

## ADMINISTRATIVE ADJUSTMENT APPLICATION

AA# \_\_\_\_\_

- Administrative Adjustment
- Height Exception
- Setback Exception

Current Assessor's Parcel Number (s)(APN): \_\_\_\_\_

Site Address: \_\_\_\_\_

Township \_\_\_\_\_ Section \_\_\_\_\_ Range \_\_\_\_\_ Zoning: \_\_\_\_\_

	<i>For Staff Use Only</i>	
<p><b>Owner Name &amp; Address:</b> _____ _____ _____</p> <p><b>Phone:</b> _____</p>	<p>Date Received: _____</p> <p>Taken In By: _____</p>	
<p><b>Applicant/Agent Name &amp; Address</b> (If different than property owner, <b>Agent letter must accompany submittal</b>): _____ _____ _____</p> <p><b>Phone:</b> _____</p>	<p>Date Application Complete: _____</p> <p>Date Approved: _____</p> <p>Date Denied: _____</p> <p>Planner: _____</p>	
<p>Requested Administrative Adjustment (describe request, use additional sheets if necessary): _____ _____ _____</p>		
<p>Describe how this request will meet the Administrative Adjustment Criteria described on the following page (use additional sheets if necessary): _____ _____ _____</p>		
<p>Has a Topographic Exception been applied for and/or granted on this parcel? _____ Yes _____ No</p>		
<p>_____ <b>Name</b></p>	<p>_____ <b>Signature</b></p>	<p>_____ <b>Date</b></p>

**ADMINISTRATIVE ADJUSTMENT SUBMITTAL REQUIREMENTS**  
*Land Development Code, Article 9.16*

**Purpose.** Administrative adjustments are intended to provide flexibility with respect to the numerical standards of the LDC and the General Development Standards of Article 6 where development is proposed that would be:

- A. Compatible with surrounding land uses;
- B. Harmonious with the public interest; and
- C. Consistent with the purposes of the LDC.

**Applicability.** Pursuant to the requirements of LDC 9.16, the Community Development Director may authorize adjustment of:

- A. Up to 10 percent from any numerical standard related to height, bulk, setback or lot coverage; and
- B. Outdoor lighting standards of Sec 6.11.

Any numerical adjustment request greater than 10 percent shall be treated as a Variance handled by the Board of Adjustment pursuant to the requirements of Section 9.13, Variances. Outdoor lighting standards adjustments that do not meet or exceed the applicable standard in the opinion of the Community Development director shall be treated as a Variance handled by the Board of Adjustment pursuant to the requirements of Section 9.13, Variances.

**Application Process.**

- A. Application Submittal.** A complete application for an administrative adjustment shall be submitted to the Community Development Director as set forth in Section 9.1.3, Applications Forms and Fees, and Section 9.1.5, Application Completeness.
- B. Public Notification.** Upon receipt of a complete application, at a minimum, public notices shall be mailed to adjacent property owners with the Community Development Directors discretion to notice farther when warranted. Additional notice may also be provided to parties having specific interest in the matter in accordance with the provisions of Section 9.1.10, Additional Notice.
- C. Community Development Director Action.** The Community Development Director shall approve, approve with conditions or deny the application. A written notification of the decision shall be mailed, or otherwise provided, to the applicant.
- D. Written Decision.** The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant within 15 days from the decision.

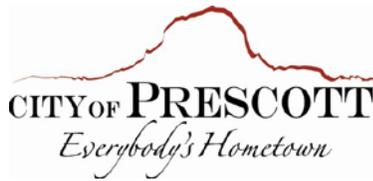
**Administrative Adjustment Criteria.** To approve an application for an administrative adjustment, the Community Development Director shall consider the following criteria:

- A.** Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B.** Granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- C.** Granting the adjustment will be generally consistent with the purposes and intent of the LDC; and
- D.** Granting the adjustment will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

**Referral to the Board of Adjustment.** In the event that the Community Development Director denies the administrative adjustment, the applicant may seek a Variance from the Board of Adjustment in accordance with the provisions of Section 9.13, Variances.

**ARS 9-834. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.
- H. A municipality shall prominently print the provisions of subsections A, B, C, D, E, F and G of this section on all license applications.
- I. The licensing application may be in either print or electronic format.



## CITY OF PRESCOTT

### ADMINISTRATIVE ADJUSTMENT SUBMITTAL CHECKLIST

**IN ORDER TO SUBMIT THIS APPLICATION, YOU MUST SCHEDULE A MEETING WITH A CITY PLANNER. TO SCHEDULE A MEETING PLEASE CALL 928-777-1207.**

**No application will be accepted unless it is complete including, but not limited to, the following:**

- Application stating the request, the Assessor's Parcel number, application signed and dated, indicating whether the applicant is the owner or the agent. If agent, include the name and address of the property owner, phone number, and a letter of authorization. (Refer to page 2).
- Three (3) **FOLDED** copies of the Site Plan. (Minimum size 11 X 17") including all information specified in the *Land Development Code*, Article 9.16. (Refer to "*Submittal Requirements*" page 4/5).
- Filing Fee \$135.00

The Community Development Department will notify adjacent property owners of this application within 300 feet of the subject property (or a greater distance if deemed necessary by the Community Development Director).

**NOTE: A DETERMINATION OF "APPLICATION COMPLETENESS" BY THE STAFF PLANNER AND A RECEIPT FOR THE FILING FEE WILL BE SENT TO THE APPLICANT WITHIN FIFTEEN (15) DAYS OF SUBMITTAL OF THE APPLICATION.**