

# Article 1.1      Subdivision Regulations

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### 1.101    Purpose and Applicability

- A.      ***Purpose.*** The purpose of this article is to provide procedures consistent with State law to regulate and control the subdivision and division of land within the Town in a manner that will:
1.      Insure that lands are suitable for subdivision by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property;
  2.      Create and maintain safe and functional commercial and employment developments and safe, functional, and livable residential neighborhoods;
  3.      Insure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities;
  4.      Allow the creation of individual lots of reasonable utility;
  5.      Insure the provision of adequate facilities and easements for utilities, drainage and storm water retention, recreation and open space;
  6.      Insure the provision of public streets by dedication to the Town;
  7.      Insure the provision of adequate sites for schools and other public facilities;

8. Implement the General Plan, the Zoning Code, design guidelines, and other codes and ordinances of the Town; and
  9. Insure the accurate conveyance of land.
- B. ***Applicability.*** The requirements of this article shall apply to all divisions of improved or unimproved land into 4 or more lots or parcels for the purpose of financing, sale, or lease, whether immediate or future, with the following exceptions:
1. The adjustment or relocation of a boundary line or a sale or exchange of parcels between adjacent property owners or adjacent lots shown on a recorded subdivision or parcel map when the sale or exchange does not create additional lots;
  2. The adjustment or relocation of boundaries between adjoining units or subdivision of individual units in a previously approved and recorded condominium plat where such subdivision or relocation is expressly permitted by the condominium declarations;
  3. The creation of an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;
  4. Leasing of apartments, offices, stores, or similar space within an apartment building, commercial building, industrial building, or mobile home park; and
  5. The division of land by order of any court or by operation of law, or pursuant to the laws of eminent domain.
  6. Minor land division and minor subdivision, pursuant to Chapter III, Article 1.2: Minor Land Division and Minor Subdivision.

## **1.102 Platting Procedures**

- A. ***Preliminary Plat.*** A preliminary subdivision plat shall be approved by the Planning Commission prior to the filing of an application for a final subdivision plat.
1. ***Pre-Application Review.*** All applications for a preliminary subdivision plat shall be subject to pre-application review pursuant to the procedures set forth in Chapter I, Article 5.2: Common Procedures.
  2. ***Applications.*** Completed applications shall be submitted to the Development Services division on a form established by the Director of Planning. Any of the following persons or entities may submit an application:
    - a. The owner of the property;

- b. An authorized agent of the owner; or
  - c. A person acting under a purchase contract or exclusive option to purchase the property.
3. *Application Content.* Application content is set forth in Section 1.103: Submittal Requirements, Preliminary Plat. The Director may require additional supporting materials as part of the application, including but not limited to, legal descriptions, statements, plans, drawings, renderings, material samples and other items necessary to describe existing conditions and the proposed project. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town. The Director may waive the submission of specific material or information if he finds it is not needed to reach a decision on the application.
  4. *Determination of Completeness.* After receiving an application accompanied by the required fee, the Director of Planning shall determine if the application is complete within 7 working days of the filing date. The Director shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that shall be filed to complete the application.
  5. *Concurrent Applications.* When a project requires approvals under more than one section of Chapter I: Zoning Regulations, the individual applications may be accepted for concurrent review.
  6. *Inspection and Reproduction of Public Records.* All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request during normal business hours. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.
  7. *Inactive Applications.* All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Director extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Director 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.
  8. *Notice of Public Hearings.* Public notification shall be provided in compliance with Chapter I, Article 5.2: Common Procedures. When the proposed preliminary subdivision plat involves land that abuts other municipalities or unincorporated

areas of Maricopa County or a combination thereof, the Planning Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit.

9. *Staff Reports.* The Director of Planning shall prepare and transmit staff reports to the Design Review Board and the Redevelopment Commission, if applicable, and the Planning Commission. The reports shall include an evaluation of the consistency of the proposed preliminary subdivision plat with the Zoning Code, the General Plan, and any applicable specific plan. The staff report shall also provide an analysis and recommendation, setting forth any proposed conditions of approval. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.
10. *Redevelopment Commission.* The Redevelopment Commission shall review applications for preliminary subdivision plats within the Heritage District Overlay Zoning District at a public meeting.
11. *Redevelopment Commission Action.* The Redevelopment Commission may recommend approval, approval with modifications and/or conditions, or denial of preliminary plats to the Planning Commission.
12. *Planning Commission Hearing.* The Planning Commission shall conduct a public hearing on an application for a preliminary subdivision plat as set forth in Chapter I, Article 5.2: Common Procedures.
13. *Planning Commission Action.* The Planning Commission may approve, approve with modifications and/or conditions, or deny the proposed preliminary subdivision plat. The Planning Commission shall consider recommendations from the Design Review Board and Redevelopment Commission, if applicable. Conditions may be imposed to mitigate the impacts of topography, flooding, adverse soils, subsidence, high water table, or other natural or man-made hazard to life or property. Conditions may also be imposed to implement the General Plan, the Zoning Code, design guidelines, and other codes and ordinances of the Town.
14. *Design Review Board.* The Design Review Board shall review the open space plan for a subdivision of 20 acres or more at a public meeting following the approval of a preliminary plat by the Planning Commission. No public hearing shall be required.
15. *Design Review Board Action.* The Design Review Board shall approve, approve with modifications and/or conditions, or deny the subdivision open space plan.

16. *Appeal.*

- a. Design Review Board. Design Review Board action on a preliminary subdivision plat open space plan may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals. The Town Council decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the action of the Design Review Board.
- b. Planning Commission. Planning Commission action on a preliminary subdivision plat may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals. The Town Council decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the action of the Planning Commission.

17. Amendment. All or a part of an approved preliminary subdivision plat may be amended. The amendment process shall be the same as the original approval process. The public notification area shall be the area within 300 feet of the property subject to the amendment.

B. ***Final Plat.***

1. *Applications.* Completed applications shall be submitted to the Development Services division on a form established by the Town Engineer. Any of the following persons or entities may submit an application:
  - a. The owner of the property;
  - b. An authorized agent of the owner; or
  - c. A person acting under a purchase contract or exclusive option to purchase the property.
2. *Application Content.* Application content is set forth in Section 1.104: Submittal Requirements, Final Plat. The Town Engineer 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. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town. The Town Engineer may waive the submission of certain information if he finds it is not needed to reach a decision on the application.

3. *Determination of Completeness.* After receiving an application accompanied by the required fee, the Town Engineer shall determine if the application is complete within 7 working days of the filing date. The Town Engineer shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that shall be filed to complete the application.
4. *Inspection and Reproduction of Public Records.* All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request during normal business hours. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.
5. *Inactive Applications.* All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the Town Engineer shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Town Engineer extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Town Engineer 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.
6. *Staff Report.* The Public Works Director shall prepare and transmit a staff report to the Town Council. The report shall include an evaluation of the consistency of the proposed final subdivision plat with the approved preliminary subdivision plat, the Zoning Code, the General Plan, any applicable specific plan, and all applicable Public Works standards. The staff report shall also 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.
7. *Town Council Action.* The Town Council shall approve or deny the final subdivision plat.
8. *Mayor's Signature.* 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.
9. *Recordation.* Improvement plans for the subdivision shall be approved by the Town Engineer prior to recordation of a final plat. The Public Works department shall record the final subdivision plat with the office of the Maricopa County Recorder.

10. *Dedications and Acceptance.*

- a. 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.
- b. 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 Town Engineer.

11. *Protected Development Right Plan.* The Protected Development Right Plan for a non-phased development shall be the final subdivision plat approved by the Town Council, as set forth in Chapter I, Section 5.903A: Final Subdivision Plat Protected Development Right Plan.

**1.103 Submittal Requirements, Preliminary Plat Application**

A. *Project Narrative.*

1. Two copies of a narrative describing the project shall be submitted with an application for preliminary subdivision plat approval.
2. The narrative shall demonstrate that the project complies with the zoning code and the General Plan; and
3. The narrative shall describe proposed refuse and recycling collection system if other than standard Town collection.

B. *ALTA Survey.* An ALTA survey is required for all undeveloped properties.

1. One full size copy (24" x 36"). The survey shall be performed within 12 months of the date of the submission of the preliminary plat application.
2. The survey shall be sealed by a licensed surveyor or engineer.

C. *Landscape and Open Space Plans / Gateway Entrances.*

1. *Number of Full Size Copies.*
  - a. 6 copies, blue-line or blackline prints (24" x 36").
  - b. 1 copy presentation blackline not on photo paper, color rendered (24" x 36"), not folded or mounted.

2. *Number of Reduced Copies.* 1 copy of laser print or photo reduction (8.5" x 11"), not a photocopy of color rendered plan.
3. *Required Plan Information.*
  - a. Vicinity map;
  - b. Scale, north arrow, and dimensions;
  - c. Gross and net site area;
  - d. Property lines, easements, alleys, private streets, tracts and adjacent right-of-way;
  - e. Square footage of common area landscaping and worksheet identifying each area used to calculate the total square footage;
  - f. Square footage of public right-of-way landscaping and worksheet identifying each area used to calculate the total square footage;
  - g. Location of proposed landscape areas;
  - h. Site visibility triangles per Town of Gilbert standard details;
  - i. Existing and proposed landscaping materials, including non-vegetative groundcovers. Distinctive symbols shall be used for each plant variety;
  - j. Sizes, varieties and number of landscaping materials to be used;
  - k. One foot contour lines and sections for retention basins and earthen berms, labeled with spot elevations;
  - l. Location, type and height of proposed site lighting fixtures, including cut sheets;
  - m. Design and location of enhanced community mailboxes;
  - n. The location of all electrical transformers and proposed screen walls, including elevation and materials;
  - o. The location and elevations of entry monuments and all fence types. Plans should be dimensioned and include notations specifying the application of proposed materials and colors;



- p. Location and specifications of playground apparatus, ramadas or other shade structures, benches, barbecues, ball courts, pools, etc.;
- q. Schematic grading design of open space areas, including cross sections;
- r. Elevations of gateway entry monument signage, if any, including materials, colors, lettering dimensions and style, and accent lighting;
- s. Placement of proposed gateway entry monument signs, with dimensions indicating separation from other signage;
- t. Date of preparation including dates of any revisions; and
- u. Licensed landscape architect seal.

**D. *Preliminary Hydrology Report.***

1. Two copies shall be submitted.
2. This report shall be on separate, letter size (8.5" x 11") sheets with any necessary maps. Handwritten comments will not be accepted;
3. Delineated boundaries of watershed, if the subdivision is subject to off-site drainage;
4. Any existing drainage or irrigation structures such as tail water or delivery ditches, natural drainage channels, etc., and how they will be treated;
5. The retention volume required and the method to be used. Show a preliminary retention basin plan including size, depth and methods of drainage;
6. If the development, or any part of it, is located in a mapped floodplain, indicate the steps that will be taken to comply with Council Ordinance No. 525 (Flood Damage Prevention), as amended;
7. Date of preparation including dates of any revisions; and
8. The preliminary hydrology report shall be sealed by a licensed engineer.

**E. *Preliminary Grading and Drainage Plan.***

1. *Number of Full Size Copies.* 3 copies of blueline or blackline prints (24" x 36").
2. *Number of Reduced Copies.* 1 copy of laser print or photo reduction (8.5" x 11"), not a photocopy of color rendered plan.

3. *Required Plan Information.*

- a. Vicinity map;
- b. Scale, north arrow, and dimensions;
- c. Site details;
- d. Gross and net site area;
- e. Preliminary storm water retention calculations;
- f. Existing and proposed slope, depth, flow patterns, and location of retention areas;
- g. Proposed contour lines and sections for retention basins and earthen berms, with spot elevations;
- h. Proposed drainage pattern, grade breaks and slopes of all streets;
- i. Date of preparation including dates of any revisions; and
- j. Licensed engineer seal.

F. *Preliminary Plat.*

1. *Number of Full Size Copies.* 15 copies of blueline or blackline prints (24" x 36").
2. *Number of Reduced Copies.* 1 copy of laser print or photo reduction (8.5" x 11"), not a photocopy of color rendered plan.
3. *Required Plat Information.*
  - a. Vicinity map;
  - b. Key map on each page, if plat consists of more than two pages;
  - c. Scale, north arrow, and dimensions;
  - d. The preliminary plat shall be drawn at a scale of not more than 100 feet equals 1 inch or adjusted to produce an overall drawing of 24 inches by 36 inches. More than one sheet may be submitted if necessary. The scale shall be appropriate to the size of the development;

- e. Number each lot individually with the last lot number circled;
- f. Table of lot sizes indicating area of all lots, total number of lots, total lot area and corresponding zoning classification;
- g. Minimum lot dimensions. Do not show “typical” lots or zoning standards;
- h. Illustrate the minimum lot width at minimum front setback for all irregular lots;
- i. Table of tracts indicating use, area of each tract, and total tract area;
- j. Location of proposed multi-use and pedestrian trails;
- k. Name, book and page number of any recorded adjacent subdivision or Map of Dedication;
- l. Name, address and telephone number of subdivider;
- m. Name, address and telephone number of engineer preparing plat;
- n. Proposed name of subdivision;
- o. Location by Section, Township, and Range: referenced by dimension and bearing to two section corners. Basis of bearings used shall be stated on plat;
- p. Topography by contours and spot elevations related to N.G.V.D. or approved Town datum. Contour interval shall not exceed 2 feet and shall adequately reflect character and drainage of land;
- q. Location of existing fences, wells, lakes, ditches, power lines and trees over 4 inch trunk caliper;
- r. Permanent structures to remain, including water wells and utility lines within or adjacent to property;
- s. Location and extent of areas subject to inundation, indicating frequency of inundation;
- t. Location, dimensions of all existing streets (with names), railroads, utility property, and easements;
- u. Adjacent rights-of-way and easements showing existing and approved future improvements, access points, etc;

- v. Layout of proposed streets and alleys, giving widths, preliminary curve data and proposed street names;
- w. Proposed right-of-way dedications;
- x. Street cross sections, both public and private streets;
- y. For gated developments, details of entries, including gates, security control points, turnarounds, and vehicle stacking area;
- z. Designation of all land to be dedicated or reserved for public use, with the use indicated;
- aa. Conceptual drainage;
- bb. The method of sewage collection, including the preliminary sewer layout, indicating grades, manhole locations, cleanouts, slopes and depths;
- cc. The preliminary layout of the water system, indicating fire hydrants, valves, meter vaults and water line sizes;
- dd. Proposed improvement phasing;
- ee. Identification of on- and off-street guest parking;
- ff. Adjacent zoning districts within 300 feet;
- gg. Adjacent lot lines and structures within 150 feet;
- hh. Table indicating development land use data:
  - (1) Gross and net acres;
  - (2) Current zoning district(s) and General Plan Classification(s);
  - (3). Percent of total acreage in each zoning category;
  - (4). Number of proposed dwelling units (residential only);
  - (5) Minimum setbacks and maximum lot coverage;
  - (6) Open space/landscape areas and percentages; and
  - (7) Other tracts and purposes;

- ii. Date of preparation including dates of any revisions; and
- jj. Licensed engineer seal.

**G. *Materials/Color Board.***

1. *Number.* One material/color board (9" x 14"- maximum) and catalog cut sheets of materials and colors noting color/material name, number and manufacturer.
2. *Reduced Copy.* One 8.5" x 11" minimum photograph or color copy of the board.
3. *Required Information.*
  - a. Material/color board for entry monuments, walls, lighting and amenities;
  - b. Samples of proposed materials and actual color chips for fence/entry monument sign material noting the color and material name and manufacturer's number mounted on a maximum 9" x 14" foam for cardboard; and
  - c. Catalog pages of proposed materials and colors for lighting and amenities, noting the color and material name and manufacturer's number.

**1.104 Submittal Requirements, Final Plat Application**

**A. *Final Plat.***

1. *Full Size Copies.* 5 copies of blueline or blackline prints, (24" x 36").
2. *Digital Copies.* A digital final plat on CD or a 3.5 inch high density floppy disk shall be submitted following initial staff review, but prior to scheduling the item for a Town Council agenda.
  - a. Digital copies shall adhere to Computer Aided Drafting (CAD) standards conforming to civil engineering practices, and complying with the following documents: Maricopa County Subdivision Plat CAD Layering Guidelines – May 1997, and Maricopa County Plats CAD Standards and Naming Conventions – May 1997.
  - b. All files shall be submitted in a .DWG or .DXF file format and shall include the Real World Basemap File. Files may be submitted in a compressed format if they can be self-extracted.

3. *Required Plat Information.*

- a. Vicinity map;
- b. Key Map on each page, if plat consists of more than two pages;
- c. Scale, north arrow, and dimensions. Scale shall not be more than 100 feet equals 1 inch or adjusted to produce an overall drawing of 24 inch by 36 inch. Use more than one sheet, if necessary;
- d. Boundary closure, gross and net acreage;
- e. General Notes;
- f. Number each lot with the last lot number circled;
- g. Minimum lot width drawn parallel to the front property line at the minimum front setback for all irregular lots (Residential only);
- h. Table of lot sizes indicating size of all lot areas, total number of lots, total lot area and corresponding zoning classification (Residential only);
- i. Table of tracts indicating use, the area of each tract, and total tract area;
- j. Landscape areas owned and maintained by an association shown as landscape tract(s). If owned and maintained by an individual property owner, landscape areas do not need to be shown on the final plat;
- k. Name, book and page number of any recorded adjacent subdivision or Map of Dedication having common boundary;
- l. Name, address and telephone number of subdivider;
- m. Name, address and telephone number of surveyor preparing plat;
- n. Proposed name of final plat;
- o. Location by Section, Township, and Range: referenced by dimension and bearing to 2 section corners. Basis of bearings used shall be stated on plat;
- p. Location and extent of areas subject to inundation; indicate frequency;
- q. Location, dimensions of all existing streets (with names), railroads, utility property, and easements;

- r. Adjacent rights-of-way and easements showing existing and approved future improvements, access points, etc;
- s. Layout of proposed streets and alleys, giving widths and approved street names;
- t. Street curve data;
- u. Easements, labeled by type. Notes should clearly identify the purpose of each easement type;
- v. Cross access easement language;
- w. Designation of all land to be dedicated or reserved for public use, with the use indicated;
- x. Certifications required by law;
- y. Date of preparation; and
- z. Licensed Land Surveyor signature and seal.
- aa. A petition to initiate formation of a street lighting improvement district to pay for all costs of energy, maintenance and repair of all streetlights to be installed in the area shown on the plat or, if private streets, evidence of provisions to require payment of all costs related to energy, maintenance repair and replacement of all streetlights and lights in parks and open space set forth in recorded covenants, conditions and restrictions pertaining to the subdivision.

4. *Conditions, Covenants and Restrictions.* 1 copy.

### **1.105 Reservation of Land for Public Purpose**

The Town may require the reservation of land for public parks, recreational facilities, school sites, and fire stations for 1 year from the date of recording of a final plat as set forth in ARS § 9-463.01. The reserved land area shall be identified on the preliminary subdivision plat approved by the Planning Commission. At the applicant's option a lot and street pattern for the reserved land area may be approved as part of the preliminary subdivision plat. Prior to the end of the 1 year period following recording of the final plat, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the 1 year period the reservation of land shall terminate.

## 1.106 Dedication of Rights-of-Way and Easements

- A. ***Streets, Rights-of-Way and Public Easements.*** All proposed streets, rights-of-way, and easements shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain a dedication for all rights-of-way and public easements. The Town Engineer shall establish required dedication language.
- B. ***Private Utility Easements.*** All easements proposed for dedication to a private utility company shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.
- C. ***Vehicular Non-Access Easements (VNAE).*** Vehicular non-access easements shall be shown on the subdivision plat. No driveway or vehicle gate shall be installed which would permit a vehicle to access or cross a vehicular non-access easement.
- D. ***Other Easements.*** Other easements required by the General Plan, the Zoning Code or the Town Engineer shall be shown on both the preliminary and final subdivision plats.
- E. ***Appeals of Dedications and Exactions.*** Appeals of a required subdivision plat dedication or exaction filed pursuant to ARS § 9-500.12 or alleged to create a taking pursuant to ARS § 9-500.13 shall comply with the procedures of Chapter I, Section 5.1002A: Appeals, and ARS § 9-500.12G.

## 1.107 Subdivision Improvements

- A. ***Improvements Required.*** The cost of all subdivision improvements within and adjacent to new subdivisions shall be the responsibility of the subdivider. All subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town Engineer. Required improvements to be shown on the plat, including, but not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing.
- B. ***Preparation of Improvement Plans.*** Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to minimum standards, requirements, and specifications established by the Town Engineer.



- C. ***Assurance of Construction.*** The subdivider shall provide assurance of construction that required improvements will be installed or constructed in accordance with approved plans and Town details and specifications, in accordance with ARS § 9-463.01.C8. Such assurance of construction shall be in an amount equal to 110 percent of the estimated cost of completion of the required improvements, as determined by the Town Engineer. The assurance of construction shall be provided in a form satisfactory to the Town Engineer and Town Attorney. The following forms of assurance may be used:
1. ***Cash Deposit.*** Upon satisfactory completion of the improvements, the Town shall inspect the improvements, and, if said improvements are in compliance with approved plans and Town details and specifications, the Town shall initially accept said improvements. After Initial Acceptance, the deposit may be reduced to 10 percent of the original cash deposit and such amount shall remain with the Town until Final Acceptance of the work. Upon Final Acceptance, the remaining cash deposit shall be returned to the subdivider. The subdivider may elect to substitute a surety bond until Final Acceptance of the improvements.
  2. ***Surety Bond.*** A surety bond, executed by the subdivider as principal, from a corporation duly authorized to transact surety business in the State of Arizona. The bond shall be in favor of the Town. The bond shall remain in full force and effect until Initial Acceptance of the improvements. After Initial Acceptance, the amount of the bond may be reduced to 10 percent of the original bond and such bond shall remain with the Town until Final Acceptance of the improvements. Upon Final Acceptance, the bond shall be returned to the subdivider.
  3. ***Loan Commitment.*** The subdivider may provide assurance of construction of subdivision improvements by delivering to the Town Engineer prior to the recording of said plat an agreement between an approved lending institution and the subdivider. The agreement shall state that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the Town Engineer, have been deposited with the lending institution. The agreement shall provide that such funds are specifically allocated, and will be used by the subdivider or on his/her behalf, only for the purpose of installing the subdivision improvements. The Town shall be the beneficiary of such agreement. The agreement shall remain in full force and affect until Initial Acceptance of the required improvements. After Initial Acceptance, the amount required to be available may be reduced to 10 percent of the original amount and the agreement shall remain in effect with the revised amount until Final Acceptance of the improvements. Upon Final Acceptance, the agreement may be terminated. At the option of the subdivider, the subdivider may provide a surety bond to cover the costs until Final Acceptance.

4. *Alternative to Assurance of Construction - Hold on Certificates of Occupancy.* The Town may accept as an alternative assurance of construction a written agreement with the subdivider that no certificates of occupancy will be issued for a subdivision until the required improvements are complete in accordance with the approved plans and Town's details and specifications. This alternate method of assurance will only be accepted for subdivisions that require no water and sewer improvements outside property lines and no improvements are required to existing arterial or collector roadways and if the following criteria are met:
  - a. The subdivider has engaged in business in the Phoenix Metro area for a period of 3 consecutive years prior to making request, and
  - b. The subdivider has completed all the required improvements in a minimum of 2 jurisdictions in a manner satisfactory to the local jurisdiction's City Engineer. The written agreement shall provide that as an alternative to the assurance provisions of Section 1.107C.1: Cash Deposit, Section 1.107C.2: Surety Bond, and Section 1.107C.3: Loan Commitment, the Town shall be authorized to withhold building permits or final building inspections until all required improvements are completed and the work is inspected and accepted by the Town Engineer. The Building and Code Compliance Director shall deny final approval of any building permit or final building inspection for any structure located within a subdivision unless a written certification has been received from the Town Engineer that all required improvements are complete and the work has been inspected and accepted. If the subdivider fails to complete all required improvements in accordance with the terms of the agreement, the Town Engineer may authorize the completion of the work. The Town shall be reimbursed the costs (as determined by the Town Engineer) of construction, installation, and dedication of the uncompleted portion of the required improvements. The Town may take such action as necessary to obtain reimbursements from the subdivider.
- D. ***Town Completion of Work.*** If the subdivider abandons the installation of construction of required improvements or fails to complete the improvements in accordance with the Town's details and specifications, the Town may complete such installation or construction and the cost shall be deducted from the assurance of construction. The cost of construction exceeding the amount of the assurance shall be the responsibility of the subdivider, and the Town may recover such construction costs through all available remedies.
- E. ***Phasing.*** The Town Engineer shall approve any plan for the phased construction of a subdivision or subdivision improvements.
- F. ***Design Standards.*** The Town Engineer shall publish design standards and details for public and private improvements to be constructed within the Town. All subdivision improvements shall conform to the design standards.

**G. Residential Subdivision Plat Design and Development Guidelines.**

1. *Low and Medium Density Subdivisions.* Residential subdivisions with a density of 4 units per net acre or less shall comply with the guidelines established in the Residential Design and Development Guidelines for Low and Medium Density Subdivisions.
2. *Medium High Density Framework Guidelines.* Residential subdivisions with a density of more than 4 units per net acre shall comply with the guidelines established in The Medium High Density Framework Guidelines.

**H. Street Lighting Improvement District.** Prior to Final Plat approval, the subdivider shall, at no cost to Gilbert and pursuant to the provisions of Arizona Revised Statutes Title 48, Article 2, prepare, execute and deliver to Gilbert, a petition and all supporting documentation required to form a street lighting improvement district for lighting the public streets and parks within the subdivision. If the subdivision provides for private streets, the subdivider shall ensure that all provisions requiring payment of all costs related to energy, maintenance, repair and replacement of all streetlights and lights in parks are provided for in the recorded covenants, conditions and restrictions related to the subdivision.

### **1.108 Gated Facility Entrances**

A minimum of 40 feet of vehicle queuing area shall be provided behind each security control point. The minimum width of the vehicular entry shall be 20 feet in width. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.

### **1.109 Continuation of Streets**

Streets in a new subdivision shall align with and continue streets in adjacent developments. Single family residential subdivisions adjacent to undeveloped property designated for single family residential use on the General Plan shall provide for the continuation of streets to access the adjacent property, as determined by the Planning Commission.

### 1.1010 Effective Date and Expiration Date

- A. **Effective Date.** The effective date of the preliminary subdivision plat shall be the 11th day after approval, if no appeal has been filed. The effective date of a preliminary subdivision plat which has been appealed to the Town Council is the date of Town Council approval.
- B. **Expiration Date.** A preliminary subdivision plat shall automatically expire 2 years from its effective date unless a complete application for a final subdivision plat has been filed with the Town.

### 1.1011 Appeals

- A. **Preliminary Subdivision Plats.** The decision of the Planning Commission on a preliminary subdivision plat may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals.
- B. **Final Subdivision Plats.** Decisions of the Town Council on a final plat are final.

### 1.1012 Corrections to Recorded Plats

- A. Except as provided in this section, any change to a recorded subdivision plat shall be processed in accordance with Section 1.102B Final Plat of this Chapter III.
- B. **Corrective Plats.** Corrective Plats may be approved by the Town Engineer, subject to the following requirements:
  - 1. All corrections to a recorded plat shall be illustrated on the recorded plat for clarity.
  - 2. Items to be corrected and the reason for the correction shall be indicated on the corrective plat by adding a plat note to the recorded plat. The note(s) shall be signed and sealed by the party responsible for the plat. The word “corrective” shall be added to the title block on the Corrective Plat.
  - 3. The Corrective Plat shall be reviewed by the Town Engineer for completeness and accuracy. If no revisions are necessary, after receiving an approval signature by the Town Engineer, the plat shall be recorded in the Office of the Maricopa County Recorder and a copy shall be kept in the Town’s file with the Final Plat.
  - 4. At the discretion of the Town Engineer, a Certificate of Plat correction may be substituted for a corrective plat. A Certificate of Plat Correction shall be subject to the same requirements as a Corrective Plat set forth in this section.

C. ***Application Procedure.***

1. ***Correction Requested by Owner***

- a. An owner requesting a Corrective Plat or Certificate of Plat Correction shall file a complete application for the requested correction in writing, with all required documentation and fees.
  - b. A complete application for Certificate of Correction or form of certificate shall be on the form provided by the Development Services Department and shall include:
    - (1) Corrections requested;
    - (2) The date the plat was recorded
    - (3) The docket and page number of the plat being corrected;
    - (4) Signature line for approval by Town Engineer
2. If the correction is initiated by Gilbert, the Town Engineer shall file a complete application including all of the information set forth in Section 1.1012.C.1.b.