



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2016-02
Supersedes: - N/A

Effective: Immediately

Initiator: Darren Gerard - *DG*

Director: Debra Stark - *DS*

PURPOSE: To ensure consistent treatment of rezoning applications.

REFERENCE: Maricopa County 'Vision 2030' Comprehensive Plan, Appendix D, Comprehensive Plan Amendment Guidelines
Maricopa County Zoning Ordinance (MCZO), Art. 304.8
Arizona Revised Statutes (ARS) § 11-804, 11-805, 11-811 & 11-814

POLICY/PROCEDURE:

The Maricopa County 'Vision 2030' Comprehensive Plan, Appendix D: Comprehensive Plan Amendment Guidelines does not speak to a minimum area/acreage of a rezoning request to trigger requirement for compliance with the plan. Previously, the Maricopa County 'Eye to the Future 2020' Comprehensive Plan, Appendix H noted a rezoning request of 40 acres in size or larger must be in compliance with the applicable plan. This reference also spoke to a 1990 text amendment to the MCZO that was subsequently deleted.

MCZO, Art. 304.8 now simply states that, "*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.*"

ARS § 11-804.B.1 states the comprehensive plan shall include, "*Planning for land use that designated the proposed **general** distribution and location and extent of uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space and other categories of public and private uses of land appropriate to the county.*" [Emphasis added.]

ARS § 11-805.J speaks to CPA amendments being either Major (or General) and gives broad description of what constitutes a major amendment. Statute does not give a minimum acreage trigger for major amendment.

ARS § 11-811.A states that, "*The zoning ordinance and all rezonings and zoning regulations amendments adopted under this article shall be consistent with and conform to the adopted comprehensive plan.*" Further, ARS 11-814.A states that, "*All rezoning adopted under this article shall be consistent with and conform to the adopted comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed rezoning to the adopted comprehensive plan, the rezoning shall be construed in a manner that **will further the implementation of, and not be contrary to, the goals, policies** and applicable elements of the comprehensive plan. A rezoning conforms with the comprehensive plan if it proposed land uses, densities or intensities within the range of identified uses, densities and intensities of the comprehensive plan.*"

It is important to note that emphasis for (re)zoning conformance with the comprehensive plan is placed on furthering implementation of the plan's

goals and policies rather than just solely consistence with a future land use map. Therefore, a rezoning does not need to go through a Comprehensive Plan Amendment (CPA) just because it doesn't conform to the future land use map. The Comprehensive Plan is a land planning and development policy document that lists a series of goals and policies. The map should be a generalized character of an area within the County.

Phoenix, Tucson and many other Arizona cities and towns include a definition of what their map is intended to do - usually referring to their map as generalized distribution of lands use, thereby, allowing some flexibility in land use. The City of Phoenix states:

*"The General Plan map indicates the intended **predominate** future function, density and characteristic use of land for the different parts of the city. In general the map does not address small scale situations of 10 acres or less, the specific characteristics of residential development or the specific types of commercial and other nonresidential uses. Provision is made for a variety of mixed-land use projects, some with a broad range of uses allowed. The plan and map do not reflect the intended zoning of individual parcels but rather generalize desired future land use. The boundaries between use and density designations noted on the map are not fixed precisely. Rather, they indicate general areas wherein the goals of the plan will be pursued through more detailed planning decisions."*
[Emphasis added.]

The City's description accurately sums up the difference between a general plan's future land use map, and a zoning map. Predominate is a keyword and the key variable here. The future land use maps of General Plans/Comprehensive Plans are what is intended to be predominate in an area whereas Zoning Maps are the actual zoning classification for a specific piece of land. The more detailed planning decisions will most often be made at the time of (re)zoning to determine what is the appropriate density / intensity of use for a specific piece of land. Those decisions will be based upon analysis and determination as to whether the rezoning will be furthering implementation of the plan's goals and policies.

For the purposes of implementing the Maricopa County 'Vision 2030' Comprehensive Plan (and the county's adopted county area plans), a CPA will only be required for rezoning of sites greater than 40 acres – if it can be

demonstrated the rezoning furthers implementation of the plan's goals and policies.

This Directive will remain effective unless specifically negated with an update to the adopted Maricopa County 'Vision 2030' Comprehensive Plan.