

**LAKE HAVASU CITY AMENDMENTS TO
TITLE 14, ZONING
[TRACKED CHANGES]**

November 14, 2017

Section 1. Section 14.03.02, Table 3-1, is revised to permit the sale of alcohol beverage sales in the LI, Light Industrial District, as follows:

§ 14.03.02 PERMITTED USE TABLE.

TABLE 3-1 LAKE HAVASU CITY PERMITTED USE TABLE P = Permitted Use C = Conditional Use A = Accessory Use T = Temporary																										
Proposed Zoning District	Residential Use									Mixed Use				Special Purpose					Use-Specific Standards							
	R-A	R-E	R-1	R-2	R-3	R-M	R-MH	R-UMS	R-CHD	R-SGD	C-CHD	MU-N	MU-G	MU-UMS	MU-C	CPW	C-SGD	C-1		C-2	LI	I	I-B	A-P [1]	P-1	GC
Land Use Category																										
Retail																										
Alcohol beverage sales												P	P	P	P	P	P	P	P	P		P				14.03.03.C.14

Section 2. Section 14.04.01(A)(1), Table 4.01-1 is revised to include a footnote [8] to allow a property developed with one Single-Family or one Two-Family unit to use the R-3 Building Setback Standards as follows:

§ 14.04.01 DIMENSIONAL STANDARDS.

A. *General dimensional standards.*

1. Residential summary table.

TABLE 4.01-1 DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS Note: Dimensions may be modified by Neighborhood Protection Standards in § 14.04.06.										
PROPOSED ZONING DISTRICT	R-A	R-E	R-1	R-2	R-3	R-MH	R-M	R-UMS	R-CHD	R-SGD
LOTS and DENSITY										
MIN. AREA (SF.)	1 acre [1]	15,000[1]	10,000 [1]	12,000[1]	7,200	7,200	7,200	N/A	N/A	N/A
MIN. WIDTH (FT.)	60	60	60	60	60	60	60	N/A	N/A	N/A
MIN. DEPTH (FT.)	120	120	120	120	120	120	120	N/A	N/A	N/A
MIN-MAX. DENSITY (DUS/ACRE)	0-1	0-3	0-4.5	5-7	4-10	4-10	10-20	N/A	N/A	N/A

TABLE 4.01-1
DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS
Note: Dimensions may be modified by Neighborhood Protection Standards in § 14.04.06.

PROPOSED ZONING DISTRICT	R-A	R-E	R-1	R-2	R-3	R-MH	R-M	R-UMS	R-CHD	R-SGD
MIN. AREA OF DWELLING UNIT (SQ. FT.)	N/A	N/A	N/A	900	500	N/A	400	N/A	N/A	N/A
MAX. LOT COVERAGE	N/A	50%	50%	60%	60%	60%	60%	N/A	N/A	N/A
BUILDING SETBACKS AND FRONTAGE								[8]	[8]	[8]
MIN. FRONT YARD (FT.)										
MIN. % OF FRONT SETBACK LINE THAT MUST BE OCCUPIED BY BUILDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	60%	60%	60%
MIN. BUILDING SETBACK	50	20[2][3]	20[2]	20	20	10	15	10[2]	10[2]	10[2]
MIN. SIDE YARD (FT.)	See Also Sec. 14.04.06 (Neighborhood Protection Standards)									
GENERAL INTERIOR	10 [6]	10 [4][6]	5	5	5	5	5	3	3	3
CORNER LOT [5]	20	10	10	10	10	10	10	0	0	0
REVERSE CORNER LOT	50	20	20	20	20	N/A	15	0	0	0
MIN. REAR YARD (FT.)	See Also Sec. 14.04.06 (Neighborhood Protection Standards)									
GENERAL	50[6]	20 [6]	20 [6]	20 [6]	20 [6]	10[6]	15 [6]	10 [6]	10 [6]	10 [6]
REVERSE CORNER LOT	10	10	5	5	5	5	5	0	0	0
MAX. BUILDING HEIGHT (FT.)										
PRIMARY RESIDENTIAL BUILDING										
GENERAL	30	30	15	15	15	15	30	42	42	42
ADJACENT TO SINGLE-FAMILY ZONING	SEE ALSO SECTION 14.04.06 (NEIGHBORHOOD PROTECTION STANDARDS)						18	18	18	18
ADJACENT TO SINGLE AND TWO-FAMILY USES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS CODE							30	42	42	18
Accessory Structure										
GENERAL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18 [7]	20[7]	20[7]
ADJACENT TO SINGLE-FAMILY ZONING	SEE ALSO SECTION 14.04.06 (NEIGHBORHOOD PROTECTION STANDARDS)						15	15 [7]	15[7]	15[7]

[1] Lot width times depth must equal or exceed minimum lot area.

[2] Garages, carports, or any structure used to park vehicles that face a front yard right-of-way must be set back a minimum of 25 feet. On a reverse corner lot, the front yard is defined by the shorter of the two street frontages, but a 25-foot garage setback is required from any "front" or "side" street right-of-way that the lot's parking structure faces.

[3] A lot with an average depth of 100 feet or less may maintain a 20-foot front yard setback for a garage.

[4] A lot with an average width of 80 feet or less may have a side yard of 5 feet, or 10 feet if it is a corner lot.

[5] If a garage is to be accessed from a corner lot with a street side setback, the minimum setback for the garage shall be 20 feet, regardless of the minimum setback identified in this table.

[6] Detached accessory structures may be built within 5 feet of the side and rear property lines.

[7] Accessory buildings are limited to garages and must be located in the rear of the primary structure. Garages may not face the street.

[8] A property developed with one Single-Family or one Two-Family unit may use the R-3 Building Setback Standards

Section 3. Section 14.04.01(B)(2), Table 4.01-5, is revised to clarify the conditions or limits as follows:

§ 14.04.01 DIMENSIONAL STANDARDS.

B. *Exceptions and encroachments.*

2. Height. Table 4.01-5 identifies exceptions to height limits provided in this Code. .

TABLE 4.01-5 HEIGHT EXCEPTIONS		
Structure, Feature, or Use	Max. Height	Conditions or Limits
Stairways Parapets Elevator shafts Air conditioners Mechanical rooms Other similar features	6 ft. above maximum height limit of zone district	A maximum of 20% of the roof area may be used to exceed the building height for these features Applies only to Mixed-Use, Special Purpose, R-UMS, R-CHD, & R-SGD Zoning Districts

Section 4. Section 14.04.02(C) is revised to clarify multi-family guest parking as follows:

§ 14.04.02 PARKING AND LOADING.

C. Parking requirements.

TABLE 4.02-1 MINIMUM REQUIRED OFF-STREET PARKING sf = square feet; gfa = gross floor area	
LAND USE CATEGORY	STANDARD (All minimums unless otherwise listed)
RESIDENTIAL USES	
DWELLING, MULTI-FAMILY	R-UMS AND MU-UMS DISTRICTS: 1 PARKING SPACE PER UNIT. ALL REQUIRED SPACES MUST BE COVERED. ALL OTHER DISTRICTS 1 SPACE/DWELLING UNIT CONTAINING 1 OR FEWER BEDROOMS; 1.5 SPACES/DWELLING UNIT CONTAINING MORE THAN 1 BEDROOM. Plus 1 SPACE/5 DWELLING UNITS FOR VISITOR PARKING. AT LEAST 1 SPACE PER UNIT MUST BE COVERED

Section 5. Section 14.04.02(E)(1)(b), Figure 4.02-2 is revised to remove the specific depth requirement as follows:

§ 14.04.02 PARKING AND LOADING.

E. *Parking design standards.*

1. Parking layout dimensions.
 - b. *Accessible parking.*

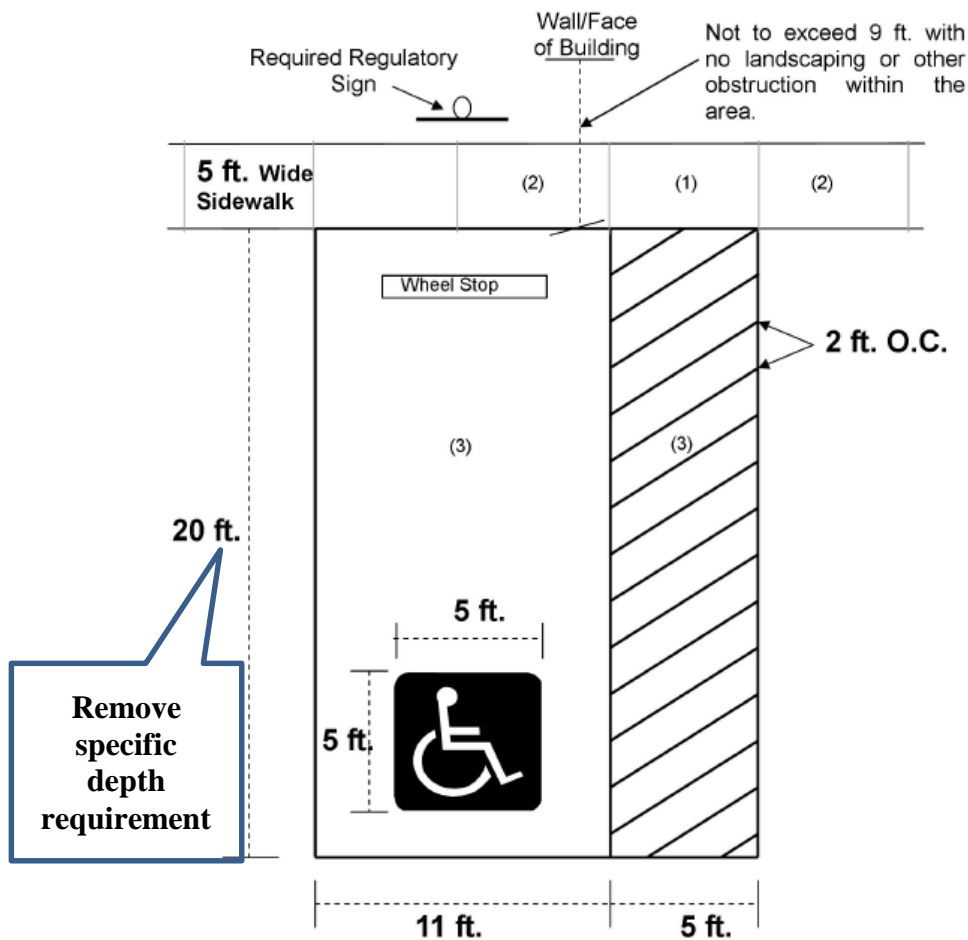


Figure 4.02-2: Universal Handicap Space Standards

Section 6. Section 14.04.02(F) is revised to revise and clarify parking standards for single-family and two-family residential dwellings as follows:

§ 14.04.02 PARKING AND LOADING.

F. Residential standards.

1. The following standards apply to parking for one Single-Family or one Two-Family residential dwelling constructed in any residential district:
 - a. Required parking spaces shall be hard surfaced, located off-street, and have access from a public street.
 - b. Required parking spaces shall be a minimum of 9 feet in width by 18.5 feet in length if uncovered and 10 feet by 18.5 feet if covered.
 - c. Required parking spaces shall not be located within the front setback of a lot.

2. The following standards apply to parking for multiple-family residential dwellings constructed in the R-3, R-M, R-UMS, R-CHD, R-SGD Districts and any mixed-use district:

- a. Required parking spaces shall be hard surfaced, located off-street, and have access from a public street.
- b. Required parking spaces shall be a minimum of 9 feet in width by 18.5 feet in length if uncovered and 10 feet by 18.5 feet if covered.
- c. Driveways and parking access ways shall not occupy more than 50% of the required front setback area.
- d. Required parking spaces shall not be located within the front setback of a lot.
- e. The parking area shall be designed to prevent a vehicle from backing onto, into, or over a public right-of-way.

Section 7. Section 14.04.04(C)(4) is revised to simply minimum tree contain size as follows:

§ 14.04.04 LANDSCAPING AND SCREENING.

C. General Landscaping standards.

14.04.04.C.4. Minimum plant sizes. When included as part of the required landscaping, trees shall be a minimum 24-inch container size, and shrubs shall be a minimum 5 gallon container size. The above dimensions apply to sizes at time of planting.

Section 8. Section 14.04.04(F)(2)(a)(ii)(A) is revised to apply tree minimum container size as follows:

§ 14.04.04 LANDSCAPING AND SCREENING.

F. Property edge buffering.

2. Location and design.

a. *Landscape buffer.*

- ii. The landscape buffer shall include the following plant mix:

(A) One tree with a minimum 24-inch container size for each 200 square feet of buffer area, and

Section 9. Section 14.04.04(G)(4) is added to include a new screening of parking areas requirement as follows:

§ 14.04.04 LANDSCAPING AND SCREENING.

G. Screening

4. SCREENING OF PARKING AREAS. FOR ALL DEVELOPMENT OTHER THAN ONE SINGLE-FAMILY OR ONE TWO-FAMILY RESIDENTIAL

PROJECT, PARKING SPACES FACING A RIGHT-OF-WAY SHALL BE SCREENED BY A MINIMUM THREE-FOOT TALL SCREEN USING MATERIALS DESCRIBED IN SECTION 14.04.04.G.1.C.

Section 10. Section 14.05.01(C)(3) is amended to add two new subsections (e) and (f) as follows:

§ 14.05.01 REVIEWERS AND DECISION-MAKING BODIES.

C. *Board of Adjustment (BOA).*

3. Terms of office.

E. *SERVE UNTIL REPLACED.* MEMBERS AND ALTERNATES SHALL SERVE UNTIL THEIR SUCCESSOR IS APPOINTED AND QUALIFIED.

F. *STAGGERING OF TERMS.* THE TERMS OF OFFICE SHALL BE STAGGERED.

Section 11. Section 14.05.04(K)(5) is amended to conform with recently revised state law as follows:

§ 14.05.04 SPECIFIC REGULATORY PROCEDURES.

K. *Development Code and Zoning Amendments.*

5. *Zoning Map amendment protest.*

a. *Twenty percent protest.* If the owners of ~~at least 20% either of the area of the lots included in a proposed Zoning Map amendment, or of those lots located immediately adjacent~~ **TWENTY PERCENT OR MORE OF THE PROPERTY BY AREA AND NUMBER OF LOTS, TRACTS AND CONDOMINIUM UNITS WITHIN THE ZONING AREA OF THE AFFECTED PROPERTY** (see division K.5.e. below) ~~to the lot(s) subject to the amendment,~~ file a written protest against the amendment, the Zoning Map amendment shall only become effective by the favorable vote of 3/4 of all members of the Council, in compliance with state law (A.R.S. § 9-462.04H.). If all 7 Council members are present and eligible to vote, it shall require the favorable vote of at least 6 members to approve the Zoning Map amendment. 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 three-fourths 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.** ~~must be received 5 days before hearing.~~ In order to qualify for the 20% threshold, the written protests shall be received by the Department or City Clerk at least 5 days before the scheduled Council hearing on the Zoning Map amendment. **A PROTEST FILED PURSUANT TO THIS SUBSECTION SHALL BE SIGNED BY THE PROPERTY OWNERS OPPOSING THE PROPOSED AMENDMENT AND FILED IN THE CITY CLERK'S OFFICE NOT LATER THAN 12:00 NOON FIVE BUSINESS DAYS BEFORE THE DATE ON WHICH THE COUNCIL WILL VOTE ON THE PROPOSED AMENDMENT.**

c. ~~*Immediately adjacent.* In order to qualify as immediately adjacent, the written protests shall be only from owners of lots located within 150 feet of the lot(s) subject to the proposed Zoning Map amendment. The 150-foot measurement shall be taken from the rear, side, or directly opposite the lot(s) subject to the Zoning Map amendment, extending 150 feet from the street frontage of the opposite lots.~~ **ZONING AREA. FOR THE PURPOSES OF THIS SECTION, "ZONING AREA" MEANS BOTH OF THE FOLLOWING:**

- i. THE AREA WITHIN ONE HUNDRED FIFTY 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 12. Section 14.05.06 is amended to incorporate the compliance procedures of Chapter 1.12, Code Compliance, as follows:

§ 14.05.06 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

A. *Purpose.* The purpose of this chapter is to provide procedures that are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the city's planning efforts, and for the protection of the public health, safety, and general welfare of the city.

B. *Official duty to enforce.*

1. Responsibility to enforce. The Zoning Administrator is charged with the responsibility to enforce the provisions of this Development Code and any conditions of land use permit or subdivision approval, and may:

- a. Exercise the authority provided in divisions D. and E. below; and
- b. Issue civil citations for any violation(s) of this Development Code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure.

2. Other city officials. All officials of the city charged by the law with the general duty of enforcing city codes and ordinances shall also enforce the provisions of this Development Code.

C. *General provisions.*

1. Permits and licenses. All departments, officials, and public employees of the city who are assigned the authority or duty to issue permits or licenses shall comply with state law (A.R.S. § 9-462.05) and the provisions of this Development Code. Permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued. Any permit issued in conflict with the provisions of this Development Code shall be deemed void. Any action taken by an official or public employee of the city in conflict with the provisions of this Development Code shall be deemed void.

2. Inspections.

a. *Preapproval inspections.* Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the city officials handling the application access to any premises or property that is the subject of the application.

b. *Post approval inspections.* If the permit or other action is approved, the owner or applicant shall allow appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

3. *Responsible party.* The owner and/or person in possession of any property used in violation of this Development Code are responsible for any prohibited act(s) or violation(s) on the subject property.

a. *Owner's responsibility.* The owner's responsibility applies whether or not the owner, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

b. *Person in possession's responsibility.* The person in possession's responsibility applies whether or not the person in possession, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

4. *Additional permit processing fees.* Any person who alters, constructs, converts, enlarges, erects, establishes, installs, maintains, moves, or operates any land use or structure without first obtaining a permit or entitlement required by this Development Code, shall pay the additional permit processing fees established by the Council's fee resolution for the correction of the violation(s), before being granted a permit for a use or structure on the site.

D.. *Administrative remedies.*

1. *Permit revocation or modification.* This section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements. The city's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval. The city's action to modify an entitlement, rather than to revoke it, shall have the effect of changing the operational aspects of the entitlement; the changes included in a modification the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, and the like.

2. *Hearings and notice.*

a. Upon violation of any applicable provision of this Development Code or if granted subject to conditions, upon failure to comply with those conditions, the permit or entitlement shall be suspended by action of the Zoning Administrator, in compliance with this section.

b. The Zoning Administrator shall give written notice to the applicant of the intent to suspend or revoke the permit and provide the basis for the suspension or revocation.

c. The applicant shall have 30 days from the date of the Zoning Administrator's notification to take remedial actions to correct the conditions of suspension or revocation.

d. At the end of the 30-day notification period the Zoning Administrator shall conduct a re-inspection, and if not satisfied that the basis for the suspension is being complied with, may revoke the permit.

e. The applicant, within 30 days from the date of the Zoning Administrator's notification to revoke the permit, may file an appeal to the BOA in compliance with § 14.05.03.O.

f. The applicant may also appeal the BOA determination to the Council, in compliance with § 14.05.03.O.

3. Review authority's action.

a. A land use permit, minor variance, major variance, or entitlement may be revoked or modified by the review authority that originally approved the permit, minor variance, major variance, or entitlement if any 1 of the following findings of fact can be made in a positive manner:

i. Circumstances under which the permit was granted have been changed by the applicant to a degree that 1 or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;

ii. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing for the permit;

iii. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

iv. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or

v. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

b. In addition to finding that at least one of the findings in division D.3.a. can be made in a positive manner, in order to modify or revoke a minor or major variance, the reviewing authority must also make a finding that the grantee has not substantially exercised the rights granted by the minor or major variance.

E. *Legal remedies.* In addition to, or in lieu of, pursuing the administrative remedies in division D above, a violation of this Title may be enforced as described in Chapter 1.12 of this code.