

ORDINANCE NO. 2906

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER 3 SUBDIVISIONS, BY AMENDING SECTION 1.1 SUBDIVISION REGULATIONS, SUBSECTION 1.1.4 FINAL PLAT OVERVIEW, SUBSECTION 1.1.5 AMENDMENTS TO PREVIOUSLY-APPROVED PLATS, SECTION 1.2 MINOR LAND DIVISION AND MINOR SUBDIVISION, SUBSECTION 1.2.4 MINOR SUBDIVISION OVERVIEW, SUBSECTION 1.2.5 APPEALS, RELATED TO ADMINISTRATIVE APPROVALS OF FINAL PLATS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Arizona Legislature recently passed a law that provides for flexibility in approving final plats by allowing local governments to authorize administrative personnel to review and approve final plats without a hearing (A.R.S. sect. 9-500.49); and

WHEREAS, the Development Services staff processes approximately 20-25 applications for final plats annually; and

WHEREAS, all preliminary plats must be reviewed and approved by the Planning Commission; and

WHEREAS, the Town's Land Development Code requires that all proposed streets, rights-of-ways, and easements be identified on the preliminary and final subdivision plats.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter 3 Subdivisions, Section 1.1 Subdivision Regulations, Subsection 1.1.4 Final Plat Overview, Subsection 1.1.5 Amendments to Previously-Approved Plats, Section 1.2 Minor Land Division and Minor Subdivision, Subsection 1.2.4 Minor Subdivision Overview, Subsection 1.2.5 Appeals, shall be amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

1.1.4 Final Plat Overview

Except as provided otherwise elsewhere in the Land Development Code, the preparation, submittal, review and approval of final plats shall proceed through the previous

preliminary plat step and then the following progressive steps:

A. *Submittal Requirements*

All final plat requirements, check lists, processes are addressed in the Final Plat Process Guide. Completed applications shall be submitted to the Development Services Department on a form established by the Development Engineering Manager. Any of the following persons or entities may submit an application:

1. The owner of the property
2. An authorized agent of the owner
3. A person acting under a purchase contract or exclusive option to purchase the property.

B. *Application Content*

Application content is set forth is in the Final Plat Process Guide.

1. The Development Engineering Manager may require additional supporting materials as part of the application, including but not limited to legal descriptions, plans, drawings, and other information necessary to describe the proposed project.
2. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town.
3. The Development Engineering Manager may waive the submission of certain information if he finds it is not needed to reach a decision on the application.

C. *Inspection and Reproduction of Public Records*

All applications, including supporting materials, are public records.

D. *Inactive Applications*

All applications shall be actively pursued to a decision. If no applicant activity has occurred on the final plat application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the Development Engineering Manager or designee shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Development Engineering Manager extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Development Engineering Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively

pursued during the extension period. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

E. *Staff Report*

UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE ~~The~~ Development Engineering Manager shall prepare and transmit a staff report to the Town Council. The staff report shall provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

F. *Town Council Action*

UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE ~~The~~ Town Council shall approve or deny the final subdivision plat.

G. **FINAL PLAT APPROVAL**

FOR THOSE FINAL PLATS CONSISTING OF LESS THAN THREE HUNDRED LOTS THAT MAY CONTAIN PUBLIC DEDICATIONS ONLY OF RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE SUBDIVISION, THE TOWN COUNCIL DELEGATES THE AUTHORITY TO APPROVE SUCH PLATS AND AUTHORIZES THE DEVELOPMENT ENGINEERING MANAGER, OR DESIGNEE, TO ACCEPT THOSE DEDICATIONS AS PROVIDED IN THIS SECTION.

H. *Mayor's Signature*

UNLESS OTHERWISE PROVIDED IN THIS SECTION, UPON ~~Upon~~ Town Council approval of a final subdivision plat and after all other required certifications have been executed, the Mayor shall sign the final subdivision plat.

I. *Appeals*

DECISIONS OF THE DEVELOPMENT ENGINEERING MANAGER ON A FINAL PLAT MAY BE APPEALED TO TOWN COUNCIL PURSUANT TO PROCEDURES FOR APPEALS. THE TOWN COUNCIL SHALL HAVE THE AUTHORITY TO UPHOLD, MODIFY, OR OVERRULE THE ACTION OF THE DEVELOPMENT ENGINEERING MANAGER. Decisions of the Town Council on a final plat are final.

J. *Recordation*

Improvement plans for the subdivision shall be approved by the Development Engineering Manager prior to recordation of a final plat. The Development

Services Department shall record the final subdivision plat with the office of the Maricopa County Recorder.

K. *Dedications and Acceptance*

1. Dedications of Easements and Public Streets. Dedication of easements and public street rights-of-way shall be effective upon recordation of the final subdivision plat.
2. Public Improvements. The recordation of the final subdivision plat shall not constitute acceptance by the Town of the dedication of any public improvement. The process for acceptance of public improvements shall be established by the Development Engineering Manager.

Sect. 1.1.5 Amendments to Previously-Approved Plats

A. *Preliminary Plats*

All or a part of an approved preliminary subdivision plat may be amended. Whether the process is administrative, or a full public hearing depends on the scale of the change. The process decision is at the purview of the Planning Manager.

B. *Final Plats*

All or a part of an approved plat may be amended. Whether the process is administratively amended or requires Town Council approval depends on the PROCESS BY WHICH THE PLAT WAS APPROVED AND THE scale of the amendment. The process decision is at the purview of the Development ENGINEERING MANAGER ~~Engineer~~.

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Sect. 1.2.4 Minor Subdivision Overview

All minor subdivisions shall be approved IN THE SAME MANNER AS FINAL SUBDIVISION PLATS PURSUANT TO SECTION 1.1.4 OF THIS CHAPTER. ~~by the Town Council~~

A. *Application*

All minor subdivision and minor land division requirements, check list and process are addressed in the Final Plat Process Guide.

B. *Staff Report*

UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, THE ~~The~~ Development Engineering Manager or designee shall prepare and transmit a staff report to the Town Council. The staff report shall provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

C. Town Council Action

UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, THE ~~The~~ Town Council shall approve or deny the final subdivision plat.

D. Mayor's Signature

UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, UPON ~~Upon~~ Town Council approval of a final subdivision plat and after all other required certifications have been executed, the Mayor shall sign the final subdivision plat.

E. Appeals

DECISIONS OF THE DEVELOPMENT ENGINEERING MANAGER ON A MINOR SUBDIVISION PLAT MAY BE APPEALED TO TOWN COUNCIL PURSUANT PROCEDURES FOR APPEALS. THE TOWN COUNCIL SHALL HAVE THE AUTHORITY TO UPHOLD, MODIFY, OR OVERRULE THE DECISION OF THE DEVELOPMENT ENGINEERING MANAGER. Decisions of the Town Council on a final plat are final.

F. Recordation

Improvement plans for the subdivision shall be approved by the Development Engineering Manager prior to recordation of a final plat. The Development Services Department shall record the final subdivision plat with the office of the Maricopa County Recorder.

G. Dedications and Acceptance

1. Dedications of Easements and Public Streets. Dedication of easements and public street rights-of-way shall be effective upon recordation of the final subdivision plat.
2. Public Improvements. The recordation of the final subdivision plat shall not constitute acceptance by the Town of the dedication of any public improvement. The process for acceptance of public improvements shall be established by the Development Engineering Manager.

Sect. 1.2.5 Appeals

A. Minor Land Division

Appeals of the decision of the Development Engineering Manager regarding a minor land division SHALL BE HEARD BY TOWN COUNCIL. ~~except for appeals~~ APPEALS filed pursuant to Appeals of Required Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions, shall be heard IN ACCORDANCE WITH SECTION 6.10 OF THIS CODE. ~~by the Planning Commission.~~

B. MINOR SUBDIVISION

DECISIONS OF THE DEVELOPMENT ENGINEERING MANAGER MAY BE APPEALED TO TOWN COUNCIL. DECISIONS OF THE TOWN COUNCIL ON A MINOR SUBDIVISION PLAT ARE FINAL.

C. Rights of Appeal

Except as provided in Procedures for Appeals, appeals may be filed by:

- a. The applicant.
- b. Any other person aggrieved by the final decision of the Town Engineer, and who has standing to appeal pursuant to State law.
- c. A member of the Town Council.
- d. The Town Manager.
- e. The Planning Manager.

All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

~~*D. Minor Subdivision*~~

~~Decisions of the Town Council on a minor subdivision plat are final.~~

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Civil Sanctions.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 6.12.6 and 6.12.7 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code, or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.


PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 18th day of June, 2024, by the following vote:

AYES: ANDERSON, BONGIOVANNI, BUCHLI, PETERSON, TILQUE, TORGESON


NAYS: _____ ABSENT: KOPROWSKI

EXCUSED: _____ ABSTAINED: _____

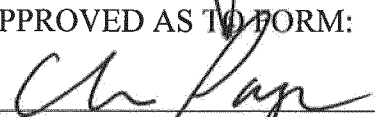
APPROVED this 18th day of June, 2024.



Brigitte Peterson, Mayor

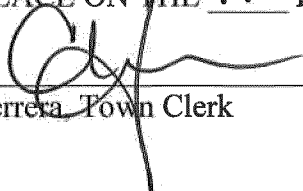
ATTEST:


Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:


Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2906 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 18TH DAY OF JUNE, 2024, WAS POSTED IN ONE PLACE ON THE 19 DAY OF JUNE, 2024



Chaveli Herrera, Town Clerk