Revised 6/2011

Land Use
Application Form

1. Application is made for:

Zoning Map Change	Use Permit	General Plan Amendment
Conceptual Plan Review	Preliminary Plat	Final Plat
PUD Zoning	Variance	Sign
Street Abandonment	Minor Land Division	Wireless Tower
Appeal	Verification of Non-Conforming Use	Utility Exemption
Site Plan Compatibility Review (Commercial)		

Other:_____

2. Project Name:_____

Please print or type legibly

3. Contact information: *(a list of additional contacts may be attached)*

Owner Name:_____ Applicant Name:_____

Address:_____ Address:_____

Phone:_____ Phone:_____

E-mail:_____ E-Mail:_____

4. Property Description:

Address or Location:_____

Existing Zoning:_____ Existing Use:_____

Proposed Zoning:_____ Proposed Use:_____

5. Purpose: *(describe intent of this application in 1-2 sentences)*

_____

_____

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner:_____ Date:_____ **AND**

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant:_____ Date:_____

Revised 6/2011

Staff Use Only
Application Number:_____
Received By:_____
Date:_____
Fees Paid:_____
Complete: Y N

Non-Conforming Use

Application Instructions

The purpose of this application is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, as use prior to the adoption of the Planning & Zoning Ordinance or prior to any amendment to the Planning & Zoning Ordinance that otherwise renders such a use unlawful. A nonconforming use or structure that was recognized prior to the adoption of the Planning & Zoning Ordinance shall continue to operate under the provision of law under which the nonconforming structure or use was recognized so long as the nonconforming use or structure is not in violation of such provision of prior law, and otherwise complies with law, the adoption of the Planning & Zoning Ordinance notwithstanding.

Required for a Non-Conforming Use verification

Complete sets of these documents are required at the time of application.
The required quantities are shown next to each item.

Please refer to Section 102 – Applicability and Exemptions

		Staff Use only
1.	Pre-Application meeting with Staff	Y N
2.	Application fee as per the current fee code.	Y N
3.	Completed ***Land Use Application*** form.	Y N
5.	Directions to property	Y N
6.	Letter to the Community Development Department indicating, at a minimum the following: a. Name, address and telephone number of the property owner. b. The nature of the nonconforming use or structure. c. Any documentation to support the request.	Y N
7.	<u>**Two or more**</u> of the following methods may verify an existing non-conforming use: a. Records of use of land or structures in the Town Community Development Department or other government agency with sufficient information to show that the use predates applicable zoning; b. Similar, credible evidence from utility companies, business or private records; c. Affidavit(s) from individual(s) testifying that the property was and has been continuously used for a purpose that predates adoption of the zoning in question.	Y N

- **Upon receipt of a complete application, the Community Development Director shall send notice of the pending request to each owner of real property, according to the Yavapai County Assessor's records, within three hundred feet of the proposed nonconforming use.**
- **The Community Development Director will review the evidence concerning the application as shall be presented by the applicant or any other interested party. Such evidence shall be written.**
- **The Community Development Director will render a decision and present findings, through a formal written Notice of Action to the applicant and other interested parties. The decision shall be published in a local paper of general circulation, and shall be sent to each owner of real property, according to the Yavapai County Assessor's records, within three hundred feet of the proposed nonconforming use.**
- **Any person aggrieved by the decision of the Community Development Director may request an appeal to the Board of Adjustments & Appeals.**
- **Appeals shall be made as prescribed in Part Six Section 602-B**

Directions to Property

Assessor's Parcel Number_____

Applicants Name_____

Property Address_____

Directions To Property:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

SECTION 102 - APPLICABILITY AND EXEMPTIONS

This Zoning Ordinance constitutes the exercise of municipal powers enacted by the State of Arizona for providing direction to the jurisdiction's planning and orderly development.

A. Applicability and Exemptions

This Zoning Ordinance applies to all buildings, structures, lands and uses over which the Town of Camp Verde has jurisdiction under the constitution and law(s) of the State of Arizona and of the United States.

B. Nonconforming Uses and Structures

The purpose of this section is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this Zoning Ordinance or prior to any amendment to this Zoning Ordinance that otherwise renders such use unlawful. A nonconforming use or structure that was recognized prior to the adoption of this Zoning Ordinance shall continue to operate under the provision of law under which the nonconforming structure or use was recognized so long as the nonconforming use or structure is not in violation of such provision of prior law and otherwise complies with law, the adoption of this Zoning Ordinance notwithstanding. Nothing in this chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive.
As herein defined, a nonconforming use is a use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

1. Continuation:
   The lawful use of any building, structure, or land existing at the time of the effective date of this Zoning Ordinance may be continued, although such use does not conform with the current provisions hereof, subject to verification as set forth in Section 102.B.5, below, where the use or structure was lawfully established prior to and has been continued under one of the following circumstances:
   a. the date upon which the Yavapai County Zoning Ordinance became effective, September 20, 1970; or
   b. assumption of municipal zoning authority by the Town of Camp Verde upon its incorporation; or
   c. an amendment to zoning provisions or other development regulations to which the use or structure, thereafter, does not conform.
   d. However, no such use shall be continued that constitutes a threat to the health, safety or welfare of the public.
2. Abandonment:
   In the event that the nonconforming use or structure has been discontinued for a period of one year, such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of the Town's most current ordinances, including zoning ordinances otherwise exempted pursuant to this Section 102 B.

3. Repair or Restoration:
    a. Nothing in this Zoning Ordinance shall prevent the reasonable maintenance, repair, and continued use of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
    b. Any nonconforming structure or a conforming building containing a nonconforming use that is damaged or destroyed by casualty or Act of God may be restored within a twelve month period without loss of its nonconforming status.
4. Change or Modification of Nonconforming Uses or Structures:

    A nonconforming use shall not be changed to a different nonconforming use.

    a. If a change in use is from an impermissible to a permissible use, but full conformance with current standards cannot be achieved, then the change may be allowed, subject to the Board of Adjustment and Appeals finding that full compliance is not reasonably possible.
    b. A nonconforming use may not expand. Expansion is defined to include a geographic increase of the actual use, as well as an increase in volume or intensity, with the exception that a property owner may apply for a determination, pursuant to Section 102-B.5, that a minor increase may be approved based on findings that the proposed expansion will constitute an improvement to the subject property with no detriment to neighboring properties, in the following instances:
        1) Replacement of a nonconforming mobile home with a certified manufactured home that neither decreases the existing nonconforming setback distance nor creates any further nonconforming conditions and maintains an interior side yard setback of not less than three feet (3') to the property line; or
        2) Building extension or extensions of a nonconforming single-family, site-built residence that neither decreases the existing nonconforming setback distance nor creates any further nonconforming condition and maintains an interior side yard setback of not less than three feet (3') to the property line.
    c. Nonconforming accessory uses, structures or appurtenant fixtures shall not be altered, reconstructed, or replaced without a valid permit issued by the Community Development Department that specifies compliance with the provisions of this Zoning Ordinance.
        1) Such uses, structures or fixtures located on a development site for which a valid permit is obtained or on a parcel for which a zoning map change or Use Permit is approved, shall, likewise, be brought into compliance.
        2) Owners of properties with such nonconforming accessory conditions when seeking a valid permit, zoning map change or Use Permit for which full compliance cannot reasonably be achieved may seek approval from the Board of Adjustment and Appeals upon findings and stipulations, as appropriate, to assure that partial compliance will constitute an improvement of the substandard conditions.
            a) Nonconforming parking: Where automobile parking space is provided and maintained in connection with any existing main building or use at the time this Zoning Ordinance became effective and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then this building or structure may be expanded

or enlarged only if automobile parking spaces are provided for an enlargement, extension or addition to the standards set forth in these regulations.

No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original building and then only the excess portion may be counted.

b) Nonconforming signs are not required to be brought into conformance with the provisions of this Zoning Ordinance when development on a site for which a zoning map change or Use Permit is obtained does not result in an increase in the number of sign structures or more than 100 percent of the sign area on the site.

c) Nonconforming outdoor lighting shall be extinguished between 12:00a.m. and sunrise by an automatic shutoff device. No nonconforming outdoor lighting fixture shall be modified or replaced, unless the fixture thereafter conforms to the provisions of this Zoning Ordinance, except for identical bulb replacement of mercury vapor light fixtures (prohibited after January 1, 2005) in outdoor lighting systems installed prior to 1950.

d) Nonconforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures. Nonconforming uses or structures are not transferable to other properties or parcels not covered by original nonconforming use or structure.

5. Verification of an Existing Nonconforming Use:

The use of the premises must adapt the land for the use and employ the premises for the nonconforming purposes. The use need not be in actual operation when the land use ordinance that changes the use from legal conforming to legal nonconforming takes or took effect, but it must have been used for that purpose within the twelve month period preceding the change; however, the casual, intermittent, temporary or illegal use of land or building shall not be sufficient to establish the existence of a nonconforming use. Nothing in this paragraph shall be construed to mean that any use is exempt from regulations enacted to protect public health, safety or welfare.

a. Any property owner may apply for determination of a nonconforming use by means of the procedures listed below:

1) Application for designation as a nonconforming use shall be submitted in writing to the Community Development Department, indicating, at a minimum, the following:

- Name, address and telephone number of the property owner.
- Address and assessor's number of the subject property.
- The nature of the nonconforming use or structure.
- Any documentation to support the request.
- An application fee as specified in the current Community Development Department Fee Schedule.

2) Two or more of the following shall be submitted to consider the verification of an existing nonconforming use:

- Records of use of land or structures in the Town Community Development Department or other government agency with sufficient information to show that the use predates applicable zoning;

- Similar, credible evidence from utility companies, business or private records;
- Affidavit(s) from individual(s) testifying that the property was and has been continuously used for a purpose that predates adoption of the zoning in question.

b. Upon receipt of a complete application, the Community Development Director shall send notice of the pending request to each owner of real property, according to the Yavapai County Assessor's records, within three hundred feet of the proposed nonconforming use.

c. The Community Development Director will review the evidence concerning the application as shall be presented by the applicant or any other interested party. Such evidence shall be written. The Community Development Director will render a decision and present findings, through a formal written Notice of Action to the applicant and other interested parties. The decision shall be published in a local paper of general circulation, and shall be sent to each owner of real property, according to the Yavapai County Assessor's records, within three hundred feet of the proposed nonconforming use.

d. Any person aggrieved by the decision of the Community Development Director may request an appeal to the Board of Adjustment and Appeals. Appeals shall be made as prescribed in Part Six, Section 600-B. The appeal time requirements will start from the date of publication of the decision.