

CHAPTER 7 - SUBDIVISION REGULATIONS

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ARTICLE 7-1 ADMINISTRATIVE AND GENERAL PROVISIONS

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7-1-1 Authority

- A. Statutory Provisions: Provisions of this Title are supplemental to those of Arizona Revised Statutes, Section 9-463 et seq., as amended, as the same now exists or may hereafter be amended.
- B. Land Subject To Provisions: Any land in the incorporated territory of the City coming within the definition of a subdivision as herein set forth shall be subject to all of the provisions of this Title.
- C. Intent: The intent of these regulations is to provide for the orderly growth and harmonious development of the City, to secure adequate traffic circulation through properties having optimum utility and livability; to secure adequate provisions for water supply and distribution, drainage and flood control, sanitary sewerage and other health requirements; to ensure and facilitate provision of sites for schools, recreation and other public purposes; to promote conveyance of land by accurate legal description; and to establish procedures which will achieve these intents on a basis of mutual understanding and equitable relationships between public and private interests.

7-1-2 Definitions

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ASPHALT: A material made from bituminous materials and aggregates. See specifications in office of Public Works Director.

ATTORNEY: The City Attorney for the City of Holbrook.

COMMISSION: The Planning and Zoning Commission of the City of Holbrook.

CONCRETE: A material made from Portland cement and natural or manufactured aggregate. See specifications in the office of the Public Works Director.

EASEMENT: A grant by the owner for the use of land for specific conditions, uses and purposes.

50-YEAR FLOOD: A flood that has a two percent (2%) chance of occurring during any one year, based upon criteria established by the Arizona Department of Water Resources. All hydrologic design shall be in conformance with the current Arizona Department of Transportation hydrologic design procedures.

HEALTH OFFICER: The Health Officer of Navajo County.

IMPROVEMENT: Such street work, sidewalks, utilities and flood-control devices on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the residents in the subdivision and local neighborhood traffic and drainage needs.

PERSON: Any of the following, either single or combinations thereof, of individuals, firms, copartnerships, joint ventures, associations, clubs, social clubs, fraternal organizations, corporations, estates or trusts.

PUBLIC SALE: That point in the transfer or exchange of property at which time title is transferred or upon close of escrow.

PUBLIC WORKS DEPARTMENT: The Public Works Department of the City of Holbrook.

PUBLIC WORKS DIRECTOR: An employee of the City authorized to direct the Public Works Department.

RECORDER: The Recorder of Navajo County.

RESUBDIVISION: The division, or the change in boundaries which have been previously fixed by a recorded subdivision map, of tracts or parcels, resulting in six (6) or more additional lots, tracts of parcels.

SERVICE AREA: An area provided for in the subdivision design at the rear of retail, commercial or multi-family dwelling uses of sufficient size and accessibility to facilitate the provision of necessary services.

STREETS AND ROADS:

- A. Alley: A secondary means of access to property located at the rear or side of property.
- B. Arterial Highways: Rural routes of County-wide importance, spaced at intervals consistent with population density, to collect traffic from local roads and bring all developed rural areas within a reasonable distance of a higher level of service than the local roads. Additional arterial roads may provide direct service to the communities not directly served by the freeway and major highway systems and to other locally important traffic generators.
- C. Cul-De-Sac: A local street open at one end with only special provisions for turning around, and the further extension of which is precluded by the subdivision design.
- D. Expressway: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.
- E. Freeway: Those roads and streets with full control access and which serve corridors of major traffic flow not already served by the interstate freeways.
- F. Highway: A right of way designated for vehicular traffic, including expressway, freeway, road or street.
- G. Highway, Belt: An arterial highway for carrying traffic partially or entirely around an urban area or portion thereof for which the minimum right-of-way width shall be one hundred ten feet (110').
- H. Highway, Divided: A highway with separated roadways for traffic in opposite directions.
- I. Right of Way: A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to a highway, road, street, alley or utility drainage.
- J. Roads, Local: Roads primarily for access to abutting lands, such as farms, rural subdivisions or other low intensity purposes.
- K. Roadside Strip: The area adjoining the outer edge of the roadway or street and extending to the right-of-way line, and in which sidewalks, approved plantings, approved utility structures and bank slopes may be located.
- L. Roadway: The portion of a street or highway, including shoulders and auxiliary lanes, for vehicular travel.

- M. Street Or Road, Frontage: A local street or road auxiliary to and located on the side of an expressway, freeway, major highway or secondary highway for service to abutting property and adjacent area for access control.
- N. Streets, Collector: Those streets which provide for traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property. The spacing for collector streets is approximately one-half (½) mile, and they may also serve secondary traffic generators, such as schools, parks and apartment areas with high population density.
- O. Streets, Commercial: Access streets serving substantial traffic volumes on relatively short trips in areas where land use is primarily retail sales or offices. These streets will normally be constructed with highly developed illumination and drainage and provisions for parking and pedestrian movements.
- P. Streets, Commercial, Major: A street serving property intended for commercial use and carrying through traffic.
- Q. Streets, Dead-End: A local street open at one end only, with temporary special provisions for turning around and which may be further extended into adjoining property.
- R. Streets, Industrial: Access streets serving substantial traffic volumes and particularly high proportions of commercial vehicles on areas where land use is predominantly industrial, wholesale trade and goods movement.
- S. Streets, Industrial, Major: Streets serving property intended for industrial use and carrying through traffic.
- T. Streets, Local: Those streets providing direct access to commercial, industrial or other abutting land and for local traffic service to collector or major streets.
- U. Streets, Private: Streets serving only property within the subdivision, which is not dedicated to public use, and to which access by the public is controlled by the subdivision design and by either posting or gating.
- V. Streets, Residential: Other streets in municipalities. In general, these street provide access to residential property.
- W. Streets, Restricted: Short local streets where, due to unusual conditions as determined by the Planning and Zoning Commission and approved by the City Council, it is impractical to provide a wider right of way.

SUBDIVISION DEVELOPMENT PLAN: A simple drawing of the proposed subdivision showing streets, alleys, utility and drainage easements. Subdivisions will be shown in relation to

existing and planned streets within one thousand feet (1,000') of the subdivision prepared to scale.

SUBDIVISION (OR SUBDIVIDED LANDS): Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (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 two (2) parts.

"Subdivision" also includes any condominium, cooperative, community apartment, town house or similar project containing four (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 such 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. "Subdivision" does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- C. The leasing of apartments, offices, stores or similar space within a building or trailer park, not to mineral, oil or gas leases.

UTILITIES: The installation of facilities, furnished for the use of the public: electricity, gas, sewer, water, fire hydrants, steam, telephone, cable television or other facilities, owned and operated by any person, firm, corporation, municipal department or board duly authorized by State or municipal regulations.

VICINITY MAPS: A simple drawing of the subdivision showing its location in relation to established City, County, State or interstate highway drawn to legible scale.

7-1-3 Duties of Planning and Zoning Commission

- A. Specified: The Planning and Zoning Commission shall make investigations and reports on the design and improvement of proposed subdivisions, and, subject to the provisions of the Chapter, shall recommend to the City Council proposed maps of subdivisions prepared and filed according to this Chapter, to designate the kinds, nature and extent of the improvements to be installed in subdivisions and shall report directly to the subdivider or owner, the action taken on the tentative maps. The Planning and Zoning Commission shall then recommend its action to the City Council, who shall give its final recommendation of the preliminary subdivision plat.

- B. Advisors: There are professionals to act in an advisory capacity to the Planning and Zoning Commission, and such advisors may consist of the following members: a registered professional engineer as situations may require, City Public Works director, County public health officials, County Assessor, City Attorney and other agencies and authorities or other professional advisors as may be necessary. The advisors shall meet as the matter to be considered by each may be required.

7-1-4 Appeals and Variance

In cases of appeal or variances, the Planning and Zoning Commission shall:

- A. Scope: Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, grant or refusal made by the any official in the administration of this Title.
- B. Filing, Hearing: Appeals shall be made in writing and filed with the Planning and Zoning Commission setting forth the particulars and the reason for the appeal. Hearing on such cases shall be at such time as set by the Planning and Zoning Commission, and upon not less than fifteen (15) days or more than thirty (30) days' notice to the applicant and officials concerned.
- C. Decision: Hear, approve, disapprove or approve with modifications, upon appeal, or upon recommendation of the hearing officer in specific cases, such variance from the terms of these regulations as will not be contrary to the public interest.
- D. Conditions: In granting a variance, the Planning and Zoning Commission may attach thereto such conditions regarding the development of the subdivision as it may deem desirable in the interest and furtherance of the purpose of this Chapter.
- E. Findings: In order for the property to come within the provisions of this Section, it shall be necessary that the Planning and Zoning Commission find the following facts with respect thereto:
 - 1. That there are special circumstances or conditions affecting said property;
 - 2. That the modification is necessary for the preservation and enjoyment of a substantial property right;
 - 3. The granting of the modification will not be detrimental to the public welfare or injurious to other property in the vicinity;

4. No grant or variance shall be authorized unless the Planning and Zoning Commission specifically finds that the condition or situation for which the variance is sought is not so typical or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
- F. Presence At Meeting: The subdivider or his agent and his engineer shall be present at the meeting. The subdivider's engineer may act as his agent.
 - G. Appeal To Council: An appellant may further appeal a decision or any conditions thereto, as rendered by the Planning and Zoning Commission to the City Council for the same reasons and in like manner as prescribed in subsection A of the Section.

ARTICLE 7-2 STANDARDS OF DESIGN

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- 7-2-2 Street Design
- 7-2-3 Curb and Gutter Requirements
- 7-2-4 Street and Highway Widths
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7-2-1 Conformance

- A. Generally: All subdivisions shall conform to the following standards of subdivision design, except in those cases where the Planning and Zoning Commission determines that the size or shape of the land, topographical conditions or proposes land use make compliance therewith impractical. Upon such determination, the Planning and Zoning Commission must make the further

findings required in Article 7-1-4(E) of this Chapter before any variation from these standards of subdivision design will be allowed.

- B. General Plan: All subdivision plans shall conform to the requirement of any plan adopted by the City as a general plan, land use plan, or element thereof, and to all other requirements established by law, this Code or ordinance.

7-2-2 Street Design

A. General:

1. Alignment To Existing Streets: The street system in the proposed subdivision shall relate in alignment to the existing streets in the area adjoining the subdivision.
2. Consideration To Future Subdivision: The proposed street plan shall give consideration to the future subdivision of adjoining unsubdivided property.
3. Serve Proposed Use Of Abutting Land: All streets shall be designed to serve the proposed use of the land abutting them.
4. Improvements: If a subdivision borders on a street, the subdivider shall be required to improve the streets in accordance with the requirements of the Public Works Department and the guide for improvement of subdivision perimeter streets.

B. Special:

1. Access Along Major Highways: Along expressways and major highways, access to private property shall be provided by means of one or more of the following:
 - a. Frontage road;
 - b. Street separated from the expressway or major highway by a tier of lots or by;
 - c. Cul-de-sac streets entered from a street other than the expressway or major highway.
2. Design Provisions: Design of streets shall make provision for railroads, parkways, expressways, grade separations, flood control channels, irrigation facilities and hillside property.

- C. Private: Private streets may be platted with the concurrence of the City Council and the Planning and Zoning Commission under the following conditions:
1. Satisfactory Easements: That easements satisfactory for meeting established minimum standards of design and construction are provided;
 2. Maintenance: That provision, satisfactory to the Public Works Department, is made for maintenance of streets;
 3. Access: That adequate provision is made for access of emergency vehicles, utility vehicles and vehicles providing service such as garbage and trash pickup;
 4. Declaration Of Responsibility: That clear statements be contained in both deed restrictions and homeowner's association bylaws that those streets be declared private and remain the permanent responsibility of the homeowner's association and be so posted;
 5. Public Health And Welfare Maintained: That the health, safety, and welfare of the public will not be impaired thereby.

7-2-3 Curb And Gutter Requirements

The requirement for schedule A (See Article 7-6 of this Chapter) subdivision improvement standards for curbs and gutters within a proposed urban residential subdivision may be waived when the subdivision meets the following criteria:

- A. Grade: The subdivision road grade shall not be more than three percent (3%).
- B. Flood Water: The design of the subdivision will preclude the flow of flood water on the roadways.
- C. Pavement Border: A pavement border as per the Standards, Maricopa Association of Governments, or such treatment as may be approved by the Public Works Department.

7-2-4 Street And Highway Widths

The minimum right of way for residential and secondary street shall be as follows:

- A. Area Service Highway: A highway so designated on the General Plan for which the minimum right-of-way width shall be one hundred feet (100');

- B. Collector Street, High Volume: The minimum right-of-way width shall be eighty feet (80');
- C. Collector Street, Residential: The minimum right-of-way width shall be sixty (60) or more feet as approved by the Planning and Zoning Commission;
- D. Cul-De-Sac Streets: Shall not serve more than twenty (20) lots, or be longer than three hundred feet (300'); roads shall be at least fifty feet (50') wide and with a minimum of one hundred feet (100') turnarounds;
- E. Major Commercial Streets: Shall have a minimum right-of-way width of one hundred feet (100') to provide for four (4) 12-foot traffic lanes, two (2) 8-foot parking lanes, one 16-foot center separation for turning lanes and two (2) 10-foot roadside stripes;
- F. Residential Streets: Shall have a minimum right of way of fifty feet (50') when no utilities are being installed in the right of way. Where utilities are being installed with the road right of way, the minimum width shall be increased to sixty feet (60').

7-2-5 Frontage Roads

The minimum right of way where frontage roads are involved shall be as follows:

- A. Residential And Agricultural Uses: Roads serving residential and agricultural uses; an additional forty feet (40');
- B. Other Uses: Roads serving all other uses; and additional sixty feet (60').

7-2-6 Street Grades

- A. Maximum: Street grades between six percent (6%) and ten percent (10%) will be approved only for such distances as topographical conditions make lesser grades impractical. A grade exceeding ten percent (10%) will be approved only when conclusive evidence show that a lesser grade is impractical.
- B. Minimum: The minimum street grade should not be less that two-tenths of one percent (0.2%).
- C. Flat Grades: Flat grades may be considered when adjacent lots or blocks are designed for ponding storm water.
- D. Approval Required: All grades shall be approved by the Public Works Director.

7-2-7 Street Alignment

- A. Curves: Curves in residential streets in comparatively level locations shall have a preferred center line radius of three hundred feet (300'), a minimum center line radius of two hundred feet (200') and in steep hillside locations a minimum radius of one hundred fifty feet (150'). All other streets and highways shall have a minimum center line radius of one thousand feet (1,000').
- B. Jogs: Streets jogs of less than one hundred fifty feet (150') shall not be permitted.

7-2-8 Intersections

- A. Connections: All street connections shall be at approximate right angles.
- B. Corners: Street corners shall provide for a minimum twenty five foot (25') foot curb radius with the property line corner radii designed so as not to reduce the widths of the roadside strips.

7-2-9 Alleys

- A. Width: Where alleys are not required by this Code, but are provided for in the subdivision design at the rear of lots back to back, they shall be twenty feet (20') wide and improved.
- B. Intersections: Alley intersections shall have corner cut-backs of not less than ten feet (10').
- C. Cul-De-Sacs: Cul-de-sac alleys shall have a turn around at least forty five feet (45') in diameter. Dead-end alleys are not permitted.
- D. Paved Service Areas: Paved service areas may be substituted for alleys at the rear of lots intended for retail business. Service areas used for refuse collection shall be adequately concealed.

7-2-10 Pedestrian Ways

Paved pedestrian ways six feet (6') wide shall be provided approximately midway across blocks over one thousand two hundred feet (1,200') in length or where deemed by the Planning and Zoning Commission to be necessary for public safety and convenience.

7-2-11 Blocks

Blocks shall not be more than one thousand five hundred feet (1,500') in length unless

deemed necessary for public safety and convenience.

7-2-12 Lots Divided by Boundary Line

- A. Through Lots: Through lots are not desirable.
- B. Prohibited: No lot shall be divided by a city, county, school district or other taxing agency boundary line.
- C. Lot Depth-To-Width Ratio: The depth-to-width ratio of the useable area of lots of less than one acre should not be greater than three to one (3:1).

7-2-13 Public Service Installations

- A. Line Location: Public service lines, to include electrical, telephone and cable TV facilities, shall be located in accordance with the provisions of the Arizona Corporation Commission Order U-48, at the front of lots or side lines of lots as necessary, in alleys or easements provided for that purpose; unless requested differently by the public utility company.
- B. Within Right Of Way: Electric or telephone service may be located within the road right of way, provided they are installed underground and all transformers, pedestals, etc., extending above the ground be located behind the right of way.
- C. Lot Lines: Lot lines shall be so designated that easements will be located in practical locations and will be suitable for the proposed use.
- D. Street Lights: Street lights shall be required in high density commercial or residential areas.

7-2-14 Dangerous Areas

- A. Restrictions: Areas which by reasons of geological or topographical conditions, unstable surface conditions, ground water or seepage conditions, hazard of flood inundations, erosion or any other condition deemed by the Planning and Zoning Commission to be dangerous or to create unsatisfactory living conditions, shall not be subdivided except under restrictions as to the use of all or any part thereof as approved by the Planning and Zoning Commission.
- B. Water Control; Basis: Design for the control of waters falling on a subdivision and storm waters crossing a subdivision shall be based on a storm generating a 50-year flood.

7-2-15 Property Exclusions

- A. When Required: Portions of an adjacent property within the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for dedications or improvement of any traffic, drainage or flood control facility, utility or other access use.
- B. Size And Shape Conformance: Portions of property within the ownership of the subdivider, but not included within the boundaries of a subdivision, shall be of such size and shape as to conform to the provisions of this Chapter or any element of a general plan.

7-2-16 Permanent Access

- A. Minimum: No subdivision shall be recorded unless two (2) permanent, public access streets, or more as deemed necessary by the Planning and Zoning Commission, are provided from the subdivision to a city, county, State or Federally-maintained road. Public access means a dedication to the County or a permanent written easement from the State or Federal governments.
- B. Dedication; Approval: Roads dedicated to the City for the purpose of providing access shall be approved by the Public Works Director prior to recording and final approval by the City Council.

7-2-17 Flood Control Facilities

- A. Design: Flood control facilities including flood channels, flood easements and storm drains will be designed to provide adequate protection against a 50-year flood and shall be approved by the Public Works Director.
- B. Streets; Highways: Streets and highways shall not be used as flood channels.

7-2-18 Protective Fence

- A. Types Approved: Protective fence for subdivisions shall be a chainlink galvanized wire fence, masonry wall or a protective wall or fence or other acceptable materials along any canal, drain, highway or other feature deemed by the Planning and Zoning Commission or Public Works Director to be hazardous to the occupants of the subdivision.
- B. Abutting Specific Lands: All subdivisions abutting forest land, government land, range land or as required by the Public Works Department shall be fenced.
- C. Cattle Guards: Steel and concrete cattle guards shall be placed on all fence lines at all access roads entering the subdivision from an opened or free area, as

specified in subsection B of this Section.

7-2-19 Monuments

All subdivision monuments and stakes shall be in place at the conclusion of subdivision improvement work.

ARTICLE 7-3 TENTATIVE MAPS

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- 7-3-2 Submittal
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- 7-3-4 Map Checking Fee
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- 7-3-11 Time Limits for Action
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- 7-3-13 Refiling Following Disapproval

7-3-1 Preliminary Steps

- A. Consultation: In order to avoid unnecessary and costly revision, the subdivider or his engineer is urged to consult early and informally with the Planning and Zoning Commission, the Public Works Department and the County Health Department for advice and assistance before the preparation of the preliminary plat and formal application for its approval. This will enable him to become thoroughly familiar with various requirements and any regulations which might affect the area.
- B. Tentative Map: The initial action in the development of a subdivision located in the incorporated territory of the City shall be in the preparation of a tentative map.
 - 1. The size of the tentative maps shall be twenty four by thirty six inches (24 x 36") and shall be drawn to a fifty (50), one hundred (100) or two hundred foot (200') to the inch scale, whichever is most appropriate to clearly present necessary details.
 - 2. The tentative map or maps shall show or be accompanied by such data as

are specified in Sections 7-3-5 through 7-3-8 of this Chapter.

7-3-2 Submittal

- A. Filing; Distribution: The subdivider shall file ten (10) copies of the preliminary map or maps, along with the map checking fee, in the office of the City Clerk. The City Clerk shall cause to be transmitted copies of the preliminary plat to the Planning and Zoning Commission, Public Works Department, the County Health Department and all interested utilities. The officials shall review the plat for matters within their jurisdiction and promptly report their recommendations to the Planning and Zoning Commission, who shall check the plat for conformity to this Chapter.

- B. Date: The date of filing will be a minimum of ten (10) days prior to the date the subdivider desires a formal hearing by the Planning and Zoning Commission.

7-3-3 Date of Filing Fixed

The date of filing a preliminary map shall be fixed as the date on which all of the maps and information required by this Chapter have been filed, as determined by the staff, and the required fees have been paid.

7-3-4 Map Checking Fee

The tentative map shall be accompanied by a map checking fee. The map checking fee shall be shown on a separate fee schedule as determined by the City Council.

7-3-5 Identity of Subdivider

When submitting the tentative map, the subdivider shall certify in writing to one of the following:

- A. That he is the record owner of the property;

- B. That the identified record owner of the property consents in writing to the filing of the map.

7-3-6 Information Required

The following information shall be delineated on the tentative map, except those items determined by the staff as not being pertinent to a particular tract:

- A. Title of map and legal description of property.

- B. Name and address of owner and subdivider.
- C. Name and address of person preparing map.
- D. Approximate acreage and overall dimensions.
- E. North point, scale and date.
- F. Subdivision boundary line and vicinity map.
- G. Names, book and page number of adjoining subdivisions.
- H. Names, locations and widths of adjacent streets.
- I. Identifying landmarks and existing structures, both above and below and around.
- J. Proposed names, locations and widths of streets.
- K. Approximate grades of proposed and existing streets.
- L. Streets and rights of way providing permanent access to the property.
- M. Excavations within two hundred feet (200') of the subdivision.
- N. Approximate radii of curves.
- O. Widths of alleys and easements.
- P. Names and address of utility companies and locations of existing and proposed public utilities.
- Q. Elevations of sewer at proposed main connections.
- R. Existing culverts and drain pipes.
- S. Watercourses and channels including proposed facilities for control of storm waters.
- T. Land subject to overflow and inundations for flood hazard.
- U. Railroads and other rights of way.
- V. Lands and parks to be dedicated to public use.
- W. Dimension of reservations.

- X. Proposed lot lines and approximate dimensions.
- Y. Adjoining property and lot lines.
- Z. Contours with maximum interval as follows:

| <u>Slope</u> | <u>Interval</u> |
|--------------|-----------------|
| 0 - 2% | 1' |
| 3 - 9% | 2' |
| 10% Plus | 5' |

- AA. Existing use of property immediately surrounding tract.
- BB. Source of water supply, size and location of water lines.
- CC. Method of sewage disposal.
- DD. Method of fire protection.

7-3-7 Supplemental Information

Reports and written statements on the following matters shall accompany the tentative map:

- A. Development Plan: Subdivision development plan when the subdivision is larger than forty (40) acres or is developed in phases.
- B. Water Service And System: A written statement from the Navajo County Health Officer stating that:
 - 1. A water company under permit has agreed in writing to serve all lots in the subdivision; or
 - 2. The subdivider has an acceptable well and water delivery system.
- C. Solid Waste Disposal And Sewage: A written statement from the Navajo County Health Officer stating the type of solid waste disposal and sewage disposal that will be permitted. To aid in this determination, the Health Officer will require soil percolation tests or other pertinent information. If sanitary sewer facilities and a sewage disposal plant are proposed, the method by which the operation and maintenance will be accomplished and financed.
- D. Street Improvement: Type of street improvement.

- E. Utilities: Utilities to be installed.
- F. Storm Water Control: Proposed method of control of storm water, including data as to grade and dimension.
- G. Covenants: Protective covenants proposed to be recorded.
- H. Private Street Maintenance: If private streets or other ways of necessity are proposed, the method by which their maintenance will be accomplished and financed.
- I. Tree Planting: Proposed tree planting if within public rights of way.
- J. Wells; Statement: Where the minimum lot size of all lots is in excess of two and one-half (2 1/2) net acres in area, the subdivider shall not be required to have a water company under permit or to furnish water to each lot, but shall furnish a statement of quantity and quality of any wells existing on the property or the estimated cost and feasibility of drilling wells if none exist.
- K. Engineer Certification: The name and address of the professional engineer who will provide the certification of completed improvements and inspection pursuant to Section 7-6-4 and subsection 7-6-9(B) of this Title.
- L. Other Required Information: Such other supplemental information as the Planning and Zoning Commission may require.

7-3-8 Boundary Survey

- A. Required: A boundary survey of the subdivision including all courses and distances necessary to compute a closure on the preliminary plat.
- B. Data: Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines and records.

7-3-9 Corner Stakes

Upon filing a tentative map, the subdivider shall immediately place a conspicuous stake and flag at each corner, angle point to curve point of the property proposed to be subdivided. Said stake shall extend at least three feet (3') above the ground, except where the corner is on a roadway.

7-3-10 Planning And Zoning Commission Action

Within sixty days (60) after the date of filing, the Planning and Zoning Commission shall approve, conditionally approve or disapprove said map and the action of the Planning and Zoning Commission shall be noted on two (2) copies of the tentative plat. Conditions resulting in conditional approval or disapproval will be noted and referenced. One copy shall be returned to the subdivider and the other retained for the Planning and Zoning Commission's records.

7-3-11 Time Limits For Action

The time limits for acting and reporting on tentative maps as specified in this Chapter may be extended by mutual consent of the subdivider and the City Council or Planning and Zoning Commission as the case may be. If no action is taken within these time limits, the tentative maps as filed shall be deemed to be approved and it shall be the duty of the Planning and Zoning Commission to certify the approval.

7-3-12 Resubdivision; Tentative Map Required

A tentative map showing data and information required by this Chapter shall be required when the resubdivision of lots, tracts or parcels previously recorded as a subdivision or portion of a subdivision resulting in four (4) or more additional lots, tracts or parcels.

7-3-13 Refiling Following Disapproval

In the event that a tentative map is disapproved by the Planning and Zoning Commission, a new tentative map of the same area or portion thereof may be filed within six (6) months of the date of disapproval. A refiling after six (6) months shall be treated as a new submission.

ARTICLE 7-4 FINAL MAPS

- 7-4-1 Preparation
- 7-4-2 Conformance to Standards of Design
- 7-4-3 Street Names
- 7-4-4 Map Requirements
- 7-4-5 Data Required
- 7-4-6 Center Lines and Boundaries
- 7-4-7 Lot Description and Identification
- 7-4-8 Filing; Accompanying Documents
- 7-4-9 Checking by City Staff
- 7-4-10 Certificates and Acknowledgments
- 7-4-11 Extension of Time
- 7-4-12 Resubdivision Map
- 7-4-13 Reversion to Acreage Map
- 7-4-14 Approval

7-4-1 Preparation

- A. Compliance With Tentative Map: After approval of a tentative map by the Planning and Zoning Commission, the subdivider may, within one year, cause a final map of the subdivision or any part thereof to be prepared in accordance with a completed survey of the subdivision and in compliance with the approved tentative map within the provisions of this Chapter.
- B. Monuments: The survey and final map shall be made by a registered civil engineer or licensed land surveyor who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by the Public Works Department.

7-4-2 Conformance to Standards of Design

The final map shall conform in all respects to the standard of design set forth in Article 2 of this Chapter, unless any nonconformance has been specifically shown on the approved tentative map and approved in the conditions of approval attached.

7-4-3 Street Names

Streets shown on the final map shall be named as approved by the Planning and Zoning Commission and the City Council.

7-4-4 Map Requirements

- A. Scale: The final map shall be clearly and legibly delineated upon tracing material of acceptable quality. All lines, letters, figures, dedications, certificates, acknowledgments and signatures shall be made in black, waterproof India ink or equal. The net size of each sheet shall be twenty four by thirty six inches (24 x 36"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one-half inch (1/2"), except the left margin which shall be two inches (2"). The scale of the map shall be large enough to show all details of the subdivision or part thereof to be recorded and enough sheets shall be used to accomplish this end.
- B. Numbering Sheets: If more than one sheet is required, each sheet shall be numbered, the relation of one sheet to another clearly shown and the number of sheets shall be set forth on each sheet.
- C. Scale, North Point, Sheet Number: The scale, north point, and sheet number shall be shown on each sheet of the final map. The scale shall be fifty (50), one hundred (100) or two hundred feet (200') to the inch.

- D. Map Notes: A statement labeled "Map Notes" shall be shown on one sheet of the final map. Such statements shall include the basis of bearings, what monuments were found, what monuments and points were set, a key to symbols and abbreviations and such other information deemed to be necessary.
- E. Surveys: Surveys made in preparation of final maps shall be made in accordance with standard practices and principles of surveying. A traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot (1') twenty five thousand feet (25,000').

7-4-5 Data Required

The following additional data shall be shown on each final map:

- A. Dates: Dates of survey and preparation of map.
- B. Street Names and Locations: Locations and names, without abbreviations, of all proposed streets and alleys; proposed public areas and easements; adjoining streets.
- C. Lot Dimension: Dimensions of all lots; lots containing one acre or more shall show net acreage to the nearest hundredth of an acre. Ditto marks shall not be used.
- D. Street Lines And Lengths: Center lines of all streets and lengths, tangent radius and central angle or radial bearings of all curves; and the bearings of radial lines to each lot corner of a curve; the width of each street, the width of the portion being dedicated and the width of existing dedication.
- E. Line Bearing And Length: Sufficient data to determine readily the bearing and length of each line.
- F. Survey Control Points: Suitable primary survey control points.
- G. Adjacent Subdivision Ties: Ties to and recording references to adjacent subdivisions and section corners, or two (2) known monuments as appropriate.
- H. Easement Data: Center line data, width and side lines of all easements to which the subdivision is subject. Distances and bearings on the side lines of lots which are cut by an easement shall be shown as to indicate clearly the actual lengths of the lot's lines. The width of the easements and the lengths and bearings of the lines thereof and sufficient ties to locate the easements definitely with respect to the subdivision shall be shown. The easement shall be clearly

labeled and identified and, if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the certification of dedication. Easements shall be shown on the map by broken lines.

- I. Boundary Evidence: Clear indication of stakes, monuments or other evidence on the ground to determine the boundaries of the subdivision.

7-4-6 Center Lines And Boundaries

Wherever the surveyor has established the center line of a street or alley, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated. The, final map shall show City and County boundaries adjoining the subdivision.

7-4-7 Lot Description And Identification

- A. Numbering: Lots shall be numbered consecutively on each final plat with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots use for streets, alleys or recreational purposes shall be lettered.
- B. Corner Marking: All lot corners shall be marked with pipe or iron rods and marked with the engineer's or surveyor's number before recording of final plat; minimum: pipe one-half inch (1/2") ID x fifteen inches (15"), deformed rod one-half inch (1/2") x fifteen inches (15").

7-4-8 Filing; Accompanying Documents

Two (2) mylar copies of the final map shall be filed for checking in the office of the City Clerk and shall be accompanied by the following:

- A. Distribution: Five (5) positive prints thereof, which shall be distributed as follows:
 - 1. Two (2) to the Planning and Zoning Commission;
 - 2. Two (2) to the Public Works Department; and
 - 3. One to the County Health Officer.
 - 4. Water and sewer designs, where applicable, will be submitted to the Arizona Department of Environmental Quality (ADEQ).
- B. Improvement Plans And Specifications: Plans and specifications of the proposed improvements, including street, sewer, electric and water utilities,

drainage, flood control and improvements meeting adopted City construction standards and specifications.

- C. Covenants: A copy of the protective covenants to be recorded. Said covenants shall provide for the raising and expenditure of funds necessary for the maintenance of any private streets shown on the map.
- D. Water Distribution System. Two (2) mylar copies and three (3) positive prints of a map showing the proposed water distribution system, signed by the Public Works Director. The distribution system shall comply with all applicable State and County regulations.

7-4-9 Checking by City Staff

After issuance of a receipt for the final map and accompanying supplemental data, the staff will examine it as to sufficiency of affidavits and acknowledgments, correctness of surveying date, mathematical data and computations and such other matters as require checking to ensure compliance with the provisions of this Chapter.

7-4-10 Certificates And Acknowledgments

The final map shall show all certificates and acknowledgments. They shall appear on the final map, or they may be combined on a separate linen of the same size on the final map.

7-4-11 Extension of Time

- A. Authority; Appeal: Upon application by the subdivider, an extension for submission of the final map of up to one year may be granted by the Planning and Zoning Commission. In the event the Planning and Zoning Commission denies a subdivider's application for extension, the subdivider may appeal to the City Council.
- B. Recording Time Limit: Failure to record a final map within one year from the approval or conditional approval of the tentative map, or any extension of approval of the final map granted by the City Council or Planning and Zoning Commission, shall terminate all proceedings. The City Council or Planning and Zoning Commission may approve an additional extension of time for recording the final map if circumstances exist beyond the control of the subdivider.
- C. Application: Any application of a subdivider for such extension of time for the recording of a final map shall be made in writing to the Planning and Zoning Commission not less than thirty (30) days prior to the expiration of the one year allowed. All persons appearing as owners or authorized agents of the subdivision shall execute the request for extension.

7-4-12 Resubdivision Map

A final map showing data required by Article 7-4-5 of this Chapter shall be submitted when the resubdivision of lots, tracts or parcels previously recorded as a subdivision or portion of the subdivision results in four (4) or more additional tracts of parcels.

7-4-13 Reversion to Acreage Map

- A. Marking: Maps filed for the purpose of reverting subdivided lands to acreage shall be conspicuously marked under the number, "The Purpose of the Map is a Reversion to Acreage".
- B. Procedures; Certificates: Procedures and certificates for the purpose of reversion to acreage may be obtained from the Planning and Zoning Commission.

7-4-14 Approval

- A. Conditions: No record of survey or plat for record may be filed until all improvements are completed (see Section 7-6-9 of this Chapter) or a bond equal to their value has been posted with the City Clerk, or a trust agreement filed with a required completion upon sale of sixty percent (60%) of the lots or four (4) years, whichever shall occur first.
- B. Endorsement: When the final map is found to be in the correct form and the certificates and acknowledgments are sufficient, and the improvements certified as complete (see subsection A of this Section), the Planning and Zoning Commission shall endorse their approval and transmit it, together with the deed restrictions, to the City Council for their approval and recording.

ARTICLE 7-5 DEDICATIONS AND IMPROVEMENTS

- 7-5-1 Dedication
- 7-5-2 Improvement Standards
- 7-5-3 Improvement Plans
- 7-5-4 Evidence of Title
- 7-5-5 Construction and Inspection
- 7-5-6 Soil and Materials Tested
- 7-5-7 Protective Covenants and Restrictions

7-5-1 Dedication

- A. Offer: All streets, highways, alleys and parcels of land shown on the final map

and intended for any public use shall be offered for dedication. Such dedications shall be free of any and all encumbrances incurred subsequent to the date of the filing of the tentative map.

- B. Private Streets Indicated: The fact that any streets and ways are private shall be clearly indicated on the map.
- C. Special Easement Dedications: When in the opinion of the Planning and Zoning Commission the location of the proposed subdivision is such that a significant impact may develop between future residents of the subdivision and existing land uses in the vicinity, appropriate special easements dedicated to adjacent property owners may be required of the subdivider prior to recording of the final map.

7-5-2 Improvement Standards

All improvements shall be according to the subdivision improvement standards as established in Article 6 of this Chapter, except as provided herein.

7-5-3 Improvement Plans

- A. Required: All improvements made, constructed or installed in subdivisions shall be according to full and detailed plans and specifications as approved in writing by the Public Works Director prior to the commencement of said improvement work.
- B. Approval: Such plans and specifications as required by the Public Works department shall be submitted to and shall be approved by the Public Works Department before submitting the final map to the City Council.
- C. Applicability: This section shall include all work done in the subdivision whether such work is required by the City or is done at the option of the subdivider.
- D. Dead-End Streets: Plans for improvements of streets which temporarily dead end at the subdivision boundary shall include data sufficient to determine that the future extensions of such streets are feasible where necessary.

7-5-4 Evidence of Title

At the time the final map is filed in the office of the City Clerk, as provided in Section 7-4-8 of this Chapter, it shall be accompanied by the evidence of title, which shall be the form of a certificate of title, a preliminary title report or a policy of title insurance issued by a title company authorized by the laws of the State to write the same, showing the names of persons having any interest and any record title interest in the land to be subdivided, together with the

nature of their respective interests therein.

7-5-5 Construction And Inspection

All improvements in the public right of way shall be constructed under the general inspection and approval of the City. Primary responsibility for control of the quality of the improvements remains with the subdivider, and he shall, upon completion of the improvement, provide a certificate from a registered professional engineer that all work has been completed in accordance with approved plans and specifications as specified in Article 6 of this Chapter. It should not be expected that inspection by representatives of the City will in any way eliminate the need for regular inspection during the entire construction period by the subdivider's project engineer. The Public Works Department shall be notified at least three (3) working days prior to restart of construction.

7-5-6 Soil and Materials Tests

The Public Works Department shall have the right to enter upon the sites of improvements for the purpose of inspecting them and shall be furnished with soil and materials tests by a competent laboratory as may be required to determine the acceptability of such materials. The costs of these tests shall be borne by the subdivider.

7-5-7 Protective Covenants And Restrictions

A copy of the recorded protective covenants and restrictions will be provided for the Planning and Zoning Commission upon recordation of the final map.

ARTICLE 7-6 IMPROVEMENT STANDARDS

- 7-6-3 General
- 7-6-2 Lot Schedules
- 7-6-3 Acceptance of Streets and Roads
- 7-6-4 Domestic Water Supply
- 7-6-5 Fire Protection
- 7-6-6 Sewage Disposal
- 7-6-7 Flood Protection and Tract Drainage
- 7-6-8 Protective Fence
- 7-6-9 Subdivision Improvements
- 7-6-10 Construction Standards

7-6-1 General

- A. Improvements installed in subdivisions shall be constructed in full conformance to this Chapter and to the subdivision construction standards of the Maricopa Association of Governments.

- B. In the absence of a standard for an improvement proposed by the Public Works Department, the Department may establish a standard in keeping with good construction and engineering practice.

7-6-2 Lot Schedules

A. Schedule A; Less Than One Acre:

1. Streets: The minimum improvement for subdivision streets as required by Schedule A are hereby established when included in the proposed subdivision design at the option of the Planning and Zoning Commission and Public Works Department.
 - a. Collector street - residential areas with sixty feet (60') of right of way; concrete curbs and gutters with forty four feet (44') between curbs (two 12-foot lanes, two 10-foot lanes, asphalt paving).
 - b. Frontage street - or road with forty feet (40') of right of way; concrete curbs and gutters with twenty eight feet (28') between curbs (two 14-foot lanes), restricted parking or with thirty feet (30') between curbs, (two 11-foot lanes, one 8-foot lane); two feet (2') separation from highway right of way; asphalt pavement.
 - c. Major commercial street - with one hundred (100') of right of way: concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; asphalt pavement.
 - d. Residential streets - with fifty feet (50') of right of way: concrete curbs and gutters with thirty eight feet (38') to the back of the curbs (two 11-foot lanes, two 8-foot lanes); asphalt pavement.
 - e. Street name signs and traffic-control signs.
 - f. Barricade at end of dead-end street may be required.
2. Waiver: In the event the requirement for pavement, curb and gutter is waived by the Planning and Zoning Commission and the City Council, streets shall be installed to width and a material as approved by the Public Works Department.

B. Schedule B; One Acre or More, Less Than Two And One-Half:

1. Streets: The minimum improvements for subdivision streets as required by Schedule B are hereby established when included in proposed subdivision design, at the option of the Planning and Zoning Commission and the Public Works Department.
 - a. Collector street - residential area with sixty (60') or eighty feet (80') of right of way as approved by the Public Works Director, with concrete retainer curbs, thirty six feet (36') of asphalt pavement plus shoulder.
 - b. Frontage street or road with forty feet (40') of right of way; thirty two feet (32') of asphalt pavement; concrete retainer curb, two feet (2') separation from major highway right of way.
 - c. Major commercial street with one hundred feet (100') of right of way; concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; asphalt pavement.
 - d. Residential streets with fifty feet (50') of right of way; concrete retainer curbs twenty six feet (26') of asphalt pavement plus shoulders.
 - e. Street names signs and traffic-control signs.
 - f. Barricade at end of dead-end streets may be required.
2. Waiver: In the event the requirement of pavement, curbs and gutters is waived by the Planning and Zoning Commission and the City Council, streets shall be installed to a width and of a material as approved by the Public Works Department.

C. Schedule C; Lots More Than Two and One-Half Acres:

1. Streets: The minimum improvements and right of way for subdivision streets as required by Schedule C are hereby established as follows:
 - a. Collector street - residential area with sixty (60) or sixty six feet (66') of right of way as approved by the Public Works Director, concrete retainer curbs, twenty four feet (24') of asphalt pavement plus shoulders.
 - b. Frontage Street or road with forty feet (40') of right of way;

concrete retainer curbs; twenty four feet (24') of asphalt pavement; four foot(4') shoulders; two feet (2') separation from major highway right of way.

- c. Major commercial street with one hundred feet (100') of right of way, concrete curbs and gutters with eighty feet (80') between curbs (four 12-foot lanes, two 8-foot lanes, one 16-foot left turn lane); five foot (5') concrete sidewalks adjacent to curbs; concrete retainer curbs; asphalt pavement.
 - d. Residential streets with fifty feet (50') of right of way; concrete retainer curbs twenty four feet (24') of BST pavement plus shoulders.
 - e. Street names signs and traffic-control signs.
 - f. Barricade at the end of dead-end streets may be required.
2. Waiver: In the event the requirement for pavement, curbs and gutters is waived by the Planning and Zoning Commission and the City Council, streets shall be installed to a width and of a material as approved by the Public Works Department.

7-6-3 Acceptance of Streets And Roads

Subdivision streets will be accepted for maintenance by the City only when they are constructed, without cost to the City to meet the minimum Maricopa Association of Governments Construction Standards and the minimum standards as set forth in this Chapter.

7-6-4 Domestic Water Supply

- A. Less Than Two and One-Half Acres: Subdivisions having lots of less than two and one-half (2½) net acres in area will be provided with a complete water distribution system which shall adequately serve the subdivision in the opinion of the City.
- B. More Than Two and One-Half Acres: In subdivisions having lots of more than two and one-half (2½) acres, the subdivider shall provided a statement as to the availability of a water source and the anticipated costs to the buyer of obtaining such water.

7-6-5 Fire Protection

Fire hydrants and a fire distribution system shall be provided in accordance with the

recommendations or requirements of the City and its Fire Department.

7-6-6 Sewage Disposal

- A. Connection To Public System: Subdivisions shall be provided with a sanitary sewer connection to each lot when the nearest boundary of the subdivision is within one thousand four hundred feet (1,400') of a public sanitary sewer system.
- B. Unavailability: Whenever a public sanitary sewer system is not available to a subdivision, proper provision shall be made for the disposal of sewage in accordance with the standards and requirements of the Navajo County Health Department.

7-6-7 Flood Protection And Tract Drainage

- A. Minimum Facilities: The minimum facilities for the control of flood waters crossing, flowing into or falling upon a subdivision shall be designed on the basis of a 50-year flood.
- B. Streets and Highways: Streets and highways shall not be used as flood channels.

7-6-8 Protective Fence

Protective fence requirements for subdivisions are established as a five foot (5') chainlink galvanized wire, masonry, wood or other acceptable material for fencing, along any canal, drain, expressway or other feature deemed by the Planning and Zoning Commission or the Public Works Department to be hazardous.

7-6-9 Subdivision Improvements

- A. Completion: All streets, improvements, stakes and monuments shall be completed and in place or a bond, trust, improvement district or some other appropriate security as approved by the City Council shall be provided to ensure completion of the subdivision, improvements prior to the sale of any land or lots appurtenant to such streets and improvements.
- B. Certificate: Following the completion of all required improvements including, but not limited to, lot staking, survey monuments, streets, drainage ways, public water supply, water distribution, sanitary sewer, sewage disposal and solid waste disposal facilities, a certificate shall be executed by a professional engineer registered to practice in the State, certifying that said improvements have been made under his direction in accordance with the provisions of these

subdivision regulations and in accordance with the plans of such as approved by the Public Works Department upon which approval of the final plat was based and shall be submitted to the Public Works Director.

7-6-10 Construction Standards

The minimum improvements for streets as shown in this Chapter evolve from the standards of Maricopa Association of Governments. Changes, modifications or revisions of the construction standards shall cause the subdivision improvements standards to change accordingly.

ARTICLE 7-7 ENFORCEMENT; LIABILITY

- 7-7-1 Building Permit; When Not Issued
- 7-7-2 Legal Proceedings; Abatement
- 7-7-3 Remedies Cumulative
- 7-7-4 Liability

7-7-1 Building Permit; When Not Issued

No building permit shall be issued for the erection or use of any structure or part hereof to be located in a subdivision, that is not in accordance with the provisions of the Chapter. Any such permit issued shall be void and of no effect.

7-7-2 Legal Proceedings; Abatement

Any building or structure erected or maintained on a lot or parcel of land that is subject to this Chapter, created or established after adoption of this Code that is contrary to the provisions of this Chapter shall be and same is hereby declared to unlawful and a public nuisance, and the City Attorney shall, upon order of the City Council, immediately commence action or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such building or structure.

7-7-3 Remedies Cumulative

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

7-7-4 Liability

No liability shall be created on the part of the City or any district, office, department or employee thereof for any damages that may result from the application of these regulations or

any administrative decision thereunder.