CHAPTER 155: SUBDIVISIONS

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GENERAL PROVISIONS

§ 155.01 TITLE.

This chapter shall be known as “The Subdivision Chapter of the city,” and is referred to elsewhere herein as “these regulations” or “this chapter.”

(’87 Code, § 9-2-1) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.02 AUTHORITY.

These regulations are created pursuant to enabling legislation NMSA § 3-19-6.

(’87 Code, § 9-2-2) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.03 JURISDICTION.

These regulations are designed to accomplish the procedures for the processing, consideration and filing of plats lying within the corporate boundaries of the city and/or within a radius of five miles from the city planning and platting jurisdiction pursuant to NMSA §§ 3-19-5 and 3-20-5. No subdivision of any land shall hereinafter be effected within the...
city area of jurisdiction except in accordance with the provisions of these regulations.

(’87 Code, § 9-2-2) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.04 PURPOSE.

These regulations are intended to create orderly, harmonious and economically sound development of land in order to establish conditions favorable to the health, safety, convenience and general welfare of citizens of the city and its area of jurisdiction. More specifically, provisions of these regulations are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe convenient circulation of people, goods and vehicles; accurate and complete surveying and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in official plans, policies and ordinances and codes in furtherance of plans and policies as may have been and may be hereafter adopted by the city.

(’87 Code, § 9-2-3) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.05 INTERPRETATION.

These regulations are held to be minimum requirements to carry out the purpose stated herein and are not intended to interfere with any other laws, covenants or ordinances. Whenever any of the provisions of these regulations are more or less restrictive than other laws, covenants or ordinances, then whichever is more restrictive shall govern.

(’87 Code, § 9-2-4) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.06 DEFINITIONS.

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

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property.

BLOCK. Property bounded on one side by a street and on the other sides by a street, railroad right-of-way, waterway, unsubdivided areas or other definite barriers.

CENTERLINE. The line halfway between the street right-of-way lines.

CITY CLERK. An appointed officer of the city as so designated by the governing body.

CUL-DE-SAC. A short street intersecting another street and terminating in a vehicular turnaround.

EASEMENT. An acquired or granted right of use which one person may have in the land of another.

FUTURE STREET LINE. A line, established by the governing body, running more or less parallel to the centerline of an existing or proposed street for the purpose of delineating the future boundaries of public right-of-way.
LOT. A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances, generally as a portion of a subdivision intended for development purposes.

MASTER PLAN. A comprehensive plan or any of its parts, adopted by the governing body, for the physical development of the area within the planning and platting jurisdiction of the city for the general purpose of guiding and accomplishing coordinated and harmonious development.

MONUMENT. One or more of the following:

1. BENCH MARK. A brass cap, set in a base which meets city standard, with the elevation (mean sea level datum, 1929) and the land surveyor's registration number inscribed thereon.

2. PERMANENT SURVEY MONUMENT. A brass cap set in a base which meets city standards, or a standard Bureau of Land Management monument marking sectionized corners, containing coordinates referenced to the New Mexico Coordinate System and the land surveyor's registration number prescribed thereon.

3. SUBDIVISION CONTROL MONUMENT. A metal stake or pipe which meets city standards, with the land surveyor's registration number affixed thereto.

OPEN SPACE. An area reserved for public use, not to include dedication of public streets and right-of-way.

PERSON. Any individual, estate, trust, receiver, association, club, corporation, company, firm, utility or other entity.

PLANNING BOARD. The Planning and Zoning Board of the city.

PLAT. A map, chart, survey, plan or replat certification by a registered land surveyor which contains a description of subdivided land with ties to monuments or other points of reference acceptable to the Planning and Zoning Board, the plat to be placed on record.

PUBLIC DRAINAGE SYSTEM. The path that storm runoff or other flow will follow from the furthest upstream parcels of land to city limits.

REPLAT. To prepare and record a new plat replacing all or a portion of a previously recorded plat that has been vacated.

SKETCH PLAN. A preliminary sketch drawing of a subdivision plat conforming with the requirements stated herein, and used in the preapplication procedure prior to submission of the preliminary plat.

STREET. Property acquired or dedicated to and accepted by the city as right-of-way, other than an alley, for the principal means of public access to abutting property. The term includes the following:

1. ARTERIAL STREET. A street designed and used primarily for serving large volumes of traffic.

2. COLLECTOR STREET. A street which carries traffic from local streets to the arterial streets and highways.

3. LOCAL STREET. A street which is primarily for access to abutting properties and carries low volume traffic.

SUBDIVIDER. Any person creating a subdivision, including the owner, equitable owner or any authorized representative.
SUBDIVISION. The division of any lot or tract of land into two or more lots for the purpose, whether immediate or in the future, of sale, lease or development. SUBDIVISION does not include the following:

(1) Any residual land retained by the subdivider after SUBDIVISION but which has not been divided for SUBDIVISION purposes;

(2) The sale or lease of apartments, offices, stores or similar space within a building;

(3) Any division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;

(4) Any division of land created by court order, except court orders involving land grant adjudications; and

(5) The leasing of land for grazing or farming activities.

VACATION OF PLAT. To formally remove a plat from record, as recorded in the office of the County Clerk.

(’87 Code, § 9-2-5) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025; Am. Ord. 01-020)

§ 155.07 VIOLATIONS.

(A) Construction which violates any provision of these regulations is strictly prohibited and no building permit shall be authorized except in those cases where modifications or exceptions have been granted by the Planning and Zoning Board prior to start of construction.

(B) Violations without authorization by the Planning and Zoning Board shall bring cause for legal action by the city to have the construction violation stopped, corrected and/or removed and a penalty assessed.

(’87 Code, § 9-2-19) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

PLATING PROCEDURE

§ 155.20 PROCEDURE GUIDANCE.

(A) Every person who desires to subdivide land into two or more lots shall furnish a plat of the proposed subdivision prepared by a surveyor, registered and licensed by the state and shall comply with the requirements of these regulations. Upon request, the City Clerk shall furnish the subdivider with basic information on the requirements.

(B) Any proposed subdivision replat or vacation of plat occurring within the corporate limits of the city shall conform to the requirements of these regulations and shall be submitted for review and approval by the Planning Board prior to filing with the County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.

(C) Any proposed subdivision, replat or vacation of plat occurring outside the corporate limits but within the three mile planning and platting jurisdiction of the city shall conform to the requirements of these regulations and, as supplemented by the provisions of the Sandoval County land subdivision regulations, and shall be submitted for concurrent review and approval by the Planning Board and the Board of County Commissioners prior to filing with the Sandoval County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the
proposed subdivision.

(D) In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

1. **Geographic suitability.**
   
   (a) With reference to any officially adopted plans of the city, an area shall not be unsuited to the purposes for which it is to be subdivided.

   (b) The availability of adequate paved streets, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and utility services shall all be weighed in considering the subdividing of land. They are not all necessarily required.

   (c) Land with the following types of problems shall have subdivision approval withheld until it is demonstrated that the hazards have been or will be eliminated:

       1. Special drainage conditions;

       2. Difficult topography;

       3. Soil conditions which are unusually limiting; and

       4. Other geographic hazards to life, health or property.

2. **Grading.**

   (a) No subdivider shall proceed with any grading specifically in relation to a proposed subdivision before conditional approval has been given for the preliminary plat by the Planning Board. The grading shall be consistent with the recommendations of an approved drainage plan, if any have been required pursuant to these regulations.

   (b) The subdivider shall preserve major trees, scenic points, historic places and other community landmarks wherever feasible or required.

3. **Area plan.**

   (a) If the subdivider owns or controls land contiguous to the land he wishes to subdivide immediately, the Planning Board may require the subdivider to submit a proposed master plan for the total area to be approved or approved in modified form by the Planning Board prior to approval of the preliminary plat. Any plat submitted shall be a reasonable planning unit in relation to the approved area plan. The proposed area plan shall show proposed use type and densities as well as proposed arterial, collector and local street alignments.

   (b) If the Planning Board finds that the area plan will significantly alter the provisions of any officially adopted plans of the city, it shall make a recommendation to the governing body. The governing body shall approve it, approve it in modified form, or reject it.

   (c) All proposed street alignments shown in the area plan or any preliminary plat related thereto shall extend, complement or otherwise conform to existing municipal streets and to officially designated proposed street alignments. Likewise, shall all proposed sewer, water and drainage lines be made to extend, complement and conform to existing and proposed.
§ 155.21 PREAPPLICATION; PLANS AND DATA.

(A)  (1) Submission.

(a) All proposed subdivisions, replats or plat vacations shall comply with the requirements of these regulations. Whenever there is no need for dedication of streets or easements, the Planning Board may waive the requirements for topography, street, utility and storm drainage as set forth herein. However, submittal of a series of two lot subdivisions on a tract of land will be considered a subterfuge to defeat the purpose of these regulations and the plats shall not be approved.

(b) Previous to the filing of an application for approval of the preliminary plat, the subdivider shall submit to the Planning Board a sketch plan and data as specified herein. This step does not require formal application, payment of fee or filing of a plat with the Planning Board.

(2) Advice. The preapplication procedure affords the subdivider the opportunity to avail himself of the advice and assistance of the Planning Board early and informally before preparation of the preliminary plat and before formal application for its approval. The Planning Board may assist the subdivider in analyzing the development and plan for its sound integration with the community, and may give informal guidance to the development at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider. The Planning Board shall not assume any liability for possible lack of understanding on the part of the subdivider.

(3) Review. The Planning Board, within 30 days of sketch plan submittal, shall inform the subdivider whether the sketch plan and data meet the intent of these regulations. If the sketch plan and data do not meet the intent, the Planning Board shall express the reasons therefor and advise the subdivider in bringing the proposed plan into conformance.

(’87 Code, § 9-2-7)

(B)  (1) Location map. A location map shall show the relationship of the proposed plat to existing community facilities which serve it; all abutting streets, shopping centers, schools, parks and north arrows.

(2) Sketch plan. A simple sketch plan on a current topographic survey shall show the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be freehand pencil sketch made directly on a print of the topographic survey.

(3) Written information. General plat information shall list the name and address of the subdivider and his agent, if any, to total area of the proposed plat, the existing conditions of the site, and the proposed development as necessary to supplement the sketch plan. This information shall include data on existing covenants and land characteristics including surface drainage, grading, landfill areas, and available private and municipal utilities. This information shall also describe the subdivision proposal, such as the number and typical lot width and depth of residential lots, business areas, public areas and proposed utilities.

(’87 Code, § 9-2-8)

(Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)
§ 155.22 PRELIMINARY PLAT.

(A) Application. Upon reaching a general understanding established by the preapplication review, the subdivider shall submit to the Planning Board a written application on prescribed forms, together with eight copies of the preliminary plat, improvement plans and other supplementary material as specified herein. The application package shall be submitted at least ten days prior to the regular meeting of the Planning Board at which the plat is to be presented for review.

(B) Review. The Planning Board shall review the required preliminary plat and supplementary material and shall request comments from city staff and other governmental agencies as may be appropriate.

(C) Annexation and/or rezoning. If annexation and/or rezoning is proposed or required to accomplish the development envisioned in connection with the plat, the Planning Board shall withhold conditional approval of the preliminary plat until such time as annexation and/or rezoning shall be officially adopted by the governing body. The Planning Board shall submit a written report containing its recommendation to the governing body prior to the public hearing on the annexation or rezoning.

(D) Decision.

(1) Following review of the required preliminary plat and other material, and following negotiations with the subdivider on changes as may be deemed advisable, the Planning Board as may be deemed advisable, the Planning Board shall, within 35 days of receipt of the application package, act thereon as submitted or modified. However, if it is found that any agency other than the staff of the city should be requested to review the submitted materials, the time period within which the Planning Board must act may require reasonable extension. After the last opinion requested of an agency is received, the Planning Board shall act on the preliminary plat within 21 days. If the preliminary plat is approved, the Planning Board shall express its conditional approval and state the conditions of the approval, if any. If the plat is disapproved, the Planning Commission shall express its disapproval and its reasons therefor. The action of the Planning Board shall be noted on two copies of the preliminary plat, referenced and attached to any condition determined. One copy shall be returned to the subdivider and the other retained by the Planning Board.

(2) Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(E) Public hearing. No plat shall be acted upon without a public hearing. Public notice of the application shall be given in a newspaper of general circulation in the city at least 15 days prior to the day of the hearing. The notice shall be published at the subdivider’s expense and shall indicate the location of the proposed subdivision as well as where interested persons may examine the preliminary plat and file comments. Notice of the time and place of the hearing on the preliminary plat shall be sent by certified mail to the subdivider and all property owners with property abutting the proposed subdivision not less than 15 days before the date of the hearing.

(F) Longevity. Approval of a preliminary plat is effective for one year unless extended by the Planning Board, based on a finding that the delay has been unavoidable and the extension is in the public interest.

(’87 Code, § 9-2-9) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.23 PRELIMINARY PLAT APPROVAL; PLANS AND DATA.

(A) The subdivider shall submit eight copies of the preliminary plat to the Planning Board. The preliminary plat shall include all land owned or controlled by the subdivider, which is or may be suitable for or susceptible to subdivision or development, and adjoins the land proposed to be subdivided. The preliminary plat shall be drawn to a scale of 1 inch to 200 feet for the purpose of showing all details clearly. An adequate number of sheets shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

(B) The preliminary plat shall contain the following information:

1. Name of proposed subdivision, name and address of subdivider, agent and principal person preparing the preliminary plat;

2. Scale and north arrow;

3. Proposed bench mark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments found or set;

4. Plat boundary lines, bearing in degrees, minutes and seconds, with basis for bearings noted or shown, distances in feet and hundredths;

5. Existing conditions of the site and its environs including the following:

   a. Present site designation or subdivision name;

   b. Easements on site: location, width and purpose;

   c. Public right-of-way on and within 150 feet of the site; name, width, type and dimensions of paving;

   d. Utilities on and adjacent to the site, location and, if obtainable, size of water wells, water reservoirs, water lines, sanitary and storm sewers, location of gas lines, fire hydrants, electric and telephone lines and poles and street lights; (If water mains and sewers are not on or adjacent to the tract, indication of the direction, distance to and size of nearest ones showing invert elevation of sewer.)

   e. Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:

      1. For land that slopes less than 1%, contour lines at intervals of not more than one foot;

      2. For land that slopes between 1% to 5%, contour lines at intervals of not more than two feet; and

      3. For land that slopes more than 5%, contour lines at intervals of not more than five feet.

   f. Existing storm drainage facilities on and adjacent to the site;

   g. Other significant conditions on the site; major rock outcrops, trees, structures, and the like;

   h. Conditions on adjacent land significantly affecting design of the subdivision; approximate direction and gradients of ground slope; character and location of development;

   i. Zoning on and adjacent to the site; and
j) Total area of the proposed plat to the nearest one-tenth acre.

6) Location map showing location of the site in relation to well known landmarks, abutting property owners and municipal boundaries;

7) Proposed lot lines and public right-of-way and street widths; indicate roadways intended to be private; locations of planned water wells, reservoirs, and pump stations; locations, dimensions and purpose of all easements, public or private; rights-of-way for public services or utilities, and any limitations thereof;

8) Number or letter to identify each proposed lot and block;

9) Locations, dimensions, approximate areas and purposes of lots proposed to be dedicated for public uses, or development fees proposed to be paid in lieu thereof, in accordance with design standards specified in this chapter;

10) Sites and approximate area for any multi-family dwellings or nonresidential use; and

11) Proposed changes to ground elevations, to standards specified herein.

C) Storm drainage management. For the purpose of minimizing or eliminating damage resulting from storm water runoff, the subdivider shall be required to furnish a plan for storm drainage management if the subdivision lies within a designated flood hazard area. Preparation of the drainage plan shall be done by a registered professional engineer and shall include the following information:

1) Location of proposed lots, streets, bridges, water and erosion control structures, and utility easements in relation to the existing contours. These shall also be shown in relation to the finished contours proposed to be implemented in development of the subdivision.

2) Storm drainage computations showing the estimated runoff from the subdivision prior to and following completion of development.

3) Storm drainage computations on the surrounding areas contributing runoff that may affect the subdivision or may be affected by the subdivision.

4) All appropriate design details necessary to clearly explain the construction of all water control structures, utility installations and buildings as they shall be made flood proof to the extent necessary.

5) Conformity to the regulations, procedures, and standards as may be prescribed by local, state or federal laws.

D) Soils analysis. The subdivider shall provide a preliminary soils analysis by a qualified soil scientist to determine the adequacy of the soil for the proposed construction. Subdivisions reviewed by the summary procedure of these regulations may be exempt from this paragraph unless the Planning Board determines the analysis to be in the public interest.

E) Schedule of development. The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when street paving, water service and sewer service will be provided.

F) Special problems analysis. For land with difficult topography or other geographic hazards to life, health or property, a report and proposed solution shall be prepared satisfactory to the Planning Board.

(‘87 Code, § 9-2-10) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)
§ 155.24 FINAL PLAT.

(A) Submission. Application for approval of the final plat shall be submitted on prescribed forms to the Planning Board at least ten days prior to the meeting at which it is to be considered. An original and two copies of the final plat and other required exhibits shall be submitted to the Planning Board within 12 months following approval of the preliminary plat; otherwise, the approval shall become null and void unless an extension of time has been granted by the Planning Board. The final plat shall conform substantially to the preliminary plat as approved.

(B) Review. The Planning Board shall review the final plat and other exhibits submitted for conformity to these regulations, and shall insure that the conditions of the preliminary plat as approved have been met.

(C) Decision.

(1) If the final plat is in conformance with the preliminary plat as approved and conforms with these regulations, it shall be approved by the Planning Board. Should the final plat be disapproved, the Planning Board shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two copies of the final plat. One of the copies shall become a part of the files of the City Clerk's office.

(2) Approval or disapproval shall be given within 35 days of the date of final plat submission, unless the subdivider agrees in writing to a deferral. If the final plat is approved by the Planning Board, the approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and shall be dated and verified by the signature of the Chairman of the Planning Board.

(D) Recording.

(1) The final plat is in full force and effect only after having been duly recorded in the office of the Sandoval County Clerk and copies filed with the City Clerk. Approval of the final plat shall become null and void if the plat is not so recorded with six months after the date of approval, unless an extension of time is granted by the Planning Board. Submission for recording is the subdivider's responsibility.

(2) In the case of a replat, the subdivider shall request the Sandoval County Clerk to mark the original plat with the words “replatted” or “partially replatted” and refer on the original plat to the filed location of the replat. The Planning Board shall mark the copies of the original plat on file in the offices of the city in a similar manner.

(3) After having filed the original drawing of the final plat with the Sandoval County Clerk, which copy shall be the official copy, the subdivider shall submit to the city two copies of the final plat as recorded and properly stamped by the Sandoval County Clerk, and a digital copy with the following requirements:

(a) Format. The digital copy shall be submitted in a format that is compatible with the city’s GIS (geographical information system) and approved by the City Development Department.

(b) Storage. The digital copy shall be submitted, preferably on a CD Rom, but may be submitted on a 3½-inch floppy disk, the disk shall be labeled with the recorded plat book and page numbers and subdivision name.

(c) Projection. The digital copy shall be submitted in accordance with the NAD 1927 or the NAD 1983 State Plane Coordinate System.

(d) Layering. Layers shall either contain a layer index or shall consist of and be limited to:
1. SUBD: legal subdivision boundary (coincident with narrative);

2. LOT: lots, outlots, blocks (areas of land ownership);

3. RDCL: road center lines (public or private);

4. ROAD: platted right-of-way;

5. RDEAMT: access easements across lots;

6. PUESMT: public utility easements;

7. DESMT: drainage easements;

8. ATRIBTS: attributes shall consist of and be labeled as:
   a. Parcel, labeled as Par.
   b. Lots shall be lot numbers only.
   c. Tract, labeled as Tr.
   d. Block, labeled as Blk.

9. NOTES: shall consist of notes and legal description and title of plat; and

10. SIGBLK: shall consist of the Signature Blocks on plat.

(e) Geographic extent. The digital copy shall have contiguous layers of the subdivision and shall not be divided into sheets.

(4) No building permits shall be issued until a copy of the recorded final plat have been placed on file with the city.

(E) Replat. After final approval of any plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by the plat, except upon the filing of a replat, showing the proposed change or changes, with the Planning Board and securing its approval in accordance with the procedures herein established. The provisions of this division shall apply to all proposed replats or changes in lot lines, dimensions of lots, streets, alleys and easements in any platted area within the city planning and platting jurisdiction.

(F) Acceptance of land. Approval of the final plat by the Planning Board shall be deemed to constitute acceptance by the city of dedication of public rights-of-way, other proposed public easements, and public areas shown on the plat, provided the final plat is properly recorded with the Sandoval County Clerk and the City Clerk.

(§ 9-2-11) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.25 FINAL APPROVAL; PLANS AND DATA.
(A) Final plat. The subdivider shall submit the original and two copies of the final plat to the Planning Board for approval in accordance with the following provisions.

(B) Size, scale, material. The final plat shall be drawn, scribed or photo-reproduced in black ink on tracing cloth or stable-base polyester material, on sheets no larger than 24 by 36 inches, and shall be at a scale of 1 inch to 200 feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.

(C) Information. The final plat shall contain the following information:

(1) Name of subdivision;

(2) Title, scale, north arrow and date of survey;

(3) Location and description of all monuments found or set within the plat area, and all these referred to, including bench marks with elevation shown and property corners;

(4) Plat boundary lines; bearing in degrees, minutes and seconds, with basis for bearings noted or shown; distances in feet and hundredths or other functional reference system; both the record and measured bearings and distances;

(5) Reference the plat to the state Plane Coordinate System; total acreage of subdivision to four decimal places;

(6) Lot lines, and right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines; names of streets, right of way widths, and centerline data and all streets and alleys, including private streets and alleys; the length, central angle and radius of all curves;

(7) Location, dimensions and purpose of all easements, existing or proposed, and any limitations thereof;

(8) Number or letter to identify each lot and block;

(9) Location, dimensions, areas and purposes of lots proposed to be dedicated or reserved for the public;

(10) Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book and page number in the office of the County Clerk;

(11) Mileage of streets created:

(a) Total;

(b) Full-width streets; and

(c) Half-width streets.

(12) Certification by the County Treasurer or by a duly qualified abstract company that the previous ten years' property taxes due and payable have been paid in full;

(13) Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds;
(14) Signed statements by the subdivider dedicating public rights-of-way, any sites for public use, and granting the shown easements for public use;

(15) Certification and seal by a registered land surveyor, in accordance with the laws of the state, certifying the accuracy of the survey and plat, that he prepared or supervised preparation of the plat, that he has shown all easements of record, and that it meets design standards for surveying;

(16) Certification that all monuments are in place; and

(17) Other certificates, affidavits, endorsements or dedications as may be required by the Planning Board in the enforcement of these regulations.

('87 Code, § 9-2-12) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.26 SUMMARY PROCEDURE.

(A) In accordance with the alternate summary procedures authorized by NMSA § 3-20-8, the City Development Director, as administrative officer, may approve a subdivision as a combined preliminary and final plat in any case where no public purpose would be served by separate steps. The summary approval shall be given only when one or both of the following conditions exist:

(1) The subdivision contains no more than two lots, provided, however, that submittal of a series of two lot subdivisions on a tract of land will be considered a subterfuge to defeat the purpose of these regulations and the plats shall not be approved.

(2) Resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots.

(B) In all cases, the subdivision plat being considered for approval under this summary procedure shall be prepared according to the standards for plans and data for both preliminary and final plats as contained herein.

(C) The City Development Department Director shall furnish the Planning and Zoning Board with monthly reports documenting those subdivisions approved administratively.

('87 Code, § 9-2-13) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.27 REQUIRED IMPROVEMENTS.

(A) Authorization. Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the minimum improvements required by these regulations. Prior to the construction of any improvements or to the submission of any bond, the subdivider shall furnish the Planning Board with all plans and data necessary for the construction of the improvements. These plans shall be examined by the Planning Board and will be approved if in accordance with the following requirements. Following the approval, construction can be started or the amount of bond determined.

(B) Installation assurance. Plans for improvement shall be prepared by an engineer registered in accordance with the laws of the state. The city is to be assured of the installation of these improvements in a satisfactory manner by one or more of the following methods:
(1) Complete installation of the improvements prior to approval of the final plat;

(2) Submission of a satisfactory bond, either a performance bond or a cash bond, or the establishment of an escrow account in an amount and with surety and conditions satisfactory to the City Clerk providing for and securing to the city, the actual construction and installation of the improvements and utilities within a period not to exceed one year;

(3) Completion of an approved assessment procedure whereby the city is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision;

(4) Submission of an approved assessment procedure for the paving of streets together with an agreement between the subdivider and the city for a cash payment for other improvements with payment to be made as the work is completed;

(5) The city may authorize a written agreement between the city and the subdivider, which would be recorded at the time of filing of the final plat, which would adequately restrict sales of any lots as to which there had not been completion of the improvements and installation of utilities, and which would establish a ten-year time limit; and

(6) The subdivision may be developed in segments whereby the Planning Board, at its discretion, may waive the use of a guarantee as required by the section on the initial segments, provided that such segments are not larger than 25 lots or 50% of the total number of lots in the subdivision, whichever is less. The Planning Board shall grant final plat approval for each succeeding segment being contingent upon completion of the minimum improvements required by these regulations in each preceding segment. Completion of improvements in the final segment of the subdivision, which shall include at least 25 lots or 50% of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under this section.

(C) Installation of improvements. The subdivider may prepare and secure approval of the preliminary plat and then install improvements in the area covered by the preliminary plat. Improvements must be installed only in that part of the area for which a final plat will be submitted for approval and filing. The improvements to be installed shall include the following:

(1) Permanent markers. All subdivision boundary corners, and the four corners of all street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches, extending three feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, however, that offset courses and distances are shown on the plat. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

(2) Street improvements. All streets shall be graded and the roadway improved by paving under the supervision of the City Engineer and subject to his approval in accordance with the design standards provided herein.

(3) Sidewalks.

(a) Provision. Sidewalks shall be provided by the developer and shall be constructed under the supervision of the City Engineer and subject to his approval in accordance with the design standards of the city.

(b) Warrants. Sidewalks shall be required on both sides of arterial and collector streets when abutting land zoned R-3, C-1, C-2, M-1 or SU, and when abutting church and school grounds. Sidewalks shall be required on both sides of all local streets in a logical manner to facilitate pedestrian access.

(4) Water and sewer mains. The subdivider shall make necessary arrangements to serve each lot from water and
sewer mains of the central systems serving the city, where feasible and in conformity to governing body policy. Where, for any reason, municipal services cannot be provided, the subdivider shall present evidence that adequate water and sewer service to each lot will be provided in compliance with the requirements of the New Mexico Environmental Improvement Division and in conformity to the standard specifications of the city construction of all water and sewer lines shall be under the supervision and approval of the City Engineer.

5) Drainage. Construction of drainage improvements and other means of storm water management shall be under the supervision and approval of the City Engineer.

6) Street lighting.

(a) Street lighting shall be provided by the developer and shall be constructed under the supervision of the City Engineer and subject to his approval in accordance with the design standards provided herein.

(b) Street lights shall be required at all arterial and collector intersections, park, school and church sites, and any other high pedestrian-oriented land use.

7) Private wells. Private wells serving 15 or more households shall be permitted in accordance with division (C) (4) above. All other private domestic wells, in any existing or future subdivision, shall be permitted under the terms of this section.

(a) No private domestic well shall be permitted as the primary water source for any lot within 300 feet of an adequate water supply belonging to the city or any franchisee of the city.

(b) No private domestic well shall serve more than three lots.

(c) The lots shall be contiguous with no intervening highways, streets, roads, alleyways or other rights of way for vehicular traffic.

(d) The owner of the well shall present evidence that adequate water service will be provided in compliance with the requirements of the New Mexico Environment Department and in conformity to the standard specifications of the city construction of all water and sewer lines shall be under the supervision and approval of the City Development Department.

(c) In the event that a given well serves more than one lot, the owners of each lot shall jointly present the evidence in division (7)(b) above and shall further submit an executed agreement, filed with the Sandoval County Clerk, binding each of the owners and their successors in interest to maintaining the well and its pipelines for so long as the well is in operation.

D) Approvals. Approvals by the City Engineer of improvement plans for streets, alleys, grading, drainage, water, sewer, street lighting or other improvements within the context of this chapter shall expire by limitation and become null and void if the work or improvements authorized is not commenced within 12 months of the approval. In the event the authorized work or improvement is suspended or abandoned for a period of 12 months after the work or improvement is commenced, the approval shall expire and become null and void. Before the work or improvement is recommenced, resubmittal must be made for approval by the City Engineer.

('87 Code, § 9-2-14) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.28 CHARACTER OF DEVELOPMENT; MODIFICATIONS AND EXCEPTIONS.
(A) (1) The Planning Board shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property:

(a) To prevent the construction of substandard buildings; and

(b) To control the type and use of structures and the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

(2) The Planning Board shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that, in the case of subdivisions beyond the corporate limits, the Planning Board may require the subdivider to conform to the land use plans adopted by the city. Deed restrictions and covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation of the terms of the restrictions and covenants.

(‘87 Code, § 9-2-16)

(B) (1) Whenever the tract to be subdivided is of an unusual size or shape or is surrounded by the development or unusual conditions that the strict application of these regulations would result in real difficulties and substantial hardships, the Planning Board may vary or modify the requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but at the same time so that the public welfare and interests of the city are protected and the general intent and spirit of these regulations are preserved.

(2) However, relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of these regulations or the desirable developments of the community in accordance with plans and policies of the governing body. Any modification granted shall be entered in the records of the Planning Board setting forth the reasons which justified the modifications. Further, in granting modifications and exceptions, the Planning Board may place conditions which will in its judgment substantially secure the objectives of the standards or requirements involved.

(‘87 Code, § 9-2-17)

(Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.29 VACATION OF PLAT.

(A) Nothing in this section requires that a vacation be undertaken if a replat, accomplishing the elimination of lot lines is duly approved. A vacation is required when no replatting is undertaken but elimination of lot lines, rights-of-way or easement lines dividing a parcel is to be accomplished.

(B) Any plat filed in the office of the Sandoval County Clerk and within the planning and platting jurisdiction of the city may be vacated according to the following procedures:

(1) The subdivider of land proposed to be vacated, exclusive of public rights-of-way, shall sign a duly acknowledged statement declaring the plat or a portion of the plat is to be vacated and shall apply to the Planning Board for approval.

(2) Where a public right-of-way is proposed to be vacated:

(a) The Planning Board shall mail letters to franchised utilities and to the owner of record of all lots adjacent
to the public right-of-way to be vacated, informing them of the nature of the proposed vacation, and notifying them of the date, time and place of the hearing. At least 15 days shall be allowed for the comments before a decision is reached.

(b) If the public right-of-way proposed for vacation is paved, or if the entire width of the right-of-way is proposed for vacation, the applicant shall post and maintain one or more signs, as provided and where instructed by the Planning Board at least 15 days prior to the date of the hearing. The applicant is responsible for removing the signs within 5 days after the hearing is completed. Failure to properly post signs is grounds for deferral of the request. No one except the applicant, the agent of the applicant, or the city shall remove or tamper with any such required sign during the period it is required to be maintained under this division.

(c) In considering the vacation of all or part of a public right-of-way, the Planning Board shall determine whether or not the vacation will adversely affect the interests of persons owning contiguous land or land within the subdivision being vacated.

(3) The rights-of-way of any public or private utility, including drainage, existing prior to the vacation, total or partial, of any plat are not affected by the vacation of a plat unless an authorized representative of the utility involved agrees in writing to have the rights vacated.

(C) A decision on approval and endorsement shall be made at a hearing by the Planning Board. Public notice in a newspaper of general circulation in the city shall be published at least 15 days before the date of the hearing; the notice shall indicate the location of the proposed vacation where a map of the proposed vacation may be viewed and information on the hearing. If approved by the Planning Board, the statement of vacation is endorsed "approved." The endorsement shall be within 10 days of the conclusion of the hearing.

(D) The vacation is in full force and effect only after the approved statement declaring the vacation has been recorded in the office of the County Clerk. The County Clerk shall be requested to mark the original plat with the words "vacated" or "partially vacated" and refer on the plat to the volume and page on which the statement of vacation is recorded. Submittal for recording is the applicant's responsibility. The applicant shall also provide certified proof of the recording by the County Clerk to the City Clerk.

('87 Code, § 9-2-18) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

DESIGN STANDARDS

§ 155.40 COMPLIANCE.

All subdivisions within the city planning and platting jurisdiction shall conform to minimum design standards established by the city.

('87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.41 STREETS.

(A) The character, extent, width and location of all streets shall conform to any master plan or policies established by the governing body and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety and the proposed uses of the land to be served by the streets.

(B) Where an arterial or collector street is not shown and defined in a master plan of the city and there is not an
adopted future street line, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal situation where topographic or conditions make continuance of, or conformance to, existing streets impractical; or

(2) Conform to a plan for the neighborhood properly approved by the city to meet a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical.

(C) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(D) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to the right-of-way. This distance shall be suitable for the appropriate use of the intervening land and shall also be determined with due regard for the requirements of approach grades and future grade separations.

(E) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the Planning Board.

(F) Half streets shall be prohibited, except where used as an addition to another half street which was platted and filed before the effective date of these regulations.

(G) No street names shall be used which will duplicate or be confused with the names of existing streets within the jurisdiction of the city. Street name changes shall be subject to the approval of the governing body upon the recommendation of the Planning Board. A street name shall only be changed if the applicant shows that there will be a public benefit which clearly outweighs the public confusion which would be created by the name change.

(H) Streets shall be laid out to intersect as nearly as possible at 90 degree angles, and no street shall intersect any other street at less than 60 degrees.

(I) Street jogs with centerline offsets shall be avoided, but where necessary shall have a minimum offset of 125 feet.

(J) A minimum tangent 100 feet long shall be introduced between reverse curves on major streets.

(K) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet and of the greater radius as may be set by the Planning Board for special cases.

(L) Property lines at street intersections shall be rounded with a radius of ten feet, or of greater radius where the Planning Board may deem it necessary. Comparable cutoffs or chords in place of round corners may be permitted.

(M) Dead end streets (cul-de-sacs), designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet.

(N) (1) All street gradients shall be subject to approval of the City Engineer. Minimum street gradient shall not be less than 0.5%, and the maximum not more than 10%.

(2) Within 100 feet of any intersection, the maximum gradient shall be 5% to provide adequate and safe sight distance and the intersection itself shall have a maximum gradient of 3%.

(O) Streets and alleys shall be provided in accordance with the following minimum standards:
<table>
<thead>
<tr>
<th>Right-of-Way Street Type</th>
<th>Pavement Width</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>86 feet</td>
<td>48 feet, plus median</td>
</tr>
<tr>
<td>Collector</td>
<td>60 feet</td>
<td>42 feet</td>
</tr>
<tr>
<td>Local</td>
<td>50 feet</td>
<td>32 feet</td>
</tr>
<tr>
<td>Alley</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Cul-de-sac less than 200 feet in length</td>
<td>40 feet</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

(P) The minimum radius at the centerline for horizontal curves on streets shall be as follows:

1. Arterial: 400 feet;
2. Collector: 200 feet; and
3. Local: 50 feet.

(Q) All streets shall be graded and the roadway improved in all accordance with standard specifications of the city and with the supervision and approval of the City Engineer.

(R) Alleys shall be provided in commercial and industrial districts, except that the Planning Board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking adequate for the uses proposed. Alleys may be provided in residential areas at the option of the subdivider, but are to be discouraged where they would serve no useful public purpose or where easements would better serve the purpose.

(S) Curbs and gutters shall be provided on both sides of the street and constructed to standard specifications of the city under the supervision of the City Engineer and subject to his approval.

(T) The width and horizontal location of sidewalks shall conform to the following minimum design criteria:

1. **Width.** A six-foot width is required on all arterials. A four-foot width is required on all collectors and local streets.

2. **Horizontal location.** Sidewalks shall be located within the public right-of-way such that the property side edge is located on the property line. There shall be a 2½-foot minimum separation between street side edge of the walk and the back of curb. Special locations shall be as identified in adopted plans.

3. **Vertical location.** The sidewalk must be located such that the top surface of the sidewalk will be two inches above the top of curb at the lowest point on the sidewalk.

4. **Transverse slope.** Sidewalks shall have a minimum transverse slope of ⅛-inch per foot, sloping toward the street.

5. **Sidewalk materials.** Sidewalk materials and specific design specifications must be approved by the City Engineer prior to construction.

(U) Walkways, bike paths, bridle paths and water courses shall provide a minimum right-of-way width of ten feet.
and a minimum pavement width, if any, of ten feet.

(V) Street numbers designating building numbers shall be in compliance with § 154.23 and building numbers shall be designated during plat approval procedure.

(W) Street lights shall consist of 100 watt, high pressure sodium vapor, pink lights and shall be located at warranted locations and at mid-block locations where blocks exceed 500 feet in length. In new subdivisions, the developer shall submit a plat to the authorized utility franchisee for design of the street lighting system. The authorized utility franchisee shall submit the completed design to the City Engineer through the City Development Department for approval. Following approval, the authorized utility franchisee shall install the street lights in conjunction with the installation of electrical service to the subdivision.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.42 DRAINAGE.

Adequate provision shall be made for drainage of storm water subject to the approval of the City Engineer in accordance with the master drainage plan and requirements pursuant to the National Flood Insurance Program of the Federal Emergency Management Agency.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.43 EASEMENTS.

Easements of at least five feet in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains. An adequate easement or right-of-way shall be dedicated to contain all portions of the public drainage system for the purpose of widening, deepening, sloping, improving or protecting the channel for drainage purposes. Where a cut or fill road slope is outside the normal right-of-way of the street, then a slope easement shall be provided of sufficient width to permit maintenance of the slopes.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025; Am. Ord. 01-020)

§ 155.44 BLOCKS.

The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; to zoning requirements as to lot sizes and dimensions; to needs for convenient access, circulation, control and safety of street traffic; and to limitations and opportunities to topography.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.45 LOTS.

The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly
related to topography and the character of adjacent development. All side lines of lots shall be at right angles to straight street lines or radial to curved street lines unless a variation of this rule will give a better street and lot plan. Lots of double frontage shall not be permitted.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.46 PUBLIC SITES; OPEN SPACES.

(A) The Planning and Zoning Board shall require adequate provision for suitable park land, playgrounds or other public recreational use in each subdivision.

(B) When any subdivider receives final plat approval for a subdivision within the corporate limits of the city, the subdivider shall dedicate to the city a portion of the land suitable for the purpose of parks, or recreational facilities, for the future residents of the subdivision. The dedicated land shall conform to city standards as defined in this subchapter.

(C) The exact amount of land dedicated shall be determined by the recommendations of the City Development Department, and the Planning and Zoning Board. The dedication shall be generally based upon three acres per 1,000 persons and 2.83 persons per dwelling in single-family areas and shall be generally equivalent in other areas.

(D) The subdivider shall provide utility availability for the development of the dedicated land.

(E) (1) For subdivisions containing 25 acres or less, in lieu of the land required to be dedicated, the city may accept payment of a fee based upon the fair market value of the amount of land which would otherwise be required to be dedicated. However, submittal of subsequent subdivisions, involving adjacent or contiguous land will be considered a subterfuge to defeat the purposes of this chapter and the subdivider must comply with the requirement for public sites and open spaces.

(2) Fair market value shall be determined in an appraisal obtained by the city from a certified appraiser. The appraisal shall be obtained after the site is platted into lots and before the plat is approved by the Planning and Zoning Board.

(F) The dedication of land required by this section shall be by warranty deed and by dedication on a plat of the subdivision filed of record with the County Clerk.

(G) Notwithstanding any other provisions of this chapter, any requests for waivers or variances from the requirements for public sites or open space for recreational use shall be submitted to the Planning and Zoning Board through the City Development Department. The Planning and Zoning Board shall make and submit recommendations to the governing body for its approval, disapproval or modification at an open meeting.

(‘87 Code, § 9-2-15) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

ADMINISTRATION AND ENFORCEMENT

§ 155.60 VARIANCES.

(A) Variance from the strict application of design standards may be allowed in cases where unusual conditions exist, or a variance would provide an improved design. Financial gain, loss or monetary savings cannot be considered solely as a basis for a variance request.

(B) A request for a variance shall be submitted to the Planning and Zoning Board through the City Development Department.

(C) The Planning and Zoning Board shall approve or disapprove the variance request at one of its regular meetings, or at a special hearing if necessary.

(D) Public notice shall be given at least 15 days before the meeting in a newspaper of general circulation in the area, and owners of property within 300 feet of the property line of the proposed variance shall be notified by certified mail at least 15 days before the meeting.

('87 Code, § 9-2-20) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.61 FEES AND PENALTIES.

(A) (1) Land dedication fee. The fees received under this chapter shall be placed in a separate “Public Site and/or Open Space Purchase and Improvement Account,” and shall be used by the city only for acquisitions, development and improvement of public site and/or open space facilities to serve the subdivision for which the fees have been paid.

(2) Payment in lieu of land dedication. Payment in lieu of land dedication shall be paid at the time the Planning and Zoning Board approves the certified appraisal.

('87 Code, § 9-2-21)

(B) (1) Transferring lots in unapproved subdivision.

(a) Any owner or agent of the owner, of any land located within the planning and platting jurisdiction of the city, who leases, transfers, sells, agrees to sell or negotiates to sell land by reference to or exhibition of a plat of the land before being duly approved by the Planning Board and duly recorded in the office of the Sandoval County Clerk, shall upon conviction be subject to a fine not exceeding the maximum according to state law.

(b) Each and every lot or portion thereof so leased, transferred, sold, agreed to be sold, or negotiated to be sold shall be prosecuted and treated as a separate offense. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties.

(2) Improper recordings. Any person who records with the Sandoval County Clerk any plat in violation of these regulations shall upon conviction be subject to a fine not exceeding the maximum according to state law.

('87 Code, § 9-2-22)

(Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.62 APPEALS.

(A) (1) Appeal of any action or decision by the City Development Department may be filed with the governing body within 30 days after the date of the determination by the Board.

(2) Appeal of any action or decision by the Planning and Zoning Board may be filed with the governing body within 30 days after the date of the determination by the Board.
(B) (1) The Planning and Zoning Board shall give public notice of the time and place of hearing of the appeal and written notice to the appellant, City Development Department, and a representative of the opponents, if any, at least 15 days before the date of the hearing. The appeal must be presented within three months after the date of filing.

(2) The governing body shall give public notice of the time and place of hearing of the appeal and written notice to the appellant, members of the Board and a representative of the opponents, if any, at least 15 days before the date of the hearing. The appeal must be presented within three months after the date of filing.

(C) An appeal shall stay all proceedings in furtherance of the action appealed unless the City Development Department or Commission from whom the appeal is taken certifies that, by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of the District Court after notice to the City Development Department or the Board from whom the appeal was taken and on due cause shown.

(D) When an appeal alleges that there is an error in any order, requirement, decision or determination by the Department or the Commission in the enforcement of NMSA §§ 3-21-1 through 3-21-14, or any article, resolution, rule or regulation adopted pursuant to those sections, the Planning and Zoning Board, by majority vote of its members present, or the governing body, by majority vote of its members present, may:

(1) Authorize, in appropriate cases and subject to appropriate conditions and safeguards, special exceptions to the terms of Chapter 154 of this code or resolutions:

(a) Which are not contrary to the public interest;

(b) Where, owing to special conditions, a literal enforcement of the zoning chapter will result in unnecessary hardship; and

(c) So that the spirit of Chapter 154 of this code is observed and substantial justice done; or

(2) In conformity with NMSA §§ 3-21-1 through 3-21-14, reverse any order, requirement, decision or determination of the Department or Commission. The language of §§ 155.40 et seq., 155.61(A) and this section existing prior to this amendment shall continue to apply to any subdivision procedure which has been applied for prior to the effective date of this amendment.

(‘87 Code, § 9-2-23) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.63 AMENDMENTS.

The governing body may, from time to time, amend or modify these regulations after public hearing, due notice of which shall be given as required by law.

(‘87 Code, § 9-2-24) (Ord. 81-6; Am. Ord. 91-037; Am. Ord. 96-019; Am. Ord. 97-025)

§ 155.64 PUBLIC RECORDS.

The Planning Board shall keep public records of findings, decisions and recommendations concerning all subdivision plats filed with it for review, including actions as may be taken by the governing body through appeals or amendments to these regulations.