

ORDINANCE NO. 24-1351

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE TITLE 14, ZONING (DEVELOPMENT CODE), SECTIONS 14.05.03, STANDARD REGULATORY PROCEDURES, TO ADD TIME FRAMES FOR ADMINISTRATIVE COMPLETENESS OF ZONING APPLICATIONS AND 14.05.04(K)(5), ZONING MAP AMENDMENT PROTEST, TO EXCLUDE GOVERNMENT OWNED PROPERTY FROM PROTEST PROPERTY AREA

IT IS ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, that Title 14, Zoning, of the Lake Havasu City Code is amended as follows:

Section 1: That Section 14.05.03, Standard Regulatory Procedures, Subsections (C) *Application Preparation and Filing* and (F)(1)(a) and (d), *Initial Application Review*, are amended to add certain time frames for zoning applications as follows:

§ 14.05.03 STANDARD REGULATORY PROCEDURES

C. *Application preparation and filing.* The preparation and filing of applications for permits, approvals, and other matters pertaining to this Development Code shall comply with the following requirements.

1. Application contents. Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application. Unless an exception is stated in this Development Code, it is the responsibility of the applicant to provide evidence in support of any findings required by this Development Code.

2. Eligibility. Applications may be made by the owner of the subject property, or by any agent or representative with the written consent of the property owner.

3. Filing. All land use permits and other applications required by this Development Code shall be filed with the Department.

4. Filing date. The filing date of an application shall be the date on which the Department receives the **APPLICATION, INCLUDING ANY SUPPORTING DOCUMENTS REQUIRED TO BE SUBMITTED WITH THE APPLICATION** ~~last submission, map, plan, or other material required by the Department as a part of that application, in compliance with division F. below and the application is deemed complete by the Zoning Administrator.~~

F. *Initial application review.* All applications filed with the Department in compliance with this Development Code shall be initially processed as follows.

1. Completeness review. The Zoning Administrator shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with divisions C. and D. above. **THIS DETERMINATION SHALL BE MADE WITHIN 30 DAYS OF THE FILING DATE OF AN APPLICATION PER SECTION 14.05.03.C.4. THIS DETERMINATION SHALL BE MADE WITHIN 15 CALENDAR DAYS OF AN**

APPLICATION RESUBMITTAL DATE ADDRESSING DEFICIENCIES THE APPLICANT WAS PREVIOUSLY NOTIFIED OF PER SECTION 14.05.03.F.1.A.

a. *Notification of applicant.* The applicant shall be informed, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in a letter **OR ELECTRONIC NOTICE**, must be provided. **IF THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, THE LETTER OR ELECTRONIC NOTICE TO THE APPLICANT SHALL INCLUDE A COMPREHENSIVE LIST OF THE SPECIFIC DEFICIENCIES. UPON ISSUANCE OF THIS NOTICE, BOTH THE COMPLETENESS REVIEW AND THE OVERALL TIME FRAMES ARE SUSPENDED FROM THE DATE THE NOTICE IS ISSUED UNTIL THE MISSING INFORMATION IS RECEIVED FROM THE APPLICANT. IF MORE THAN ONE DEPARTMENT'S APPROVAL IS REQUIRED TO APPROVE THE APPLICATION, ADDITIONAL LETTER OR ELECTRONIC NOTICES OF ADMINISTRATIVE COMPLETENESS OR DEFICIENCIES MAY BE SUBMITTED BY THOSE DEPARTMENTS TO THE APPLICANT.**

d. *Criteria for acceptance.* An application shall not be accepted as complete unless or until the Zoning Administrator determines that it includes all information and materials required by divisions C. and D. above. **UPON DETERMINATION BY THE ZONING ADMINISTRATOR THAT AN APPLICATION IS COMPLETE, INCLUDING PAYMENT OF ALL REQUIRED FEES TO THE CITY, THE APPLICANT SHALL BE NOTIFIED OF THE COMPLETENESS PER SECTION 14.05.03.F.1.A. THE APPLICATION SHALL THEN BE APPROVED OR DENIED BY THE CITY WITHIN 180 CALENDAR DAYS OF THE DATE OF COMPLETENESS DETERMINATION. THE 180-DAY APPROVAL TIME FRAME DOES NOT APPLY TO THE FOLLOWING:**

(1) LAND THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PER THE STATE OF ARIZONA

(2) AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES OR

(3) PLANNED AREA DEVELOPMENTS.

THE 180-DAY TIME FRAME MAY BE EXTENDED BY THE CITY ONCE FOR 30 CALENDAR DAYS DUE TO EXTENUATING CIRCUMSTANCES. THE APPLICANT MAY ALSO REQUEST EXTENSIONS OF TIME IN WRITING FROM THE CITY WHICH MAY BE GRANTED FOR 30 CALENDAR DAYS PER REQUEST.

Section 2: That Section 14.05.04(K)(5), *Zoning Map Amendment Protest*, is amended to exclude government-owned property from protest property areas, as follows:

§ 14.05.04 SPECIFIC REGULATORY PROCEDURES

K. *Development Code and Zoning Map Amendments.*

5. *Zoning Map amendment protest.*

a. *Twenty percent protest.* If the owners of 20% or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, **EXCLUDING GOVERNMENT-OWNED PROPERTY (INCLUDING PARCELS, LOTS, RIGHTS-OF-WAY, WASHES, AND EASEMENTS NOT ON PRIVATELY OWNED LAND)**, file a written protest against the amendment, the Zoning Map amendment shall only become effective by the favorable vote of 3/4 of the Council, in compliance with state law (A.R.S. § 9-462.04H.). If any members of the Council are unable to vote because of a conflict of interest, then the required number of votes for passage of the question shall be 3/4 of the remaining membership of the Council, provided that the required number of votes shall in no event be less than a majority of the full membership of the Council. The vote shall be rounded to the nearest whole number.

b. *Protest deadline.* A protest filed pursuant to this subsection shall be signed by the property owners, **EXCLUDING GOVERNMENT-OWNED PROPERTY**, opposing the proposed amendment and filed in the City Clerk's office not later than 12:00 noon 5 business days before the date on which the council will vote on the proposed amendment.

c. *Zoning area.* For the purposes of this section, "zoning area" means both of the following:

- i. the area within 150 feet, including all rights-of-way, of the affected property subject to the proposed amendment or change.
- ii. the area of the proposed amendment or change.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code adopted herein by reference, are repealed.

Section 4: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of Lake Havasu City, Arizona, on _____, 2024.

APPROVED:

Cal Sheehy, Mayor

ATTEST:

Kelly Williams, City Clerk

APPROVED AS TO FORM:

REVIEWED BY:

Kelly Garry, City Attorney

Jess Knudson, City Manager

