

CHAPTER 13 SUBDIVISION REGULATIONS

ARTICLE 13-1 TITLE, PURPOSE AND ADMINISTRATION

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Section 13-1-1 Purpose

The purpose of these regulations is to provide for the harmonious development of the town to include the location and width of streets, building lines, open spaces, utilities or other physical improvements.

Section 13-1-2 Short Title

This chapter shall be known and may be cited as the Land Subdivision Regulations of the Town of Quartzsite.

Section 13-1-3 Jurisdiction

Except as may otherwise be provided by law, these regulations shall apply to all plats or subdivisions of all land within the corporate limits of the town.

ARTICLE 13-2 DEFINITIONS (Ord 95-08)

In this chapter, unless the context otherwise requires:

- A. **“Alley”** means a public way which provides secondary means of access to abutting property usually to the side or rear of lots.
- B. **“Block”** means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks or a combination thereof.
- C. **“Building line”** means a line on a plat indicating the limit beyond which buildings or structures may not be erected.
- D. **“Comprehensive plan”** means the duly adopted plan for the long-range development of the community which includes maps, charts, illustrations and texts.
- E. **“Department”** means the town manager or his agent.
- F. **“Easement”** means a permanent or temporary grant of right by a property owner to the public, a corporation or other persons of the use of a strip of land for

specified purposes. Ownership of said strip of land shall remain with the property owner.

- G. **“Final plat”** means a plan or map prepared in accordance with the provisions of these regulations and those of any other applicable town ordinances, which plat is prepared to be placed on record in the office of the county recorder of La Paz County.
- H. **“Governing body”** means the Council of the Town of Quartzsite.
- I. **“Lot”** means a portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, of transfer of ownership or for building development.
- J. **“Preliminary plat”** means the drawings and documents showing the character and proposed layout of the subdivision to indicate its suitability in relation to the community’s comprehensive plan.
- K. **“Right-of-way”** means the entire way between property lines of abutting owners.
- L. **“Sidewalk”** means a pedestrian walkway with permanent surfacing constructed to town standards.
- M. **“Street”** means a right-of-way dedicated to the public use which provides principal vehicular and pedestrian access to adjacent properties including the right-of-way but not limited to streets, avenues, boulevards, roads, lanes, parkways, places, bridges, viaducts, alleys or easements for public or private vehicular use.
- N. **“Subdivider”** means any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions.
- O. **“Subdivision”** means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into six or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into more than two parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing six 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 air space above the property shown on the plat are to be divided.

“Subdivision” does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with state statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

ARTICLE 13-3 SUBMISSION AND CONSIDERATION OF PRELIMINARY PLATS

- A. Any subdivider desiring to subdivide land that is subject to the provisions of these regulations shall file with the department ten copies of an application together with supporting documentation which contains the following:
1. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor and certified engineer.
 2. Names of the subdivision and all new streets.
 3. General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
 4. The location and dimensions of all boundary lines of the property to be expressed in feet.
 5. The location of existing streets, easements, water bodies, streams and other pertinent features such as washes, railroads, buildings, parks, cemeteries, drainage ditches or bridges. Generally such data should be shown on topographic maps with contour intervals of not less than two feet.
 6. The location and width of proposed streets and easements, alleys and other public ways and building setback lines.
 7. The locations, dimensions and areas of all proposed or existing lots.
 8. Indication of the use of any lot (single-family, two-family, multi-family) and uses other than residential proposed by the subdivider with existing and proposed zoning district classification and boundaries.
 9. The general plan of sewage disposal and water supply, in areas where approved public sewer or water systems are proposed to serve the

subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal or water system proposed.

- B. Upon receipt of properly prepared application and accompanying fee as provided in Article 13-7, the department shall promptly conduct reviews of data submitted. Such review shall include opportunity for comment by representatives of private utilities, state department of transportation, county health department, school districts, United States postmaster, soil conservation service and various town departments. These agencies shall check the plat for conformance with the regulations and standards of their agencies and shall render a written report to the department. If no report is received within fifteen days, the department may assume that the agency has no objections regarding the proposed plat, and such agency's approval shall be assumed. After staff reviews and comments of technical agencies are received, a meeting shall be held between the department staff and developer regarding changes deemed advisable.
- C. The developer shall submit ten copies of a revised (if necessary) preliminary plat to the department. Upon receipt of such plat and accompanying documents, the Council shall schedule a hearing within thirty days of such request. After such hearing, the Council shall approve as submitted, as modified or disapprove the preliminary plat and express its reasons therefore. The action of the Council shall be noted on the preliminary plat. One copy shall be returned to the subdivider.
- D. If the Council fails to approve or disapprove the preliminary plat within the period of time set by this regulation, then such preliminary plat shall be deemed to have been approved unless the subdivider shall have consented to extend or waive such time limitation.
- E. Approval of the preliminary plat does not constitute acceptance of the subdivision but authorizes preparation of the final plat. No grading or improvements shall take place in the subdivision prior to approval, endorsement and filing of the final plat.
- F. The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Council, although the plat need not yet be signed and filed with the county recorder. Any plat not receiving final approval within the period set forth herein shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

ARTICLE 13-4 SUBMISSION AND CONSIDERATION OF FINAL PLATS

- A. Final plats shall be submitted to the department within one year of approval of the preliminary plat unless an extension is granted by the Council. The final plat

shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

- B. The original and ten copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on tracing cloth, mylar or similar material and shall be at a scale of one inch to one hundred feet.
- C. The final plat shall show the following:
 - 1. The correct legal description of the property being subdivided;
 - 2. True north point, graphic scale and date;
 - 3. The boundary lines of the area being subdivided with accurate distances and angles, (maximum closure error of 1 in 5,000);
 - 4. The lines of all proposed highways, streets and alleys with their width and names;
 - 5. The accurate outline of any portion of the property intended to be dedicated or granted to public use;
 - 6. The lines of all adjoining property and the lines of the adjoining highways, streets and alleys with their widths and names;
 - 7. All lots designated by numbers;
 - 8. The location and widths of building lines on front and side streets and the location and widths of utility easements, easements for possible future construction and easements for drainage purposes;
 - 9. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot;
 - 10. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounder corners;
 - 11. The location of all survey monuments and benchmarks together with their descriptions;
 - 12. The names of the subdivision and the owner or owners or subdividers;

13. Acknowledgment of the owner or owners of the land being subdivided as to restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- D. The following certificates are to be provided with the final plat in accordance with Article 13-5:
1. Acknowledgment of ownership by owner or owners, and statements, by a notary public authorized to take the acknowledgments of deeds, to the effect, that all previous taxes have been paid and that all highways, streets, alleys and public grounds shown on the plat are dedicated for public use.
 2. Surveyor or licensed professional engineer of the State of Arizona, certifying that he has accurately surveyed such subdivision and the correct location of all monuments shown, and all lots, blocks, highways, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked;
 3. Space for approval of Council Planning Commission; and
 4. Space for the La Paz County recorder to state the day, month, year, time, book and page that said plat was recorded.
- E. Upon receipt of a properly prepared final plat and accompanying fee as provided in Article 13-7, the department shall promptly conduct reviews of data submitted for its conformity to the approved preliminary plat and as to its conformity to these land subdivision standards and other applicable town and state laws.
- F. The Council shall approve or disapprove the final plat within thirty days of receipt. Before a final plat is recorded, the Council shall approve and accept streets and other public ways, service and utility easements and land dedicated for public use. Approval of the plat shall be shown over the signature of the Mayor and attested to by the town clerk. If the Council disapproves the plat, it shall advise the subdivider in writing of the reason for such disapproval.
- G. If the governing body fails to act on the final plat within sixty days of its submittal to the department, the Council shall be deemed to have approved unless the subdivider shall have consented to extend or waive such time limitation.

ARTICLE 13-5 PUBLIC IMPROVEMENT AND DESIGN STANDARDS

- A. The subdivider of land shall be required to install or otherwise provide for certain improvements within the subdivision. Such improvements shall not be installed

prior to proper endorsement of the final plat by the Council.

- B. The proper installation of such improvements, other than those by a private utility company, shall be assured by provision of surety in the form of bond or cash escrow in favor of the town. All improvements installed by the developer shall comply with specifications and standards approved by the town.
- C. Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the department. A building permit shall not be issued for a lot or tract in any subdivision for which such surety has not been furnished.
- D. The minimum width for any street right-of-way shall be fifty feet except by special permit approved by the Council for purely local drives. All streets and other public spaces and easements shall conform in effect to the comprehensive plan, both as to location and as to width or size. When adjoining undeveloped property, a full street shall be dedicated.
- E. The minimum width of any alley, wherever provided, shall be fifteen feet. Where alleys are not provided, easements may be required along lot lines of or across lots where necessary for the extension of water mains, sewer and similar purposes; such easement shall be a minimum width of eight feet along the appropriate property lines.
- F. The arrangement of streets in new subdivisions shall make provision for the direct continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. In general, such streets shall be a width at least as great as the existing streets or fifty feet whichever is greater. The street and alley arrangement must also be such as to provide opportunity for access and use by adjoining property owners.
- G. Wherever a street will not open into another street, an adequate circular turn around shall be provided. Grades of streets shall be the lowest feasible, and no grade shall be in excess of five percent on through traffic streets nor in excess of ten percent on any other street. Streets shall be paved with such paving of a type and strength suitable for the volume and character of traffic to be expected and should meet town specifications. All improvements shall conform to the best engineering standards. Due consideration shall be given throughout to the appearance of the subdivision and the various features thereof within its own boundaries and also in its environment in the town.
- H. The subdivider shall install street signs at all intersections within the subdivision. Such street signs shall follow the street names designated on the approved final plat and shall comply with the specifications of the town.

- I. The subdivider shall be responsible for the proper installation of all utilities including sanitary sewers and connection to approved treatment facilities and water supply approved by the Arizona Department of Health Services or the Arizona Department of Environmental Quality. Such utilities shall be installed according to the specifications and minimum standards of the controlling utility company or public agency.
- J. Sidewalks are required unless exempted by the Council.

ARTICLE 13-6 VARIANCES, EXCEPTIONS AND APPEALS

- A. Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size or shape, or is subject to, or is affected by such topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or impractical, the Council may set forth particular variation from these regulations, if, in their opinion, the variation will effect substantial justice and promote the public interest.
- B. The subdivider may appeal to the Council decisions made in the enforcement or interpretation of these regulations by the department. Such appeals shall be filed within thirty days with the town clerk. If the Council sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Council overrules such decision, such decision shall be final.
- C. The subdivider may request that permission be granted to commence construction on a model or show home prior to completion of public facilities required by these regulations. Such permission may be granted by the Council after filing of the final plat with the county recorder and upon satisfactory assurances by the developer that improvements will proceed in a timely manner. Such model or show home shall not be occupied for residential purposes until public improvements have been completed in accordance with these regulations and other laws of the town.

ARTICLE 13-7 FEES

- A. Preliminary Plat. At the time of filing a preliminary plat, a subdivider shall pay to the town a basic fee of twenty-five dollars plus a fee of two dollars per lot.
- B. Final Plat. At the time of filing a final plat, a subdivider shall pay to the town a basic fee of fifty dollars plus a fee of two dollars per lot.

ARTICLE 13-8 ENFORCEMENT, VIOLATION AND PENALTY

- A. No building permit shall be issued for any structure upon a lot or tract in a subdivision that has not been subdivided and approved in the manner provided in

these regulations, and no such plat, replat or dedication of a street or public way shall be filed with the recorder of La Paz County, as provided by law, until such plat, replat or dedication shall have endorsed on it that it has been approved in accordance with these regulations.

- B. It is unlawful for any person to offer to sell or lease or to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions herein, is recorded in the office of the La Paz County recorder, except that this shall not apply to any parcel of a subdivision offered for sale or lease, contracted for sale or lease or sold or leased in compliance with any law or subdivision regulations regulating the subdivision plat design and improvement of subdivision in effect at the time the subdivision was established. The county recorder shall not record a plat located in the town unless the plat has been approved by the Council.
- C. The town shall have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this chapter and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.

ARTICLE 13-9 FLOODPLAIN MANAGEMENT (Ord 92-10/98-11/01-06/06-08)

That certain document entitled "Town of Quartzsite Flood Damage Prevention Ordinance" including any amendments thereto is hereby adopted by reference and made a part of this code the same as though said plan were specifically set forth in full herein. At least three copies of said code shall be kept on file in the office of the town clerk.