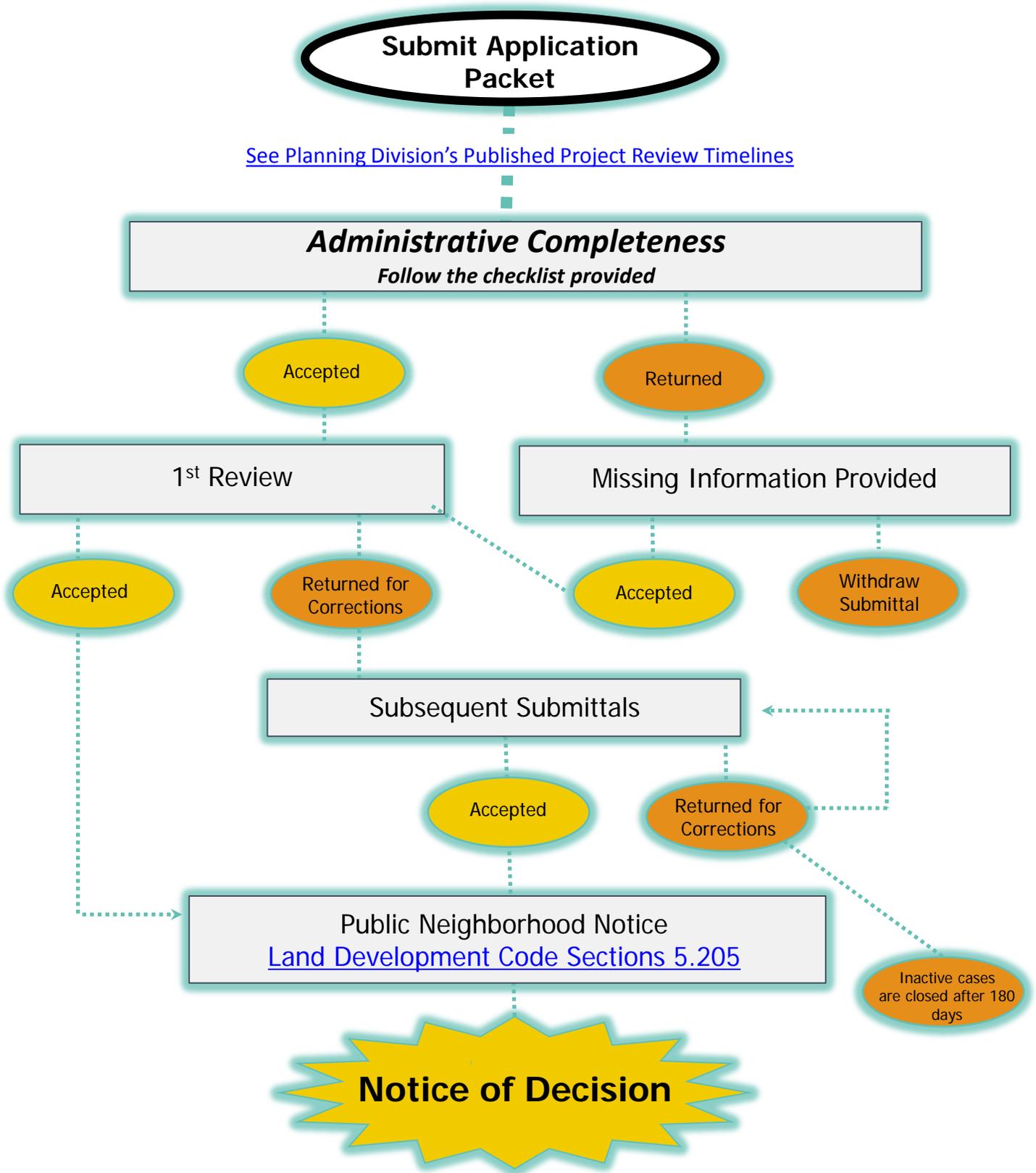


# Use Permit – Administrative & Modification



\*\*The Planning Manager may refer any application to the Planning Commission / Design Review Board for action.\*\*

# Use Permit – Administrative & Modification

- An Administrative Use Permit is a use permit approved by the Zoning Administrator for a use in specified districts based on a determination of compliance with standards set forth in the Base District Regulations and individual review of their location, design, configuration, intensity, and density of use or structure.
- The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter a Final Design Review approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.
- The Zoning Administrator may approve, approve with modifications and/or conditions, or deny after making the following findings of fact:
  1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
  2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by Town Council;
  3. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements; and
  4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.
- Prop 207 Waiver (Diminution in Value)
  - Title Report – If the title report is more than a month old, it will not be considered current.
  - Proof of signatures rights will be needed for LLC's or Corporation's.
- The Zoning Administrator may require a public hearing before the Planning Commission for any Use Permit application that the Zoning Administrator may determine to have special neighborhood or community significance.
- Decisions of the Zoning Administrator on Use Permit – Administrative and Modification may be appealed to the Planning Commission. The Planning Commission shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator.
- Useful Links on Gilbert's Planning & Development webpage:
  - [Development Fee Schedule](#)
  - [Planning Division Project Review Timelines](#)
  - [General Plan Character Area Map](#)
  - [Zoning and Land Development Code](#)
  - [Zoning Map Noting Overlay Zoning Districts](#)



## Use Permit – Administrative and Modification

### Submittal Formatting, Required Materials and Checklist:

- Over the Counter Submittal:
  - Submit electronic copy** of ALL required items on checklist. **(No 24" x 36")**
  - Submit a hard copy (8.5" x 11 or 11" x 17" only) of the entire packet with the electronic copy and payment. **(No 24" x 36")**
  - Purge** images of unnecessary blocks and layers (single layer).
  - Save each exhibit as a separate PDF per document naming below.**

### Document Naming:

- Exhibit 1: Application
- Exhibit 2: Project Narrative
- Exhibit 3: Proposition 207 (Diminution in Value) Waiver Form with Exhibits
- Exhibit 4: Parcel/Aerial Map
- Exhibit 5: Site Plan
- Exhibit 6: Elevations /Floor Plans (as appropriate for the request)
- Exhibit 7: Neighborhood Notice

### Checklist

- Exhibit 1: Application**
  - Must be fully completed and signed.
- Exhibit 2: Project Narrative**
  - Project Narrative should be typed in a 12pt font and no more than 5 pages in length.;
  - Description of the proposed use and efforts to mitigate any potential impacts to adjacent properties;
  - Provide how the project complies with the General Plan, zoning requirements or any other adopted plans;
  - Information on how the proposed use conforms with the requirements, or standards prescribed by the Land Development Code and any other applicable local, State or Federal requirements.
  - Statement regarding how each of the required finds are met.
- Exhibit 3: Proposition 207 Waiver with Exhibits**
  - Notarized [Proposition 207 Waiver](#) (Diminution in Value) with required exhibits
    - Exhibit A – Title Report (current)
    - Exhibit B – Legal Description & Map of Site
    - Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions.
- Exhibit 4: Parcel/Aerial Map**
  - Maricopa County Assessor Parcel Map (Highlight project area and provide parcel number(s)).
- Exhibit 5: Site Plan**
  - Vicinity Map with the site and major streets noted;
  - Graphic scale, north arrow, exhibit date;

- Dimension property lines, easements, alleys, private streets, adjacent rights-of-way, existing and future improvements, access points, signals, etc.;
- Project data table: existing zoning on site and gross and net acreage;
- Location and size of any existing/proposed building(s) or structure(s);
- Dimension location of required and proposed building setbacks and spaces between buildings;
- Vehicular and pedestrian circulation, including ADA accessibility requirements;
- Location and size of parking spaces, and the number of spaces required and provided;
- Location of other existing and proposed improvements such as walls, hardscape, trash enclosures, outside storage, loading areas, mailboxes, etc.;
- Emergency apparatus access and required turning radii;
- Adjacent lot lines and/or structures within 300 feet;
- Method of screening and details for parking, storage and loading areas;
- Locations and architecturally integrated method of screening of existing and proposed utility equipment (ground mounted and/or roof mounted);
- Location, type and height of existing and proposed site lighting fixtures including parking lot lights;
- Freestanding sign locations with corresponding visibility triangles.

**Exhibit 6: Elevations/Floor Plans (as appropriate for the request)**

- Graphic scale and date;
- All existing and proposed elevations of each building identified by geographic direction;
- Elevations of parking and/or other accessory structures;
- Location, type and mounted height of proposed wall mounted lighting fixtures.
- Gross floor area, interior space distribution with dimensions;
- Service areas;
- Exterior walls and interior partitions;
- Doors and door swings;
- Stairs and elevators, including roof access.

**Exhibit 7: Neighborhood Notice**

- Please refer to Section 5.602.A.3 of the Land Development Code for requirements;
- A parcel map highlighting properties within 300 feet, Homeowners Associations and neighborhoods within 1000 feet of the property and the typed names and address of all property owners identified on parcel map (<http://mcaassessor.maricopa.gov/>).



**Plan Type: Use Permit**  
**Work Class: Administrative and Modification**

Description (Proposal Name): \_\_\_\_\_

Address or Location: \_\_\_\_\_

Modification:  Yes  No If yes, approved file number \_\_\_\_\_

Request Summary (briefly describe proposal here and attach a detailed narrative) \_\_\_\_\_

APN/Tax Parcel Numbers: \_\_\_\_\_

Gross/Net Acres: \_\_\_\_\_ Zoning: \_\_\_\_\_

General Plan Character Area:  Santan  Heritage District  
(if applicable)  Gateway  Morrison Ranch

Overlay Zoning District:  Santan Freeway Corridor  Phx/Mesa Gateway Airport  
 Vertical Development

Please answer all that apply:

Are you an existing Gilbert Business?  Yes  No

Are you moving to a new Gilbert location?  Yes  No

Are you expanding your business?  Yes  No

**Property Owner: (All information must be provided)**

Name (print): \_\_\_\_\_ E-mail: \_\_\_\_\_

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

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_  Business  Mobile  Home  Other

Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

\*If signature is not provided above, a letter of authorization from the property owner is required.

**Applicant/Contact: (All information must be provided)**

Company: \_\_\_\_\_

Contact \_\_\_\_\_ E-mail: \_\_\_\_\_

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

City, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_  Business  Mobile  Home  Other

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Administrative Completeness Review

Staff will review the application to ensure all required documents and information has been included. If required information is missing, applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be conducted. Staff may also determine if the request does not fall under the purview of this application type.

**A.R.S. § 9-843. 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.