

TITLE 13: SUBDIVISIONS

CHAPTER 13.04: GENERAL PROVISIONS

§ 13.04.010 TITLE.

This title shall be known and cited as the “Subdivision Code of Lake Havasu City”.

§ 13.04.020 PURPOSE.

A. A.R.S. § 9-463.01 directs City Councils of municipalities throughout the state to regulate the subdivision of all lands within their respective cities so as to establish minimum requirements and standards for the installation of subdivision streets, sewer and water utilities, and improvements as a condition of final plat approval.

B. The city is committed to ensuring that its growth shall constitute balanced development which reflects proper consideration of the range of economic, environmental, fiscal, social, and other issues. The subdivision of land impacts all of these issues.

C. These regulations accommodate growth by considering the need for services generated by subdivisions along with public ability to provide and/or private willingness to contribute to the costs of these services.

D. The purpose of these regulations is to provide for the orderly growth and harmonious development of the city; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for schools, recreation areas and other public facilities; to promote conveyance of land by accurate legal description; and to provide logical procedures for the achievement of this purpose.

§ 13.04.030 INTENT.

In its interpretation and application, the provisions of this title are intended to provide a common ground of understanding and a sound and equitable working relationship between public and private interests, to the end that both independent and mutual objectives can be achieved in the subdivision of land.

§ 13.04.040 INTERPRETATION, INTERFERENCE AND CONFLICT.

It is not intended by this title to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this title, or which shall be adopted or issued pursuant to law relating to the use of premises and likewise not in conflict with this title; nor is it intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except that if this title imposes a greater restriction, this title shall control.

§ 13.04.050 REPEAL OF CONFLICTING ORDINANCES—PREVIOUS RIGHTS, CONVEYANCES AND OBLIGATIONS UNAFFECTED.

A. All ordinances or parts of ordinances in conflict with this title are repealed.

B. The repeal of the ordinances or parts thereof specified in subsection A of this section shall not:

1. Affect rights existing immediately prior to the effective date of the ordinance codified in this title;
2. Impair, avoid or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed ordinance or amendment thereto; or
3. Affect or impair the validity of any bond or other obligation issued or sold in constituting a valid obligation of this issuing authority immediately prior to the effective date of the ordinance codified in this title.

§ 13.04.060 EFFECTIVE DATE.

This title shall be in full force and effect from and after its adoption by ordinance as required by law.

§ 13.04.070 AMENDMENTS.

To provide for the meaningful utilization of this chapter, the City Council may in the exercise of its police power or for purposes previously identified amend, add to, delete or change this Subdivision Code.

§ 13.04.080 WATER ALLOCATION REQUIRED.

No final approval of a subdivision plat by the ~~Director~~City Council 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.

§ 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 Council~~ 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.

CHAPTER 13.08: DEFINITION

§ 13.08.010 GENERALLY.

For the purpose of this title, certain words, terms and phrases are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word **BUILDING** shall include the word **STRUCTURE**; the word **LOT** shall include the word **PLOT**; and the word **SHALL** is mandatory and not directory.

§ 13.08.020 ALLEY.

ALLEY. A public thoroughfare which affords only a secondary means of access to the side or rear of abutting property.

§ 13.08.030 BLOCK.

BLOCK. A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks, or a combination thereof.

§ 13.08.070 CONDITIONAL APPROVAL.

CONDITIONAL APPROVAL. An affirmative action by the ~~Director Commission and/or the Council~~ indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

§ 13.08.080 COUNCIL.

COUNCIL. The City Council of Lake Havasu City.

§ 13.08.090 DEPARTMENT.

DEPARTMENT. The [Development Services Department Planning](#) ~~Department~~ of Lake Havasu City.

§ 13.08.100 DIRECTOR.

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

§ 13.08.110 EASEMENT.

EASEMENT. A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes and so designated.

§ 13.08.120 ENGINEERING PLANS.

ENGINEERING PLANS. Plans, profiles, cross-sections and other required details for the construction of public improvements, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the council.

§ 13.08.130 EQUESTRIAN PATH.

EQUESTRIAN PATH. An easement located primarily in agrarian-type developments which can be used as horse paths and for the installation of utilities. The operation of 2-wheel mechanical vehicles in these easements is prohibited. The easements shall be maintained by the abutting property owners and in no event shall a fence, wall or portion thereof be constructed in or over the easement.

§ 13.08.140 EXCEPTION.

EXCEPTION. Any parcel of land which is within the boundaries of the subdivision which is not owned by the subdivider.

§ 13.08.150 FINAL PLAT APPROVAL.

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

§ 13.08.155 GENERAL PLAN.

GENERAL PLAN. A comprehensive plan, or parts thereof, providing for the future growth and improvement of Lake Havasu City, and for the general location and coordination of streets and highways, schools and recreation areas, public building sites and other physical development, which shall have been duly adopted by the City Council (sometimes referred to as a master plan).

§ 13.08.160 HILLSIDE SUBDIVISION.

HILLSIDE SUBDIVISION. Any subdivision or that portion of a subdivision located in terrain having a general cross-slope exceeding 10%.

§ 13.08.170 IRRIGATION FACILITIES.

IRRIGATION FACILITIES. Canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance thereof.

§ 13.08.180 LOT.

LOT. A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map or by metes and bounds, for purposes of sale, lease or separate use, and having frontage on at least 1 street.

- A. **CORNER LOT.** A lot with frontage on 2 or more intersecting streets.
- B. **INTERIOR LOT.** A lot other than a corner lot.
- C. **THROUGH LOT (DOUBLE FRONTAGE).** A lot having frontage on 2 or more nonintersecting public streets.
- D. **LOT, REVERSED CORNER.** A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

§ 13.08.190 LOT DEPTH.

LOT DEPTH. The average distance of the side lot lines.

§ 13.08.200 LOT WIDTH.

For determining depth to width ratios, **LOT WIDTH** means the width at the front setback line. For other purposes, the **LOT WIDTH** is the average distance of the front and rear lot lines.

§ 13.08.220 OWNER.

OWNER. The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

§ 13.08.230 PEDESTRIAN WAY.

PEDESTRIAN WAY. A public or private walk entirely through a block from street to street and/ or providing access to a school, park, recreation area or shopping center.

§ 13.08.240 PLANNING COMMISSION.

PLANNING COMMISSION. The Lake Havasu City Planning and Zoning Commission.

§ 13.08.250 PLAT.

PLAT. A map of a subdivision.

- A. **PRELIMINARY PLAT.** A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with Chapter 13.12 of this title.
- B. **FINAL PLAT.** A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered civil engineer, or a registered land surveyor in accordance with Chapter 13.12 of this title.
- C. **RECORDED PLAT.** A final plat bearing all of the certificates of approval required in Chapter 13.12 of this title and duly recorded in the Mohave County Recorder's office.

§ 13.08.260 PRELIMINARY APPROVAL.

PRELIMINARY APPROVAL. Approval or conditional approval of the preliminary plat by the ~~Director~~ ~~Commission~~ ~~as evidenced in its meeting minutes and noted upon prints of the plat;~~ constitutes authorization to proceed with final engineering plans and final plat preparation.

§ 13.08.270 PUBLIC AGENCY.

PUBLIC AGENCY. Any city, county, state or federal department, division or school district.

§ 13.08.280 PUBLIC IMPROVEMENT STANDARDS.

PUBLIC IMPROVEMENT STANDARDS. A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain public improvements in Lake Havasu City.

§ 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 ~~his~~ designee.

§ 13.08.290 REGISTERED LANDSCAPE ARCHITECT.

REGISTERED LANDSCAPE ARCHITECT. A landscape architect currently registered with the Arizona State Board of Technical Registration.

§ 13.08.300 REGISTERED LAND SURVEYOR.

REGISTERED LAND SURVEYOR. A land surveyor currently registered with the Arizona State Board of Technical Registration.

§ 13.08.310 REGISTERED PROFESSIONAL ENGINEER.

REGISTERED PROFESSIONAL ENGINEER. An engineer currently registered with the Arizona State Board of Technical Registration.

§ 13.08.313 SMALL AREA TRANSPORTATION PLAN.

SMALL AREA TRANSPORTATION PLAN. An element of the Lake Havasu City General Plan, adopted by City Council, which indicates major streets, parkways, railroads and other transportation facilities.

§ 13.08.315 SPECIFIC PLAN.

SPECIFIC PLAN. A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A **SPECIFIC PLAN** may be designed by the subdivider or by the Department and shall be subject to Commission and Council approval.

§ 13.08.320 STREET.

STREET. Any existing or proposed right-of-way or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the County Recorder's office. A **STREET** includes all land within the street right-of-way whether improved or unimproved and includes such improvements as pavement, shoulders, curbs, gutters, pedestrian ramps, sidewalks, parking space, bridges and viaducts.

A. **PARKWAY.** A divided major thoroughfare having controlled access to adjoining property and shown as such on the transportation plan.

B. **ARTERIAL STREET.** A major street of exceptional continuity that is intended to carry the greater portion of through traffic from 1 area of the city to another. These shall include all streets, existing and proposed, which are designated as such on the transportation plan.

C. **COLLECTOR STREET.** A street designed to accommodate traffic within residential neighborhoods, with the primary purpose of collecting and distributing traffic to and from the major arterials.

D. **LOCAL STREET.** A street which has limited continuity, with the primary purpose of serving only those lots which are adjacent.

E. **CUL-DE-SAC.** A short local street having but 1 end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

F. **MARGINAL ACCESS STREET (FRONTAGE ROAD).** A minor service street which parallels and is immediately adjacent to an arterial street or parkway.

§ 13.08.330 SUBDIVIDER.

SUBDIVIDER. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and

initiates proceedings for the subdivision of land in accordance with the provisions of this title.

§ 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.

§ 13.08.370 USABLE LOT AREA.

USABLE LOT AREA. That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

§ 13.08.380 UTILITIES.

UTILITIES. Installations of facilities, underground or overhead, furnishing for the use of the public: electricity, gas, steam, communications, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. **UTILITY** or **UTILITIES**, as used in this title, may also refer to such persons, firms, corporations, departments or boards, as sense requires.

§ 13.08.390 VEGETATIVE GROUND COVER.

VEGETATIVE GROUND COVER. Preserved natural vegetation or installed plants that are in compliance with the city's Water Conservation Plant Material List.

CHAPTER 13.12: PLATTING PROCEDURES AND REQUIREMENTS

§ 13.12.010 OUTLINE OF PROCEDURES.

The preparation, submittal, review and approval of all subdivision plats located inside the corporate limits of Lake Havasu City shall proceed through the following progressive stages:

- A. Stage I: Pre-application conference;
- B. Stage II: Preliminary plat;
- C. Stage III: Final plat.

§ 13.12.020 STAGE I—PRE-APPLICATION CONFERENCE.

A. The pre-application conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his or her intentions to the Department and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements.

B. During this stage it may be determined that change in zoning would be required for the subject tract or a part thereof, and in such case the subdivider shall initiate the necessary rezoning application prior to or in conjunction with the subdivision request.

§ 13.12.030 PRE-APPLICATION CONFERENCE—RESPONSIBILITIES OF PARTIES.

In carrying out the purpose of the pre-application stage, the subdivider and the Department shall be responsible for the following actions:

A. *Actions by the subdivider.* The subdivider shall meet informally with the Department to present a general outline of his or her proposal, including but not limited to:

- 1. Sketch plans and ideas regarding land use, street and lot arrangement, tentative lot sizes;
- 2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

B. *Actions by the Department.* The department will discuss the proposal with the subdivider and advise him or her of procedural steps, design and improvement standards, and general plat requirements. Then, depending upon the scope of the proposed development, the Department will proceed with the following investigations:

- 1. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable;
- 2. Determine the adequacy of existing or proposed schools, parks and other public spaces;
- 3. Inspect the site or otherwise determine its relationship to major streets, utility systems and adjacent land uses, and to determine any unusual problems such as topography, utilities, flooding and the like;
- 4. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat;
- 5. In consultation with engineering staff, advise the subdivider if a development master plan is required and to what extent it is to be prepared by the developer.
- 6. Determine if a specific plan is necessary or desirable.

§ 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 Planning Board 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 Board 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 City Council prior to or in conjunction with preliminary plat approval by the Director, City Council.

B. *Sanitary sewerage and water supply.* As a prerequisite of preliminary plat review by the Department, the subdivider shall have informed the Public Works Department of his or her tentative plans and learned the general requirements for sewage disposal and water supply as applicable to his or her development.

§ 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, Planning Commission shall not be routed until all of the items required in this section have been successfully addressed.

B. Four 24" x 36" copies and one 8 ½" x 11" copy of the preliminary plat and required supporting data, prepared in accordance with requirements set forth in § 13.12.060 and Chapter 13.16 of this title, shall be filed with the Department.

C. The application and supporting information shall be checked by the Department for completeness and assigned a case number. If it is determined to be incomplete, the plat shall be rejected.

D. *Filing Fee.* To cover the costs of examining and processing of preliminary plats and field inspection related thereto, the subdivider shall, at the time of filing, pay to the Department a filing fee established pursuant to the provisions of Chapter 3.20.

§ 13.12.070 PRELIMINARY PLAT REVIEW.

A. Upon receipt of the preliminary plat, the Department shall perform its review for compliance to public objectives, giving special attention to design principles and standards as set forth in Chapter 13.16 of this title; streets and thoroughfares as related to the transportation plan and to neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

B. The Department shall distribute copies of the plat to the following review offices:

1. To the City Engineer for review of proposed street system; for review of street plans and compliance with city street standards; for tentative determination of street and drainage improvement and maintenance requirements; and for review of water and sewerage disposal proposals;

2. To the city's Parks and Recreation Board for recommendations regarding parks and recreation spaces;

3. To the city Police and Fire Departments for review of features of the proposed development relating to their respective areas of operation;

4. To the Superintendent of the Unified School District for his or her information and comments;

5. Where the land abuts a state highway, to the State Highway Department for recommendations regarding right-of-way and intersection design;

6. To private utilities for recommendations.

C. The reviewing offices should transmit their recommendations to the Department in writing. The Planning Department receives and summarizes the recommendations of the reviewing offices and presents them to the Director, Subdivision Committee. ~~The Planning Department prepares the report of the Subdivision Committee and presents it to the Planning Board.~~

§ 13.12.080 PRELIMINARY PLAT APPROVAL.

- A. If the ~~Subdivision Committee report indicates~~ Director determines that the requirements of this title have been met, the ~~Planning Commission shall consider the preliminary plat at a regular meeting~~ 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. ~~Upon hearing, the Planning Commission shall approve, conditionally approve, or deny preliminary plat approval.~~ The applicant shall be advised in writing of the ~~Commission~~ Director's action.

§ 13.12.090 SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL.

- A. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements.
- B. It is presumed that the basic conditions under which approval of the preliminary plat is granted will not be changed prior to its expiration date.
- C. Approval of the preliminary plat is valid for the period not to exceed two years unless unusual circumstances are associated with the development.
- 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). ~~The applicant or representative shall also attend the meetings of the appropriate Planning Commission. The request may be postponed or denied if the applicant or representative is not present.~~
- 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 ~~Commission~~ Director, after notification by certified mail to the owner and applicant who requested the preliminary plat, shall ~~schedule a public hearing to~~ take action to extend, remove, or take action to cause the preliminary plat approval to be considered null and void.
- F. The criteria listed below shall be used to evaluate the property that has not been improved for the use for which it was conditionally approved.
1. The number of previous requests for an extension of time.
 2. The progressive submission of additional required information to the Department or other relevant agencies, within the year prior to the request for additional time and documentation of the same. Further, the submittals shall not be more than one year apart.
 3. Demonstrative progress towards achievement of goals necessary to complete the project, such as engineering, grading, installation of utilities or other infrastructure. Market studies and surveys are not included in these criteria.
- G. The ~~Department~~ city 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.

§ 13.12.100 INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTED.

- A. *Form of presentation.* The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, the scale having not more than 100 feet to an inch. One digital format copy of the preliminary plat shall also be filed.
- B. *Identification and descriptive data.* The following identification and descriptive data is required as part of preliminary plat submittal:
1. The proposed name of the subdivision and its location by section, township and range; reference by dimension and bearing to a section corner or quarter section corner;
 2. The name, address and phone number of the subdivider;
 3. The name, address and phone number of the engineering surveyor, landscape architect, or land planner preparing the plat;
 4. The scale, north point, and date of preparation, including dates of any subsequent revisions;
 5. A location map which shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks, and playgrounds, and churches. This map may be on the preliminary map; but if this is not practical, then a separate map showing title, scale, north point and date shall be provided.
- C. *Existing-conditions data.* The following existing-conditions data is required as part of preliminary plan submittal:
1. Topography by contours related to USGS survey datum, or other datum approved by the City Engineer, shown on the same map as the proposed subdivision layout. The contour interval shall be such as to adequately reflect the character and drainage of the land;

2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, and whether such inundation is frequent, periodic or occasional;

3. Location, widths and names of all platted streets, railroads, utility rights-of-way of public record, public areas, permanent structures to remain, including city utilities and municipal corporation lines within or adjacent to the tract. Two copies of a preliminary title report showing the above shall be submitted;

4. Name, book and page numbers of any recorded adjacent subdivision having common boundary with the tract;

5. By note, the existing zoning classification of the subject and adjacent tracts;

6. By note, the acreage of the subject tract;

7. Boundaries of the tract to be subdivided shall be delineated and fully dimensioned.

D. *Proposed-conditions data.* The following proposed-conditions data is required as part of preliminary plat submittal:

1. Street layout, including location, width of public streets, alleys, crosswalks and easements; connections to adjoining platted tract;

2. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots;

3. Location, width and use of easements;

4. Designation of all land to be dedicated or reserved for public use with use indicated;

5. If the plat includes land for which multifamily, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any;

6. Three copies of any proposed restrictive covenants (deed restrictions).

E. *Proposed utility methods.* Each lot shall be connected with city sewage disposal facilities and water supplies.

1. *Sewage disposal.* It shall be the responsibility of the subdivider to furnish the City Engineer such evidence as he or she may require for his or her satisfaction as to design and operation of sanitary sewage facilities proposed statement as to the type of facilities proposed shall appear on the preliminary plat.

2. *Water supply.* Evidence shall be provided of adequate volume and quality satisfactory to the City Engineer and substantiated by letter from that Department.

3. *Stormwater disposal and retention.* Preliminary calculations and layout of the proposed system and locations of retention areas shall be required, subject to approval of the City Engineer.

§ 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 ~~Council~~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 ~~C~~council prior to filing of the final plat.

B. *Easements.* It shall be the responsibility of the subdivider to provide on the final plat such easements in such location and width as required for utility purposes. Prior to filing the final plat, he or she shall have submitted the plat to the person(s) authorized to perform plat review for the utility interests. Prior to final plat review by the Department, a letter shall have been received from the interested utilities signifying that easements shown on the plat are complete and satisfactory for utility purposes.

C. *Final plat preparation.* The final plat shall be prepared in accordance with the requirements set forth in Sections 13.12.110 and 13.12.120 and Chapter 13.16 of this title, and shall substantially conform to the approved preliminary plat.

§ 13.12.120 FINAL PLAT SUBMITTAL.

A. ~~A hearing date for approval of the final plat by the City Council~~ Approval of the Final Plat by the Director shall not be ~~routed~~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, prior to the City Council meeting.

C. Two copies each of an engineer's cost estimate and assurance of completion as described in § 13.20.050 for the proposed improvements.

D. Title report. Two copies of a preliminary title report or a title insurance policy issued within the preceding 30 days to the owner(s) of the land disclosing the owner(s) of record of the land included within the proposed subdivision, as well as all liens, encumbrances, assessments or any other matters of record affecting the title to the property, by a title insurance agent licensed by the Arizona Department of Insurance. The title report will be used by staff to verify the names of those persons having a beneficial interest in the property.

E. The articles of incorporation for a property owners association and private deed restrictions to be imposed upon the plat or any part or parts thereof, if any lands located within the plat are to be voluntarily conveyed to a property owners association by the

subdivider for their use and maintenance.

F. For all condominium projects, a declaration which includes the information required by A.R.S. Title 33, Chapter 9, as may be amended from time to time.

§ 13.12.130 FINAL PLAT REVIEW.

A. Upon receipt of the required materials listed above, the ~~Department~~~~Director~~ 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~~~~Director~~ 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~~~~Director~~ 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 ~~schedule the final plat for Council review and/or~~ consider approval.

§ 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 for Council action from the City Manager, the Clerk shall place the case on the agenda of the next regular City Council meeting, whereupon the Council~~ shall approve or deny the plat.

B. If the ~~Council~~ Director rejects the plat for any reason whatsoever, the reasons therefor shall be recorded in a Certified Letter to the applicant. ~~the minutes.~~

C. If the ~~Council~~ 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-Council~~ 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.

§ 13.12.150 INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL.

A. *Method and medium of presentation.*

1. The record plat shall be drawn on a sheet size of 24 by 36 inches. If more than 2 sheets are required for the drafting of the final plat, in index sheet shall be filed showing the entire subdivision on 1 sheet and the portion thereof contained on the other sheets.

2. Copies of the record plat shall be reproduced in the form of blue or black line prints on a white background.

3. The final plat shall be drawn to a scale not to exceed 200 feet to the inch, from an accurate survey.

B. *Identification data required.* The following identification data is required for final plat submittal:

1. A title which includes the name of the subdivision and its location by number of section, township, range and county;

2. The name, address and registration number of the seal of the registered civil engineer or registered land surveyor preparing the plat;

3. Scale, north arrow and date of plat preparation.

C. *Survey data required.* The following survey data is required for final plat submittal:

1. Boundaries of the tract to be subdivided, fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof;

2. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances; determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof;

3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of 2 corners of the subdivision traverse shall be tied by separate course and distance to separate section corner or quarter section corners;

4. Location of all physical encroachments upon the boundaries of the tract.

D. *Descriptive data required.* The following descriptive data is required for final plan submittal:

1. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, crosswalks and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections;

2. All drainageways shall be shown on the plat. The rights-of-way of all major drainageways, as requested by the City Engineer, shall be dedicated to the public;

3. All easements for rights-of-way, as requested by the City Engineer provided for public services or utilities, and any limitations of the easements. Construction within the easement shall be limited to utilities, and wood, wire or removable section type fencing;

4. Location and all dimensions of all lots;

5. All lots shall be numbered by consecutive numbers throughout the plat. "Exceptions", "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned;

6. Location, dimensions, bearing, radii, arcs and central angles of all sites to be dedicated to the public, with the use clearly indicated;

7. Location of all adjoining subdivisions with date, book and page number of recordation noted, or if unrecorded or unsubdivided, so marked;

8. Any proposed private deed restrictions or restrictive covenants to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted. Deed restrictions shall in no way be less restrictive than zoning regulations imposed by Lake Havasu City.

E. *Dedication, acknowledgment and acceptance.* The following dedications, acknowledgments and acceptances are required for final plat submittal:

1. *Dedication.* Statement of dedication of all streets, alleys, crosswalks, drainageways, pedestrian ways, and other easements for public use by the person holding title as vendees under land contract, and by spouses of the parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location, by section, township and range of the tract. If the plat contains private streets, the public utilities shall be reserved the right to install and maintain utilities in the street right-of-way.

2. *Acknowledgment of dedication.* Execution by property owner of dedication acknowledged and certified by a notary public.

3. *Acceptance.* Statement of City Council acceptance of dedications to the public as shown on the plat. The statement shall be signed by the Mayor and City Clerk.

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~~City Council;

5. A certificate of recordation by the County Recorder.

CHAPTER 13.16: DESIGN PRINCIPLES AND STANDARDS

§ 13.16.010 GENERAL.

A. Every subdivision shall conform to the goals and objectives adopted and contained in the Lake Havasu City general plan. The subdivision shall also conform to the zoning code and other applicable codes and ordinances of Lake Havasu City and the Arizona Revised Statutes, where applicable.

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 ~~Planning Commission~~ 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 City 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~~Commission 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.

D. Where the tract to be subdivided is located in whole or in part in terrain having an average cross-slope exceeding 10%, design and development may, at the discretion of the Department and the City Engineer, follow the standards and requirements of § 13.16.080 of this chapter.

§ 13.16.020 STREET LOCATION AND ARRANGEMENT.

A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted transportation plan, the streets shall be platted in conformance therewith.

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

C. Certain proposed streets, as designated by the City Engineer, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.

D. Local streets shall be so arranged as to discourage their use by through traffic.

E. Where a proposed subdivision abuts or contains an existing proposed parkway, the City Engineer may require marginal-access streets or double-frontage with nonaccess easements along the parkway, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and to preserve the traffic function of the arterial route.

F. Where a subdivision abuts or contains the right-of-way of a railroad, a limited-access high-way, an irrigation canal, or abuts a commercial or industrial land use, the City Engineer may recommend location of a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening land. The distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

G. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.

H. Alleys shall be required in all multifamily residential, commercial and industrial subdivisions, except that the City Engineer may recommend waiver of this requirement in certain residential districts because of topography, required lot size or in lieu of underground utilities. The City Engineer may also recommend the waiver of the requirements in industrial subdivisions.

I. Half streets shall be discouraged except where necessary to provide right-of-way required by the transportation plan to complete a street pattern already begun or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half street abutting the tract to be subdivided and the half street furnishes the sole access to residential lots, the remaining half shall be platted within the tract.

§ 13.16.030 STREET DESIGN.

A. The minimum required right-of-way widths shall be as follows:

1. Major arterial streets and highways, as required by current city standards.
2. Collector streets as indicated by current city standards.
3. Local streets, as indicated by current city standards. In addition:

a. Cul-de-sac streets shall terminate in a circular right-of-way 45 feet in radius with an improved traffic turning circle 40 feet in radius. The city staff may approve an equally convenient form of space where extreme conditions justify.

b. Dead-end streets will not be approved except in location designated by the planning commission as necessary to future extension in development of adjacent lands. In any case, a dead-end street serving more than 4 lots, shall provide by easement a temporary turning circle with a 40-foot radius or other acceptable design to accomplish adequate access.

4. Frontage streets as indicated by current city standards.
5. Alleys:
 - a. Sixteen feet if single-family residential on both sides;
 - b. Thirty feet if abutting commercial, multiple-family residential or industrial districts.
- B. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off 15 feet on each side to permit safe vehicular movement. Dead-end alleys are prohibited.
- C. The vertical alignment of streets shall be as follows:
 1. Street grade maximums shall be:
 - a. Arterial routes, as determined by the City Engineer.
 - b. Collector, 7%.
 - c. Local residential streets, 9%.
 2. Concrete or asphalt streets with concrete gutters, 0.4% is desirable.
- D. Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exceptions may be made by the city staff.
 1. Vertical curves in streets shall be as follows:
 - a. Arterial routes, as determined by the city.
 - b. Collector and minor streets minimum length, 100 feet, except in cases approved by the city.
- E. The horizontal alignment of streets shall be as follows:
 1. Arterial routes, as determined by the city.
 2. When tangent centerlines deflect from each other more than 10 degrees and less than 90 degrees, they shall be connected by a curve with a minimum centerline radius of 500 feet for collector streets or 100 feet for local streets.
 3. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long, unless the radius exceeds 600 feet on collector streets or 200 feet on local streets, in which cases no tangent is required.
 4. Streets intersecting an arterial route shall do so at an angle which shall not vary from 90 degrees by more than 4r degrees; intersections of local streets shall not vary from 90 degrees by more than 15 degrees.
 5. Street jogs with centerline offsets of less than 125 feet shall be avoided except under special circumstances.
 6. Minor streets intersecting a collector street or arterial route shall have a tangent section of centerline at least 150 feet in length measured from the right-of-way line of the major street. No such tangent is required when the minor street curve has a centerline radius greater than 400 feet with the corner located on the major street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed by the city staff.
 7. Street intersections with more than 4 legs and "Y" type intersections where legs meet at acute angles shall be avoided.
 8. At street intersections, property line corner shall be rounded by circular arc, said arc having a minimum tangent length of 12 feet.
- F. Private streets shall be constructed to conform to current city standards.

§ 13.16.040 BLOCK DESIGN.

- A. The following minimum standards are required to assure convenient access, circulation, control and safety of street traffic, as well as to provide suitable building sites:
 1. Maximum length, 1,200 feet;
 2. Minimum length, 600 feet;
 3. Minimum width shall be sufficient to allow 2 tiers of lots except where single tiers of lots are required to provide desirable subdivision design.
- B. Maximum length of cul-de-sac streets shall be 1,200 feet, measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline. All homes on cul-de-sacs exceeding 400 feet require fire sprinklers.
- C. Pedestrian ways and/or bicycle ways with minimum right-of-way of 6 feet may be required where essential for circulation, or for access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways and bicycle ways may be used for utility purposes.

§ 13.16.050 LOT PLANNING.

A. *Dimensions.*

1. Lot width, depth and area shall comply with the minimum requirements of the zoning code and shall be appropriate for the location and character of the development proposed, and for the type and extent of street and utility improvements being installed. All lots must have urban street and utility improvements. **URBAN IMPROVEMENTS** is interpreted to mean paved and curbed streets, side-walks, stormwater retention, public water supply and public sanitary sewerage.

2. Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the Director may make special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.

B. Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in the platting of hillside subdivisions, and where street grades must of necessity reach or exceed these standard maximums, the requirements of § 13.16.080 may be followed.

C. The depth-to-width ratio of the usable area of the lot shall not be greater than 2 to 1, except as topography warrants exception.

D. Minimum front building lines shall conform to the minimum requirements of the zoning code.

E. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the Director.

F. Every lot shall abut upon a public street furnishing satisfactory access thereto.

G. Single-family residential lots extending through the block and having frontage on 2 parallel streets shall not be permitted; backing lots to major thoroughfares shall be permitted in accordance with § 13.16.020E.

§ 13.16.060 EASEMENT PLANNING.

A. The width, length, location and purpose of all easements for drainage and utilities shall be shown on the final plat as determined by the City Engineer.

B. Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement, of a width sufficient to permit widening, deepening, relocating or protecting said watercourse, shall be required.

C. Land within a public street, drainage easement or land within a utility easement for major power transmission (tower) lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed ½ acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

D. Except where alleys are provided, lots arranged with rear of lot to major streets, railroads, canals or commercial or industrial districts, as required in § 13.16.020E and F, shall have a minimum lot depth of 101 feet, the rear 1 foot of which shall be recorded as nonaccess private easement.

§ 13.16.070 STREET NAMING.

The subdivider shall submit proposed street names to the Department for review and approval by the Police and Fire Departments during preliminary plat review.

§ 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~~~~Subdivision Committee~~, City Engineer, staff 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.

B. *Special design standards for hillside subdivisions.*

1. Street grades shall not exceed 15%.

2. Street grades exceeding 12% shall have a maximum length of 600 feet.

3. Minimum dedicated street right-of-way: 50 feet.

4. "T" or "Y" type turning-and-backing cul-de-sacs may be substituted for circular turn-arounds.

5. "Panhandle", double-frontage and other unorthodox lots shall be permitted so long as it can be adequately demonstrated that no lot will be adversely affected by any other lot so arranged.

C. *Special preliminary plat requirements.*

1. Topography by suitable contour interval, showing location of major and minor washes.

2. Road profiles, cross sections and proposed grading plans may be required by the Department of Public Works.

D. *Plat processing time.* Due to special problems requiring special field and office review by the staff, subdividers should expect processing time for hillside plats to exceed that otherwise required for normal plats.

§ 13.16.090 WATER CONSERVATION.

A. Bodies of water (e.g. fountains, streams, ponds, lakes, and displays using water) shall be discouraged in single and two-family residential properties, and shall not be allowed in multiple-family, commercial, industrial, or mixed-use properties. Vegetative ground cover shall be reestablished for all disturbed areas to reduce dust, storm water runoff, and soil erosion in accordance with the NPDES permit and SWPPP requirements.

B. Xeriscape landscaping materials and methods shall be encouraged.

C. All landscaping materials and irrigation practices shall be in compliance with the city's Water Conservation Plan and Water Conservation Plant Material List.

CHAPTER 13.20: STREET AND UTILITY IMPROVEMENT REQUIREMENTS

§ 13.20.010 GENERAL.

The subdivider shall cause to be installed and constructed all street and road improvements, public utilities, survey monuments and markers and lot grading. All such improvements shall conform to the requirements of this title and all other applicable city, county and state standards, specifications, codes and regulations.

§ 13.20.020 RESPONSIBILITY.

- A. The subdivider shall be responsible for the cost of the following:
1. Setting of survey monuments and markers;
 2. Street and road construction for all street improvements, including base, grading, curbs, gutters, sidewalks, pavement, street trees, street name signs, culverts, and bridges;
 3. Water and sewer line installations, including fire hydrants and manholes;
 4. Required stormwater system and/or other drainage improvements;
 5. All field density and related testing of base, sub-base and other compacted backfill, gradation tests, concrete cylinder tests, asphalt tests and/or other related tests required to ensure minimum standard requirements.
- 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~~Planning Board and the City Council:
1. Electric lines;
 2. Street lights;
 3. Gas lines;
 4. Street naming signs.
- C. Building permits will not be issued for new construction until all required street and utility improvements adjacent the property to be improved are installed, or assurance provided that they will be constructed.

§ 13.20.030 ENGINEERING DRAWINGS.

- A. The City Engineer and the ~~Director~~City Council 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~~City Council shall be approved prior to final plat approval.
- B. All required engineering studies and exhibits shall be prepared by qualified and legally registered or certified engineers or engineering firms.
- C. Contractors engaged by the subdivider to install required improvements shall be licensed and registered as required by state or local law.
- D. It may be desirable, during construction of improvements, for the subdivider to modify some standards and specifications of the approved engineering drawings. In this event, the subdivider shall, prior to making such modifications, submit a schedule of the modifications with reasons of necessity to the City Engineer.
- E. At the completion of all new construction relating to street or utility improvements, the subdivider shall submit "as-built drawings" to the City Engineer prior to approval of the work by the City Engineer.

§ 13.20.040 REQUIRED IMPROVEMENTS.

- A. The subdivider shall cause to be set permanent survey monuments at locations approved by the ~~Planning Commission or~~ 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~~Planning Board to make the retracing of the lines shown on the city official maps reasonably convenient.
- B. The subdivider shall cause to be installed public water facilities including fire hydrants; public sanitary sewer systems and a storm sewer system and/or other drainage improvements designed and constructed according to specifications approved by the City Engineer and the City Council where required.
- C. The subdivider shall cause to be installed and constructed, according to specifications approved by the City Engineer and the ~~Director~~City Council, all street improvements, including grading, surfacing; curb and gutter, sidewalks, pedestrian crossings, street name signs and street lights, where required.

§ 13.20.050 ASSURANCE OF COMPLETION OF IMPROVEMENTS.

A. Upon submittal of the preliminary plat, the subdivider shall make an election to provide one of the types of assurances more particularly set forth in §§ 13.20.050(D)(1), (D)(2), (D)(3), or (D)(4) or § 13.20.060 of this code will be furnished by the subdivider to guarantee completion of required improvements on a subdivision.

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~~City Council for action.

C. The amount of assurance shall be determined from the cost estimate for the cost of constructing the improvements required by these regulations. The total estimated cost of the improvements shall also provide for a retention, which shall initially be equal to 10% of the total estimated cost of the improvements.

D. No final subdivision plat will be approved by the ~~Director~~City Council 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 cashier's check, certified funds or a wire transfer of funds to an account held by a financial institution established by the Finance 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 ~~prior to forwarding the final plat to the city for approval.~~

~~5.—Unconditional guarantee from a local bank or federally insured savings and loan association or from other financial institutions as approved by the city. The subdivider shall file with the city a letter, signed and notarized by the principal officer of a savings and loan association or other financial institution acceptable to the city, agreeing to pay the city on demand, a stipulated sum of money to apply to the estimated cost of construction of all improvements for which the subdivider or developer is responsible under these regulations. The guaranteed payment sum shall be determined from the estimated costs and scheduling as approved by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.~~

§ 13.20.060 PROPERTY ESCROW ACCOUNT.

A. As an alternate method of financial assurance, the subdivider shall set up a property escrow account with a title insurance escrow company. The subdivider shall submit for approval to the city, an agreement between the title insurance escrow company and himself or herself, guaranteeing that the property shall be held in an escrow account until released by the city. An appraisal, prepared by an appraiser licensed by the Arizona Board of Appraisal as a certified general appraiser, of the property to be included in the property escrow account shall be submitted with the property escrow agreement. The appraisal shall show sufficient unencumbered value in the property to support the amount of the engineer's estimate and that the value of the property is a minimum of 25% greater than the engineer's estimate. The property escrow agreement shall be approved as to form by the City Attorney before it is submitted to the city for approval.

B. No lots shall be offered for sale until the required improvements affecting such property have been completed and the City has released such property for sale. The City Engineer shall review the improvements and produce a report recommending whether or not the lots should be released for sale. Partial reductions and releases shall not be permitted for this type of assurance.

C. Any of the assurances listed in § 13.20.050(D) of this chapter may be substituted and the property escrow agreement released with the approval of the city.

§ 13.20.070 FINANCIAL ASSURANCE-DURATION.

A. For all subdivisions, the duration of the method of assurance shall not exceed two years from the date of recordation of the final plat.

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. ~~Such The Director shall submit the estimate and assurance to the City Manager for approval shall be approved by the City Attorney, City Engineer, and Finance Director, as applicable, prior to submission of the request to the Director.~~

§ 13.20.080 REDUCTION AND RELEASE OF FINANCIAL ASSURANCES.

A. The assurance may be released by the city in phases as improvements are completed and accepted by the City Engineer as being constructed and installed in conformance with the plans and/or specifications submitted to and approved by the city. The improvements that are the subject of a partial release request must represent a system that functions independently without the need for the construction of additional improvements.

B. Prior to release of the financial assurance or portion thereof, the subdivider shall submit a request for the release of an assurance or portion thereof to the Director.

C. The Director shall forward the request from the subdivider to the City Engineer for review and approval. The City Engineer shall conduct an inspection of the required improvements and a review of the remaining assurance to confirm the remaining funds are sufficient to cover the cost to complete the balance of the improvements. Additionally, the city shall retain 25% of the requested release amount.

D. Upon the inspection of the improvements, approval of the construction, and confirmation of sufficient remaining funds, if applicable, the City Engineer shall forward a letter of approval to the Director.

E. Prior to the release of the final portion of the financial assurance, if any lands located within the plat were conveyed to a property owners association for their use and maintenance, the subdivider shall submit written verification that the articles of incorporation have been filed with the Arizona Corporation Commission and a proof of publication for the same and a copy of the recorded conveyance deed.

F. Upon satisfactory completion of these actions, the Director shall submit the request to the City Manager for approval. All assurances shall be released upon acceptance of the required improvements by the city as set forth in this chapter.

§ 13.20.090 ACCEPTANCE OF IMPROVEMENTS.

A. Prior to acceptance of the improvements by the city into the city system for maintenance, the subdivider shall submit the information set forth below to the City Engineer:

1. A written request for the acceptance of the improvements into the city system for maintenance at the completion of the work;

2. A letter of certification from the engineer of record stating that the subdivision work was completed in compliance with the plans and project specifications and as built drawings reporting final elevations and location of work;

3. The subdivider shall:

a. Submit evidence that all of the streets within the subdivision have been seal coated and striping provided in accordance with the city procedures manual, or

b. Submit a financial assurance in an amount equal to the project engineer's estimate of the cost to seal coat all of the streets within the subdivision and stripe those streets as required by the city procedures manual. The city shall use such funds on the contributing subdivision within 3 years from the date of acceptance to complete this work. Such assurance and engineer's estimate shall comply with the requirements set forth in this chapter;

4. If any lands located within the plat were conveyed to a property owners association for their use and maintenance, the subdivider shall submit written verification that the articles of incorporation have been filed with the Arizona Corporation Commission and a proof of publication for the same and a copy of the recorded conveyance deed.

B. Upon receipt of a written request from the subdivider and the items described hereinabove, the City Engineer shall review the submittal, "as built" plans and conduct a final inspection of the required improvements. Should any improvements fail to meet the city standards, the City Engineer shall notify the subdivider in a reasonable time. Upon satisfactory completion of these actions, the City Engineer shall accept the improvements into the city system for maintenance.

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

1. The subdivider warrants, represents, and covenants that the improvements have been constructed and installed in conformance with the plans and/or specifications submitted to and approved by the city for such improvements, and that the improvements were constructed and installed in accordance with the approved and adopted construction codes and subdivision regulations of the city at the time the final plat was approved.

2. The subdivider shall be responsible to perform any necessary corrective work to replace and/or repair subdivision

improvements which are found to have been constructed and/or installed in a manner that does not conform with the approved and adopted plans and/or specifications for such improvements submitted to the City by the subdivider and/or his/her representative, or which are found to be in violation of the construction codes and/or subdivision regulations of the city at the time the final plat was approved.

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, Development Services Department~~.

§ 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, City Council~~ 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.

B. The Director shall notify the State Real Estate Commissioner in writing of the default and/or the city's intent to abandon the subdivision prior to recordation of the resolution of abandonment.

CHAPTER 13.24: AIR-SPACE AND CONDOMINIUM PROJECT

§ 13.24.010 DEFINITIONS.

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

A. **CONDOMINIUM.** A multiple-family, commercial, or industrial complex operated under a property owner's association in which there is individual ownership by subdivision of air space.

B. **TOWNHOUSE.** A multiple-family, commercial, or industrial complex in which there is individual ownership by subdivision lot and operated under a property owner's association.

§ 13.24.020 INTENT.

A. The subdivision of air space shall be so related to the general development pattern as to provide for the comfort and convenience of occupants, facilitate protection of desirable character of surrounding neighborhoods, and reduce traffic congestion by a reasonably close relationship (either in distance or time) between housing, commercial and service facilities, and principal places of employment shall be so related, either by physical proximity or by major street networks, as to promote these objectives.

B. Where not specifically stated in this chapter, all other subdivision regulations shall apply where applicable.

§ 13.24.040 FILING OF APPLICATIONS.

Subdivision of air space application procedures and approval process shall be pursuant to Chapter 13.12 of this title except as provided for hereafter.

A. In addition to Chapter 13.12, the specific requirements of this chapter shall be met.

B. The term **LOT** shall mean **DWELLING UNIT** when referring to other chapters of this title.

C. The sketch plan, preliminary plan, and the final plat shall be developed from a topographical survey map or some other similarly accurate base map, and shall be at a scale of not less than 50 feet to the inch when involving structures, or not less than 100 feet to the inch otherwise.

D. A professional engineer and/or land surveyor registered to practice in the State of Arizona shall be responsible for the preparation of the final plat.

§ 13.24.050 MATERIAL TO BE SUPPLIED.

A report covering the following items shall be submitted at the time the preliminary plan is filed.

A. A declaration by the developer in which there is furnished.

1. A general statement regarding the nature and location of common open space and the means by which the developer will generate its continuity and maintenance;

2. The general location and purpose of all nonresidential structures, if any;

3. A general statement describing the nature, extent and location of all other proposed improvements situated within the development.

B. Five prints shall be submitted of scaled site and building plans to include but not be limited to the following items:

1. All information as required by the Engineering Division where applicable;

2. Site plans for the building site or sites, indicating relationship to adjoining areas, existing structures and proposed uses;

3. Typical floor plans of the buildings, indicating horizontal dimension and the floor area;

4. General floor and roof elevations of the buildings, indicating height and number of stories;

5. Drainage control and systems of drainage;

6. Outline of motor vehicle parking;

7. General traffic circulation features, public and private streets, width of right-of-way and roadway, location of vehicular access points thereto;

8. Pedestrian circulation features, walks, and paved areas, if any;

9. Swimming pools and other recreational facilities;

10. Landscaping features.

C. A report on the physical condition of the property, including surrounding areas where conditions make such information appropriate, covering such matters as condition of soil and subsoil, groundwater levels, drainage, topography, location and character of surface water and of areas subject to flooding, and other information required to guide determinations as to the suitability of the

property for development without hazards to persons or structures or other property, on or off the property, from probability of flooding, erosion, subsidence or slipping of the soil or other dangers, annoyances or inconveniences.

D. The description of at least one permanent benchmark shall be noted on the final plat along with the basis for the elevation datum used.

§ 13.24.060 REQUIRED IMPROVEMENTS.

The improvements which are hereafter required shall be designed, furnished and installed by the subdivider in accordance with the provisions of this title and other regulations of the state and county. Financial guarantee sufficient in amount to cover the estimated full costs of such installation shall be provided in accordance with § 13.20.050 of this title.

§ 13.24.070 UTILITIES.

A. Available and necessary utilities with connections to each dwelling unit within the subdivision shall be constructed including electricity, water and sewage.

B. Where available, natural gas, telephone, and cable television should be installed.

C. All service utility lines shall be placed underground. The owner or subdivider is responsible for complying with this requirement and shall make the necessary arrangements with the serving agencies for the installation of the facilities.

D. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, concealed ducts, and pedestal mounted terminal boxes and meter cabinets may be placed above ground.

E. Fire hydrants conforming to minimum city standards shall be located on the public streets at or near the entry to the private vehicle accessways. Fire hydrants, together with adequate water mains, shall be located in private vehicle accessways at a maximum spacing of 500 feet

F. Safety lighting shall be provided on private vehicle accessways at all intersections and at least every 400-foot linear distance of street and on pedestrian walkway facilities connecting thereto.

§ 13.24.080 PRIVATE VEHICULAR ACCESSWAY.

A private vehicular accessway is a private roadway which has the function of a street, not to include driveways or parking areas.

A. The maximum overall length of any dead-end private vehicle accessway shall be 600 lineal feet.

B. All private vehicle accessways shall not be less than 24 feet wide between curbs or edges of pavement. The main connection roadway between the interior private vehicle accessways and the public street shall be at least 30 feet in pavement width.

C. At accessway intersections, minimum curb face or edge of pavement radius shall be 20 feet for residential condominiums and 30 feet for condominiums other than residential. A radius of 35 feet is required for turn-around facilities.

D. An adequate paved cul-de-sac, hammerhead, or bulb turnaround with a minimum 40-foot radius shall be provided at the end of all deadend private vehicle accessways.

E. The structural section in private vehicle accessways shall be designed on the basis of these regulations and Engineering Division standard specifications and details.

F. Plans and specifications for off site improvements shall be subject to the approval of the City Engineer and shall be in accordance with the Engineering Division specifications.

G. Backfill of all trenches in private vehicle accessway areas shall meet Public Works Department specifications for trench backfill.

H. A public utility easement (P.U.E.) shall be established over the entire private vehicle accessway. Additional easements or public utility easements may be provided adjoining the private vehicle accessway to accommodate any other utilities necessary. Drainage easements (D.E.) shall be established where facilities for drainage are necessary.

§ 13.24.090 DRIVEWAYS AND PARKING AREAS.

A. Driveway spacing, where fronting on a public roadway, shall be as established by the Lake Havasu City Public Works Department.

B. Driveway spacing and widths, where fronting on a public roadway, shall be in accordance with the policies of the Engineering Division.

C. Driveways and parking areas shall be paved.

§ 13.24.100 PROPERTY OWNERS' ASSOCIATION.

A. A property owners' association that is compulsory and nonrevocable shall be established by recordation of the following, at the same time the final plat is recorded:

1. Articles of incorporation of the association;
2. Declaration of covenants, conditions and restrictions;
3. By-laws of the association, to include provision for maintenance of common open space.

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, ~~as approved by the Planning Commission~~, must ~~have the approval of the~~ [be provided to the Department](#) ~~Planning Commission~~ prior to completion of the amendment or modification.

2. All improvements approved by the city shall be maintained throughout the life of the condominium.

3. The association shall be responsible for the maintenance of all facilities in private vehicular accessways whenever the facilities are not maintained by a public utility agency.

4. A statement that, in the case of a public nuisance or emergency, any emergency vehicle or personnel may enter the property to abate the nuisance or respond to the emergency.

5. A provision that an individual owner cannot avoid liability for his or her prorated share of the expenses for the common area by renouncing his or her rights in the common area, except as provided for by law.

6. The city shall have the power to enforce the maintenance provisions of the property owners' association if the property owners' association fails to do so, and shall have the right to recover all costs incurred by the city.

1. The by-laws, rules and regulations, as amended, shall be reduced to writing and be available to every owner of any interest in the horizontal property regime.

§ 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~~ [Planning Commission](#) shall record a horizontal property regime as provided for by law.

B. *Management by Council of Co-Owners—rules and regulations.*

1. The Council of Co-Owners shall be required to make provisions for maintenance of common elements, limited common elements where applicable, assessment of expenses, payment of losses, division of profits, disposition of hazard insurance proceeds, and similar matters, and shall be required to adopt by-laws, rules, and regulations.

§ 13.24.120 CONVERSION TO CONDOMINIUM.

In addition to any other applicable requirements, condominium conversion projects shall comply with the following:

A. All existing units proposed for conversion to condominiums shall be subject to a pre-conversion inspection and a post-conversion inspection. These inspections shall be performed by the city to ensure compliance with all current codes and ordinances. The developer shall agree to provide access to all buildings and shall pay an inspection fee established pursuant to the provisions of Chapter 3.20.

B. All existing buildings shall comply with all codes and ordinances, current at the time of conversion.

C. All existing developments proposed for conversion to condominiums shall meet all requirements and standards as set forth in this chapter.

CHAPTER 13.28: LOT TIES, LOT ALTERATIONS AND LOT SPLITS

§ 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.

§ 13.28.020 GENERAL REQUIREMENTS.

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 or lot tie shall schedule a preapplication conference with the ~~Department Zoning Director~~ 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 to the Department 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 ~~Department Director~~ shall transmit application materials to appropriate review agencies and staff departments.
- D. **Planning and zoning review.** The Zoning Administrator shall have the authority to approve, conditionally approve or deny all applications for lot splits, lot adjustments, and lot combinations basing the decision on the criteria set forth in this chapter. The Zoning Administrator, after reviewing an application, may impose such reasonable conditions as deemed necessary to carry out the purpose and intent of this chapter.
- E. **Notice of action.** A notice of decision by the Zoning Administrator shall be mailed to the applicant for lot alterations and lot combinations. The decision of the Zoning Administrator is effective as 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 notice shall contain 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, and information concerning how an appeal of the Zoning Administrator's decision may be requested.
- F. **Appeal to the Planning Commission.** An applicant or owner of 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 within 7 days of the date of the decision of the Zoning Administrator as indicated by the notice of decision. All appeals shall be submitted in writing to the Zoning Administrator including a statement of the grounds for the appeal together with an appeal fee set by resolution of the City Council.

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, and action by the Planning Commission is final.

§ 13.28.040 REVIEW CRITERIA.

A parcel plat for a proposed lot split or lot tie shall not be approved unless:

- A. The lot split or lot tie does not require the creation of a road or street;
- B. The lot split or lot tie complies with all applicable zoning district and General Plan standards;
- C. The lot split or lot tie is 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 immediately surrounding area;
- F. In residential zoning districts, accessory structures constructed on lots enlarged by combination under the provisions of this section 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 is being partitioned 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 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.

CHAPTER 13.32: VARIANCES

§ 13.32.010 VARIANCES.

Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve exception to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. The granting of the exception will not be detrimental to the public safety, health, or welfare or injurious to other property;
- B. The conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; and
- D. The exception will not in any manner vary the provisions of the Zoning Ordinance, approved Specific Plan, or the General Plan.

CHAPTER 13.36: ENFORCEMENT

§ 13.36.010 ENFORCEMENT, VIOLATIONS AND PENALTIES.

A. General.

1. It shall be the duty of the ~~Development Services~~ 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, Planning Commission and City Council~~, in accordance with the provisions of these regulations, and recorded with the Mohave County Recorder.
3. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of these regulations. In the event a building permit is issued and it is later learned that the lot or parcel was created in violation of these regulations, the city may declare a moratorium on construction and require compliance with these regulations and take whatever steps necessary to insure compliance and revoke said building permit.

B. *Violations and Penalties.* Any person, firm or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000 or by imprisonment in the Mohave County Jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any part thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein described. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations and provisions of the chapter.

C. *Civil Enforcement.* Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premise, and these remedies shall be in addition to the penalties described above.

