PRE-EXISTING USE EXEMPTION
APPLICATION CHECKLIST

NAME_________________________________ PARCEL#_____________________

PLEASE INCLUDE THE FOLLOWING ITEMS:

_____ Proof of use (see examples list attached).

_____ Legal Description (Recorded Document with Recorder’s Document Number legibly displayed)

_____ Letter of intent (an explanation of how the land has been and will be used and how this applies to Section 202 A-F of the Yavapai County Planning and Zoning Ordinance) Copy included. This letter must be explicit as to activities and acreage dedicated to the pre-existing use.

FORMS INCLUDED TO BE COMPLETED BY THE APPLICANT:

_____ Directions to the Property

_____ Permission to Enter Property

_____ Plot Plan with all existing structures and uses represented (see attached plot plan directions).
LIST OF EXAMPLES OF ACCEPTABLE TYPES OF PROOF

INSURANCE RECORDS

ASSESSORS RECORDS

BILLS “PAID” FROM SAID BUSINESS OR USE, IDENTIFYING THE SITUS ADDRESS OR PARCEL NUMBER

UTILITY BILLS REFERENCING BUSINESS OR USE AT THAT SITUS ADDRESS

AFFIDAVITS (NOTARIZED) FROM SURROUNDING PROPERTY OWNERS VERIFYING PRE-EXISTING STATUS

NEWSPAPER ADS FROM VARIOUS YEARS

ANY OTHER HISTORICAL EVIDENCE AVAILABLE
SECTION 202 NON CONFORMING USES

The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof.

A. DISCONTINUANCE: If a non-conforming use shall be discontinued on a continuous basis for a period of twelve (12) months except as noted for dwelling units, any subsequent use shall conform with the provisions of this Ordinance. If the use of a dwelling unit as non-conforming lodging is discontinued on a continuous basis for a period of thirty (30) days, such use shall conform with the provisions of this Ordinance.

B. WEAR AND TEAR: Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a non-conforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.

C. RESTORATION: Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve (12) month period there from without impairment to any non-conforming status.

D. CHANGE OF USE: A non-conforming use may not be changed to another use unless or without complying with the provisions of this Ordinance.

E. EXPANSION: Except as otherwise specifically allowed in this Section, no increase in the extent of non-conformity of a non-conforming situation is permitted. In particular, no nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy at the time it became a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this Section. Pursuant to Arizona Revised Statutes §11-830, within any zoning district, subject to the granting of a Use Permit, a non-conforming business use may expand if such expansion does not exceed one hundred percent (100%) of the area of the original business. Such expansions shall be limited to uses of the same basic nature and character. Expansion shall be limited to the original parcel on which the use was located at the time it became non-conforming. For uses within a structure, the expansion shall be measured by floor area. For business uses not involving a structure, for example junk yards, truck yards, or contractors’ yards, area shall be strictly construed to mean the square footage or acreage of the use at the time it became non-conforming. Expansion of a non-conforming business use, other than within an existing building, requires compliance with the District requirements for yards, spacing, percent of lot coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the one hundred percent (100%) expansion allowance. Where such expansion is an open-land use a solid masonry wall (or other wall, fence, or hedge as may be approved by the County Adjustment Board) must be installed as protective sight screening between such expanded use and any Residential Zoned lot within two hundred feet (200').

F. MIXED USES: Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming use and structures.
If you believe that the use on your property qualifies under the provisions of Section 202 A through F, as previously stated, please complete the following:

STATE OF ARIZONA )
)ss
COUNTY OF YAVAPAI )

_______________________________, being first duly sworn upon (his/her) oath deposes and declares:

1. That he/she has read the foregoing explanation of the Pre-existing Use Exemption and believes that the property located at _________________________________________ qualifies for a Pre-Existing Use Exemption from the Yavapai County Planning and Zoning Ordinance.

2. The use(s) of the property is/are as follows:
   _____________________________________________________________________
   _____________________________________________________________________
   _____________________________________________________________________
   _____________________________________________________________________

__________________________________
Applicant Signature

Subscribed and sworn (or affirmed) before me this _____day of _________________, 20 ____ by
__________________________________.

___________________________________
Notary Public

My commission expires: ________________________________

**DO NOT WRITE BELOW THIS LINE – FOR STAFF APPROVAL ONLY**

_________ Approved by ________________________________ Date __________

_________ Denied by ________________________________ Date __________
**Type of Application:**
- □ UP  
- □ ZMC  
- □ FSP  
- □ PAD  
- □ Wireless  
- □ Sketch  
- □ PP  
- □ FP  
- □ FP Recording  
- □ Variance  
- □ Admin Review w/Comment  
- □ Admin Review  
- □ Minor Admin Variance

**Project Name:**
________________________________________________________________________

**Located in:**
Sec _________  Twp _________  Rng _________

**Assessor’s Tax Parcel Number:**
________________________________________________________________________

**FOR OFFICE USE ONLY**

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<th>FP/FP Record</th>
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**Application #:**

**Date Applied:**

**Current Zone:**

**Fees:**

**Receipt:**

**Supervisor District:**

**Taken By:**

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**Property Owner:**

**Applicant/Agent:**

**Mailing Address:**

**Mailing Address:**

**City:**

**City:**

**State:**

**State:**

**Zip Code:**

**Zip Code:**

**Phone:**

**Phone:**

**Fax:**

**Fax:**

**E-mail:**

**E-mail:**

**Request:**
________________________________________________________________________

**Legal Description:**  □ See attached Legal Description  **OR:**

Lot: ______________  Block: ______________

Subdivision: ____________________________________________  Unit: ______________

I hereby certify that the information submitted on this application is complete and accurate to the best of my knowledge and that I am the applicant or agent of the same as stated in the attached documentation.

**Signature:**
________________________________________________________________________

**Please Print Name:**
________________________________________________________________________

**Date:**
________________________________________________________________________
YAVAPAI COUNTY DEVELOPMENT SERVICES
PROPERTY DIRECTIONS

ASSESSOR'S PARCEL#___________________________________________________

APPLICANT'S NAME____________________________________________________

DIRECTIONS TO THE PROPERTY:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
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____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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PERMISSION TO ENTER PROPERTY

APPLICATION #: ________________________________ PARCEL #: __________________________

LEGAL DESCRIPTION: _____________________________________________________________

NAME(S): _______________________________________________________________________

ADDRESS: _______________________________________ PHONE _______________________

I, undersigned, hereby give permission to the Yavapai County Land Use Specialist (or any Deputy Specialist) in the discharge of his duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Yavapai County Planning and Zoning Ordinance: or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Yavapai County Planning and Zoning Ordinance; or for any investigation for conditions, compliance, and stipulations under the terms of the Yavapai County Planning and Zoning Ordinance and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer, or renewal of the application. Such entry shall be limited between the hours of 7a.m. and 6p.m. MST. I understand that this permission to enter property is OPTIONAL and VOLUNTARILY GIVEN and may be withdrawn or revoked (either in writing or verbally) at any time.

APPLICANT’S SIGNATURE: ______________________________________ DATE ____________

(Check one)

________ OWNER

________ AGENT FOR ____________________________________________

STATE OF ARIZONA )

COUNTY OF YAVAPAI ) ss

On this __________ day of _________________________ 20 _____ before me the undersigned Notary Public personally appeared ____________________________________________, who executed the foregoing instrument for the purpose therein contained. In witness whereof, I hereby set my hand and official seal,

____________________________
NOTARY PUBLIC

DATE COMMISSION EXPIRES

-7-
PLOT PLAN CHECKLIST

NOTE: PLOT PLAN MUST BE DRAWN TO SCALE IN BLACK INK ON THE FORM PROVIDED THAT INCLUDES ALL OF THE FOLLOWING INFORMATION.

( ) Property dimensions
( ) Indicate scale used (Engineer’s Scale –1”=20’ 30’ 40’ 50’ 60’)
( ) Indicate North with directional arrow
( ) Proposed structures with all dimensions, including Pools
( ) Existing structures with all dimensions, including Pools
( ) Distances between structures
( ) Distance from all structures to the property lines
( ) Description of each structures use
( ) Adjacent streets/roads
( ) Driveway(s) and material used (i.e. gravel, concrete…)
( ) Location, Size, Dimensions of Septic System with Leach Area
  __ Perc test holes
  __ 100% Expansion area (minimum distance from septic and leach)
  __ Length and slope of outlet lines (5 foot min.)
  __ Distribution Box/Diversion Valve
  __ Inspection Pipe(s)
  __ Length and number of leach lines; distance between trenches
  __ Degree of slope in leaching area
  __ Length and slope of building sewer line (max 100 feet)
  __ Cleanout pipe in building sewer lines
  __ Setbacks from property lines, buildings wells, dry washes, other sewage systems, water lines.

(NOTE: If individual wells provide water, maintain minimum septic setbacks of 50’ from property lines and 100’ from all wells including neighboring wells)

( ) Location of all utilities, poles, meters and lines
( ) All easements, regardless of purpose (i.e. roads, utilities)
( ) Slope information
  __ Indicate High and Low points
  __ Indicate by arrows direction of slope
  __ Indicate difference in elevation between high and low points
( ) Distance from the closest structure to the top of bank of any watercourse (s)
  (i.e. washes, streams, creeks, arroyos, rivers, drainage ways and slews)
( ) Location where orange Pre-issue card will be posted
Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature ______________________ Date ______________________

Must be drawn to scale per checklist on back of this form