



# Maricopa County

## Planning & Development Department

### Department Directive

Department Directive:  
DD-2013-16

Supersedes: DD-2007-06  
DD-2003-09  
DD-99-019

Effective: Immediately

Initiator: Tom Ewers

Director: *Debra W. Stark*

**PURPOSE:** To define policies and procedures where qualified exempted properties develop improvements related to the exempted use.

**REFERENCES:**

Maricopa County Zoning Ordinance:

Chapter 13, Section 1304 - Exempted Uses, Articles 1304.1, 1304.2 and 1304.3

Chapter 12, Section 1205 - Drainage Provisions, Section 1205.3.4 - Restriction on Regulation

Arizona Revised Statutes Section 11-812.A2

**POLICY:**

Property is not exempt from the Maricopa County Zoning Ordinance, Building Safety Codes, and/or Drainage Regulations unless and until the Maricopa County Planning & Development Department has issued a Certificate of Exemption for that property.

A building, structure or improvement, which is principal or incidental to the exempted use, will not be required to obtain a building permit from this department and no fees are applicable.

**PROCEDURE:**

An approved Certificate of Exemption issued by this department is required:

1. A Certificate of Exemption may be obtained by completing and receiving approval of a Land Use application for the qualifying exempted use.
2. The related land use (LU) file number is the on-going public record of the qualifying property or properties.

To initiate and/or complete construction of improvements related to the exempted use, the applicant must provide the following:

Customer Submittal Requirements:

1. Provide seven (7) copies of a site plan, completed, in accordance with all applicable requirements, which identifies the improvements related to the exempted use.
2. Provide a completed "plan revision submittal" form. Identify the improvements related to the exempted use.
3. Provide a completed "Contact Supplemental" form.
4. Provide any additional information required by Environmental Services, Flood Control, or other regulatory agencies that have jurisdiction.
5. Said documents shall be submitted to the LU file number assigned.

Planning and Development staff will adhere to the following steps:



Planning & Development Processing procedures:

1. Intake shall follow the existing procedure for submitting a LU revision.
2. Routing shall follow the existing procedure for the routing of a LU revision.
3. All review comments shall be documented in the electronic database to the related LU file.
4. Planning is responsible for updating and maintaining the status of the LU file.
5. When utility service is required, if the improvement(s) qualify as primary or incidental to the approved exempted use, the attached "Utility Service for Exempted Uses" form will be provided to the customer. The customer may then pursue a utility connection from the utility provider without further documentation or inspections from this department.

**COMMENTS:**

Buildings or other improvements on the exempt parcel(s) that are not incidental to the exempted use must meet full submittal requirements and are subject to applicable fees. An exemption certificate exempts a property and the related qualifying exempted improvements from the Zoning Ordinance, adopted building codes, and drainage regulations, which are enforced by this department.

**MARICOPA COUNTY ZONING ORDINANCE PROVIDING QUALIFYING CRITERIA:**

Chapter 13, Section 1304 – Exempted Uses:

Article 1304.1 – Property is not exempt from the Maricopa County Zoning Ordinance and/or building Safety Ordinance unless and until the Maricopa Planning & Development Department has issued a Certificate of Exemption for that property. In order to secure a certificate of exemption, an applicant shall submit a zoning clearance application, including site plans and other reasonable supporting documentation.

Article 1304.2 – Only property classified by the Maricopa County Assessor's Office or the Arizona Department of Revenue as property used for one of the purposes enumerated in the first paragraph of this Section is eligible for exemption under this Section. If property has been so classified, the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning and Development Director independently determines that all or part of the property is not used primarily for one or more of the purposes enumerated in the first paragraph of this Section.

Article 1304.3 - Any structures built under an exemption that do not meet the underlying zoning district and/or Building Safety Ordinance standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable.

Chapter 12, Section 1205 – Drainage Provisions

Section 1205.3.4 – Restriction on Regulation:

1. Require a property owner to submit plans for or install or change a drainage system on property which was already developed as December 14th, 1994, the effective date of the Drainage Regulation which this Section supersedes.



2. Require submission of a drainage report and plan in connection with the repair or alteration of property as it was developed as December 14th, 1994, so long as the effect of such repair or alteration upon drainage would not be substantial or constitute an increased hazard to that or other properties.
3. A nonconforming business use may expand if such expansion does not exceed one hundred percent of the area of the original business, unless the effect thereof upon drainage would constitute a hazard.
4. Compliance with or exemption from this Ordinance does not relieve any person from liability if that person's actions cause flood damage to any other person or property.
5. This Section shall not pertain to or otherwise regulate cities, towns or other incorporated municipalities, the State or its agencies or political subdivisions. This paragraph does not exempt school districts, private utilities, and private emergency or fire services from compliance with the provisions of this Regulation.

**ARIZONA STATE LAW PROVIDING QUALIFYING CRITERIA:**

A.R.S. Section 11-812.A2 - "Nothing contained in any ordinance by this Chapter shall: prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous acres."



**Maricopa County**  
Planning & Development Department

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**UTILITY SERVICE FOR EXEMPTED USES**

**TO:** \_\_\_\_\_

**REFERENCE:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**ASSESSOR PARCEL NUMBER(s):** \_\_\_\_\_

The Maricopa County Planning & Development Department herein authorizes the use of a Letter/Certificate in-lieu of electrical or other applicable utility clearance in order to obtain said utility.

The afore referenced property has been issued a "Certificate of Exemption" for a qualifying exempted use. Improvements related to the exempted use are not subject to regulation as per Arizona Revised Statutes 11-812.A2, the Maricopa County Zoning Ordinance, Chapter 13, Section 1304, and the Drainage Regulations for Maricopa County, Section 1205.3.4 of the Maricopa County Zoning Ordinance.

Building activity permits are not processed. Building codes, drainage regulations, and the Zoning Ordinance, for the unincorporated areas of Maricopa County, are not applicable.

The property owner is responsible to meet the requirements of any other authorized regulatory authority.

**BY:** \_\_\_\_\_

**SIGNATURE (original required):** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**DO NOT USE THIS DOCUMENT AS A UTILITY CLEARANCE.  
ADDITIONAL DOCUMENTATION MUST BE SUBMITTED TO THE  
UTILITY COMPANY BEFORE THE EQUIPMENT CAN BE ENERGIZED.**