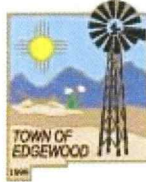


# TOWN OF EDGEWOOD



## **SUBDIVISION ORDINANCE ADOPTED DECEMBER 7, 2005**

Amended June 5, 2013

**Ordinance No. 2005-14**

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## **SECTION 1. TITLE.**

This ordinance may be cited as the "Subdivision Ordinance."

## **SECTION 2. AUTHORITY AND JURISDICTION.**

**A) AUTHORITY.** This ordinance is adopted pursuant to §3-19-6 NMSA, 1978.

**B) JURISDICTION.** These Regulations are designed to accomplish the procedures for the processing, consideration, and filing of plats lying within the corporate boundaries of the Town of Edgewood (hereinafter, the "Town") and for property within the extraterritorial zone of the Town boundaries, which area is the Town planning and platting jurisdiction pursuant to §3-19-5 and §3-20-5 NMSA 1978. No subdivision of any land shall hereinafter be effected within the Town area of jurisdiction except in accordance with the provisions of these Regulations.

## **SECTION 3. PURPOSE.**

These Regulations are intended to create orderly, harmonious, and economically sound development of the Town and to establish conditions favorable to the health, safety, convenience, and general welfare of citizens of the Town and its area of jurisdiction, and to recognize and preserve the Town's history and culture.

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 such ordinances and codes in furtherance of plans and policies as may have been or may be hereafter adopted by the Town.

## **SECTION 4. INTERPRETATION.**

These Regulations are intended 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.

## **SECTION 5. DEFINITIONS**

- A) ADJACENT PROPERTY.** The discrete residences, lots or tracts which are located within 300 feet of the boundaries of the lot(s) or tract(s) which are included within the area of a proposed major subdivision.
- B) ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.
- C) BLOCK.** Property bounded on one side by a street and on the other sides by a street, waterway including irrigation facilities, unsubdivided areas, or other definite barriers.
- D) CENTERLINE.** The line halfway between the street right-of-way lines.
- E) CUL DE SAC.** A short street intersecting another street and terminating in a vehicular turn-around.
- F) CLERK/TREASURER** The individual(s) serving as the chief administrative officer within the Town.
- G) EASEMENT.** An acquired or granted right of use which one person may have in the land of another.
- H) FIRE CHIEF (or Designee).** An individual certified by the State of New Mexico with authority to review plats of subdivision for compliance with applicable regulations delineated by the currently adopted Uniform Fire Code within the Town.
- I) IMPROVEMENTS.** Changes to the land and facilities necessary to prepare if for building sites including, but not limited to: grading, filling, streets, sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, irrigation, drainage and flood control facilities, street lighting, and other facilities used by the public or used in common by owners of lots within a subdivision.
- J) LOT.** A tract or parcel of land:

1. Exclusive of public right of way, placed on the County Clerk's records in accordance with this ordinance or predecessor ordinances, the Santa Fe County Subdivision Ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at time of filing; or,
  2. Held in separate ownership, as that parcel was shown on the records of the County Assessor, prior to October 2, 1950, effective date of passage of a County Resolution covering Subdivision.
- K) COMPREHENSIVE 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 Town for the general purpose of guiding and accomplishing coordinated and harmonious development.
- L) MONUMENT.** One or more of the following:
1. **PERMANENT SURVEY MONUMENT** - A cap referenced to the New Mexico Coordinate System having the land surveyor's registration number inscribed thereon.
  2. **SUBDIVISION CONTROL MONUMENT** - A metal stake pipe or other approved marker which identifies position within a subdivided area and which is referenced to a permanent survey monument.
- M) CODE ADMINISTRATOR.** The individual serving as the chief administrative officer of the Community Planning and Development Department of the Town.
- N) PLANNING AND ZONING COMMISSION (COMMISSION).** The body appointed by the Mayor with consent of the Governing Body with the power, authority, jurisdiction and duty to enforce and carry out the provision of law relating to planning, platting and zoning; and other power, authority, jurisdiction and duty incidental and necessary to carry out the purpose of Section 3-19-1 through 3-19-12 NMSA 1978; and to carry out the requirements of Articles 19, 20, and 21 of Chapter 3 of NMSA, 1978.
- O) PLAT.** A map, chart, survey, plan or replat certified by a registered land surveyor which contains a description of a subdivided land with ties to permanent survey monuments, said plat to be placed on record.
- P) PLAT, FINAL.** The final map of all or a portion of a subdivision or site plan conforming with the requirements stated herein, that is presented to the proper review authority for final approval; recordation in the office of the County Clerk within thirty-five (35) days of approval by the Town creates a legal subdivision.
- Q) PLAT, PRELIMINARY.** A map of a subdivision of land conforming with the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the subdivider achieves vested rights to subdivision upon preliminary plat approval.
- R) PLAT, SKETCH.** A sketch or drawing of a subdivision plat conforming with the requirements stated herein, and used in the pre-application procedure prior to submission of the preliminary plat for a subdivision.
- S) PRIVATE WAY.** A portion of a lot or easement used for ingress or egress by persons or vehicles which is not a public right of way and which provides access between a public right of way and one or more lots.
- T) PUBLIC RIGHT-OF-WAY.** That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement of vehicles, pedestrian traffic, and/or for conveyance of public utility services, irrigation, or drainage.
- U) REPLAT.** The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as stated in the zoning ordinance.
- V) STREET/ROAD.** That portion of a public right-of-way or private way which is devoted to vehicular use.
- W) SUBDIVIDER.** Any person creating a subdivision, including the owner, equitable owner, or any authorized representative.
- X) SUBDIVISION.**
1. The division of any lot or tract of land, within the corporate boundaries of the Town, by metes and bounds description, into two or more parts for the following purposes:
    - a. Sale for building purposes or lease;
    - b. Laying out a municipality or any part thereof;
    - c. Adding to a municipality;
    - d. Laying out subdivision lots;
    - e. Resubdivision; or

- f. Any division of land created by court order.
- 2. The division of land within the Town extraterritorial planning and platting jurisdiction, into two or more parts by metes and bounds description into tracts of less than five acres in any one calendar year.
- x.1. **TOWN ENGINEER.** A professional engineer registered in accordance with the laws of New Mexico, and employed or contracted by the Town to perform work as directed.
- x.2. **WAIVER.** Foregoing from one or more of the requirements of this Ordinance, upon making certain findings.

**SECTION 6. GENERAL INFORMATION AND GUIDANCE.**

**MAJOR AND MINOR SUBDIVISIONS.**

- A. Minor Subdivisions are defined as any subdivision resulting in no more than three (3) lots on any single lot which formerly existed. The single lot which will be subdivided must have been in existence in its current form a minimum of 365 days prior to the date of the application, have no significant infrastructure, and all resulting lots must be accessible from existing roadways. Only those lots which meet all of the conditions of this paragraph are eligible to be subdivided as a minor subdivision.
- B. Major Subdivisions are defined as any subdivision which does not qualify as a Minor Subdivision, including all subdivisions which will result in four (4) or more lots on any single lot which formerly existed, have significant infrastructure, or will result in lots which are not accessible from existing roadways.
- C. The Town Administrator shall conduct a pre-application review on all proposals which are submitted to the Town to determine whether the proposal is a major or minor subdivision. The Town Administrator shall immediately forward all applications to the Planning & Zoning Commission, noting whether the application is a major or minor subdivision.
  - (1) If the proposal will result in a Major Subdivision, the application shall be processed in conformance with the procedures and requirements set forth in Section 6 through Section 8, and shall be subject to all the requirements for subdivision set forth herein.
  - (2) If the proposal will result in a Minor Subdivision, the Planning & Zoning Commission shall review the application, hold a public hearing, and make a final determination on the application within sixty (60) days of receipt of the application by the Town. In conducting the review and issuing the final determination, the Planning & Zoning Commission shall comply with all applicable requirements of this Ordinance, and may impose conditions for approval provided such conditions are in furtherance of the goals of the Subdivision Ordinance. The application for a Minor Subdivision shall be processed and approved by the Planning & Zoning Commission as a combined preliminary and final plat heard in a single public hearing for both, and no sketch plat need be prepared. In the event the Planning & Zoning Commission fails to make a final determination on an application within sixty (60) days of receipt of the application, the application shall be deemed approved.
- D. Minor Subdivisions on any given lot and any resulting lots following a lot split, may only be completed once annually. Any application for a Minor Subdivision which will result in a Minor Subdivision more frequently than once every 365 days shall be treated as a Major Subdivision regardless of whether the application meets all other requirements set forth herein for Minor Subdivisions.
- E. Inconsistencies: Any inconsistencies with the remainder of this ordinance shall be resolved by applying the provisions of this section. Any reference to Major Subdivisions shall include Minor Subdivisions with the foregoing proviso.

**A) PLATTING PROCEDURE**

1. 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 Planning & Zoning Office shall furnish the subdivider with basic information on the requirements.

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

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

**B) CONSIDERATIONS FOR SUBDIVISION PLATTING.** In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

**1. Maintenance of Town Character/Atmosphere**

- a. It is the policy of the Town, wherever reasonable, to encourage the maintenance of the atmosphere of the Town as characterized in the Comprehensive Plan.
- b. The Town, therefore, will view with favor subdivisions incorporating irregular size lots, provisions for open space, easements for bicycle and equestrian trail, concepts of historical land use and other factors calculated to maintain such an atmosphere.

**2. Suitability.** The Planning & Zoning Commission shall not approve a subdivision of land if, from adequate investigations, it has been determined that in the best interest of the public health, safety or welfare, the land is not suitable for platting and development purposes of the kind proposed.

- a. Geography. Land subject to flooding, land deemed to be topographically unsuitable, and land that is for other reasons uninhabitable, all as determined by the Planning & Zoning Commission shall not be platted for residential occupancy or for such other uses as it may increase danger to health safety or welfare or aggravate erosion or flood hazard.
- b. Services. The availability of adequate, surfaced streets, adequate emergency access, 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. The foregoing services are not all necessarily required; and the nature and extent of these services may effect the Planning & Zoning determination of suitability.

**3. Sewer.** Any subdivision or replat proposal which involves an extension of sanitary sewer lines will require a statement of sewer availability from the Town of Edgewood.

**4. Preservation.** The subdivider shall preserve major trees, scenic points, historic places and other community landmarks, as defined by the comprehensive plan, wherever feasible or required.

**5. Conformance of proposal to the Comprehensive Plan and other Land Use Plans.** Any subdivision or replat proposal which does not conform with goals, policies or other provisions of the Master Plan or other officially adopted land use plans shall not be approved.

**SECTION 7. PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.**

**A) PREAPPLICATION; PLANS AND DATE**

**1. Pre-Application Conference.** Prior to submission of a plat the subdivider shall discuss with the Planning & Zoning Office the procedure and requirements for approval of the plat. The Planning & Zoning Office shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to the Town Comprehensive Plan, other Town land use plans, policies, and zoning. The Planning & Zoning Office shall advise the subdivider as appropriate regarding requirements for general layout of streets, for dedications of land, for provision of infrastructure improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Office may assist the subdivider in analyzing the development and plan for its sound integration with the Town, and may therefore give informal guidance to the subdivider at a state when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider.

**2. Resubdivisions.** The submittal of a series of two-lot subdivisions, within a twenty-four (24) month period, on a tract of land will be considered a subterfuge to defeat the purpose of these regulations.

Therefore, the submission of a resubdivision which creates additional lots within an area or a plat which was recorded less than twenty-four (24) months prior to a submittal of a resubdivision shall not be approved.

#### **B) PRELIMINARY PLAT.**

**1. Application.** Upon reaching a general understanding established by the pre-application procedure, the subdivider shall submit to the Administrator a written application together with ten (10) copies of a sketch plat. This plat shall contain all information as specified in this ordinance plus any additional material which is deemed necessary by the Administrator.

**2. Preliminary Plat Approval.** Upon receipt of written confirmation from the Planning & Zoning Office that the sketch plat, or as heard by the Planning & Zoning Commission, appears to be in substantial conformance with applicable regulations and policies, the subdivider may apply for a preliminary plat hearing by the Planning & Zoning Commission. The subdivider shall submit a written application along with ten (10) sets, of the preliminary plat and any supplementary material that may be required. The preliminary plat shall meet the standards specified in Section 8 of this Ordinance. 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.

**3. Appeal.** If a subdivider disagrees with any of the preliminary plat approval findings or conditions of the Planning & Zoning Commission, he may file an appeal to the Town Council, pursuant to the procedures specified in Section 16 of this ordinance. At the Town Council meeting where the appeal is considered, the Town Council may reverse, affirm, or modify the Planning & Zoning Commission's recommendation. The Town Council may also return the plat to the Planning & Zoning Commission for reconsideration together with findings and instructions to the Planning & Zoning Commission. The decision of the Town Council shall be final.

### **SECTION 8. REQUIREMENTS FOR SUBMITTAL OF A PRELIMINARY PLAT AND FINAL PLAT.**

#### **A) PROCEDURE.**

**1. Application.** Following notice of sketch plat approval by the Planning & Zoning Commission of a subdivision, the subdivider shall submit to the Planning & Zoning Commission a written application, together with the original and ten (10) sets of the preliminary plat, improvement plans, and other supplementary material as specified herein. The application package shall be submitted at least fifteen (15) working days prior to the regular meeting of the Planning & Zoning Commission at which the plat is to be presented for review. The plat shall include all land owned or controlled by the subdivider which is or may be suitable for or susceptible to the subdivision or development. The plat shall be drawn to a scale of no less than one (1) inch to one hundred (100) feet for the purposes of showing all details clearly. An adequate number of sheets, no larger than 18 by 24 inches, 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.

**2. Review.** The Planning & Zoning Commission shall review the final plat, supplementary material, and comments by Town Consultants and other governmental agencies as may be appropriate. The Town may require that restrictive covenants be filed in conjunction with the plat. The subdivider shall be responsible for all fees for engineering consultant review and approval.

**3. 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 & Zoning Commission shall withhold conditional approval of the plat until such time as annexation and/or rezoning shall be officially adopted by the Town Council.

**4. Decision.** If the final plat is approved by the Planning & Zoning Commission, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) copies thereof and shall be dated and verified by the signature of the Chair of the Commission and the Mayor or a designated representative of the Council, and attested by the Town Clerk. Should the final plat be disapproved, the commission shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two (2) copies of the final plat. One (1) of said copies shall be returned to the subdivider and the other shall become a part of the files of the Planning & Zoning office. Approval or disapproval shall be given within thirty-five (35) days of the date of the final plat submission, unless the subdivider agrees in writing to a deferral.

**5. Recording.** The final plat is in full force and effect only after having been duly recorded in the office of the Santa Fe County Clerk and copies filed with the Administrator in the Planning and Zoning Office.

Approval of the final plat shall become null and void if the plat is not so recorded within six (6) months after the date of approval, unless an extension of time is granted by the Planning & Zoning Commission. Submittal for recording is the subdivider's responsibility. In the case of a replat, the subdivider shall request the Santa Fe 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 Administrator shall mark the copies of the original plat on file in the Planning and Zoning Office of the Town in a similar manner.

**6. Replat.** After final approval of any plat, no lot or block shall be further subdivided or the area of any platting of any street, or easement established by said plat except upon the submission of a replat with the Planning & Zoning Commission securing its approval in accordance with the procedures herein established. Vacation of any portion of public right-of-way or public easement requires approval of the Town Council upon recommendation of the Planning & Zoning Commission.

**7. Acceptance of Land.** Approval of the final plat by the Commission shall be deemed to constitute acceptance by the Town 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 Santa Fe County Clerk and the Administrator of the Planning and Zoning Department, and providing that all required infrastructure and any other conditions have been met as imposed by the Commission and have been installed and approved by the Town.

**8. Public Hearing.** No preliminary or final plat shall be acted upon without a public hearing. An application for final approval submitted for approval shall contain the name and address of the person to whom a notice of hearing shall be sent. Notice of the time and place of a hearing shall be sent by mail to the address on the plat not less than five (5) days before the day of the hearing first class mail to the subdivider or his agent and to the owners of adjacent property no later than fifteen (15) days in advance of the date of the hearing. Notice of the time and place of the hearing shall be placed by the Town Clerk in a daily newspaper of general circulation within the Town at least fifteen (15) days before the date of the hearing. The subdivider shall be responsible for all costs of public notice for the public hearing.

## **B) CONTENTS OF PRELIMINARY PLAT.**

### **1. Submission for review.**

**a.** Any person or party proposing to subdivide land shall complete and submit a preliminary plat application, ten (10) sets of all application materials as required in this section for review, and the required preliminary plat subdivision processing fees.

**b.** The preliminary plat application and submittal materials shall be filed at least fifteen (15) days prior to the regularly scheduled Planning & Zoning Commission meeting at which the preliminary plat application shall be heard.

**c.** If sketch plat submission and approval has been required or submitted, a preliminary plat application must include proof by the subdivider that he has addressed and complied with all sketch plat requirements made by the Planning & Zoning Commission.

### **2. Preliminary Plat Requirements.** Unless waived by the Planning & Zoning Commission, the preliminary plat and accompanying documents shall show at least the following:

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

**b.** Scale and north arrow;

**c.** 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;

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

**e.** The location of all present property lines, projected section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.

**f.** Existing & proposed conditions of the site and its environs including the following:

**1.** Present site designation or subdivision name.

**2.** Easements on site: location, width, and purpose.

**3.** Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.

**4.** Existing storm drainage facilities on and adjacent to the site.

**5.** Other significant conditions on the site: structures, trees, etc.



6. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
7. Zoning on and adjacent to the site, including all applicable setback lines.
8. 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;
  - a. Number or letter to identify each proposed lot and block;
  - b. 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 conform to the Town of Edgewood drainage ordinance and regulations, procedures, and standards as may be prescribed by state or federal laws.
  - c. A letter of water commitment from the water company and sewer availability from the Town of Edgewood
  - d. 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.
    4. Other significant conditions on the site; major rock outcrops, trees, structures, and the like.
  - e. Zoning on and adjacent to the site; and
  - f. Total area of the proposed plat to the nearest one-tenth acre.
  - g. The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.
  - h. 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.
3. **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 Town 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.
4. **Approval and form of preliminary plat.**
  - a. If upon conclusion of the hearing the Planning & Zoning Commission shall find that such preliminary plat satisfies the requirements of this section, the Chair of the Planning & Zoning Commission shall sign and date approval thereof to substantially the following language, which shall have been previously placed on the plat: The proposed plan of subdivision as shown in the preliminary plat herein is approved and the Planning & Zoning Commission now is ready to receive the final plat of said subdivision for consideration.
  - b. One print of such preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, and one print with such findings shall be placed in the files of the Administrator in the Planning and Zoning Office.
  - c. A subdivider may be required to submit to the Planning & Zoning Commission an amended preliminary plat for the purpose of complying with any order of the Planning & Zoning Commission.
  - d. Approval of a preliminary plat is effective for one year unless extended by the Planning & Zoning Commission, based on a finding that the delay has been unavoidable and the extension is in the

public interest.

### C) CONTENTS OF FINAL PLAT.

1. **Preparation of final plat.** Receipt by the subdivider of a print of the preliminary plat approved by the Planning & Zoning Commission shall constitute authority for the subdivider to proceed with further plans and specifications for installation of infrastructure improvements. Applicant shall prepare a final plat application upon proof of compliance with the terms of the Planning & Zoning Commission's preliminary plat approval, all Town standards, this section, and any subdivision improvement agreements and private agreements which the subdivider may have entered into for the purposes of receiving preliminary plat approval. The final plat must be prepared by a surveyor licensed and registered in New Mexico as required in NMSA 1978, Section 3-20-2, and by a licensed engineer if required.
2. **Final plat submission.** Following preliminary plat approval and the presentation of proof by the subdivider that he has complied with all preliminary plat requirements, the subdivider shall complete and submit a final plat application and all application materials as required in this section for review.
3. **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 Town 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.

proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall provide with the proposed preliminary plat the following documents:

- a. True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided;
- b. An affidavit from each person or party thus identified as having an ownership interest, other than the named subdivider, affirming under oath that the person or party authorizes the named subdivider to proceed before the Commission on behalf of that person or party; and
- c. A written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission or otherwise assist in the preparation of information concerning the proposed subdivision of the property.

Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the proposed subdivision.

5. **Approval/Disapproval.** 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 & Zoning Commission. Should the final plat be disapproved, the Planning & Zoning Commission 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 Planning & Zoning Office.
  - a. Approval or disapproval shall be given within thirty-five (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 & Zoning Commission, 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 Commission.
  - b. Upon receipt of final unconditioned approval of the final plat by the Planning & Zoning Commission, and endorsement of the final plat by the Chair of the commission, the Mayor and Town Clerk, the applicant shall record the plat in the Office of the Santa Fe County Clerk. A paper copy of the recorded plat shall be submitted to the Planning and Zoning Office within thirty-five (35) days of recordation. No building permits will be approved for development within said subdivision until a copy of the recorded plat has been received by the Office.
6. **Contents of the Final Plat.**
  - a. The final plat shall be in conformity with the requirements of applicable state statutes and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use. Such final plat shall be produced by computer and printed in black ink, or drawn by hand in black ink to a scale of not more than 100 feet to the inch from an accurate survey. It shall contain one or more sheets of

dimensions not exceeding 18 inches by 24 inches. If more than two sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component area on the remaining sheet.

**b. Information.** The final plat shall contain the following information:

1. Name and legal description of subdivision; name and address of subdivider and agent; name and certification of licensed surveyor and any other principal persons preparing the preliminary plat.
2. Scale and north arrow.
3. All survey monuments shall be indicated and there shall be at least one permanent survey monument for each subdivision. Location of and method of ties to permanent survey monuments and location and type of subdivision control monuments. Descriptions of all monuments found or set. Survey monuments shall be referenced to the state Plane Coordinate System.
4. Subdivision boundary lines; bearing in degrees, minutes, and seconds with basis for bearings noted or shown; distances in feet and hundredths. Total area of plat to nearest one-hundredth acre.
5. Lot lines with bearings in degrees, minutes and seconds and distances in feet and hundredths; public right-of-way and street widths; and centerline data; indicate roadways intended to be private; locations, dimensions, and purpose of all easements,
6. Existing & proposed 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. Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.
  - d. Existing storm drainage facilities on and adjacent to the site.
  - e. Other significant conditions on the site: structures, trees, etc.
  - f. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
  - g. Zoning on and adjacent to the site, including all applicable setback lines.
7. Location map showing location of the site in relation to well-known landmarks, abutting property owners, and municipal boundaries. Indicate location and distance of public right-of-way providing access to subdivision. Include name, width, type and specifications of surfacing. Show reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the Santa Fe County Clerk.
8. Number or letter to identify each lot and block.
9. Lot areas in acres to the nearest third decimal place. If private roads are proposed, lot areas shall be shown inclusive and exclusive of the ingress and egress easement.
10. The accurate location and dimensions of all property for dedication for public use, with the purpose indicated thereon, and of all property that is to be reserved by deed covenant for the common use of the property owners of the subdivision.
11. The following language shall be placed upon each plat:

*Public utility easements shown on this plat are not exclusive and are dedicated for the common and joint use of the utilities designated on this plat, their successors and assigns, and for the use of any other public utilities whose use of said easements is deemed to be in the public interest by the Town of Edgewood.*

**c. Consent and Dedication.** Statements signed by the owner or agent of the owner that:

1. The subdivision is with the free consent and in accordance with the desire of the owner of the land;
2. The public rights-of-way and other public areas shown on the plat are dedicated to the Town (if the subdivision is within the Town boundaries) or to another appropriate governmental entity as specified on the plat; and,
3. The easements as shown on the plat are granted for the specified use, showing whom they are granted and any conditions associated therewith.

**d. Certifications.** The following persons shall make the following certifications:

1. Land surveyor, in accordance with the laws of the State of New Mexico and applicable subdivision ordinances certifying the accuracy of the survey and plat, the date of the

survey, that he prepared or supervised preparation of the plat, and that he has shown all easements of record.

2. Santa Fe County Treasurer that the previous ten years' property taxes due and payable have been paid.
  3. Authorized representatives of the local water, electric, gas, telephone, and cable utilities certifying that their systems' needs have been met; this requirement may be waived for subdivision when the Commission determines that the requirements of such utilities are found to be unreasonable or not in the public interest.
- e. Supplementary Material.** The following supplementary reports shall be submitted with the final plat, as required by the Planning and Zoning Commission or the Town Council.
1. Storm Drainage Management. The subdivider shall furnish a plan for the collection and discharge of storm water from the subdivision. The plan shall provide that the storm water shall not be discharged in a different manner, nor at a greater volume or rate than the storm water would have flowed naturally before development as specified in the Grading & Drainage Ordinance.
  3. 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 for the Planning Commission and in compliance with all existing ordinances.
  4. Improvement Plan. The subdivider shall provide a detailed plan with specifications for all improvements required to be installed. These include road and street construction and surfacing, fences, utilities (water, gas, electric, sewage), and fire hydrants. Responsibility for maintenance to be indicated when applicable. The plan shall include a schedule for lot development, which shall indicate when improvements will be provided.
  5. Disclosure Statement. Prior to selling or leasing any land in a subdivision, the subdivider must provide a disclosure statement to the prospective purchaser or lessee. (See Exhibit A).
  6. Any other relevant information as determined by the Commission.

## **SECTION 9. REQUIRED IMPROVEMENTS.**

**A) SUBDIVISION IMPROVEMENTS AGREEMENT.** Upon approval of plans and specifications by the Town, the subdivider shall execute a subdivision improvements agreement which guarantees completion of required improvements. The format of such agreement shall be set forth by the Town Attorney. After execution of a satisfactory improvements agreement, the subdivider may proceed with the construction of all such improvements.

**B) INSTALLATION ASSURANCE.** In the subdivision improvements agreement, the subdivider shall post a suitable improvements guarantee to accompany the subdivision improvements agreement in an amount estimated by a Licensed Professional Engineer with concurrence of the Town. The guarantee shall be at the discretion of the Commission. The improvements are essential to the delivery of Town services and utilities to the individual lots of the subdivision. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Planning & Zoning Commission. The Town may, at its option, assess all or a portion of the property in the subdivision for the cost of any outstanding obligations incurred under a Subdivision Improvements Agreement and may record and foreclose against the property a municipal lien in accordance with §3-36-1, et. seq. NMSA 1978 or its successor municipal lien statutes.

**C) COMPLETION.** All improvements shall be certified by Licensed Professional Engineer and shall be prepared in a form that will be satisfactory to the needs of the Planning & Zoning Commission and in compliance with all existing ordinances.

## **SECTION 10. DESIGN STANDARDS.**

**A) ACCESS: STREET LOCATION AND ARRANGEMENTS.** The area proposed to be subdivided shall have frontage on and direct access to a street and, if such street is not improved to the satisfaction of the Commission it shall be so improved. Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire fighting and other emergency vehicles, and road maintenance equipment, and shall be coordinated so as to compose a convenient system.

### **1. Basic Policies.**

- a. **Character.** The character, extent, width and location of all streets shall conform to the policies of the Town and shall be consistent and appropriate in their relationship to existing