

**LEGAL NON-CONFORMING
SUBMITTAL FORMS INDEX**

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Note: As of December 31, 2012, all Land Use applications are subject to ARS § 1605.

- As of September 13, 2013 all Residential uses are excluded per ARS §11-1605 M.2

Legal Non-Conforming is available as Electronic Document Review (EDR) - digital application submittal & review. The EDR Overview webpage includes information on how to get started with EDR submittal and processing.

<https://www.maricopa.gov/4687/Electronic-Document-Review-EDR-Overview>

Download the EDR User Guide - Land Use and the Legal Non-Conforming application packet at the following website:

<https://www.maricopa.gov/4688/EDR-Guides-Tutorials-and-Applications#packets>

Any questions with EDR, please contact us at 602-506-8573 or use the On-line chat feature within the On-line Permit Manager click on **Let's Talk!**



APPLICATION INSTRUCTIONS & CHECKLIST

Applications submitted to the Maricopa County Planning and Development Department shall include all of the exhibits, items and information listed in this checklist. An application will only be accepted by the Department when all of the items listed below are submitted, unless otherwise deemed unnecessary by staff. Applications determined to be incomplete shall not be processed by staff. Additional information, detail, and/or copies may be required after review by the assigned planner.

After it has been determined that the initial submittal is complete, the filing fee per Zoning Ordinance requirement is to be paid by the owner or owner's authorized agent (checks should be made payable to "Maricopa County Planning and Development"). A receipt will then be issued and a case number assigned.

As of September 13, 2013, the Land Use application process shall be subject 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 25 day administrative timeframe and a 75 substantive timeframe for Land Use applications. 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.



INFORMATION REQUIRED FOR SUBMITTAL

1. **Application: completed and signed – 2 copies**
2. **Proof of ownership (recorded deed or unofficial copy) – 1 copy**
 - If applicable, lease agreement. If the subject property is part of a land lease, the Lease Agreement should include the terms of the lease, and the proposed use of the leased land. Additional information may be required after reviewing the Lease Agreement.
3. **Site Plan – 2 copies** (11"x17" or 8 1/2" x 14") of the property, indicating the following:
 - a) The site plan must be drawn to a recognizable scale, i.e. 1" = 20'.
 - b) North arrow and scale (written and graphic scale) shown on plan.
 - c) All property lines must be clearly shown and dimensions indicated.
 - d) Location and dimensions of all existing and proposed structures (including fences, signs and pools) from property lines and distance between structures.
 - e) Location and width of dedicated streets, recorded easements, (provide recording number) and patent easements on or adjacent to property (include names of streets if applicable).
 - f) All existing and proposed structures must be shown and dimensioned on the site plan.
4. **Narrative Report – 2 copies describing the proposed use in detail.**
5. **Photographs**
 - Submit photographs of the site, taken on all four corners of the property and looking inward to the property (minimum of four photographs).
 - Please label each photograph with the view, direction and date.
 - A site plan or key map may also be used in conjunction with the photographs with notations showing what direction the photograph faces and where it is taken.
6. **Copy of the Patent Easement Deed (if applicable)** which may be acquired at the Bureau of Land Management, 1 N. Central, Phoenix, (602) 417- 9200 – **1 copy**
7. **Evidence of LNC. The burden of proof is on the owner/owner's authorized agent to provide adequate verifiable documentation of the claim involving a legal non-conforming status. One or more of the following are acceptable examples:**
 - An original copy indicating flight data of an aerial photograph showing the use/activity prior to May 29, 1969, the structure prior to January 1, 2000, or other effective date of the zoning ordinance that applies.
 - Previous permit(s) with all necessary information.
 - Documentation from the Assessor's Office, Recorder's Office, utility company, or other



official entity, and two notarized Affidavits of Non-Conforming Use (sample attached).

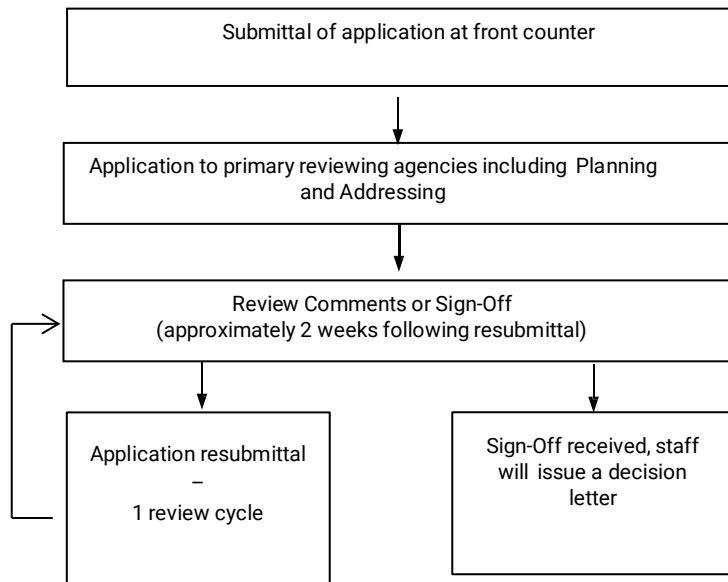
8. **Electronic copies of application materials saved as Adobe PDF files – 1 jump drive.**
Example Narrative Report should be saved as **NARR-RPTS-1.pdf**

Application Document	Required Naming Convention for the Adobe PDF documents
Completed Application	APPL-FORM-1
Official recorded or unofficial deed	DEED-DETL-1
Site Plan	SITE-PLAN-1
Narrative Report	NARR-RPTS-1
Photographs	PHOT-DETL-1
Patent Easement (if applicable)	PEAS-DETL-1
Evidence of Legal Non-Conforming	EVID-DETL-1

9. **Fees:**
- Zoning Clearance (Residential – **\$100** or Commercial/Industrial – **\$250**)
 - Addressing Review Fee of **\$10** to verify an existing address or **\$50** to assign an address (This fee is a separate fee but can be combined with the zoning clearance fee).
 - 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**



PROCESS FLOW CHART & PROJECTED TIMEFRAME



Approximate timeframe of 1 month



REQUEST	
Title of Project: _____	
Description of Request: _____	
Existing Use of Property: _____	
Existing Zoning District: _____	
Related Case Number: _____	
PROPERTY INFORMATION	
Address (if known): _____	
General Location (Include nearest city/town): _____	
Size in Acres: _____	Square Feet: _____
Legal Description Section: _____	Township: _____ Range: _____
Assessor's Parcel Number(s): _____	
OWNER'S AUTHORIZED AGENT INFORMATION	
Name: _____	Contact: _____
Address: _____	
City: _____	State: _____ Zip: _____
Phone #: _____	Fax #: _____
E-mail Address: _____	
PROPERTY OWNER INFORMATION	
Name: _____	Contact: _____
Address: _____	
City: _____	State: _____ Zip: _____
Phone #: _____	Fax #: _____
E-mail Address: _____	
PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION	
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.	
INSPECTIONS	
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.	
PROPOSITION 207 WAIVER – Signature required	
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, 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: _____
VERIFICATION OF APPLICATION INFORMATION – Signature required	
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: _____
ARS § 1605 TIMEFRAME EXTENSION	
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.	
Property Owner Signature: _____	Date: _____



AFFIDAVIT SAMPLE

Maricopa County
Planning & Development
301 W. Jefferson St.
Phoenix, AZ 85003

Reference: **123 Sample Road, Sample City, AZ 85000**

Assessor's Parcel Number: **123-45-678**

To Whom It May Concern:

I hereby certify the referenced property's existing use as a **LANDSCAPING BUSINESS** was established prior to May 29, 1969, the effective date of the Maricopa County Zoning Ordinance. The use has been continued without an interruption that exceeded 12 consecutive months. I have personal knowledge of this property because; **I HAVE LIVED IN THE AREA SINCE 1959 AND PASS BY IT FOUR OR FIVE TIMES A WEEK.**

Name: **Joe Smith**

Signature: **Joe Smith**

Address: **40 Example Road, Sample City, AZ**

Date: **May 22, 2003**

SUBSCRIBED AND SWORN before me this _____ of _____, _____.

Notary Public

My Commission Expires: _____



AFFIDAVIT SAMPLE – BUILDING/STRUCTURES

Maricopa County
Planning & Development
501 North 44th St., Suite 200
Phoenix, AZ 85008

Reference: **123 Sample Road, Sample City, AZ 85000**

Assessor's Parcel Number: **123-45-678**

To Whom It May Concern:

I hereby certify the referenced existing building(s)/structure(s) existed on the subject parcel(s) prior to January 1, 2000. I have personal knowledge of this property because;
I HAVE LIVED IN THE AREA SINCE 2000 AND PASS BY IT FOUR OR FIVE TIMES A WEEK.

Name: **Joe Smith**

Signature: **Joe Smith**

Address: **40 Example Road, Sample City, AZ**

Date: **May 22, 2003**

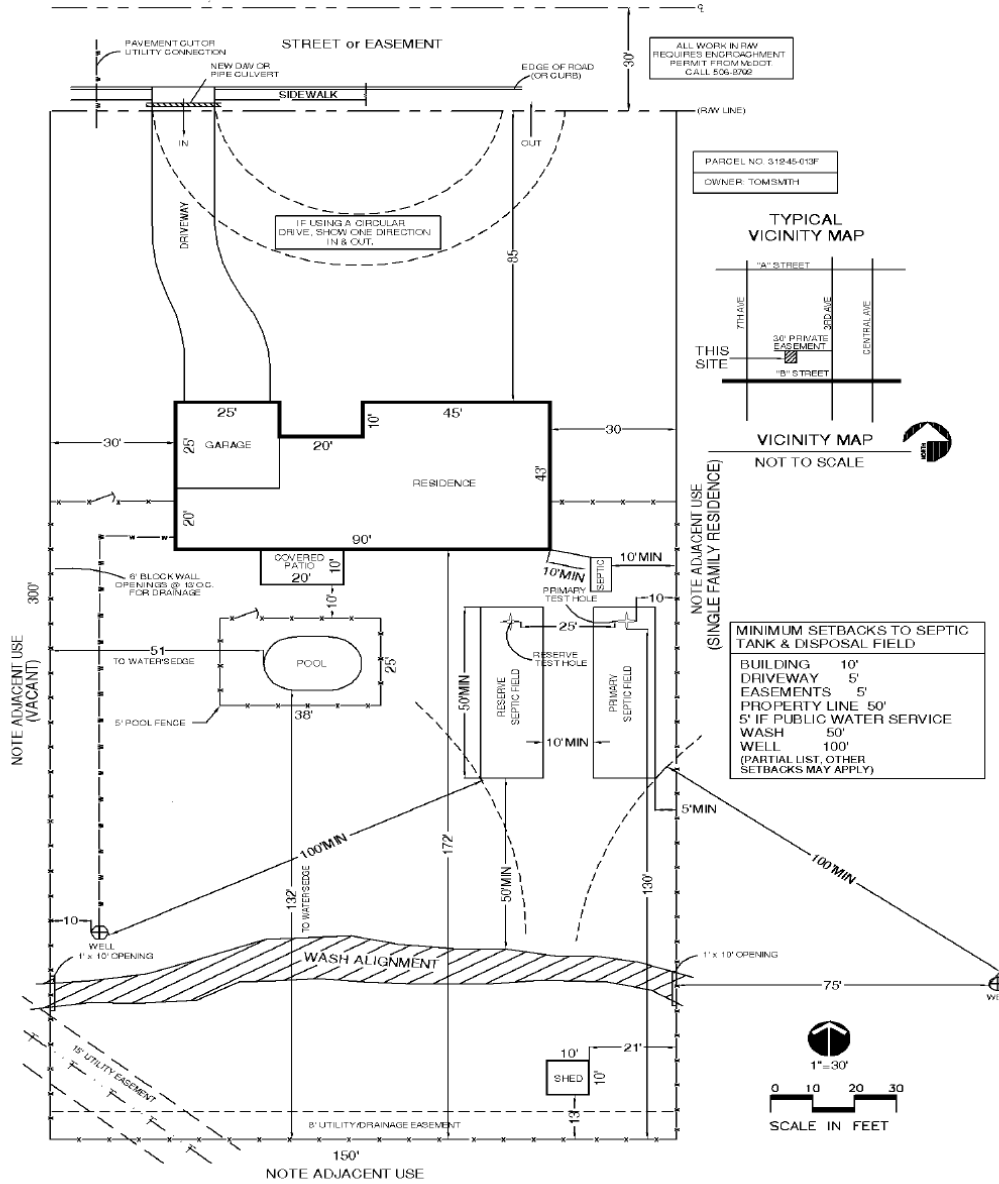
SUBSCRIBED AND SWORN before me this ____ of _____, _____.

Notary Public

My Commission Expires: _____



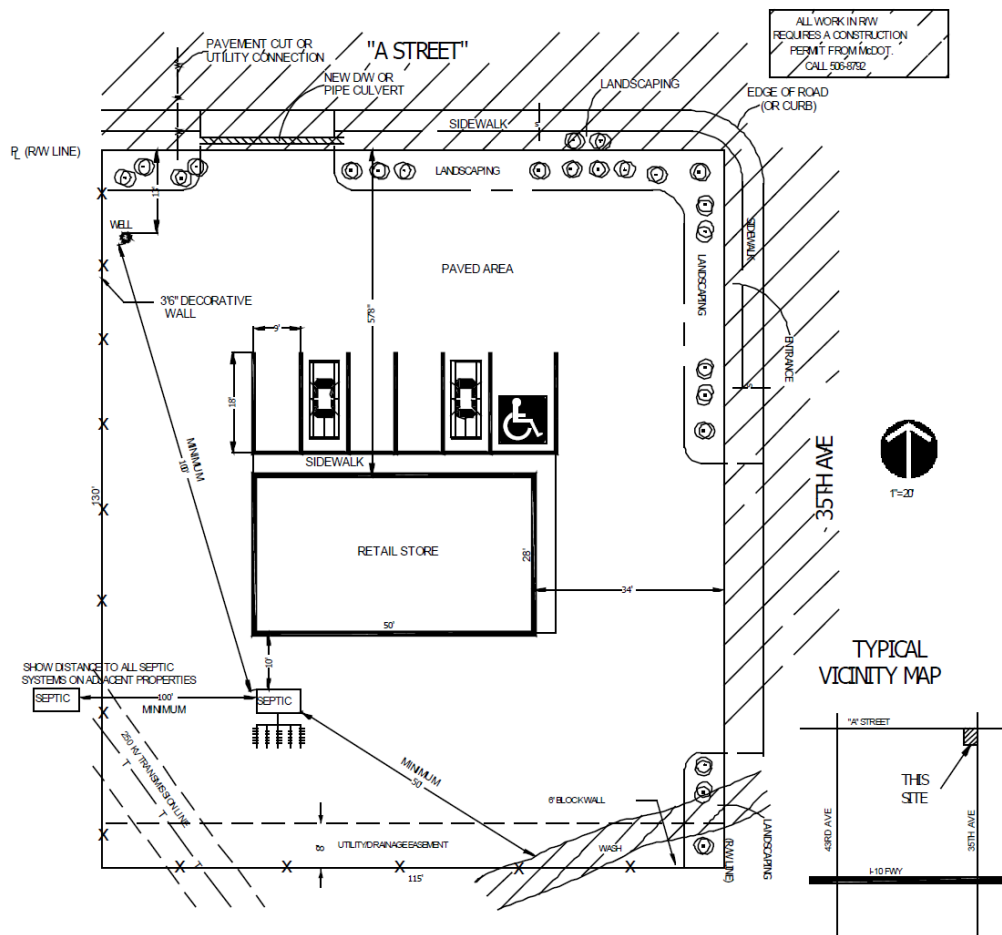
EXAMPLE OF A TYPICAL RESIDENTIAL SITE PLAN



**SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)
ADDITIONAL DETAILED PLANS MAY BE REQUIRED**



EXAMPLE OF A TYPICAL COMMERCIAL SITE PLAN



**SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)
ADDITIONAL DETAILED PLANS MAY BE REQUIRED**

VERIFY ALL REQUIREMENTS FROM THE FOLLOWING MARICOPA COUNTY AGENCIES PRIOR TO DRAWING SITE PLAN:

- PLANNING AND DEVELOPMENT
- ENVIRONMENTAL SERVICES
- DRAINAGE REVIEW
- DEPARTMENT OF TRANSPORTATION

