



## CITY OF PRESCOTT

### CONDITIONAL USE PERMIT 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.**

CUP#: \_\_\_\_\_

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

- A copy of the Pre-Application Conference Letter. PAC# \_\_\_\_\_
- 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)
- One (1) copy of the legal description or warranty deed of the property with surveyor's seal is required.
- Six (6) **FOLDED** copies of the Site Plan. (Minimum size 24" X 36") including all information specified in the *Land Development Code*, Article 9.8.4B. (Refer to "**Submittal Requirements**" page 3). Building Elevations are encouraged to be submitted with the site plan, if applicable.
  - One (1) 8 1/2" X 11" xerographic reduction or photo reduction of the Site Plan.
  - An electronic file of the Site Plan in a .pdf format.**
- Written narrative describing the proposed use, compatibility with the surrounding area, impacts on emergency services, access to the property, parking, hours of operation, and any health and safety issues (such as noise or hazardous materials).

Postage Mailing Fee. 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). The applicant will be billed and required to pay the postage-mailing fee prior to the scheduled Public Hearing.

**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.**

(Office Use Only)

\_\_\_\_\_  
**PLANNER TAKING IN APPLICATION**

\_\_\_\_\_  
**DATE TAKEN IN**



## CONDITIONAL USE PERMIT APPLICATION

CUP# \_\_\_\_\_

Property Address: \_\_\_\_\_

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

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

Subdivision Name: \_\_\_\_\_

		<i>For Staff Use Only</i>
<b>Owner Name &amp; Address:</b> _____ _____ _____  <b>Phone:</b> _____ <b>Fax:</b> _____ <b>Email:</b> _____		Date Received: _____ Taken In By: _____ Assigned To: _____ Date Application Complete: _____
<b>Applicant/Agent Name &amp; Address</b> (If different than property owner, <b>Agent letter must accompany submittal</b> ): _____ _____ _____  <b>Phone:</b> _____ <b>Fax:</b> _____ <b>Email:</b> _____		Fees & Charges: _____ Receipt #/Date: _____ PAC Date: _____ BOA Date: _____

Description of Request: \_\_\_\_\_  
 \_\_\_\_\_

Total Acres: \_\_\_\_\_ Total Lots: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

_____	_____	_____
<b>Name</b>	<b>Signature</b>	<b>Date</b>

## CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

### *Land Development Code, Article 9.3.*

**Purpose.** Conditional uses are uses that are generally compatible or can be made compatible with other uses in the underlying zoning district. Such uses may be permitted on a conditional basis under which additional requirements must be met, including determination of adequate land area and site plan approval by the planning agency. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this code and their effect on surrounding properties.

**Applicability.** Conditional uses may be complimentary to those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, and intensity, and may require the imposition of additional conditions in order to ensure the appropriateness and compatibility of the use at a particular location.

**Pre-Application Process.** Prior to the submission of an application for a Conditional Use Permit, all potential applicants shall meet with the Community Development Department Staff in a pre-application conference unless waived by the Community Development Director. The purpose of the conference is to respond to any questions that the applicant or the City may have regarding the application.

**Application Submittal.** A complete application for a Conditional Use Permit shall be submitted to the Community Development Director as set forth in Sec. 9.1.3 through 9.1.5. A complete site plan must accompany all applications for a Conditional Use Permit as set forth in Section 9.8.4B.

**Public Notification.** Upon receipt of a complete application, as set forth in Se. 9.1.5, public notices shall be issued in accordance with Sec. 9.1.9, Public Notices. Additional notice may also be provided to parties having specific interest in the application, or if applicable an appeal of same in accordance with the provisions of Sec. 9.1.12, Additional Notice.

**Review by the Technical Review Committee.** Following submittal of a complete application, the TRC shall review the application and provide written comments to the applicant within 15 working days.

**Review by Community Development Director.** The Community Development Director shall review Conditional Use Permit application, the comments of the Technical Review Committee (TRC) and prepare a staff report.

**Board of Adjustment Action.** The Board of Adjustment shall review Conditional Use Permit applications in a public meeting and thereafter vote to approve, approve with conditions, or deny the application. All Conditional Use Permits shall run with the land. The Board may elect to specify a period of abandonment after which the Conditional Use Permit shall be voided.

**Notice of Decision.** A copy of an approved or denied Conditional use Permit shall be given to the owner of the property, and a copy shall be filed in the office of the Community Development Director.

**Conditional Use Review Criteria.** The Board of Adjustment may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents or other owners of surrounding property or upon the public. The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

**Effect on Environment.** The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

**Compatible with Surrounding Area.** The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like.

**External Impacts Minimized.** The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

**Infrastructure Impacts Minimized.** The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

**Consistent with General Plan and Code.** The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for location the use in an area where it is only conditionally allowed.

**Parcel Size.** The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district.

**Site Plan.** The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

**Additional Conditions.** The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping or buffering, and additional improvements such as curbing and sidewalks.

**Expiration/Revocation of Approval.** Conditional Uses are granted from the date of the Board of Adjustment's action unless otherwise modified by the Board. If construction of the project has not been completed within the first 12 months following Board approval, the Board may grant an extension for the next review for completeness of the Conditional Use Permit. Notice that the Conditional Use may expire within 12 months of construction is not completed shall be conveyed to the applicant in writing as part of the notification of approval of the permit.

The Board of Adjustment May extend the Conditional Use Permit upon written request from the applicant, providing the request is received before the date of expiration.

The Board of Adjustment may revoke a Conditional use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an on-going condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8A.

**Appeal.** An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.

**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.