, 2023	July 21, 2023	August 17, 2023	September 13, 2023
September 19, 2023	July 31, 2023	<b>N/A</b>	<b>August 31, 2023</b>	September 27, 2023
October 3, 2023	August 14, 2023	August 18, 2023	September 14, 2023	October 18, 2023
October 17, 2023	September 5, 2023	September 8, 2023	October 5, 2023	November 1, 2023
November 7, 2023	September 18, 2023	September 22, 2023	October 19, 2023	November 15, 2023
November 21, 2023	October 2, 2023	October 6, 2023	November 2, 2023	December 6, 2023
December 5, 2023	October 16, 2023	<b>N/A</b>	<b>November 16, 2023</b>	TBD
December 19, 2023	November 6, 2023	November 9, 2023	December 7, 2023	TBD

*Planning & Zoning Commission, ZIPPOR and Board of Supervisors to be held at 205 W. Jefferson Phoenix, AZ 85003 in the Board of Supervisors' Auditorium*

