Maricopa County
Planning & Development Department
Department Directive

PURPOSE: To clarify the department's role with regard to notes on recorded final plats.

REFERENCE: DD-2001-04
Maricopa County Subdivision Regulations, Sections 204 & 205
Maricopa County Zoning Ordinance, Articles 1502.1 & 1502.2
Arizona Revised Statutes, §11-808

POLICY/PROCEDURE:

Notes are often included on final plats based on some site specific issue. The department recognizes that final plat notes are legitimate in most instances as a way to regulate certain standards in a more restrictive way due to site specific conditions.

The Maricopa County Subdivision Regulations regulate how land is divided, but does not provide for enforcement of standards other than in the land division and platting process. The Subdivision Regulations do not provide an enforcement mechanism for notes on a final plat, post recordation, other than determination that a plat is invalidated.

Chapter 15 of the Maricopa County Zoning Ordinance provides authority for enforcement of development standards; however, there is no reference to final plat notes in the Zoning Ordinance. Neither State Statutes, nor the Zoning Ordinance, has authorized the Board of Adjustment to grant variance to a final plat note.

The department will not knowingly issue construction permits inconsistent with a note on a recorded final plat. It will also not enforce notes on a final plat, other than during the plan review and inspections for construction permits, except in instances where other County regulations have been violated.

A note on a recorded final plat can only be changed by amending the final plat with authorization of all affected property owners and approval by the Board of Supervisors, or administratively by corrective plat or affidavit of correction in the event of an error on the recorded final plat.