



APPLICATION FOR A LAWFUL NON-CONFORMING USE CERTIFICATE IN AN UNINCORPORATED AREA OF PINAL COUNTY, AZ

(All applications must be typed or written in ink.)

Owner & Property Information:

(feel free to include answers and "Supporting Information" to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Name of Owner(s): _____

2. Address of Owner (s) (if other than property): _____

3. Phone: _____ Email: _____
(Home) (Cell)

3. Property Address: _____

4. Tax Assessor Parcel No(s): _____ 5. Most Current Deed Fee#: _____

6. Nearest Street Intersection: _____

7. Current Zoning (Please provide Acreage Breakdown): _____

8. Prior Zoning (If Applicable, & Acreage Breakdown): _____

9. The existing use of the property is as follows: _____

10. The original use of the property was as follows (if different than existing use): _____

11. Is the property located within three (3) miles of an incorporated community? YES NO

12. Is there a zoning violation on the property for which the owner has been cited? YES NO

13. If yes, zoning violation #: _____

INV#: _____ AMT: _____ DATE: _____ CASE: _____ Xref: _____

COMMUNITY DEVELOPMENT
Planning Division

Dimensions for all Buildings/Facilities/Areas on the property:

Present Dimensions: Length _____ Width _____ Height _____ Area (sq. ft.) _____

Original Dimensions: Length _____ Width _____ Height _____ Area (sq. ft.) _____
(If different than present)

Supporting Information:

(If additional space is needed please attach separate sheet with answers)

1. Approximately how long have you owned the property described in the non-conforming use form?

2. Since approximately what date was the original use of the property established? (Please describe this use(s) and area of property where the use took place) _____

3. Since the original use of the property was established up until the present date, has there been a period (s) of non-consecutive use? (Please include the length of time) _____

4. Have any of the buildings/facilities in the property ever been moved; structurally altered, enlarged or rebuilt? _____ If yes, please list the approximate dates and describe the extent of the work: _____

5. We're building permit (s) or zoning clearances granted for the existing use of the property? _____
If so, please reference any building permit number(s) & dates granted (you may attach a copy of building permit): _____

6. Since the present use of the property was established, has any open space surrounding the buildings/facilities in the property been encroached upon or reduced in any manner? _____ If so, please describe the extent of the encroachment and list approximate dates: _____

Note: The applicant is required to submit additional documentation such as maps, aerial photos, building permits, property surveys, deeds, and/or other information to prove continuous use of all nonconforming uses listed in this application.

***Submit completed forms (including supporting evidence) in pdf format via the online submittal portal at:
<https://citizenaccess.pinalcountyz.gov/CitizenAccess/>

Please call Pinal County Planning Division at (520) 866-6442 with any questions.

What is a non-conforming use?

Land use codes changes from time to time. As a result uses that were established prior to the adoption of the change are allowed to continue provided adequate proof can be submitted to show establishment of use prior to the change. Each particular situation has it's own burden of proof and what time frame a use has to be shown to be active. Keep in mind a use has to be continuous and legally established. If there are any questions regarding what date applies to your situation or the proof required to establish lawful non-conforming use please contact the planning department for more information.

Excerpts from Pinal County Development Services Code (PCDSC)

2.05.070 Non conforming use of land.

The lawful use of land existing at the time the ordinance codified in this title becomes effective, or existing on the effective date of any amendment of the text or of the maps hereof, although such use does not conform to the provisions hereof for the land, may be continued; but if such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the land shall be in conformity with the provisions of this title. A nonconforming use of land is also discontinued when replaced by a conforming use. [Ord. 011812-ZO-PZ-C- 007-10 § 4; Ord. 61862 § 305].

2.05.080 Nonconforming use of buildings.

The lawful use of a building existing at the time the ordinance codified in this title becomes effective, or on the effective date of any amendment of the text or of the maps hereof, although such use does not conform with the provisions hereof for such building, such use may be continued provided no structural alterations, except those required by law or ordinance or permitted by the board of adjustment, under this title are made. If any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building shall be in conformity with the provisions of this title. [Ord. 011812-ZO-PZ-C-007-10 § 4; Ord. 61862 § 306].

2.05.090 Alteration of nonconforming buildings.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this title for the zoning district in which located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations, and the further use thereof, conform in every respect with the regulations specified by this title for such zoning district in which the building is located, except a nonconforming business use as provided in PCDSC 2.05.060, but nothing in this section shall authorize the violation of any setback, health or sanitary law, ordinance or regulation not a part of this title. [Ord. 011812-ZO-PZ-C-007-10 § 4; Ord. 61862 § 307].

2.05.100 Destroyed nonconforming buildings.

If, at any time, any building in existence or maintained at the time the ordinance codified in this title becomes effective, and which does not conform to the regulations for the zoning district in which it is located, shall be destroyed by any act of casualty or act of God to the extent of 100 percent of its value, the owner shall have the right to rebuild for the use, provided the structure is rebuilt according to the area of the original nonconforming structure and is not expanded in any way either vertically or horizontally. [Ord. 011812-ZO-PZ-C-007-10 § 4; Ord. 61862 § 308].

2.05.110 Interpretation, purposes and conflict.

In interpreting and applying the provisions of this title, the provisions shall be held to be minimum requirements adopted for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this title to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance previously adopted pursuant to the laws relating to the use of building or premises, or relating to the erection, construction, establishment, alteration or enlargement of any building or improvements, except to the extent any existing provisions conflict with or are inconsistent with the valid provisions of this title, and to that extent and no more, the same are hereby repealed. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between private parties, but where the zoning provisions of this title are more restrictive than any existing private restrictive covenant affecting any portion of the unincorporated area of the county, said zoning provisions shall prevail over said private covenant. [Ord. 011812-ZO-PZ-C-007-10 § 4; Ord. 61862 § 2601].