

ORDINANCE NO. 19-1213

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE CHAPTER 13.28, LOTS TIES, LOT ALTERATIONS AND LOT SPLITS

IT IS ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, as follows:

Section 1: That Lake Havasu City Code Chapter 13.28, Lot Ties, Lot Alterations and Lot Splits, is amended in its entirety as follows:

1.1: Chapter 13.28 is amended as follows:

§ 13.28.005 PURPOSE.

The purpose of this chapter is to provide for the orderly growth and harmonious development of Lake Havasu City and to protect the health, safety and general welfare of its citizens; by ensuring individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewage and other applicable health requirements; to promote the conveyance of land by accurate legal description and parcel plat, and to provide procedures for the achievement of this purpose.

§ 13.28.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **LOT SPLIT.** The division of a previously subdivided lot or parcel of record under single ownership into two lots of an unsubdivided parcel or into 2 or 3 parcels not involving the creation of a public road or street.

B. **LOT ALTERATION.** The moving of a property boundary line between 2 abutting properties without the creation of new lot.

C. **LOT TIE.** The combination of 2 or more lots or parcels of record under single ownership into 1 lot of record or the un-combination of lots or parcels that were previously combined.

§ 13.28.020 GENERAL REQUIREMENTS.

No lot split, lot alternation, or lot tie will be approved until a parcel plat is submitted and approved.

§ 13.28.030 REVIEW PROCEDURE.

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

B. *Application.* The applicant shall complete and submit an application and the required documents described in the application to the City.

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

D. *Planning and zoning review.* The Director, or designee, shall have the authority to approve, conditionally approve, or deny all applications for lot splits, lot adjustments, and lot ties based on the criteria set forth in this chapter. The Director, or designee, after reviewing an application and comments, may impose reasonable conditions as deemed necessary to carry out the purpose and intent of this chapter.

E. *Notice of decision.* The decision of the Director, or designee, is effective as of the date of the notice of decision, which shall be provided to the applicant by the city. If the application is denied, the notice of decision shall contain the reason(s) for the denial and how to appeal the Director's, or designee's, decision.

F. *Appeal to the Planning Commission.* An applicant or owner of the subject parcel(s) may appeal the decision of the Director, or designee, within 15 calendar days of the date of the notice of decision. All appeals must be submitted in writing to the City Clerk on an Appeal Application with a statement of the grounds for the appeal and the applicable fees. The appeal shall be considered in a public hearing by the Planning Commission. The Planning Commission may affirm, reverse, or modify the decision being appealed, and action by the Planning Commission is final.

§ 13.28.040 REVIEW CRITERIA.

The application for a lot split, lot alternation, or lot tie will not be approved unless:

- A. It does not require the creation of a road or street;
- B. It complies with all applicable subdivision, zoning district, and General Plan standards;
- C. Lots created are served with adequate water, sewerage facilities, street access, and drainage;
- D. Adjoining land can be developed or is provided access that will allow its development in accordance with the code;
- E. Lots created are compatible with the lot development pattern and densities in the tract and the immediate surrounding area; and
- F. In residential zoning districts, accessory structures constructed on lots enlarged by a lot tie or a lot alteration under the provisions of this chapter shall be architecturally finished so as to be compatible with the existing principal dwelling.

§ 13.28.050 WHEN COMPLIANCE WITH SUBDIVISION REGULATIONS IS REQUIRED.

If the parcel of land to be split is being split into more than 2 parcels or requires the creation of a road or street, full compliance with Chapter 13.12 of this title is required.

§ 13.28.060 WATER ALLOCATION AND MANAGEMENT.

A lot split or final subdivision plat creating parcels for development shall not be approved unless a water service letter is first obtained from the city as set forth in Chapter 7.08.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 3: 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 _____, 2019.

APPROVED:

Cal Sheehy, Mayor

ATTEST:

Kelly Williams, City Clerk

APPROVED AS TO FORM:

REVIEWED BY:

Kelly Garry, City Attorney

Jess Knudson, City Manager