

ORDINANCE N~~o~~-15-113

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 152 SUBDIVISION REGULATIONS, BY AMENDING §§ 152.02 DEFINITIONS AND 152.03 CLASSIFICATION OF LAND SPLITS AND SUBDIVISIONS RELATED TO THE REGULATION OF LARGE LAND DIVISIONS; AND § 152.05 LAND SPLITS AND LARGE LAND DIVISIONS PROCEDURES RELATED TO APPLICATION REQUIREMENTS FOR LOT SPLITS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.02 Definitions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*

~~LARGE LAND DIVISION. Land whose area exceeds two and one-half acres in size and is proposed for division into less than four parcels or lots without involving the creation of a new street, for the purpose of selling or leasing the proposed parcels or lots.~~

\* \* \*

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.03 Classification of Land Splits and Subdivisions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.03 Classification of Land Splits and Subdivisions

\* \* \*

~~(B) Large land division.~~

~~(1) A division of land containing over 2.5 acres into less than four new parcels or lots, where no new street is involved.~~

~~(2) Requirements and processing. Proposed large land divisions shall require a pre-application conference, documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.~~

~~(C) Minor subdivision.~~

\* \* \*

~~(D) Major subdivision.~~

\* \* \*

(d) The chart and notes below summarize the procedures and requirements of the various types of land splits, divisions and subdivisions. Procedural steps are described fully in the following sections.

<i>Requirements for the Town</i>	<i>Pre-App Mig</i>	<i>Applica-tion and Fee</i>	<i>Plan and Division History</i>	<i>Record of Survey</i>	<i>Sketch Plan -- Staff</i>	<i>Water Certifi-cate</i>	<i>Preliminary Plat</i>		<i>Final Plat</i>	
* * *	***	***	***	***	***	***	***	***	***	***
Large Land Division area >2.5 acres into 3 or less parcels	X	X	X	X						
* * *	***	***	***	***	***	***	***	***	***	***

\* \* \*

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.05 Land Splits and Large Land Divisions Procedures is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.05 Land Splits and Large Land Division Procedure.

(A) Preliminary processing.

(1) Proposed land splits and large land divisions shall require a pre-application conference (see § 152.04), at which the property owner and department shall discuss the proposal, regulations and options for further consideration of proceeding with a land split application described below.

(2) Application, together with filing fees, and the following documents shall be filed by the applicant.

(a) Legal description and assessor's parcel number.

(b) A land split ~~or large land division~~ drawing showing the proposed land split ~~or division~~, fully dimensioned and prepared at a scale which maintains legibility, showing the following information:

\* \* \*

(c) Documentation of the land division history of the parcel. Documentation may consist of assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred ~~from the original parcel since July 1, 2005~~ DURING THE FIVE-YEAR PERIOD PRECEDING THE APPLICATION.

(d) If applicable, a copy of any easement and/or required agreement, or other legal document which permits shared facilities.

\* \* \*

(C) Final application submittal. Upon satisfactory review and determination by the Department and prior to final approval and recording, the property owner shall submit:

(1) A completed application, filing and recording fees; and

(2) A record of survey of the proposed land split ~~or large land division~~ produced by a registered land surveyor (RLS) licensed in the State of Arizona; the record of survey shall be sealed and signed by the RLS and contain the boundaries of the original parcel prior to the land split ~~or large land division~~, the proposed parcels with parcel lines fully dimensioned, and the rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities;

(3) The record of survey shall contain the recording data (book and page numbers) of the access easements for ingress and egress, existing or proposed for creation of the land split ~~or large land division~~; such easements shall meet the standards specified in § 152.09 Subdivision and Street Design Standards. ~~Note: the recorded access easement shall contain a provision for the construction of the roadway within the access easement and its maintenance by the property owner until such time as the town may accept the roadway easement, after inspection finding that the roadway has been built to town design standards.~~

~~(4) The record of survey for a large land division shall contain a statement indicating that such created parcels or lots may not be further divided or split without complying with requirements of the subdivision regulations of the town. Such statement shall be included in the deed of title to each parcel or lot.~~

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended 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 remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the penalties provided for in Section 152.99 of the Dewey-Humboldt Town Code.

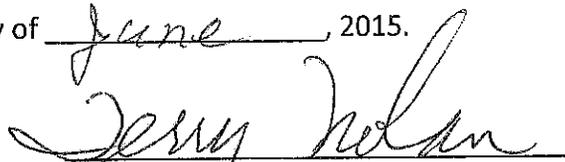
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 16<sup>th</sup> day of June, 2015, by the following vote:

AYES: 7

NAYES: 0 ABSENT: 0

EXCUSED: 0 ABSTAINED: 0

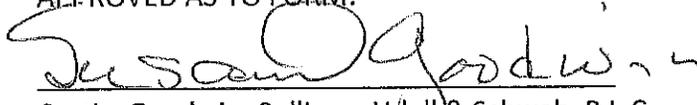
APPROVED this 16 day of June, 2015.

  
Terry Nolan Mayor

ATTEST:

  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-113 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 16<sup>th</sup> DAY OF June, 2015, WAS POSTED IN THREE PLACES ON THE 19<sup>th</sup> DAY OF June, 2015.

  
Judy Morgan, Town Clerk