

ORDINANCE NO. 1251

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, DECLARING THE DOCUMENT ENTITLED "SUBDIVISION CODE AMENDMENTS, 2026" AS A PUBLIC RECORD; ADOPTING THE SUBDIVISION CODE AMENDMENTS, 2026 BY REFERENCE; AND AMENDING THE TOWN CODE OF THE TOWN OF WICKENBURG, ARIZONA, BY AMENDING CHAPTER 11 – SUBDIVISION, ARTICLE 11-1 – PURPOSE; SUBDIVISION ADMINISTRATION; ARTICLE 11-2 – DEFINITIONS, ARTICLE 11-3 – PLATTING PROCEDURES AND REQUIREMENTS, ARTICLE 11-4 – SUBDIVISION DESIGN PRINCIPLES AND STANDARDS, ARTICLE 11-5 – STREET AND UTILITY IMPROVEMENT REQUIREMENTS, ARTICLE 11-7 – MODIFICATION, AND ARTICLE 11-8 LAND SPLITS, AS SPECIFIED IN THE SUBDIVISION CODE AMENDMENTS, 2026; RELATED TO ADMINISTRATIVE REVIEW OF SITE PLANS, DEVELOPMENT PLANS, LAND DIVISIONS, LOT LINE ADJUSTMENTS, LOT TIES, PRELIMINARY PLATS, FINAL PLATS AND PLAT AMENDMENTS WITHOUT A PUBLIC HEARING, IN COMPLIANCE WITH A.R.S. § 9-500.49; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the Town of Wickenburg find that it is necessary to adopt certain regulations to comply with State law, including A.R.S. § 9-500.49, as amended by House Bill 2447, which requires that site plans, development plans, land divisions, lot line adjustments, lot ties, preliminary plats, final plats, plat amendments, and design review plans be subject to administrative approval based on objective standards without a public hearing, and to allow at-risk submittals for certain on-site preliminary grading and drainage work or infrastructure;

WHEREAS, that certain document entitled "Subdivision Code Amendments, 2026," three copies of which, or one paper and one electronic copy, are on file in the office of the Town Clerk in compliance with A.R.S. § 9-802, is hereby declared to be a public record and said copies are ordered to remain on file with the Town Clerk;

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

Section I. In General.

The Code of Wickenburg, Arizona, is hereby amended to read as set forth in that certain document entitled "Subdivision Code Amendments, 2026," which document is hereby adopted and incorporated by reference.

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. Penalties.

Any person found guilty of violating any provisions of this Code shall be guilty of a Class One Misdemeanor punishable by a maximum \$2,500.00 fine or up to six (6) months in jail. Each day that a violation continues shall be a separate offense.

Section V. Effective Date.

This Ordinance shall be effective thirty (30) days following adoption by Council.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 6th day of July 2026.


BG Bratcher, Mayor

ATTEST:


Amy Brown, Town Clerk

APPROVED AS TO FORM:


Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 5
Number of Votes For: 4
Number of Votes Against: 1
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1251 was duly passed and adopted by the Mayor and Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 6th day of July 2026, and that a quorum was present at the meeting.



Amy Brown, MMC
Town Clerk

**[Exhibit on File at the Town Clerk's Office,
155 N Tegner St, Wickenburg, AZ 85390]**

SUBDIVISION CODE AMENDMENTS, 2026

The Town Code of the Town of Wickenburg, Arizona, is amended by amending Chapter 11 – Subdivision, Article 11-1 – Purpose; Subdivision Administration; Article 11-2 – Definitions, Article 11-3 – Platting Procedures and Requirements, Article 11-4 – Subdivision Design Principles and Standards, Article 11-5 – Street and Utility Improvement Requirements, Article 11-7 – Modification, and Article 11-8 Land Splits to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~):

CHAPTER 11 SUBDIVISION

ARTICLE 11-1 PURPOSE; SUBDIVISION ADMINISTRATION

The purpose of this Chapter is to provide for the orderly growth and harmonious development of the Town of Wickenburg; to secure adequate traffic circulation through coordinated street systems with relation to the major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots 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 proposes; to promote conveyance of land by accurate legal description; and to establish logical procedures for the achievement of this purpose. The Wickenburg ~~Planning and Zoning Advisory Commission and Wickenburg Town Council~~ COMMUNITY DEVELOPMENT DIRECTOR ~~are~~ IS hereby designated and authorized to receive and process and otherwise act upon preliminary and final subdivision plats in accordance with these regulations. ~~The Subdivision Committee is hereby designated as Advisory Agent to the Commission and Council.~~ Where this Chapter imposes a greater restriction upon land improvement or development, and land use that is imposed or required by existing provisions of law, ordinance, contract, or deed, this Chapter shall control.

ARTICLE 11-2 DEFINITIONS

In this Chapter, unless the context requires otherwise:

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O. "Conditional Approval." An affirmative action by the COMMUNITY DEVELOPMENT DIRECTOR ~~Planning Agency and the Town Council~~ indicating that approval of the Preliminary Plat will be forthcoming upon satisfaction of certain specified stipulations.

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AB. "Final Approval." The unconditional approval of a Final Plat by the COMMUNITY DEVELOPMENT DIRECTOR ~~Town Council~~ as evidence by certification thereon by the Town Clerk.

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AX. "Preliminary Approval." Unconditional approval of a Preliminary Plat by the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, as evidenced by meeting minutes and noted upon copies of the Plat.

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~~B.J. "Subdivision Committee." That Committee established pursuant to Section 11-3-3A of this Chapter and shall consist of the Town Engineer, the Director of Public Works and the Director of the Planning Department.~~

BK. BJ. "SWPPP." Stormwater Pollution Prevention Plan required by Stormwater Regulations or Permits that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater and a description of measures or practices to control these pollutants.

BL. BK. "Town." The Town of Wickenburg, in the counties of Maricopa and Yavapai and in the State of Arizona, except as otherwise provided.

BM. BL. "Town Engineer." An engineer who is licensed by the State of Arizona and who has been employed to design or oversee work regulated by this ordinance.

~~BN.~~ BM "Useable Lot Area." That portion of a lot useable for or reasonably adaptable to the normal use for which the lot is intended, and not including area which is covered by water, is excessively steep or has its normal use restricted by certain types of easements.

ARTICLE 11-3 PLATTING PROCEDURES AND REQUIREMENTS

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Section 11-3-3 Pre-Application Stage

This stage of subdivision planning comprises an investigatory period preceding preparation of the Preliminary Plat. If, during this stage, it is determined that a change in zoning will be proposed for all or part of the tract, the subdivider should prepare to initiate an application for zoning amendment simultaneously with submission of a Preliminary Plat.

~~A. A Subdivision Committee composed of the Town Engineer, Director of Public Works and Director of Planning is hereby established and shall review all applications for Preliminary Plat approval in the Town. The Planner shall serve as Chairperson of the Subdivision Committee.~~

B. A. The subdivider shall confer with the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ and present informally a general outline of THE SUBDIVIDER'S his proposal, including but not limited to:

1. Sketch plans and ideas regarding land use, street and lot arrangement and tentative lot sizes;
2. Tentative proposals regarding utility and street improvements.

~~C. B. The Subdivision Committee~~ COMMUNITY DEVELOPMENT DIRECTOR shall advise the subdivider of procedures, design and improvement standards and platting requirements. The ~~Committee~~ COMMUNITY DEVELOPMENT DIRECTOR shall investigate the following aspects of the proposal and report its recommendations to the subdivider:

3. Existing zoning or proposed zoning amendment;
4. Adequacy of existing and proposed school, recreation and other public sites;

5. Sufficiency of existing and proposed street and utility systems, existing and proposed uses of adjoining lands, and any special problems such as topography, drainage and flooding.

Section 11-3-4 Preliminary Plat Stage

This stage includes preparation, submission, review and approval of the Preliminary Plat. Processing will be expedited by submission of all information essential to determining the intended character and general acceptability of the proposal.

A. Preliminary Plat Submission.

1. Filing and Meeting Dates. An application for plat approval, together with A COPY OF THE ~~fifteen (15) copies of the~~ Preliminary Plat and required supporting data, prepared in accordance with Section 11-3-4(E) of this Chapter, shall be filed with the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner~~ at least fourteen (14) days prior to his initial meeting with the Subdivision Committee.

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B. Preliminary Plat Review.

1. It shall be the duty of the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ to review the Preliminary Plat for technical and engineering compliance with this Chapter and to review the plat for compliance with good planning principles.
2. On receipt of the Preliminary Plat, the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner~~ shall distribute copies to:
 - a. ~~The Subdivision Committee to determine compliance with provisions of this Chapter.~~
 - b. a. The Town Engineer for the review of street plans and compliance with Town road and street standards, compliance with Flood Plain Regulations, and for tentative determination of street and drainage improvement requirements.
 - e. b. The Director of Public Works for review of water and sewage disposal.
 - d. c. The Superintendent of the Wickenburg School District for his/her information.
 - e. d. Where the land abuts a state highway, OR WHERE THE COMMUNITY DEVELOPMENT DIRECTOR OTHERWISE DETERMINES APPROPRIATE, to the Arizona Department of Transportation for recommendations regarding rights-of-way and intersection design.
 - f. e. The COMMUNITY DEVELOPMENT DIRECTOR ~~Town Planner~~ shall review the Preliminary Plat for compliance with public objectives, giving special attention to design principles and standards as set forth in Article 11-4 of this Chapter, to utility methods and systems, to existing and proposed zoning and land use of the tract and environs, and to land required for schools, parks and other public facilities.
 - g. f. Affected electric and telephone utilities.
 - h. g. Fire, Police and Ambulance Departments.

~~h. The Trails Advisory Commission for review of locations for non-motorized trail easements.~~

3. The reviewing offices shall transmit their recommendations in writing to the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner~~.

C. ~~Subdivision Committee Meeting and Actions~~ COMMUNITY DEVELOPMENT DIRECTOR REVIEW.

1. If all requirements of this Chapter have been met, the ~~Subdivision Committee~~ COMMUNITY DEVELOPMENT DIRECTOR shall meet with the subdivider ~~and TO review the plan AND APPROVE THE PRELIMINARY PLAT.~~
2. ~~If it appears to the Subdivision Committee that the requirements of this Chapter have been met, the Subdivision Committee shall submit its recommendations to the Planning Agency for Preliminary Plat approval.~~
3. ~~If satisfied that all objectives of these regulations have been met, the Planning Agency shall recommend approval of the Preliminary Plat to the Council.~~

~~4. 2. If the plat is generally acceptable but requires minor revision before preparation of the Final Plat, the COMMUNITY DEVELOPMENT DIRECTOR Planning Agency shall recommend conditional approval CONDITIONALLY APPROVE THE PRELIMINARY PLAT AND SPECIFY THE CONDITIONS OF APPROVAL IN WRITING TO THE SUBDIVIDER. and specify the recommended revisions in its meeting minutes.~~

~~5. 3. If the COMMUNITY DEVELOPMENT DIRECTOR Planning Agency determines that the plat contains major deficiencies, and if the subdivider agrees to correct such deficiencies, the case may be held over pending revision, resubmission and reprocessing; otherwise, the COMMUNITY DEVELOPMENT DIRECTOR Planning Agency SHALL REJECT THE PRELIMINARY PLAT recommend rejection. If the COMMUNITY DEVELOPMENT DIRECTOR REJECTS THE PLAT, THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PROVIDE THE REASONS IN WRITING TO THE SUBDIVIDER. Planning Agency recommends rejection of the plat, reasons for the recommendation shall be recorded in the minutes. Thereafter, any new filing of a plat for the same tract, or any part thereof, shall follow normal procedures and be subject to a new filing fee.~~

~~6. The Preliminary Plat and the Planning Agency's recommendation shall be forwarded to the Council for final action. If the Council rejects the plat, the reasons for rejection shall be recorded in the minutes. Any new filing of a plat for the same tract, or any part thereof, shall follow normal procedures and be subject to a new filing fee. If the plat is generally acceptable but requires minor revision before preparation of the Final Plat, the Council shall find conditional approval and specify the required revision on its minutes. The Council may empower the planner to review and approve the plat when so revised.~~

~~7. Any zoning change required may be heard by the Planning Agency at the same time as Preliminary Plat approval, but shall be acted on separately.~~

D. Significance of Approval.

1. Approval of a Preliminary Plat constitutes authorization for the subdivider to proceed with the preparation of the Final Plat and engineering plans. Preliminary approval is valid for a period of twelve (12) months and may be extended once for six (6) months at the discretion of the Zoning Administrator if he/she determines

that the subdivision has not been abandoned. The subdivider may submit the Final Plat, or any part thereof, on or before the expiration date. If approval expires prior to filing of Final Plat, the Preliminary Plat shall be resubmitted for approval as a new case, and a new fee paid.

2. If the COMMUNITY DEVELOPMENT DIRECTOR'S ~~Planner's~~ review of a resubmitted plat reveals no substantial change from the previously approved Preliminary Plat and that conditions under which previous approval was granted have not changed, the filing fee shall be refunded and the resubmitted plat SHALL BE APPROVED ~~rescheduled for hearing by the Planning Agency.~~

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Section 11-3-5 Final Plat Stage

This stage includes final design of the subdivision, final engineering of public improvements, submittal of plat and plans by the subdivider, and plat review and approval by the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner and Planning Agency and final hearing by the Council.~~ No plat shall be submitted for final approval TO THE COMMUNITY DEVELOPMENT DIRECTOR ~~by the Council~~ until plans for all off-site improvements have been approved by the Town Engineer.

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- B. **Final Plat Submission.** The Final Plat ~~and four (4) true copies thereof,~~ together with the recordation fee, shall be filed with the Town Clerk ~~at least twenty-one (21) days prior to the Council meeting at which the case is to be heard.~~ The Clerk shall record the date of filing and immediately transmit the submittal to the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner.~~ At the time of submission for Final Plat approval, a filing fee shall be paid the amount of which shall be established by council resolution.

- C. **Final Plat Review & APPROVAL.**

1. The ~~Planner~~ COMMUNITY DEVELOPMENT DIRECTOR 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 COMMUNITY DEVELOPMENT DIRECTOR ~~Planner~~ shall APPROVE THE FINAL PLAT, AND THE TOWN CLERK SHALL TRANSCRIBE A CERTIFICATE OF APPROVAL UPON THE PLAT, FIRST MAKING SURE THAT THE OTHER CERTIFICATES REQUIRED IN SECTION 11-3-4-(E) OF THIS CHAPTER HAVE BEEN DULY EXECUTED. ~~summarize recommendations for presentation to the Town Council.~~
2. If, in the opinion of the COMMUNITY DEVELOPMENT DIRECTOR ~~Planner,~~ the Final Plat does not substantially conform to the approved Preliminary Plat, THE COMMUNITY DEVELOPMENT DIRECTOR PLAT SHALL PROVIDE REASONS FOR REJECTION TO THE SUBDIVIDER IN WRITING. ~~be presented to the Subdivision Committee for its recommendation to the Planning Agency.~~

D. Final Plat Approval & Recordation.

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 Town Council whereupon the Council shall approve or reject the plat. If the Council rejects the plat for any reason whatsoever, the reasons shall be recorded in the minutes. If Council~~ THE COMMUNITY DEVELOPMENT DIRECTOR 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 11-3-4-(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 COMMUNITY DEVELOPMENT DIRECTOR's ~~Subdivision Committee's~~ file.
3. All rights-of-way and improvements intended to be dedicated to the Town for maintenance and operation shall be constructed and/or installed within the time period agreed upon pursuant to an agreement to install improvements as required by Section 11-5-9. Dedications and improvements shall not be considered complete until the Town Council, upon recommendation of the Town Engineer and Public Works Director accepts such dedications and improvements into the Town's street and utility system. If accepted, the Town Clerk shall then record such dedications and improvements in the Maricopa County Recorder's office. Engineering plans for required improvements must be submitted within 90 days after approval of the final plat, pursuant to section 11-5-7.

E. Information Required for Final Plat Submission.

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6. Certifications.

- i. Certification by the registered professional engineer or registered land surveyor making the plat that it is correct and accurate, and that the monuments described in it have been located as described.
- ii. Certificates of approval by THE COMMUNITY DEVELOPMENT DIRECTOR ~~Planning Agency.~~
- iii. ~~Certificate of approval of the Council by the Town Clerk.~~
- 3.4. Certification of recordation by the Maricopa County Recorder.

ARTICLE 11-4 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

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Section 11-4-3 Land Unsuitable For Proposed Use

Land subject to periodic flooding or land which cannot be properly drained or land which, in the opinion of the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, is unsuitable for the proposed use, shall not be subdivided; however, ~~upon recommendation of the Subdivision Committee, the Council~~ THE COMMUNITY DEVELOPMENT DIRECTOR may approve subdivision of such land upon receipt of evidence from a registered civil engineer, that

the construction of specific improvements can be expected to render the land useable, in which event construction upon such land shall be prohibited until the specified improvements have been planned in an acceptable manner and construction has been planned in an acceptable manner and construction has been guaranteed. All requirements of the Town's Floodplain Chapter shall be met.

Section 11-4-4 Street Location And Arrangement

- A. Whenever the tract embraces any part of a street designated in the adopted major streets and thoroughfares plan, such street shall be platted in conformity therewith.
- B. Street layout shall provide for the continuation of existing collector streets in adjacent areas and such other streets as the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ may designate.
- C. Whenever the tract is located within an area for which a neighborhood plan has been approved by the Planning Agency, the street arrangement shall conform substantially to that plan.
- D. Certain proposed streets, as designated by the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, shall be extended to the tract boundary to provide future connections with adjoining unplatted lands. In general, these extensions should not be farther apart than the maximum permitted length of a block. (See Section 11-4-5 (E).)
- E. Local streets shall be so arranged as to discourage their use by traffic originating outside the immediate area.
- F. When a proposed subdivision abuts or contains an existing or proposed arterial route, the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ may require marginal access streets or reverse frontage with non-access easements along the arterial route or such other treatment as may be justified for protection of properties from the nuisance and hazard of high volume traffic and for preservation of the traffic function of the arterial route.
- G. When a residential subdivision abut the right-of-way of a railroad or limited access highway or abuts a commercial or industrial land use, the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ may recommend location of a street approximately parallel to such right-of-way or use at a distance suitable for appropriate use of intervening land, such distance being determined with due regard for approach grades, drainage, bridges or future grade separations.
- H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.
- I. Except where alleys are justified by special conditions, they are not considered appropriate in residential subdivisions; however continuation to a logical outlet of an existing dead end alley in an adjoining subdivision and the extension of an existing alley pattern where underground utilities are located in alleys shall be considered justifying conditions. When alleys are platted, the alley alignment and arrangement shall be such as to provide optimum convenience for truck service circulation and to avoid alley openings opposite fronts of residential lots. Alleys shall be required at the rear of multi-family residential, commercial or industrial developments; except where, in the opinion of the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, other provision is made for adequate permanent access for proposes of fire protection, parking and loading.

- J. Half streets are discouraged except where necessary to provide rights-of-way required by the major streets and thoroughfares plan, to complete a street pattern already begun or to ensure reasonable development of an adjoining unplatted parcel. Where a half street exists abutting the tract and said half street furnishes the sole access to residential lots, the remaining half street shall be platted within the tract.

Section 11-4-5 Street Design

A. Minimum Required Right-of-Way Widths.

1. Principal and major arterial rights-of-way shall be determined by the Town Engineer prior to submittal of a Preliminary Plat. The right-of-way requirement shall be based on the standards set forth in the General Plan as mitigated by existing conditions of topography, traffic volume and traffic flow.
2. **Collector Streets.** Sixty feet (60')
3. **Local Streets.**
 1. Local streets serving single-family residences only. Fifty feet (50')
 2. Local streets serving multi-family, commercial or industrial frontages. Sixty feet (60')
 3. Cul-de-sac streets shall terminate in a circular right-of-way fifty feet (50') radius with an improved traffic turning circle at least forty feet (40') in radius, or THE COMMUNITY DEVELOPMENT DIRECTOR ~~Council~~ may approve an alternate, yet equally convenient turn around configuration justified by unique or extraordinary conditions.

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Section 11-4-7 Lot Planning

A. Lot Width, Depth and Area.

1. Lot width, depth and area shall comply with the minimum requirements of the Zoning Code; however, where drainage problems exist or prevail, the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ may require special lot width, depth and area exceeding minimum requirements of the zoning district.
 2. Depth to width ratio of the useable area of a lot shall usually be not greater than three (3) to one (1).
- B. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment can be justified.
- C. Every lot shall abut upon a public street furnishing satisfactory access to another existing public street; except that where special circumstances justify, private streets may be permitted provided that they are constructed to standards acceptable to the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, are contained in a permanent private easement and responsibility for continued maintenance is vested in a corporation of lot owners.
- D. Single-family residential lots extending through the block and having frontage on two (2) non-intersecting streets shall be prohibited. Reverse frontage along any street shall be prohibited except where expressly permitted in accordance with Section 11-4-4 (F) of this Code or where otherwise justified in the opinion of the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~.

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ARTICLE 11-5 STREET AND UTILITY IMPROVEMENT REQUIREMENTS

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Section 11-5-2 Responsibility For Improvements

- A. The planning, construction and financing of all required sidewalks, curbs, gutters, pavement, sanitary sewers, storm sewers, water mains, fire hydrants, drainage structures, trail easements and street lights shall be the responsibility of the subdivider and shall comply with public improvement standards approved by the Town. The Town will not consider allowing a subdivider to meet the requirements for this Section by participation in a Town Improvement District.
- B. **Schedule of Required Improvements.** Improvements required by this Section shall be set forth according to the schedules in Section 11-5-8 of this Chapter.
- C. Ribbon curbs shall be allowed in subdivisions having a minimum lot size of 21,500 square feet when, in the opinion of the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, they are the preferable curb system in terms of drainage and the use of ribbon curbs will not compromise the function or structural integrity of the roadway, nor unnecessarily create additional maintenance costs for the Town. The subdivider shall be responsible for providing the necessary engineering documentation to support the use of ribbon curbs.

Section 11-5-7 Final Plat Submittal

Two (2) sets of engineering plans and specifications for the installation of required streets, sewer, electric and water utilities; drainage; streetlights; flood control; adequacy of water and improvements shall be filed with the Town Engineer simultaneously with filing of the Final Plat. Plans shall be reviewed by the Town Engineer and a Certificate of Approval filed with the Town Clerk prior to recordation of the plat. If engineering plans have not been approved within ninety (90) days after approval of the Final Plat, the COMMUNITY DEVELOPMENT DIRECTOR ~~Council~~ may require that the Final Plat be resubmitted.

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Section 11-5-9 Agreement To Install Improvements

- A. Upon approval of the Final Plat ~~by the Council~~, the subdivider shall execute and file an agreement between ~~himself~~ THE SUBDIVIDER and the Town specifying the period within which the SUBDIVIDER OR THE SUBDIVIDER'S ~~he or his~~ agent or contractor will complete all required improvements to the satisfaction of the Town Engineer. The agreement shall provide for inspection of all improvements by the Town Engineer and payment by the subdivider of the actual cost of such inspections. The subdivider shall deposit with the Town an amount of money equal to the estimated actual cost of making the required inspections. If the actual cost of making the inspections is less than the amount deposited by the subdivider, the balance shall be returned to the subdivider. If the

actual cost of making the inspections is greater than the estimated cost of making the inspections, the subdivider agrees to pay to the Town the balance of the actual cost of making the inspections.

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ARTICLE 11-7 MODIFICATION

Section 11-7-1 Extraordinary Conditions

Where there exists extraordinary conditions of topography, land ownership, adjacent development, or other similar circumstances not provided for in this Chapter, the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ may, upon request of the subdivider, ~~recommend~~ APPROVE modification of the enforcement of this Chapter in such manner and to such extent as THE COMMUNITY DEVELOPMENT DIRECTOR ~~it~~ deems appropriate to the public interest. Any such ~~recommendation or~~ modification of the provisions of this Chapter shall be clearly noted in the COMMUNITY DEVELOPMENT DIRECTOR'S ~~Subdivision Committee's report~~ DECISION regarding both the Preliminary Plat and Final Plat.

Section 11-7-2 Appeal And Hearing

In the event that an appeal for modification of enforcement of this Chapter does not receive affirmative action by the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~, the subdivider may file such appeal with the Town Clerk and, ~~upon hearing, the Council~~ THE TOWN MANAGER OR DESIGNEE may make such modifications, as ~~it~~ THE MANAGER deems proper. The COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee~~ shall MAKE KNOWN TO THE MANAGER ~~be represented at such hearing and make known to the Council~~ THE COMMUNITY DEVELOPMENT DIRECTOR'S recommendations and reasons for denial of the appeal.

Section 11-7-3 Additional Requirements

In modifying the standards or requirements set forth in this Chapter, as provided above, the COMMUNITY DEVELOPMENT DIRECTOR ~~Subdivision Committee the Planning Agency and the Council~~ may make such additional requirements as are deemed necessary to secure substantially the objectives of the standards or requirements so modified.

ARTICLE 11-8 LAND SPLITS

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B. Prior to the division of any land by a land split as defined in Subsection A of this Article, the person proposing such a land split shall submit to the ~~Town Council~~ COMMUNITY DEVELOPMENT DIRECTOR a plat showing such land split. The plat shall indicate the reservation of all necessary street and utility easements for the tract or parcel created by such land split.