

## CHAPTER 13.28: LOT TIES, LOT ALTERATIONS AND LOT SPLITS

[tracked changes]

### § 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. A parcel of land or contiguous parcels of land under single ownership within the city shall not be partitioned into 2 or more parcels under single ownership or combined into a single parcel for the transfer of ownership, development, or for any other purpose so as to conflict with the requirements of the Code of Lake Havasu City until a parcel plat has been submitted to and approved by the Zoning Administrator.

### § 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 Zoning Director ~~Administrator~~ 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 Department ~~City~~ which shall include:

—1. ~~A city application form;~~

—2. ~~A parcel plat prepared by an Arizona Registered Land Surveyor drawn to scale including the following information:~~

- ~~— a. Existing and proposed lot dimensions;~~
- ~~— b. Existing and proposed water, sewer, street, and drainage facilities;~~
- ~~— c. Existing and proposed easements;~~
- ~~— d. Topography (2-foot contour intervals); and~~
- ~~— e. Location and dimensions of adjoining lots within 200 feet.~~
- ~~— 3. A preliminary title report dated not more than 30 days prior to submittal of the application;~~
- ~~— 4. A copy of the deed to confirm ownership.~~

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

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

E. *Notice of ~~action~~ decision.* The decision of the ~~A notice of decision by the Zoning Administrator~~Director, or designee, is effective as of the date of the notice of decision, which shall be provided to the applicant by the city. shall be mailed or emailed??? ~~to the applicant for lot alterations and lot combinations. The decision of the Zoning Administrator is effective as of the date of the notice of decision. The applicant and owner of a lot split application, Planning Commissioners and property owners within 150 feet of the exterior boundaries of the subject lot(s) shall be mailed a notice of decision confirming the decision of the Zoning Administrator, and the subject lot(s) shall be posted for 7 days following the date of the decision of the Zoning Administrator. The~~ If the request ~~application is denied, the~~ notice of decision shall contain the reason(s) for the denial and the address or legal description of the property, a description of the use proposed, information as to where and when approved plans for the development may be reviewed, information concerning how ~~to an~~ appeal of the ~~Zoning Administrator~~Director's, or designee's, decision may be requested.

F. *Appeal to the Planning Commission.* An applicant or owner of the subject parcel(s) ~~a lot split application, appointed or elected official, or property owner within 150 feet of the subject lot(s)~~ may appeal the decision of the Zoning Administrator~~Director, or designee~~, within 7-15 calendar days of the date of the notice of decision ~~of the Zoning Administrator as indicated by the notice of decision~~. All appeals shall must be submitted in writing to the Zoning Administrator~~City Clerk~~ including and shall include on an Appeal Application and with a statement of the grounds for the appeal together with an appeal fee set by resolution of the City Council 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 reviewed~~appealed~~, and action by the Planning Commission is final.

### **§ 13.28.040 REVIEW CRITERIA.**

~~—A parcel plat for a proposed lot split or lot tie~~ The request ~~application for a lot split, lot alternation, or lot tie shall will~~ not be approved unless:

- A. ~~The lot split or lot tie~~ It does not require the creation of a road or street;
- B. ~~The lot split or lot tie~~ It complies with all applicable subdivision, zoning district, and General Plan standards;
- C. ~~The lot split or lot tie is~~ Lots thus 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 ~~thus~~ created are compatible with the lot development pattern and densities in the tract and the immediately ~~ly~~ surrounding area; and
- F. In residential zoning districts, accessory structures constructed on lots enlarged by ~~combination a lot tie or a lot alteration~~ under the provisions of this ~~section~~ 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 ~~partitioned split~~ is being ~~partitioned 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.**

~~Pursuant to Chapter 7.08 Aa~~ 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.