

EXHIBIT A
REVISIONS TO LAKE HAVASU CITY CODE
TITLE 13, SUBDIVISIONS
FEBRUARY 27, 2024

Section 1: That Lake Havasu City Code Section 13.04.080 Water Allocation Required, is amended as follows:

§ 13.04.080 WATER ALLOCATION REQUIRED.

No final approval of a subdivision plat by the Director or final approval of a residential lot split pursuant to this title within the City's water service area will be granted without first obtaining a water service letter pursuant to Chapter 7.08 of the City Code.

Section 2: That Lake Havasu City Code Section 13.04.090, Conditions, is amended as follows:

§ 13.04.090 CONDITIONS.

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to its political subdivisions. The developer has the duty to comply with reasonable conditions required by the City for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future plot owners of the subdivision and the community at large.

Section 3: That Lake Havasu City Code Section 13.08.070, Conditional Approval, is amended as follows:

§ 13.08.070 CONDITIONAL APPROVAL.

CONDITIONAL APPROVAL. An affirmative action by the Director indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Section 4: That Lake Havasu City Code Section 13.08.090, Department, is amended as follows:

§ 13.08.090 DEPARTMENT.

DEPARTMENT. The Development Services Department of Lake Havasu City.

Section 5: That Lake Havasu City Code Section 13.08.100, Director, is amended as follows:

§ 13.08.100 DIRECTOR.

DIRECTOR. The individual appointed by the City Manager to direct the affairs of the Development Services Department, or designee.

Section 6: That Lake Havasu City Code Section 13.08.150, Final Plat Approval, is amended as follows:

§ 13.08.150 FINAL PLAT APPROVAL.

FINAL PLAT APPROVAL. Unconditional approval of the final plat by the City or Director as evidenced by certification on the plat, signed by the City Engineer, Development Services Director, and attested by the Clerk of Lake Havasu City, constituting authorization to record a plat.

Section 7: That Lake Havasu City Code Section 13.08.260, Preliminary Approval, is amended as follows:

§ 13.08.260 PRELIMINARY APPROVAL.

PRELIMINARY APPROVAL. Approval or conditional approval of the preliminary plat by the Director; constitutes authorization to proceed with final engineering plans and final plat preparation.

Section 8: That Lake Havasu City Code Section 13.08.285, Public Works Director, is amended as follows:

§ 13.08.285 PUBLIC WORKS DIRECTOR.

PUBLIC WORKS DIRECTOR. The individual appointed by the City Manager to direct the affairs of the Public Works Department, or designee.

Section 9: That Lake Havasu City Code Section 13.08.340, Subdivision, is amended as follows:

§ 13.08.340 SUBDIVISION.

SUBDIVISION. Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land; or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than 4 parts. SUBDIVISION also includes any condominium, cooperative, community apartment, townhouse or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon; but plats of the projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Section 10: That Lake Havasu City Code Section 13.12.050 (A), Stage II – Preliminary Plat, is amended as follows:

§ 13.12.050 STAGE II—PRELIMINARY PLAT.

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing his or her application, the subdivider should carefully provide the Department with all information essential to determine the character and general acceptability of the proposed development. If the subdivider has an approved specific plan for the subject property, the preliminary plat(s) shall be prepared in accordance with the specific plan.

Preliminary plats may address phases of the overall specific plan.

A. Zoning. The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that change of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his or her authorized agent, heard and approved by the Planning Commission and Council. The Department shall not proceed with processing of the preliminary plat until the zoning change has been filed for. In any event, any change in zoning required in relation to the preliminary plat shall have been adopted by the Council prior to or in conjunction with preliminary plat approval by the Director..

Section 11: That Lake Havasu City Code Section 13.12.060(A), Preliminary Plat Submittal, is amended as follows:

§ 13.12.060 PRELIMINARY PLAT SUBMITTAL.

A. Application for a preliminary plat shall be made on the form provided by the city. A request of approval by the Director shall not be routed until all of the items required in this section have been successfully addressed.

Section 12: That Lake Havasu City Code Section 13.12.070(C), Preliminary Plat Review, is amended as follows:

§ 13.12.070 PRELIMINARY PLAT REVIEW.

C. The reviewing offices should transmit their recommendations to the Department in writing. The Department receives and summarizes the recommendations of the reviewing offices and presents them to the Director.

Section 13: That Lake Havasu City Code Section 13.12.080, Preliminary Plat Approval, is amended as follows:

§ 13.12.080 PRELIMINARY PLAT APPROVAL.

A. If the Director determines that the requirements of this title have been met, the Director shall render a decision on the Preliminary Plat within 30 days of the date of filing to approve, conditionally approve, or deny approval.

B. The applicant shall be advised in writing of the Director's action.

Section 14: That Lake Havasu City Code Section 13.12.090(D), (E), and (G), Significance Preliminary Plat Approval, is amended as follows:

§ 13.12.090 SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL.

D. The applicant may request an extension of time of the preliminary plat approval. In order to receive consideration for a request for an extension of time, the applicant or his/her designated representative shall submit a written request to the Director addressing the criteria listed in § 13.12.090(F).

E. If at the expiration of the established period of time, the property has not been improved for the use for which it was approved, the Director, after notification by certified mail to the owner and applicant who requested the preliminary plat, shall take action to extend, remove, or take action to cause the preliminary plat approval to be considered null and void.

G. The Department shall evaluate the property for compliance with the current general plan. If the property is no longer in compliance with such plan, compliance shall be required prior to the approval of any future submittals necessary to move the use forward.

Section 15: That Lake Havasu City Code Section 13.12.110(A), Stage III – Final Plat, is amended as follows:

§ 13.12.110 STAGE III—FINAL PLAT.

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and action by the Director.

A. Zoning. Land use proposed shall be in conformance with the zoning code, and any zoning amendment necessary shall have been adopted by the Council prior to filing of the final plat.

Section 16: That Lake Havasu City Code Section 13.12.120(A) and (B), Final Plat Submittal, is amended as follows:

§ 13.12.120 FINAL PLAT SUBMITTAL.

A. Approval of the Final Plat by the Director shall not be considered until all of the items required in this section have been successfully addressed.

B. The final plat submittal shall include one copy of the geotechnical and hydrology reports, the final improvement plans, as well as four 24" x 36" copies and one 8 ½" x 11" copy of the final plat. Additional copies may be necessary as determined by the Department.

Section 17: That Lake Havasu City Code Section 13.12.130, Final Plat Review, is amended as follows:

§ 13.12.130 FINAL PLAT REVIEW.

A. Upon receipt of the required materials listed above, the Department shall forward a copy of the final plat and improvement plans to the City Engineer for review and/or approval. The City Engineer shall review these plans for conformance with the approved preliminary plan, conditions of approval, and these regulations.

B. The Department shall also review the final plat and supportive information for completeness, and conformance with the approved preliminary plan, conditions of approval and these regulations.

C. The City Engineer shall forward a copy of the written agreement assuring the completion of the required off-site improvements to the City Attorney for review and approval as to form.

D. The staff shall complete their review and the Department shall forward, in writing, to the subdivider and/or design engineer any comments relating to deficiencies in the final plat or supportive information, requesting correction of these deficiencies.

E. Once all requirements of the preliminary plat, conditions of approval, and these regulations have been met, and upon approval by the City Engineer, the Director shall consider approval.

Section 18: That Lake Havasu City Code Section 13.12.140, Final Plat Approval, is amended as follows:

§ 13.12.140 FINAL PLAT APPROVAL.

- A. Upon receipt of a request from the applicant following completion of all items as described in Section 13.12.130, the Director shall approve or deny the plat.
- B. If the Director rejects the plat for any reason whatsoever, the reasons therefor shall be recorded in a Certified Letter to the applicant.
- C. If the Director finds approval of the plat, the Clerk shall transcribe a certificate of approval upon the plat, first making sure that the other required certifications (see subsection F of § 13.12.150) have been duly signed and that engineering plans have been approved by the City Engineer.
- D. When the certificate of approval by the Director has been transcribed on the plat, the clerk shall have the approved final plat recorded in the Office of the County Recorder of Mohave County and distribute prints of the recorded plat to the City Engineer at the expense of the subdivider.

Section 19: That Lake Havasu City Code Section 13.12.150(F), Information Required For Final Plat Submittal, is amended as follows:

§ 13.12.150 INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL.

- F. Required certifications. The following certifications are required for final plat submittal:
 - 1. Certification by the registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. The signature of the surveyor shall be accompanied by his or her seal;
 - 2. Certification by the Director that, in his or her opinion, all lots shown upon the subdivision conform to good land planning policies and are suitable for the purpose for which they are subdivided;
 - 3. Certification by the City Engineer that all engineering conditions and requirements of this title have been complied with;
 - 4. Certification by the City Clerk of the date the map was approved by the Director;

Section 20: That Lake Havasu City Code Section 13.16.010(B) and (C), General, is amended as follows:

§ 13.16.010 GENERAL.

- B. Where a tract of land to be subdivided contains all or any part of an area for a park, school, flood-control facility or area shown on the general plan or recommended by the City, the site shall be platted showing streets and lots with the area delineated by a bold line and the purpose of the site designated. An agreement shall be reached between the developer and the public, agency relative to date, method and cost of the acquisition within one year of final plat approval. If an agreement cannot be reached between the developer and the public agency relative to date, method and cost of the acquisition within the one year period, then the Council shall make a determination relative to the compliance with the requirements of this chapter.
- C. Land which is subject to periodic flooding, land which cannot be properly drained, or other land which, in the opinion of the Flood Plain Administrator, is unsuitable for subdivision use, shall not be subdivided; except that the Director may approve subdivision of such land upon receipt of evidence from the City Engineer that the construction of specific improvements can be

expected to render the land suitable; thereafter, construction upon the land shall be prohibited until the specified improvements have been planned and construction guaranteed.

Section 21: That Lake Havasu City Code Section 13.16.020(B), Street Location and Arrangement, is amended as follows:

§ 13.16.020 STREET LOCATION AND ARRANGEMENT.

B. Whenever a tract to be subdivided is located within an area for which a specific plan has been approved by the City, the street arrangement shall conform substantially to the plan.

Section 22: That Lake Havasu City Code Section 13.16.080(A), Hillside Subdivisions, is amended as follows:

§ 13.16.080 HILLSIDE SUBDIVISIONS.

Planning, platting and development of hillside subdivisions involve special problems and require special handling by the subdivider and his or her Engineer, and by the Director, City Engineer, and reviewing officials. These problems are preservation of scenic beauty for the benefit of the general public, safe construction of public improvements commensurate with lower density and lesser public use, and safe construction of private improvements related to sewage disposal, water supply, storm drainage, and, foundation bearing.

A. Lot width and area. Lot width and area shall be closely related to the terrain, drainage, percolation factors or construction of sanitary sewers, with emphasis placed on selection of homesites and the access to the homesites.

Section 23: That Lake Havasu City Code Section 13.20.020(B), Responsibility, is amended as follows:

§ 13.20.020 RESPONSIBILITY.

B. The subdivider shall be responsible for assuring the installation of the following, by negotiating with private companies, or by providing the cash for their installation when considered necessary by the Director:

1. Electric lines;
2. Street lights;
3. Gas lines;
4. Street naming signs.

Section 24: That Lake Havasu City Code Section 13.20.030(A), Engineering Drawings, is amended as follows:

§ 13.20.030 ENGINEERING DRAWINGS.

A. The City Engineer and the Director shall approve all engineering drawings and construction plans prior to the commencement of any work by the subdivider All required supplementary engineering studies or tests as required by the City Engineer and/or the Director shall be approved prior to final plat approval.

Section 25: That Lake Havasu City Code Section 13.20.040(A) and (C), Required Improvements, is amended as follows:

§ 13.20.040 REQUIRED IMPROVEMENTS.

A. The subdivider shall cause to be set permanent survey monuments at locations approved by the City Engineer, provided that ordinarily such monuments shall not be more than 1,320 feet nor less than 660 feet apart; and, in addition, monuments of iron pipe, steel bars, or concrete shall be set at all street intersections, at all tangent points, at alley intersections, at all lot corners and at such other points as may be required by the Director to make the retracing of the lines shown on the city official maps reasonably convenient.

C. The subdivider shall cause to be installed and constructed, according to specifications approved by the City Engineer and the Director, all street improvements, including grading, surfacing; curb and gutter, sidewalks, pedestrian crossings, street name signs and street lights, where required.

Section 26: That Lake Havasu City Code Section 13.20.050(B) and (D), Assurance of Completion of Improvements, is amended as follows:

§ 13.20.050 ASSURANCE OF COMPLETION OF IMPROVEMENTS.

B. The subdivider shall furnish, with the final plat, an estimate of the cost of construction for the required improvements, prepared by a professional engineer who is registered to practice in the state. Such estimate shall be approved by the City Engineer prior to submission of the final plat and improvement plans to the Director for action.

D. No final subdivision plat will be approved by the Director unless 1 or more of the methods of assurance described below are submitted with the final plat:

1. Construction of improvements prior to final plat recordation. If the subdivider chooses to construct the required improvements prior to the recording of the final plat, construction plans shall be submitted to the City Engineer for approval. Upon approval of the construction plans by the City Engineer, the subdivider shall obtain permits to allow the construction and inspection of the required improvements. Record drawings shall be prepared by the engineer confirming that the improvements were constructed in substantial conformance with the approved plans and any changes approved thereto. The "as built" plans shall be sealed by the engineer of record. Upon acceptance of the "as built" plans and the required improvements, the City Engineer shall accept the required improvements into the city system for maintenance.

2. Cash. The subdivider shall provide cash through the following method hereinafter described. The subdivider shall provide a cashiers check, certified funds or a wire transfer of funds to an account held by a financial institution established by the Administrative Services Director.

3. Escrow account. The subdivider shall deposit cash, or another instrument readily convertible into cash at face value, either with the city, or in escrow, with a financial institution or licensed title insurance and escrow company. The use of any instrument other than cash, and the financial institution or title insurance and escrow company with which the funds are to be deposited shall be subject to city approval. In the case of an escrow account, the subdivider shall file with the City, an agreement between the financial institution or title insurance and escrow company and himself or herself, guaranteeing that the funds of such escrow account shall be held in trust until released by the city and may not be used or pledged by the subdivider as security in

any other matter during that period. Any interest earned by such security instrument held by a financial institution shall be retained by the subdivider.

4. Performance bond. The subdivider shall file with the city a bond executed by a surety company holding a license to do business in the state, and acceptable to the city, in an amount equal to the cost of the improvements required by these regulations. The performance bond shall be approved by the City Attorney as to form and legality.

Section 27: That Lake Havasu City Code Section 13.20.070(B), Financial Assurance-Duration, is amended as follows:

§ 13.20.070 FINANCIAL ASSURANCE-DURATION.

B. Extensions of time may be granted by the Director, provided the subdivider:

1. Shows just cause; and
2. Submits an updated engineer's estimate and financial assurance in accordance with §§ 13.20.050 and/or 13.20.060 of this chapter. The Director shall submit the estimate and assurance to the City Manager for approval.

Section 28: That Lake Havasu City Code Section 13.20.090(C)(3), Acceptance of Improvements, is amended as follows:

§ 13.20.090 ACCEPTANCE OF IMPROVEMENTS.

C. For a period of 1 year from the date of acceptance of the improvements:

3. All corrective and maintenance work performed by the subdivider shall be at the subdivider's expense and any corrective work shall be commenced not later than 30 days following the subdivider's receipt of written notification of the defects in the improvements issued by the City Engineer.

Section 29: That Lake Havasu City Code Section 13.20.100(A), Default, is amended as follows:

§ 13.20.100 DEFAULT.

A. In the event that the subdivider defaults, fails, or neglects to satisfactorily install the required improvements within the time frame established by the Director for performance:

1. The City may declare the bond, or other assurance forfeited, and the city may make or cause the required improvements to be made, using the financial assurance to defray the expense thereof; or
2. The City may abandon the subdivision plat by recordation of a resolution of abandonment. Prior to abandoning the subdivision plat, the City shall determine whether or not the subdivision is the subject of a bankruptcy, if any lots have been sold or if any are under contract to be sold, and if any change in ownership has occurred.

Section 30: That Lake Havasu City Code Section 13.24.100(B)(1), Property Owner's Association, is amended as follows:

§ 13.24.100 PROPERTY OWNERS' ASSOCIATION.

B. Included in the recorded documents specified in subsection A of this section shall be provisions for at least, but not limited to, the following:

1. Any amendment or modification to the documents, must be provided to the Department prior to completion of the amendment or modification.

Section 31: That Lake Havasu City Code Section 13.24.110(A), Horizontal Property Regimes, is amended as follows:

§ 13.24.110 HORIZONTAL PROPERTY REGIMES.

A. Recording of declaration. At the time of recording the final plat, all applicants who submit a subdivision of air space to the Director shall record a horizontal property regime as provided for by law.

Section 32: That Lake Havasu City Code Section 13.24.110(A) and (C), Review Procedure, is amended as follows:

§ 13.28.030 REVIEW PROCEDURE.

A. Preapplication conference. A prospective applicant for a lot split or lot tie shall schedule a preapplication conference with the Department for the purpose of reviewing procedural and review requirements necessary to carry out the applicant's intent.

C. Staff and agency review. Upon acceptance of the application, the Department shall transmit application materials to appropriate review agencies and staff departments.

Section 32: That Lake Havasu City Code Section 13.36.010(A), Enforcement, is amended as follows:

§ 13.36.010 ENFORCEMENT, VIOLATIONS AND PENALTIES.

A. General.

1. It shall be the duty of the Director, or designee, to enforce these regulations.

2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Director, in accordance with the provisions of these regulations, and recorded with the Mohave County Recorder.