

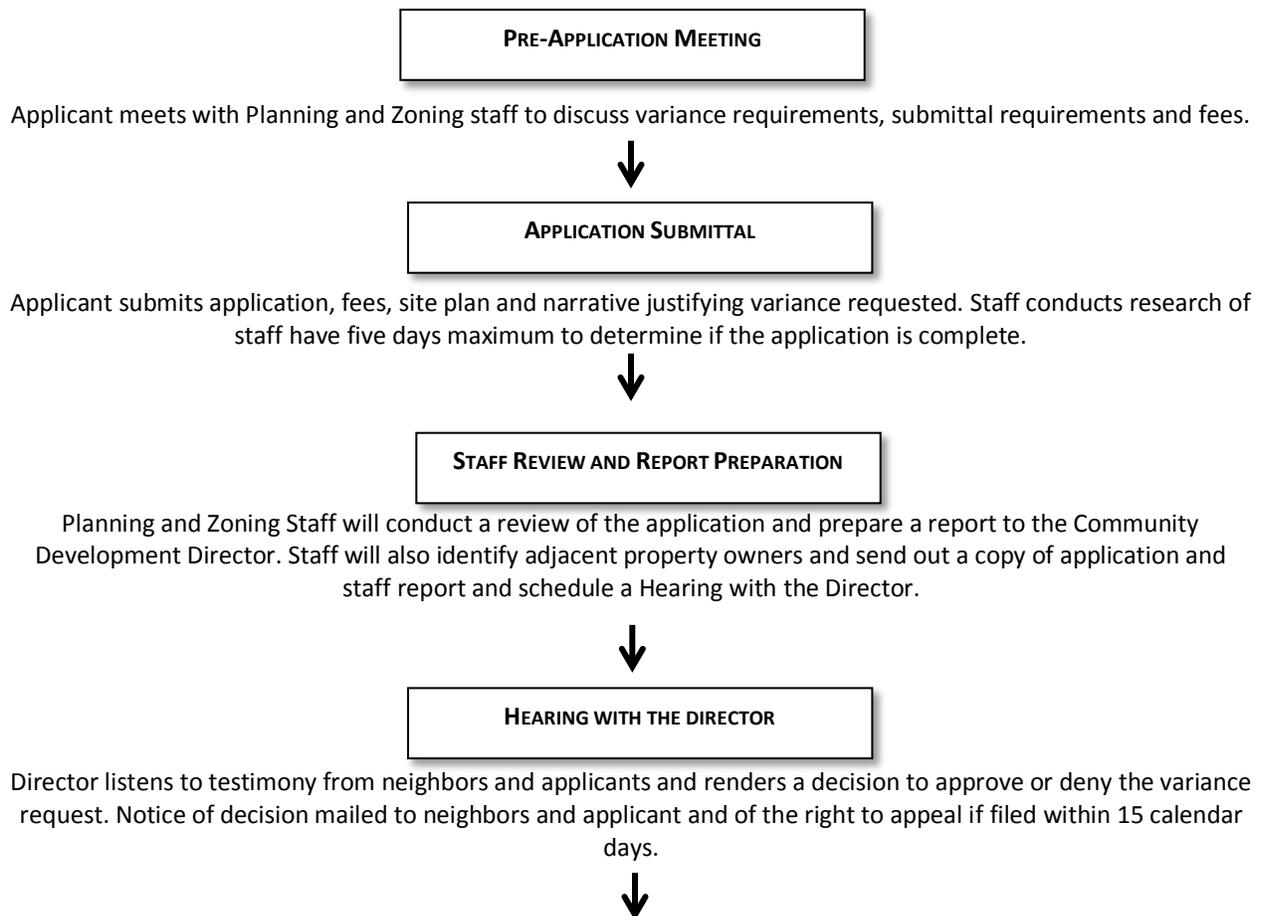
**ARTICLE 3
PROCEDURES**



The purpose of this section is to provide for the orderly processing of land use and zoning applications according to the administrative offices and duties cited in Article two (2) of this code.

The development review procedures set forth in this section establish the standards for review and approval of all proposed development of unincorporated private properties in Gila County, except properties that have requested and remain unzoned and properties unzoned because of irregular mining claim uses.

**SECTION 3-10
ADMINISTRATIVE VARIANCE**



APPEALS TO DECISION OF DIRECTOR

If an appeal is filed the Board of Adjustments hears the appeal at their next scheduled meeting

A. When compliance with the minimum building setback regulations would cause extreme hardship due to: conditions of extreme topography, unnecessary destruction of vegetation, close proximity to water ways, substandard size, irregular shape and minimal impacts to adjoining property uses the Director may grant a variance not to exceed fifty percent (50%) of the minimum required yard. However, under no circumstances shall there be a yard of less than five (5) feet.

B. Application Requirements

1. An application for an Administrative Variance shall be filed with the Gila County Community Development Division, on forms provided for that purpose.
2. An application for an Administrative Variance shall only be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.
3. A complete application form may require a site plan, depicting the special circumstance or location of the deviation from district standards.
4. The application shall be accompanied by the payment of the appropriate non-refundable fee per the schedule of such charges as adopted by the Board of Supervisors.

C. Review

The Planning Director or his designated representative shall inspect the property to determine the circumstances and shall approve or deny the variance based on his findings and shall set forth his findings and recommendations on a form provided for that purpose.

D. Decision

Notice of the decision of the Director shall be sent by United States Mail to the applicant and the owners of record, according to the official assessment rolls of the Gila County Assessor and all adjacent properties.

E. Appeals

Appeals of the decision of the Director may be made to the Board of Adjustment and must be filed in writing with the Community Development Division within fifteen (15) days following the date of mailing of the notice of decision.

The decision of the Director shall become effective at the expiration of the fifteen-day appeal period, provided that no appeals have been filed.

SECTION 3-11

CITIZEN PARTICIPATION PLAN

A. Purpose

The purpose of the citizen participation plan is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood and community.
2. Ensure that the citizens and property owners of Gila County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.
3. Facilitate ongoing communications between the applicant, interested citizens, property owners, Gila County staff and elected officials throughout the application review process.
4. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

B. Applicability

The following applications shall require a citizen participation plan:

1. Applications to amend the zoning classifications and the zoning maps in the unincorporated private properties of Gila County.
2. Applications for a Conditional Use Permit in the unincorporated private properties of Gila County.

Note: Applications for the subdivision process which have received an approved rezoning of the property within the past 12 months, and prepared a citizen participation plan and citizen participation report, and the proposed subdivision is in substantial compliance with the site plan submitted for the rezoning process shall not be required to submit another plan.

3. Applications for a Conditional Use Permit in the unincorporated private properties of Gila County.

Note: Applications for a conditional use permit for single family residential developments shall not require a citizen participation plan.

4. Applications for a Variance from the zoning regulations in the unincorporated private properties of Gila County.

Note: Applications for a variance on a single family residential property shall not require a citizen participation plan.

C. Notification Area

The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The neighboring properties for early notification are determined after consultation with the Community Development Division. At a minimum, the neighboring properties shall include the following:

1. Property owners within the 300' radius of the subject site.
2. The head of any homeowner's association or registered neighborhood within the 300' radius of the subject site.

D. Staff Assistance

To assist citizens with the neighborhood maps and property owner information, after the Pre-application Meeting where the applicable review process and procedures are explained, Community Development Division staff will:

1. Prepare a map of the subject site with the 300' radius from the property boundaries that identifies the notification area and the neighboring properties.
2. Prepare a list of the property owners, and their mailing addresses, that are part of the 300' notification area.
3. Prepare an example 'neighborhood' meeting letter for the applicant.
4. Provide the map, list and example letter in 10 working days.

E. Applicants' Responsibilities

1. The applicant shall invite and meet with his neighbors, being the property owners in the notification area, at a specific time and place, convenient for assembly and often the subject site, to discuss his proposed request.

2. The applicant shall provide the Community Development Division with: a copy of the neighborhood invitation letter, a 'sign in' list of attendees, all invitations returned by the Post Office and a list of concerns that were expressed at the meeting or through mail or email.

SECTION 3-12

CONDITIONAL USE PERMIT

Conditional Uses are those uses, which although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions.

A. Application Requirements

1. The applicant shall submit a Conditional Use Permit Application in the form of a narrative description of the proposed use on a form provided by the Department for that purpose and the application shall be accompanied by the appropriate non-refundable fee per the schedule of such charges as adopted by the Board of Supervisors.
2. An application for a Conditional Use Permit shall be initiated only by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.
3. Accompanying the application, the applicant shall submit a reproducible site plan on sheets not to exceed 24" by 36", at a scale not to exceed 100 feet per inch. The site plan shall contain, at a minimum, the following information:
 - a. The location and boundaries of the property.
 - b. Scale and north arrow.
 - c. The location of all existing and proposed improvements, provision for onsite parking, internal or external access.
 - d. Such other information as the Director may deem necessary.

B. Review

1. Upon receipt of a complete application, site plan and the non-refundable application fee, a hearing on the application shall be scheduled before the Planning and Zoning Commission.

C. Decision

1. The Planning and Zoning Commission may deny the application, accept the recommendation of staff, modify the recommendation of staff, or send the application back to the staff for further study.
2. A Conditional Use Permit shall be issued by the Community Development Division setting forth all qualifying conditions, when the Planning and Zoning Commission approves a CUP application.

D. Appeal

Appeals of the decision and conditions of the Planning and Zoning Commission may be made to the Board of Supervisors and must be filed in writing with the Community Development Division within thirty (30) days following the date of the decision. A non-refundable application fee, set by the Board of Supervisors, is required.

SECTION 3-13

USE PERMITS

Use Permits are issued by the Community Development Director for the development or use of any property that is subject to a Use Permit. Such permit shall set forth by incorporation or reference all stipulations and limitations of the use of said property, as well as the time period for which such permit shall be issued. Use Permits are different from Conditional Use Permits because CUP's are for more intense uses that require public hearings. See the Residential Use Tables in the Appendix for specific district uses.

A. Application Requirements

1. The applicant shall submit a Use Permit Application on a form provided for that purpose.
2. Accompanying the application, the applicant shall provide a site plan setting forth the location of the proposed use.
 - a. The site plan shall be prepared on 8.5" x 11" or 11" x 17" sheet or sheets not to exceed 24" X 36".
 - b. The plan shall be drawn to a scale not to exceed one hundred (100) feet per inch and shall set forth, at a minimum, the following information:
 - i. The boundaries of the subject property.
 - ii. A legal description.
 - iii. The location of existing and proposed improvements.
 - iv. Such other information as the Director may deem necessary.
 - b. Upon submitting the application, the applicant shall pay the appropriate nonrefundable fee.

B. Review

1. Upon receipt of the application, site plan and fee, the Director or his designee shall:
 - a. Set a date for an administrative hearing not later than twenty-one (21) days following receipt of same.
 - b. Notify all adjoining property owners of the purpose of the application and the date, time and location of the administrative hearing.
 - c. Make a record of all testimony in favor or against the application at the administrative hearing.

C. Decision

The Director shall notify the applicant in writing no later than fifteen (15) working days after the administrative hearing of his decision to approve or deny the application, fully stating the reasons for denial or any stipulations or limitations regarding approval.

D. Appeals

The applicant may appeal the denial of an application or appeal the conditions required for the use by filing a form of appeal with the Board of Adjustment within fifteen (15) working days following the issuance or denial of a permit.

SECTION 3-14

TEMPORARY USE PERMIT

- A. The purpose of a temporary use permit is to permit one-time or short time use of land for a special event or an interim use. Application for a Temporary Use Permit shall be made on a form provided for such purpose by the Department and the appropriate non-refundable fee shall be paid. An expiration date will be provided when each temporary use permit is issued.
- B. Temporary Uses may be granted in all zoning districts subject to conditions, which shall consider the Intent and Purpose of the particular zoning district and minimize adverse impact on the neighborhood.
- C. All temporary uses shall be subject to a Temporary Use Permit that shall be issued by the Director or his designated representative subject to the provisions of this Section.
- D. Any proposed Temporary Use on property owned or directly controlled by Gila County shall be subject to a Temporary Use Permit issued by the Gila County Board of Supervisors.
- E. Application Requirements
 1. Application for a Temporary Use Permit shall include a written authorization of the property owner of the property on which the temporary use is proposed and setting forth any

specific conditions placed by the property owner on the proposed use, which conditions shall be incorporated into the Temporary Use Permit.

2. The owner of the property on which the Temporary Use Permit is granted shall be a co-applicant for the permit, and shall be held responsible for the conformance of the use to the conditions set forth in the Temporary Use Permit and for the restoration of the property to its original condition following the termination of the use.
3. If deemed necessary by the Director due to the nature of the use, the applicant may be required to provide for private security, post bond or provide proof of insurance and shall indemnify Gila County against any claims arising from permitted uses.
4. Any Temporary Use Permit may be revoked without notice, if the Community Development Director determines that conditions have been violated or that the use is causing a nuisance.

F. Performance Standards

Approval of a Temporary Use Permit application shall require compliance with the following performance standards, along with any further conditions deemed necessary by the Director in order to reduce possible detrimental effects to surrounding properties and to protect the public health, safety and welfare:

1. Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring properties.
2. Adequate on-site parking shall be provided.
3. No permit shall be issued if the use at the proposed location is deemed to be potentially hazardous to the public. No use shall be permitted in a public right-of-way.
4. Adequate sanitary facilities shall be provided for on-site; sanitary facilities shall conform to State and County Health Department requirements.
5. Provision shall be made for the collection and disposal of all solid waste generated in conjunction with the proposed use.
6. Lighting shall be limited to that necessary to conduct the proposed use safely and shall be shielded so that direct illumination shall be confined to the boundaries and site access. The operation of searchlights and similar lighting sources is prohibited.
7. Any required County or State Health Department or Sheriff's Office permits or licenses must be obtained.

G. Uses Requiring a Temporary Use Permit

1. Special events, having a maximum duration of five days per event, including such outdoor activities as:
 - a. Transient amusement activities (such as carnivals, circuses, outdoor concerts).
 - b. Tent revivals.
 - c. Outdoor flea markets.
 - d. Outdoor product shows.
 - e. Christmas tree sales lots.
 - f. Contractor's offices and storage yards on the site of active construction projects.
 - g. Mobile homes or recreational vehicles for security purposes on the site of an active construction project, but not for a total of more than six months in any twelve month period.
 - h. Roadside sales stands and temporary food sales stands, but not for a total of more than six months within any twelve month period.
 - i. Batch plants and crushing operations in conjunction with a specific construction project for a period not to exceed the duration of the project.
 - j. Other uses of a temporary nature similar to the above.

SECTION 3-15

PRE-APPLICATION MEETING

Prior to application for any variance, appeal, amendment, conditional use permit, temporary use permit, development plan, comprehensive plan amendment, or any other review or permit process, a pre-application meeting with the Community Development Division staff is strongly encouraged. The review is free and often saves duplication of effort and avoids misunderstandings.

- A. The purpose of the pre-application review is:
 1. To familiarize the Community Development Division with the request.
 2. To determine application requirements and familiarize the applicant with the review process and procedures.
 3. To identify land use and development policies which may affect the outcome of the request.
 4. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts.
 5. To identify the requirements for citizen participation and familiarize the applicant with related issues.

SECTION 3-16
PROPERTY DEVELOPMENT PLAN

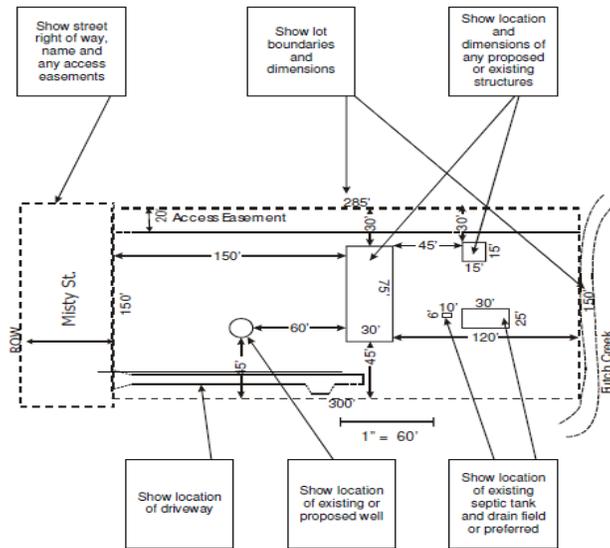
Application for a permit for construction or site work related to home occupation, multi-family, commercial, industrial, professional or mixed use shall be subject to prior approval by the Director or his designate of a Property Development Plan.

A. Application Requirements

Application for approval of a Property Development Plan shall be made on a form provided for such purpose by the Department and, in addition to the appropriate fee, shall be accompanied by maps, drawings and such other materials necessary to show the following:

1. The location and proposed use of all structures and site improvements drawn to scale on a site plan. These site improvements could include, but are not limited to: dwellings, carports, shops, outbuildings, pools, sanitary facilities, wells, ham radio towers, water features, access ways and easements, and utility easements and lines for electric power, communication, water or sanitary facilities.
2. On-site parking arrangements, including loading areas and handicap parking spaces. Handicap parking spaces and the access aisle shall be constructed of a hard surface (concrete, asphalt concrete or similar) material so that required slopes can be maintained to safety tolerances.
3. All related signage; depicting the size, type and location of the signage and whether the signage is to be illuminated.
4. The type and location of landscaping to be used. The location of any vegetation that could cause a line of sight problem at intersections on access ways.
5. The proposed off-site circulation pattern and related improvements including right-of-way dedications, street improvements, traffic control measures, location and design of driveways acceleration and/or deceleration lanes.
6. Such additional information as the Director may deem necessary to evaluate the impact of the proposed development on surrounding uses.

SAMPLE SITE PLAN



B. Review

1. The Planning Director or his designated representative shall review the Development Plan for compliance with Unified Development Code regulations. These may include: the land use, density, yard setbacks, building separation, structure heights, outdoor lighting, parking, signage, vehicular access, utilities and easements.
2. The applicant shall provide evidence of an approved means of sanitary disposal as permitted by Gila County Wastewater Department and meeting the Arizona Department of Environmental Quality requirements.
3. The applicant shall provide evidence of an approved review by the Floodway Department and meeting FEMA requirements for the proposed location of the improvements.

C. Decision

The Community Development Director or his designated representative shall: determine that the Development Plan is approved, request the applicant to comply with specific development requirements or deny the Development Plan, if the use is prohibited, causes a nuisance or cannot demonstrate compliance.

D. Appeals

Appeals of the decision of the Director may be made to the Board of Adjustment and must be filed in writing with the Community Development Division and be accompanied with the applicable, nonrefundable fee.

SECTION 3-17
PUBLIC HEARINGS



The Board of Supervisors, Planning and Zoning Commission and Board of Adjustment shall hold public hearings as required by Arizona Revised Statutes and this Unified Development Code.

A. Applicability

The following applications shall require a public hearing:

1. Applications to amend the Comprehensive Master Plan for the unincorporated private properties of Gila County.
2. Applications to amend the zoning classifications and the zoning maps in the unincorporated private properties of Gila County.
3. Applications to subdivide land in the unincorporated private properties of Gila County where a Preliminary, Small or Final Subdivision Plat is required.
4. Applications for a Conditional Use Permit in the unincorporated private properties of Gila County.
5. Applications for a Variance from the requirements of the Unified Development Code in the unincorporated private properties of Gila County.

B. Noticing

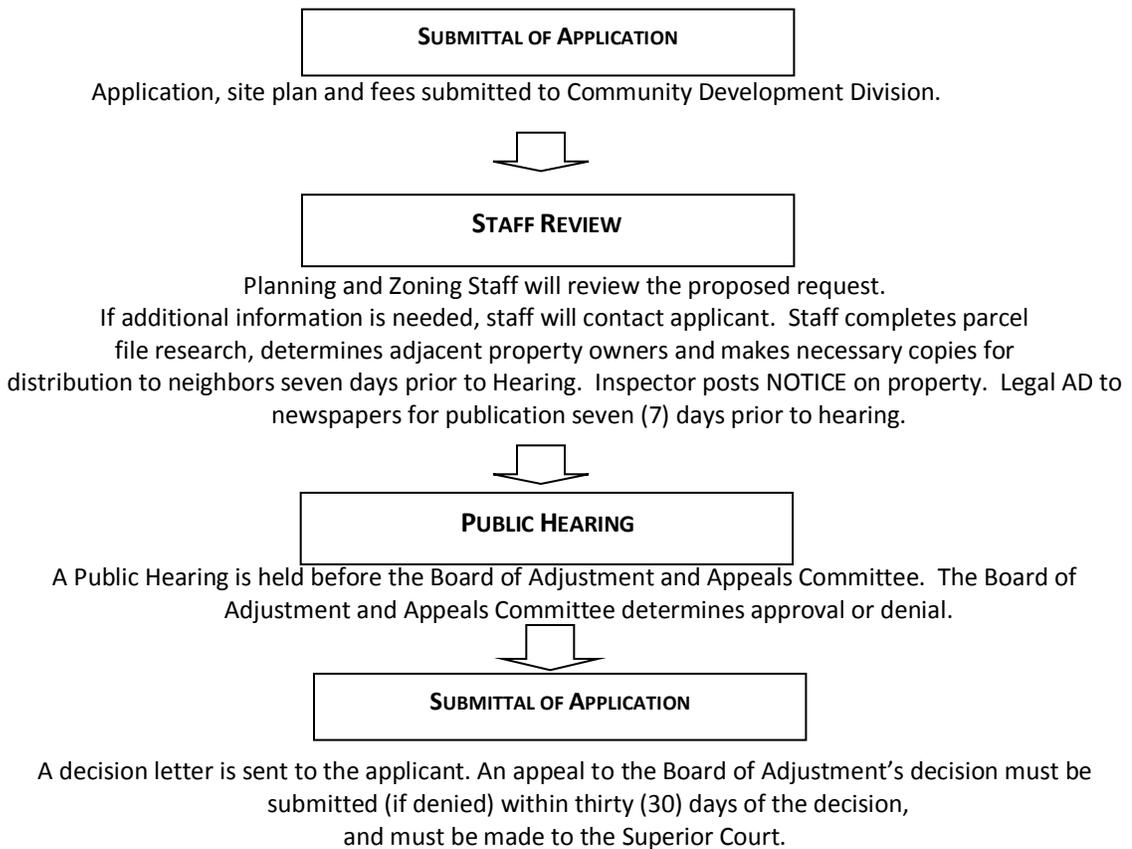
1. A Public Hearing shall be held by the Board of Supervisors, Planning and Zoning Commission or Board of Adjustment within a reasonable time after filing of an application, after first causing notice to be given to parties of interest and the public, by posting the property of application, if a property is involved, and publishing once in a newspaper of general circulation in northern and southern Gila County at least fifteen (15) days prior to the hearing.
2. The notice shall include the time and place of the hearing, a general explanation of the matter to be considered and a general description of the area affected.
3. In applications not involved with property, notice shall be posted in three public places such as fire stations, libraries and post offices.
4. In applications involving land that abuts municipalities or reservations, copies of the notice shall be transmitted to the planning agency of the governmental unit abutting such land.

5. In applications involving a subject property, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, within three hundred (300) feet of the subject property.
6. Posting on and near the subject property shall be required not less than fifteen (15) days prior to the hearing. The posting shall set forth the time and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected.
7. It shall not be the responsibility of the Board of Supervisors or its agents to maintain the posting once erected.

**SECTION 3-18
VARIANCE**

The purpose of the Variance procedure is to provide a means whereby the literal terms of this Code need not be applied, where there are practical difficulties or unnecessary hardships so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.

VARIANCE PERMIT PROCESS



A. Application Requirements

1. An application for a variance shall be filed with the Community Development Department, on forms provided.
2. An application for a variance shall only be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.
3. A complete application form may require; a site plan, depicting the special circumstance or location of the deviation from district standards, a detailed description of the request or the specific grounds for an appeal of a Community Development Division decision.
4. A map of the subject property and surrounding properties within 300' of the subject property boundaries shall be required. (Staff will assist with maps and property information, when a pre-application meeting is requested.)
5. Two (2) sets of the site plan (8.5" x 11" or 11"x 17") drawn to scale and accuracy, commensurate with its purpose, shall be required. As a site plan is specific to a particular situation, the applicant shall confer with the Community Development Division to determine the information required. (i.e. locations of structures and buildings, building floor plans, elevations, parking areas and accesses, trees and vegetation, signage, drainages, etc.)
6. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Board of Supervisors. When a variance request is for a deviation from district standards, fees are not refundable. When appeals are made of a Community Development Division decision, the Board of Adjustments shall have the discretion to refund all, a portion, or none of the application-filing fee.

B. Review

1. An application for a variance shall be submitted to the Community Development Director and shall be reviewed by the Board of Adjustments within 30 calendar days of receipt of a completed application as determined by the Director.
2. The Director shall submit the application and a written report to the Board of Adjustments with a recommendation on whether the variance should or should not be granted or modified.

C. Criteria for Granting a Variance

A variance shall be granted only under the following:

1. Due to special circumstances applicable to the property, including its size, shape, topography, location, impact to adjoining property uses and destruction of vegetation, the

strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

2. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
3. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
4. The variance will not allow the establishment of a use which;
 - a. is not otherwise permitted in the zoning district;
 - b. would result in the extension of a non-conforming use, or
 - c. would change the zoning classification of any or all of the property.

D. Decision

The Board of Adjustments shall hold a public hearing, review the standards and the Directors' report, consider the testimony and other evidence presented at the hearing and grant a variance with specific conditions or deny the variance.

E. Appeal

Any person aggrieved by a decision of the Board of Adjustment shall have the right, within thirty (30) days, to appeal to the Superior Court. The appeal shall be based on the record before the Board of Adjustment.