

MOHAVE COUNTY ZONING USE PERMIT (ZUP) PROCEDURE

Application Requirements:

THE APPLICATION DEADLINE IS THE LAST WEDNESDAY OF EACH MONTH - PLEASE READ CHART ON PAGE 2 TO SEE THE EARLIEST DATE YOUR ITEM COULD GO TO THE PLANNING & ZONING COMMISSION MEETING.

Application for a Zoning Use Permit (ZUP) shall be initiated by the following means:

All property owners of record within 300 feet of the proposed property for this ZUP will be notified by first class postage of the proposed zoning notice. This will be accomplished by the owner's delivering to the Planning and Zoning office such mailings with the appropriate postage affixed so that the notice of mailing will be duly noted in the applicant's file that the mailing has been accomplished.

2. Prior to acceptance of a ZUP request, the applicant shall comply with and submit the following:
 - a. Completed application with a legal description of the property by tract name, tract number, block, lot or parcel number (or complete metes and bounds description), township, range, and section.
 - b. Proof of ownership (**Recorded Warranty or Joint Tenancy Deed; a Quit Claim Deed is not acceptable**). If applicant is not the owner, a signature is required on the ZUP application form by the owner that they are in concurrence with the proposed ZUP.
 - c. All letters notifying property owners within 300 feet of the proposed ZUP will be submitted to the Planning and Zoning Department. The envelopes need to be pre-addressed, stamped and unsealed with a letter enclosed notifying the surrounding property owners of the ZUP (see sample letter).
 - d. **TEN** (10) copies 8 ½" x 11" of a site map of the property showing location and dimensions of all existing structures or uses, including parking lots and other open areas, and dimensions of property, including access roads and easements. Sketch must also show location and dimensions of all proposed structures or uses; **TEN** (10) copies 8 ½" x 11" of a vicinity map of the property showing the general area, including major streets and property access; and **TEN** (10) copies of the Application and/or Petition.
 - e. Property involved in the ZUP request shall have direct access to a publicly dedicated right-of-way or to a sixty-foot (60') easement if under the ownership or control of the applicant.

SUBMITTAL DEADLINE

Applications for Rezones, ZUPs, and Extensions of Time for Rezones or ZUPs will not be considered at a Planning and Zoning Commission meeting sooner than six weeks after the filing deadline. Applications must be complete and received prior to 12:00 Noon on the last Wednesday of the month. Incomplete applications will be returned to the applicant or delayed to a later meeting pending completion of the application or receipt of required supplemental information. Filing deadlines for the calendar year 2008 are as follows:

| Deadline for submittal <u>12:00 Noon</u> Date | for | Planning & Zoning Commission Meeting |
|--|------------|---|
| December 26, 2007 | | February 13, 2008 |
| January 30, 2008 | | March 12, 2008 |
| February 27, 2008 | | April 9, 2008 |
| March 26, 2008 | | May 14, 2008 |
| April 30, 2008 | | June 11, 2008 |
| May 28, 2008 | | July 9, 2008 |
| June 25, 2008 | | August 13, 2008 |
| July 30, 2008 | | September 10, 2008 |
| August 27, 2008 | | October 8, 2008 |
| September 24, 2008 | | November 12, 2008 |
| October 29, 2008 | | December 10, 2008 |
| November 26, 2008 | | January 14, 2009 |
| December 31, 2008 | | February 11, 2009 |

Mohave County Zoning Use Permit (ZUP) Procedure (continued)

Processing fees (updated by BOS Resolution 2007-440 P&Z Ordinance 2007-06 effective 10/16/07):

| | |
|-------------------|--|
| Commercial Use | \$540.00 |
| Residential Use | \$340.00 |
| Extension of Time | ½ (one half) of Regular Fee (to include automation fee) |

These fees already include a \$40 non-refundable automation fee as approved by the Board of Supervisors Resolution No. 2005-446.

Mail or present the above information to:

Mohave County Planning and Zoning
P.O. Box 7000
3675 E. Hwy 66, Ste. A
Kingman AZ 86402-7000
(928)757-0903 Fax (928)757-3577

2. When the above information and material in complete form is accepted by the staff at the Planning and Zoning office, the request will be reviewed by staff prior to being presented to the Board of Supervisors for referral to the Planning and Zoning Commission for hearing. The item will be advertised and placed on the Planning and Zoning Commission agenda as required. Regular Planning and zoning Commission meetings are held on the second Wednesday of each month, except on a County holiday.
3. A Mohave County Building Permit as well as other fees may be required in addition to the ZUP. (Penalty fees are required if construction or use commences prior to approval of the building permit)

MOHAVE COUNTY PLANNING & ZONING DEPARTMENT

P.O. Box 7000 ♦ Kingman, Arizona 86402-7000
3675 E. Highway 66, Suite A ♦ (928) 757-0903 ♦ FAX (928) 757-3577
1222 East Hancock Road ♦ Bullhead City, Arizona 86442 ♦ (928) 758-0707 ♦ FAX (928) 758-0721



CHRISTINE BALLARD
DIRECTOR

Dear Applicant:

Mohave County is asking all applicants for rezones and (zoning) use permits to fill in and sign the attached waiver form. The following is an explanation of the purpose and effect of the waiver.

Background

Proposition 207 was adopted by Arizona voters on November 7, 2006. The Proposition covers two aspects of land use law. The first aspect was eminent domain or the taking of land for public purpose. The Proposition defines eminent domain more narrowly than typically defined nationally, but is close to the definition in the Arizona State Constitution.

The second aspect is the payment to a property owner for any diminution in fair market value resulting from any change in land use law or the application of the law.

Effect of Proposition 207

Proposition 207 provides that property owners who experience a diminution of value due to a new land use law or the new application of a land use law can file a claim against the local governmental entity. There are certain circumstances where the Proposition does not apply:

Property owners have three years from the time the law becomes applicable to file a claim.

Property owners must show that the diminution in value is a direct result of the land use regulation.

When property ownership changes, the new owner is subject to all of the new regulations, unless a regulation has been waived by the local government.

Certain types of regulation are exempt from Proposition 207. These include laws enacted to comply with a state or federal law; regulations directly aimed at protecting the public health, safety and welfare (health and building regulations, traffic control, pollution control); properties considered a public nuisance under common law.

- In cases where the property owner's land is not directly regulated by the regulation or law.

Rezoning and (zoning) use permits requested by property owners will fall under Proposition 207. Potentially, a property owner who obtains a rezoning approval from the Board of Supervisors can file a Proposition 207 claim against Mohave County should the value of the property subsequently decrease. To be successful, the property owner must prove that the decrease in value is directly the result of the rezoning or the conditions of the rezoning.

Mohave County believes that persons who request rezones and (zoning) use permits should bear the responsibility, good and bad, of their decisions. To this end, Proposition 207 allows local governments to request that individuals (persons, corporations, etc.) requesting a rezone or (zoning) use permit be asked to fill out and sign a waiver of their right to file a Proposition 207 claim. The Board of Supervisors approved the attached form for use.

Mohave County asks that each individual requesting a rezone or (zoning) use permit fill out and sign the attached waiver form. Completion of this form waives your right to file a claim as a result of any diminution of property value resulting **from the action requested by you via an application form for a rezone or (zoning) use permit.**

If you choose not to fill in the form, Mohave County will process your rezone or (zoning) use permit application. The Planning and Zoning Commission and/or Board of Supervisors may take into consideration the lack of a signed waiver form and the likelihood of a future claim when they make a decision on your application.

Should you have any question, please ask a staff member for clarification.

Sincerely,

Christine Ballard
Director

**WAIVER OF CLAIMS FOR DIMINUTION IN VALUE
OF PROPERTY UNDER A.R.S. 12- 1131-1138.**

This waiver is executed this ____ day of _____, 200____, by _____
_____ (the Owner) in conjunction with a request by the Owner for the approval of
certain land use changes by Mohave County, Arizona (the County).

RECITALS

WHEREAS, the Owner owns certain real property located within the County which is depicted and legally described in the attached Exhibit A, incorporated into this agreement (the Property); and

WHEREAS, the Owner has requested that the County enact or approve a certain land use change directly applicable to the Property; and

WHEREAS, the Owner is aware that, in accordance with the county's land use laws and regulations, the County may impose various requirements, conditions, and stipulations upon the Property as conditions on the enactment or approval of land use changes; and

WHEREAS, the Owner understands that the County may rely on the execution of this waiver in determining whether to enact or approve the requested land use change.

NOW THEREFORE, in consideration of the foregoing, the Owner hereby acknowledges and agrees as follows:

1. The Owner agrees and consents to all the conditions imposed by the County regarding the land use action:
 - a. _____ Rezoning/Zoning Change
 - b. _____ (Zoning) Use Permit
 - c. _____ General Plan Amendment
 - d. _____ Area Plan/Area Plan Amendment
 - e. _____ Specific Zoning Plan
 - f. _____ Variance
 - g. _____ Site Plan
 - h. _____ Subdivision
 - i. _____ Ordinance
 - j. _____ Development Agreement
 - k. _____ Water/Wastewater Service
 - l. _____ other _____ (please specify)

Referred in: _____ (ordinance #, application #, permit #)

2. By signing this waiver, the Owner waives any right to claim diminution in value or claim just compensation for diminution in value under A.R.S. 12-1131- 1138 related to the land use action as a result of the County's approval of the action in regards to the Property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under A.R.S. 12-1131-1138 as it exists or may be enacted in the future or that may be amended from time to time with regard to the Property.
3. This waiver shall not obligate the County to grant the requested land use change or otherwise perform any legislative, administrative or quasi-judicial act. Without limiting the foregoing, the Owner understands and acknowledges that the County may rely on the execution of this waiver in determining whether to grant the requested land use action.

4. This waiver, and any exhibits and addenda attached hereto, constitutes the entire understanding and agreement of the Owner with respect to claims relating to the specific land use action referenced above. All prior waivers relating to different land use actions shall remain in full force and effect. This waiver may not be modified or amended except by written agreement between the Owner and the County.
5. This waiver runs with the land and is binding upon all present and future owners of the Property.
6. This waiver will be construed and interpreted under the laws of the State of Arizona.
7. Within ten (10) days after the execution of this waiver, the County recorder shall file this waiver in the Official records of the Recorder's Office, Mohave County, Arizona.
8. The Owner warrants and represents that the Owner holds fee title to the Property, and that no other person has ownership interest in the Property; and agrees to defend, hold harmless and indemnify the County in any action regarding ownership and in any action by any party seeking compensation as a result of the land use action referenced above.

Dated this _____ day of _____, 200__.

Property Owner (any and all owners must sign this agreement. Additional owner's signatures must be notarized and attached to this waiver)

By: _____

Print Name: _____

By: _____

Print Name: _____

State of Arizona)
)ss
County of Mohave)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 200__, by,

My Commission Expires:

Notary Public

**APPLICATION FOR ZONING USE PERMITS WILL NOT BE ACCEPTED
UNTIL CORRECT INFORMATION IS RECEIVED**

**Mohave County Planning and Zoning Commission
P.O. Box 7000
Kingman Arizona 86402-7000**

APPLICATION FOR A ZONING USE PERMIT (ZUP)

Dear Sirs:

I (We) _____ hereby request a Mohave
County Zoning Use Permit to establish:
(proposed use) _____

_____ and request that the Board of Supervisors set this matter for public hearing following evaluation by the
Planning and Zoning Commission:

Legal Description: _____

Assessor's Parcel Number (APN) _____

Present use of property: _____ Zoning: _____

Owner: (proof required*) _____

Owner: (address) _____ Phone: _____

Property owner concurs: _____

(Owner's Signature - Required)

**SUBMIT TEN (10) COPIES 8 1/2" X 11" SITE PLAN AND VICINITY DRAWINGS ALONG
WITH TEN (10) COPIES OF THIS FORM**

(TO BE FILLED IN IF OWNER AND APPLICANT ARE DIFFERENT)

Applicant's interest in the Property _____

Applicant: _____
(Signature)

Address: _____

City _____ State: _____ Zip: _____ Phone: _____

**MOHAVE COUNTY BUILDING PERMIT FOR OTHER FEES MAY BE REQUIRED IN
ADDITION TO THE ZONING USE PERMIT**

Commencement of use or construction prior to the issuance of a Mohave County Building (Zoning)
permit may require a penalty fee.

***ONE (1) PROOF OF OWNERSHIP: Recorded Warranty or Joint Tenancy Deed; a Quit Claim
Deed is not acceptable**

Date submitted: _____ Received by: _____

Fee: _____ Receipt No.: _____

Ten (10) Copies Received:

Application: _____ Sketch: _____ Other: _____

SAMPLE

Date:

Owner/Applicant or Agent Name
Address
City, State, Zip

RE: Legal description of property
Request for Zoning Use Permit

Dear Property Owner:

I/WE (APPLICANT'S NAME) have applied for a Zoning Use Permit for the above captioned property to allow (REQUESTED TYPE OF USE) in a (ZONE TYPE) location.

The Mohave County Zoning Ordinance requires all property owners within 300 feet of the subject property will be notified of this request.

Optional: The enclosed (DOCUMENTATION, MAPS, GRAPHICS) are enclosed for your reference.

Please direct written comments to the Mohave County Planning and Zoning Office at the following address:

Mohave County Planning and Zoning
P.O. Box 7000
3675 E. Hwy 66, Ste. A
Kingman AZ 86402-7000
(928)757-0903 Fax (928)757-3577

(If the applicant is not the owner of the property): As the agent for (OWNER'S NAME), you may direct your questions or comments to either me or the Mohave County Planning and Zoning Office.

Sincerely,

ZONING USE PERMIT APPLICATION (ZUP) CHECKLIST

| | ITEMS REQUIRED FOR A ZONING USE PERMIT (ZUP) |
|--|--|
| | |
| | PAYMENT FOR: COMMERCIAL USE \$540.00 RESIDENTIAL USE \$340.00 |
| | 10 COPIES OF COMPLETED APPLICATION WITH OWNER'S SIGNATURE |
| | 10 COPIES OF SITE MAP SHOWING LOCATION AND DIMENSIONS OF STRUCTURES |
| | 10 COPIES OF VICINITY MAP SHOWING GENERAL AREA, INCLUDING MAJOR STREETS AND PROPERTY ACCESS |
| | NOTIFICATION LETTERS NOTIFYING PROPERTY OWNERS WITHIN 300 FEET (PRE-ADDRESSED, STAMPED AND UNSEALED) |
| | ONE (1) COPY OF PROOF OF OWNERSHIP (RECORDED WARRANTY OR JOINT TENANCY DEED - - A QUIT CLAIM DEED IS <u>NOT</u> ACCEPTABLE) |
| | WAIVER OF CLAIM FORM COMPLETED, SIGNED, DATED AND NOTARIZED. |