

Board of Adjustment

Development Application Checklist



Digital Submittal:

Please follow the plan and document submittal requirements below. **All files shall be uploaded in PDF format.** Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11. A digital submittal Key Code is required to upload your documents and will be provided by your coordinator. Files should be uploaded **individually** and in **order** of how they are listed on this checklist.

Project No.: _____ -PA- _____ Key Code: _____

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

Minimum Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be deemed incomplete until all items have been submitted. A Development Application is not complete until it is verified that the application meets the minimum submittal requirements for review and the application fee has been processed.

In addition to the items on this checklist and to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- The General Plan; and
- The Scottsdale Revised Code, including the Zoning Ordinance; and
- Stipulations of any Development Application approved before this application is submitted; and
- Scenic Corridor Design Guidelines; and
- Transportation Master Plan and related local plans; and
- The Design Standards & Policies Manual.

If you have any questions regarding the information above, or items indicated on this application checklist, please contact your project coordinator.

Name: _____ Phone Number: 480-312- _____ Coordinator e-mail: _____@scottsdaleaz.gov

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. Visit the city's Planning & Development Services Records Department for assistance: <https://www.scottsdaleaz.gov/planning-development/records>.

PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>		1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>		2. Application Fee \$ _____ (subject to change every July)
<input checked="" type="checkbox"/>		3. Completed Development Application Form (form provided) <ul style="list-style-type: none"> • The applicant/agent shall select a review methodology on the application form (Enhanced Application Review or Standard Application Review). • If a review methodology is not selected, the application will be reviewed under the Standard Application Review methodology. <div style="display: flex; justify-content: space-between; width: 100%;"> Variance Appeal </div>
		4. Request to Submit Concurrent Development Applications (form provided)
<input checked="" type="checkbox"/>		5. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

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Board of Adjustment Development Application Checklist

<input checked="" type="checkbox"/>	6. Affidavit of Authorization to Act for Property Owner (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner. (form provided)
<input checked="" type="checkbox"/>	7. Request for Site Visits and/or Inspections Form (form provided)
	8. Addressing Requirements and Addressing Request Application
<input checked="" type="checkbox"/>	9. Public Participation Step 1: Complete Neighborhood Notification Notify surrounding property owners & HOAs of the project request and description Step 2: City will post public hearing sign and provide other public notification including: <ul style="list-style-type: none"> • Mailing out postcards to property owners within 750 feet • Publishing legal ad in newspaper • Posting case information on the city website • Posting on social media • Sending to e-mail subscribers
	9. Homeowners/Property Owners Association Approval (if applicable).
<input checked="" type="checkbox"/>	10. Existing Conditions Photo Exhibit: (example provided) <u>See attached Existing Conditions Photo Exhibit</u> graphic showing required photograph locations and numbers.

PART II -- REQUIRED NARRATIVE, PLANS & RELATED DATA

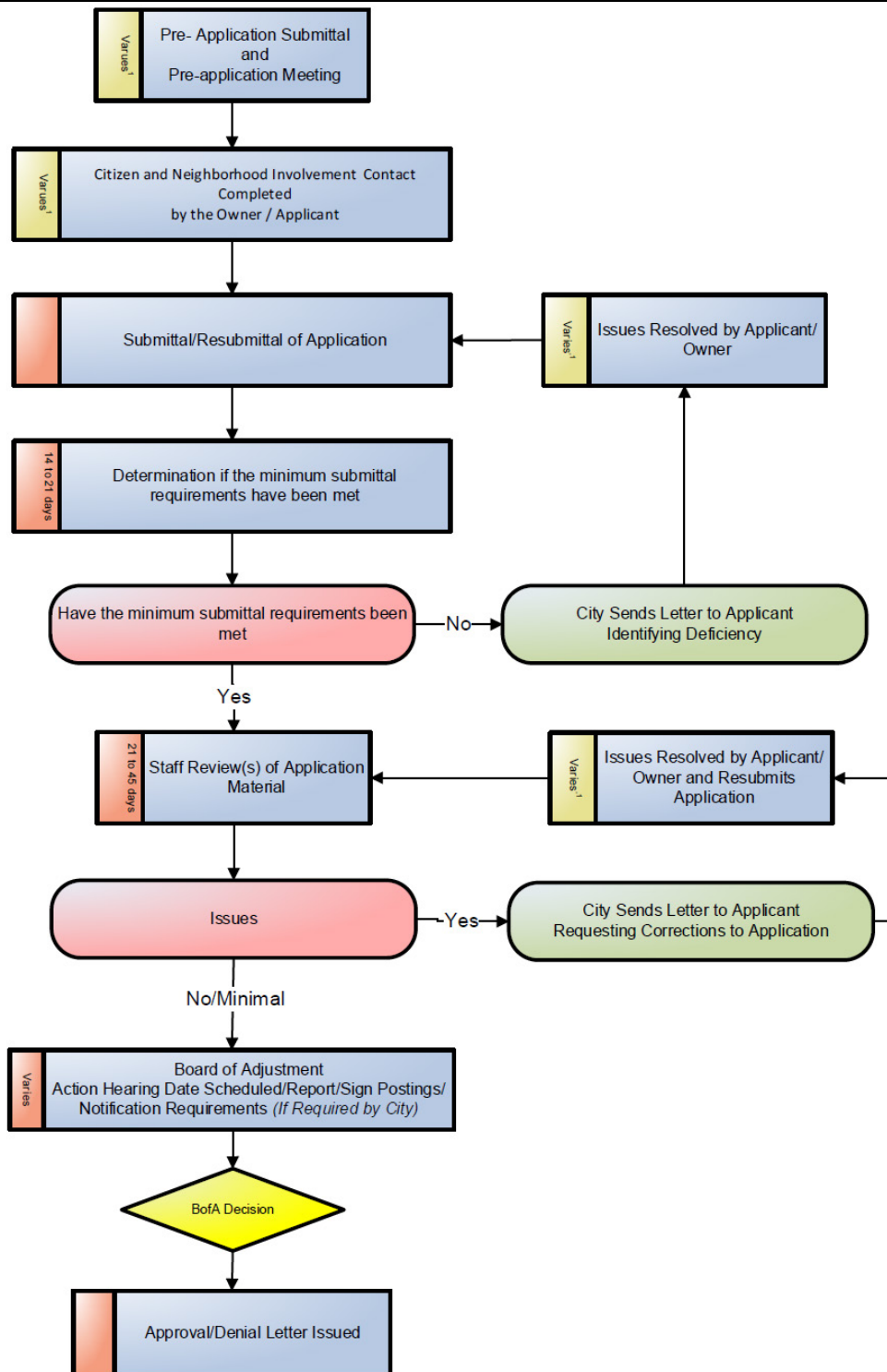
Req'd	Rec'd	Description of Documents Required for Complete Application. All Plans, Building Elevations, Perspectives, and Details shall be black-line drawings of suitable quality for reproduction and without gray-tones or shading, except as otherwise noted. No application shall be accepted without all items marked below.
		11. Plan & Report Requirements For Development Applications Checklist (form provided)
<input checked="" type="checkbox"/>		12. Application Narrative
<input checked="" type="checkbox"/>		13. Justification for Variance
<input checked="" type="checkbox"/>		14. Context Aerial with the proposed site improvements superimposed Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of: 750 foot radius from site 1/4 mile radius from site Other: _____
		15. Site Plan
		16. Elevations
		17. Floor Plans
		18. Other: _____ _____ _____ _____ _____

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Development Application Process

Board of Adjustment (BA)



Note:
1. Time period determined by owner/applicant.

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Application Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: www.ScottsdaleAZ.gov - keyword "Fees".

Pre-Application	\$125
Records Packet	\$28
Abandonment of Right of Way	
Single Family Lot	\$2,290
All Other Abandonments, including Subdivisions	\$3,255
Annexation / De-annexation	\$2,825
Board of Adjustment	
Appeal	\$225
Residential Variance (Single Family Lot)	\$225
All Other Variances	\$1,780
Building Advisory Board of Appeals	
Commercial	\$450
Residential	No charge
Conditional Use Permit	
Major	\$3,475
Minor	\$885
Development Agreement Application	\$2,585
Development Review (DRB)	
Land Division	
Major Subdivision (Preliminary Plat)	\$3,475 + \$20 per lot
Minor Subdivision	\$1,735 + \$20 per lot
New Construction	\$2,195
Revision (includes Replat)	\$665
Time extension	\$445
Development Review (Minor) – Staff Approval	
Master Plan	\$1,295 per set
Major (includes new Master Sign Program/Community Sign District)	\$445
Minor	\$120
Amendment to Master Sign Program	\$120
Cuts/Fills	\$665
Wash Modification	\$665
Time extension	\$120
General Plan Amendments	
Major	\$5,680
Minor	\$3,085
Hardship Exemption	\$225

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Board of Adjustment

Justification for Variance



This Justification is a Public Record

The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does 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. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

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Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
Rezoning (ZN)	Development Review (Major) (DR)	Subdivision (PP)
In-fill Incentive (II)	Development Review (Minor) (SA)	Subdivision (Minor) (MD)
Conditional Use Permit (UP)	Wash Modification (WM)	Land Assemblage
Text Amendment (TA)	Historic Property (HP)	Other
Development Agreement (DA)	Wireless Communication Facilities	Annexation/De-annexation (AN)
Exceptions to the Zoning Ordinance	Small Wireless Facilities (SW)	General Plan Amendment (GP)
Minor Amendment (MN)	Type 2 WCF DR Review Minor (SA)	In-Lieu Parking (IP)
Hardship Exemption (HE)	Signs	Abandonment (AB)
Variance/Accommodation/Appeal (BA)	Master Sign Program (MS)	Other Application Type Not Listed
Special Exception (SX)	Community Sign District (MS)	Other:

Project Name: _____

Project Address: _____

Property's Current Zoning District Designation: _____

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the city regarding this Development Application. The agent/applicant shall be responsible for communicating all city information to the owner and the owner application team.


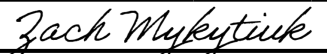
Owner:		Agent/Applicant:	
Company:		Company:	
Address:		Address:	
Phone:	Fax:	Phone:	Fax:
E-mail:		E-mail:	
Designer:		Engineer:	
Company:		Company:	
Address:		Address:	
Phone:	Fax:	Phone:	Fax:
E-mail:		E-mail:	

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.*

Enhanced Application Review: I hereby authorize the city of Scottsdale to review this application utilizing the Enhanced Application Review methodology. _____

Standard Application Review: I hereby authorize the city of Scottsdale to review this application utilizing the Standard Application Review methodology. _____

 _____ Owner Signature	 _____ Agent/Applicant Signature
---	--

Official Use Only: Submittal Date: _____ **Development Application No.:** _____

Review Methodologies

The city of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the city of Scottsdale provides two methodologies from which an owner or agent may choose to have the city process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and city staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- city staff and the applicant to collaboratively work together regarding an application; and
- city staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with city Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The city is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the city has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

- ¹ Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

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Development Review (Minor)

Administrative Staff Approval

Arizona Revised Statutes Notice



§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 12820.01 or 12820.02.

Notice

Pursuant to A.R.S. §9-836, an applicant may receive a clarification from the city regarding interpretation or application of a statute, ordinance, code or authorized substantive policy statement. A request to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services Division shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director or designee. All such requests must be submitted in accordance with the A.R.S. §9-839 and the city's applicable administrative policies available at the Planning and Development Services Division's One Stop Shop, or from the city's website: <https://www.scottsdaleaz.gov/planning-development/forms>

Planning and Development Services
One Stop Shop
Planning and Development Services Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

Planning and Development Services

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Board of Adjustment

General Information (BOA)



Information can also be found online at https://www.municode.com/library/az/scottsdale/codes/code_of_ordinances and search "1.801."

Purpose

The Board of Adjustment has the power to hear and decide on appeals from administrative decisions and variances from the provisions of the zoning requirements.

Zoning Ordinance Variances

Pursuant to Section 1.804 of the Zoning Ordinance, a variance from the provisions of this ordinance shall not be authorized unless the Board of Adjustment shall find upon sufficient evidence:

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does 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; and
3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant; and
4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

Appeals

The Board of Adjustment shall hear appeals from the:

1. Zoning Administrator's interpretation of the zoning ordinance or other decisions;
2. Planning and Development Services General Manager's interpretation of the land divisions ordinance; and
3. Planning and Development Services General Manager's decisions made on appeals under the land divisions ordinance.

Note

The Board consists of seven (7) members appointed by the City Council. A vote of at least four (4) of the members of the Board in attendance at a hearing shall be necessary to authorize any variance from the terms and conditions of the Zoning Ordinance. Any person aggrieved by a decision of the Board of Adjustment, or any taxpayer, city officer, or department affected by a decision of the Board, may appeal the Board's decision to the Superior Court at any time within thirty (30) days after the Board has rendered its decision.

*For more information on the Board of Adjustment process and procedures,
please call your staff coordinator at 480-312-7000*

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8735 E Joshua Tree Ln, Scottsdale, AZ 85250

Letter of Authorization

I, Ryan Ainsworth, owner of 8735 E Joshua Tree Ln, Scottsdale, AZ 85250, authorize Zach Mykytiuk, representing Rezio LLC, to be my agent in all matters relating to the permitting process with the City of Scottsdale. Including but not limited to, carrying out any administrative task and submittal for any variance or building permit submission that may be required.

Please call me with any further questions. Thank you for your time and consideration.

Sincerely,

Ryan Ainsworth

Ryan Ainsworth

Owner

8735 E Joshua Tree Ln

480-619-8012

ryanainsworth82@gmail.com

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: _____
- b. County Tax Assessor's Parcel Number: _____
- c. General Location: _____
- d. Parcel Size: _____
- e. Legal Description: _____

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
_____	_____, 20__	<i>Zach Mykytiuk</i>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

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Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: _____-PA-_____

Project Name: _____

Project Address: _____

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: _____
Print Name

Zach Mykytiuk

Signature

City Use Only:	
Submittal Date: _____	Case number: _____
Planning and Development Services 7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov	



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____

at the following number _____

Signature: Zach Mykytiuk Date: _____

Printed Name: _____

Check box if signature refused

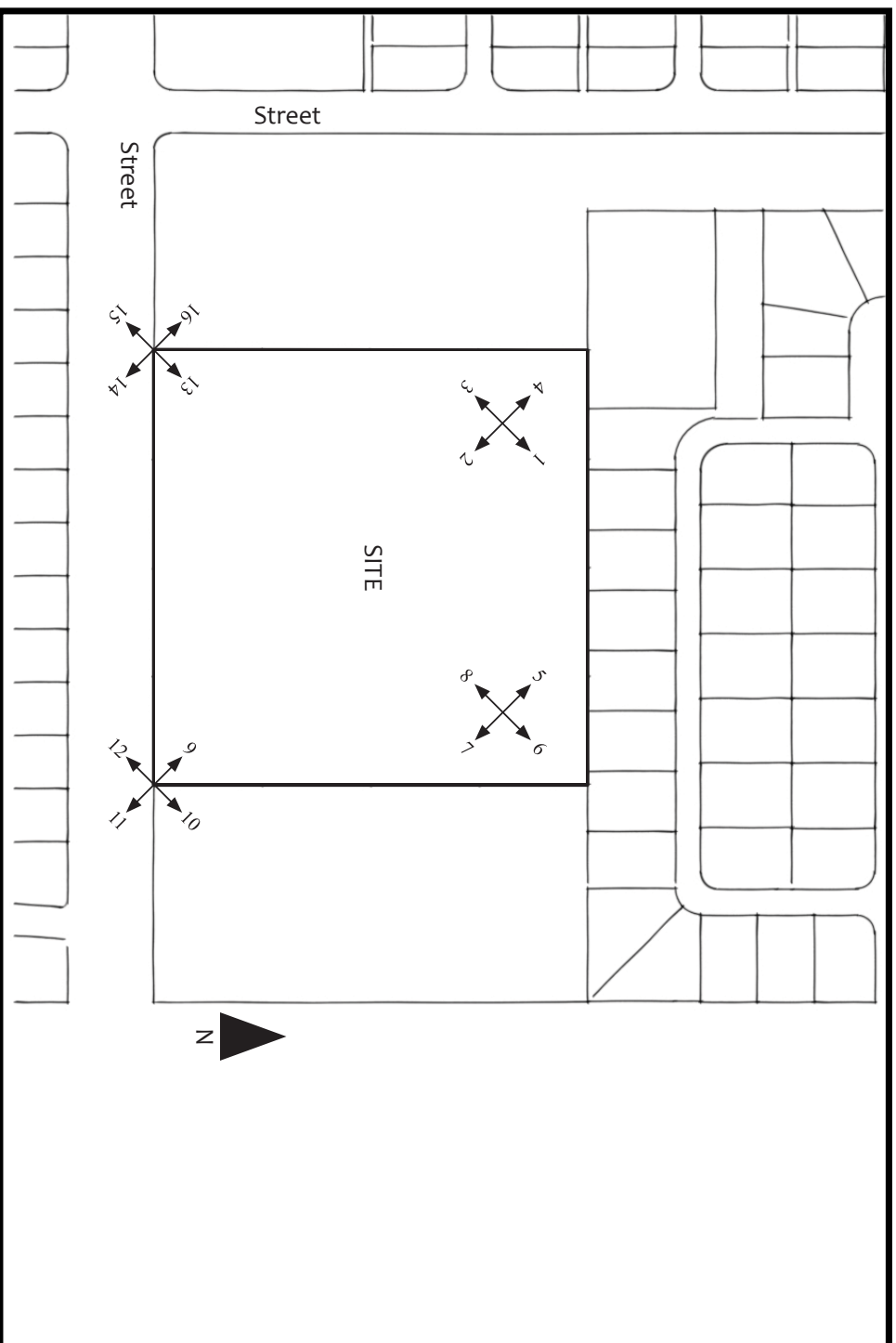
Copy of Bill of Rights left at: _____


A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
1. Present photo identification on entry of the premises.
 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 3. Disclose any applicable inspection fees.
 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
1. The rights described in subsection A of this section.
 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
1. At the time of the inspection.
 2. Notwithstanding any other state law, within thirty working days after the inspection.
 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.

Photos of Existing Conditions



Please Note:
 = Photograph Number and Direction of View

Please Note:
 Color photographs are to be taken indicating site conditions and adjacent property.
 Color photographs are also to be taken of newly developed properties within ¼ mile - Please provide street address on photographs.