

ORDINANCE NO. 933

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING SECTION II-3-5, FINAL PLAT REVIEW C-1 AND C-2; SECTION II-3-5, D. FINAL PLAT APPROVAL AND RECORDATION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town recognizes that an adequate and thorough review of Subdivision Plats is in the best interest of the Town of Wickenburg; and,

WHEREAS, the Town Code currently requires that the Preliminary Plat and the Final Plat be reviewed by both the Planning and Zoning Advisor Commission and the Common Council; and,

WHEREAS, the Town intends to continue to provide an adequate and thorough review of subdivision plats, it has found that multiple redundancies are not necessary to provide the level of review that is in the best interest of the Town; and,

WHEREAS, the Commission has found that the Preliminary Plat should be reviewed by both the Planning and Zoning Advisory Commission and the Common Council; while it constitutes a sufficient level of oversight to limit review of the Final Plat to the Planning Department, Town Engineer, and Common Council.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Wickenburg, County of Maricopa, State of Arizona, as follows:

SECTION I. IN GENERAL.

Amend Section II-3-5 FINAL PLAT STAGE as follows:

Subsection C.:

1. The Planner shall check the submittal for completeness: If incomplete, it shall be returned to the Clerk, the filing date shall be voided and the Subdivider so notified. If complete and if the Final Plat substantially conforms to the approved Preliminary Plat, the Planner shall summarize ~~his~~ recommendations for presentation to the ~~Planning Agency~~ TOWN COUNCIL.
2. If, in the opinion of the Planner, the Final Plat does not substantially conform to the approved Preliminary Plat, the plat shall be presented to the Subdivision Committee for its recommendation to the Planning Agency.

Subsection D.:

1. Upon notification from the Planner that the plat is in order, the Town Clerk shall enter the case on the agenda of the next regular meeting of the ~~Planning Agency~~ TOWN COUNCIL. ~~The Planning Agency shall submit its recommendation to the Council.~~ whereupon the Council shall approve or reject the plat. If the Council rejects the plat for any reason whatever, the reasons shall be recorded in the minutes. If the Council approves the plat, the Town Clerk shall transcribe a Certificate of Approval upon the plat, first making sure that the other certificates required in Section II-3-4 (E) of this Chapter have been duly executed.

2. If the plat is approved, the Town Clerk shall then record the plat in the Maricopa County Recorder's office. The subdivider shall pay the recordation fees. Two (2) copies of the recorded plat shall be retained in the Subdivision Committee's file.

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 Penalties

Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Section I-8 of the *Wickenburg Town Code*.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 15 day of November, 2004.

R.R. Badowski
R.R. BADOWSKI, MAYOR

11/15/04
Date Signed

ATTEST:

Donna Riffel
Donna Riffel, Town Clerk

APPROVED AS TO CONTENT & FORM"

K. Russell Romney
K. Russell Romney, Town Attorney
Martinez & Curtis, P.C.

Date Signed: 11/15/04

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Votes Abstaining: 0

Date of Certification of Minutes of Council Meeting at which this Ordinance was adopted: 11-17-04