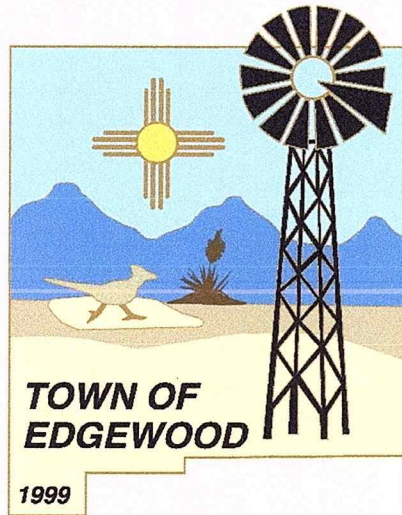


# **TOWN OF EDGEWOOD**



## **SUBDIVISION ORDINANCE**

**2017-02**

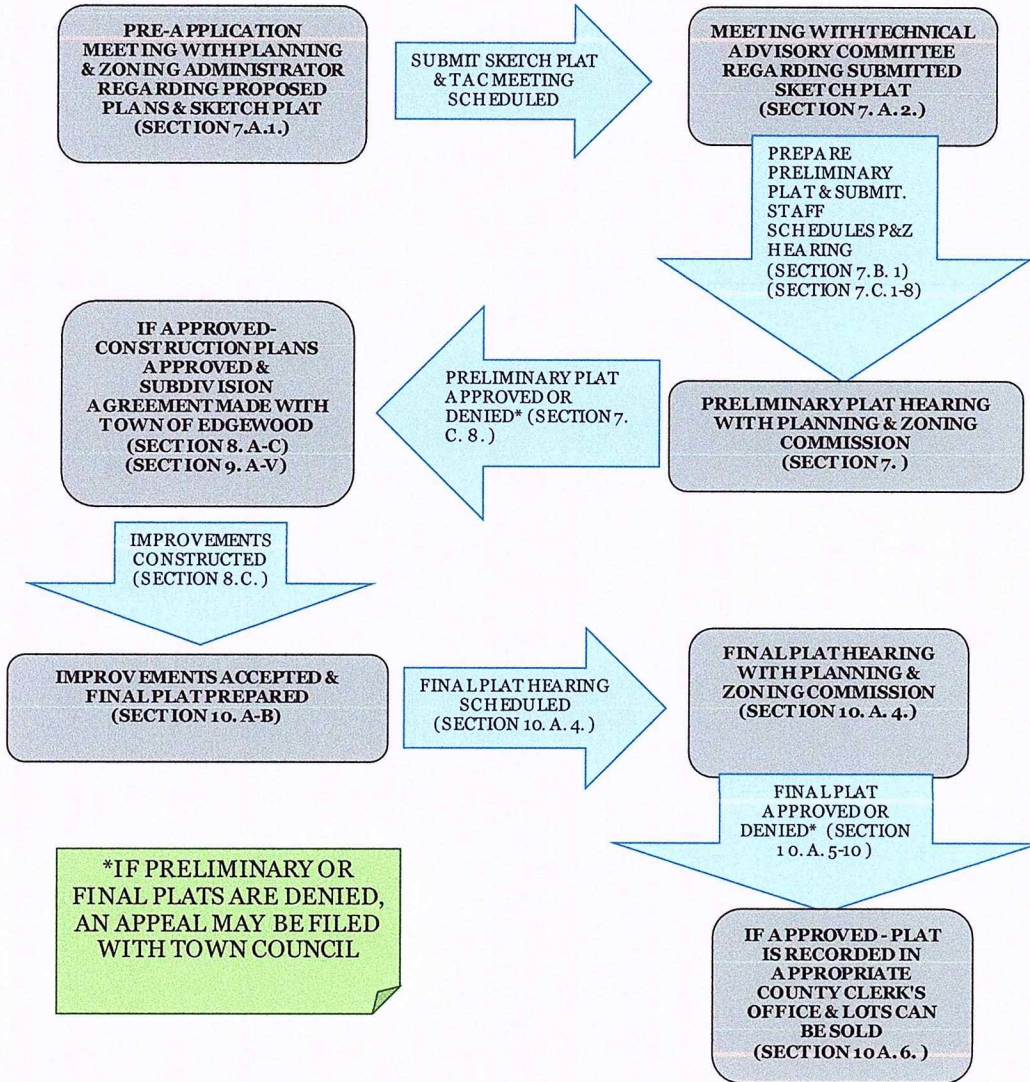
**Adopted August 16, 2017**

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# TOWN OF EDGEWOOD

## SUBDIVISION REVIEW PROCESS FLOWCHART



**ORDINANCE NO. 2017-02**  
**AN ORDINANCE ADOPTING REVISED SUBDIVISION REGULATIONS,  
REQUIREMENTS, AND PROCEDURES FOR THE TOWN OF EDGEWOOD,  
NEW MEXICO, PROVIDING FOR PENALTIES FOR ANY VIOLATION  
THEREOF, AND REPEALING ORDINANCE NO. 2014-03.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF  
EDGEWOOD, NEW MEXICO, AS FOLLOWS:**

**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.** This Ordinance is 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 undertaken within the Town area of jurisdiction except in accordance with the provisions of these regulations.

**SECTION 3. PURPOSE.**

This Ordinance is intended to create orderly and harmonious 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.

More specifically, provisions of this Ordinance are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including septic/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.**

The provisions of this Ordinance 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 this Ordinance is more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

**SECTION 5. GENERAL INFORMATION AND GUIDANCE.**

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 this Ordinance. Upon request, the Planning & Zoning Official shall furnish the applicant with basic information on the requirements. The Planning & Zoning Official will also determine if the proposed subdivision qualifies for an expedited preliminary/final, to be heard at one hearing.
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 appropriate 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 appropriate County's land subdivision regulations, and shall be submitted for concurrent review and approval by the Planning & Zoning Commission and the appropriate County's Commissioners prior to filing with the appropriate County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.

**A). CONSIDERATIONS FOR SUBDIVISION PLATTING.** In order to provide guidance to applicants 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 consider with favor subdivisions incorporating irregular size lots, provisions for open space, easements for bicycle and equestrian trails, 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 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 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 affect 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 applicant 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 6. DEFINITIONS.

**A. Word Forms.** Words used in the present tense include the future tense, and words used in the future tense include the present tense. All pronouns used in this Ordinance shall include the masculine, feminine, and neuter gender, in addition to the singular and the plural, and the context of this Ordinance shall be read accordingly. The words "shall" and "must" are mandatory, and the word "may" is permissive. All words defined herein are capitalized throughout the text of this Ordinance.

**B. Definitions.** For the purpose of this Ordinance, standard dictionary definitions are used except for certain words or phrases used herein which shall be deemed as follows:

1. **ADJACENT PROPERTY.** The residences, lots, or tracts that are located within 300 feet of the boundaries of the lot(s) or tract(s) which are included within the area of a proposed subdivision.
2. **APPLICANT.** Any person proposing a subdivision, including the owner, equitable owner, or any authorized representative.
3. **APPEAL.** State law enables the appeal of all land use decisions within a designated appeal period. Any person aggrieved with any determination of the Planning & Zoning Commission may file an appeal to the Town Council, pursuant to the procedures in Section 16 of this ordinance. Any person aggrieved with an appeal determination of the Town Council may file an appeal to the 1<sup>st</sup> Judicial District. (See Section 16)
4. **ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.
5. **ARROYO (DRAW).** A dry wash or draw which flows only occasionally and in response to rainfall or other water runoff from higher elevations.
6. **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.



7. **BUILDING LINE.** The line beyond which a structure shall not extend unless specifically permitted.
8. **CENTERLINE.** The line halfway between the street right-of-way lines.
9. **CLERK/TREASURER.** The individual(s) serving as the chief administrative officer within the Town or as amended.
10. **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.
11. **CUL DE SAC.** A short street intersecting another street and terminating in a vehicular turn-around.
12. **DEED.** A written instrument by which a property owner (grantor) transfers to a grantee ownership of and title to real property.
13. **DESIGN STANDARDS.** Specific criteria and limitations placed on development, which are intended to protect the public health, safety, and welfare of the community and to enhance the aesthetic value of a development. Design standards may specify criteria for architectural, engineering, landscape, and other features of a proposed development.
14. **DEVELOPER.** The legal beneficial owner of a lot or of any land included in a proposed development, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
15. **DEVELOPMENT.** A planning or construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or interactive purposes.
16. **DISCHARGE.** Allowing, causing or maintaining the abandonment, depositing, dumping, emitting, emptying, injecting, leaching, leaking, migrating, pouring, pumping or spilling of wastes, leachate, oil or any other water contaminant.
17. **DRIVEPAD.** A paved and/or concrete area used for ingress or egress of vehicles and allowing access from a street to a building or other structure on a lot.
18. **DRIVEWAY.** Any private road providing access from only one (1) Lot or private property to a Roadway/Street.
19. **DWELLING, MULTI-FAMILY.** A building or series of buildings on the same lot, portions thereof used or designed as dwelling for two (2) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.
20. **DWELLING, SINGLE-FAMILY.** A building designed as a dwelling for one (1) family.
21. **EASEMENT.** An acquired or granted right of use which one person may have in the land of another. An unimproved easement shall not be considered a legal roadway for purposes of approving a subdivision in the Town of Edgewood.
22. **ENGINEER.** A registered professional engineer in good standing with the New Mexico Board of Registration for Engineers and Surveyors.
23. **EROSION.** The movement of soil due to wind or water.
24. **EROSION CONTROL.** Those best management practices utilized to prevent or reduce erosion or sedimentation and which are typically necessary when ground disturbances occur.
25. **EXCAVATION.** Digging and removal of earth by mechanical means.
26. **FILL.** The placement of material such as soil or rock to replace existing material, or to create an elevated embankment. Fill also refers to the material which is placed.
27. **FINAL PLAT.** See PLAT, FINAL.
28. **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.
29. **GRADING.** Any movement of rock, soil or vegetation by artificial means to include any or all the following acts: clearing, excavating, leveling of land, grubbing, or placement of fill material.
30. **GRADING AND DRAINAGE PERMIT.** A permit issued by the Town of Edgewood in accordance with federal, state, and local regulations, which allows excavating, filling, grubbing, grading, or other such earth removal or relocation activity at a specified location and for a period of one (1) year.
31. **INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** See Septic System.

- 32. IMPROVEMENTS.** Changes to the land and facilities necessary to prepare it 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.
- 33. 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 appropriate County Subdivision Ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at the 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.
- 34. LOT AREA, GROSS.** A measurement of the total area contained within the boundaries of a lot, expressed in the square feet, acres or other appropriate units, prior to the deduction of area for streets, easements, or other public spaces.
- 35. LOT AREA, NET.** A measurement of the total area contained within the boundaries of a lot, expressed in square feet, acres or other appropriate units after the dedication of area for streets, easements or other public spaces.
- 36. 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.
- 37. PLANNING & PLATTING JURISDICTION.** Territory within the Town limits and within a three-mile radius of the Town limits.
- 38. 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.
- 39. PLANNING AND ZONING OFFICIAL.** The person, office or department designated by the Mayor to implement and administer the provisions of this Ordinance and the Zoning Ordinance.
- 40. 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.
- 41. PLAT, FINAL.** The final map of all or a portion of a subdivision or site conforming to the requirements stated herein, that is presented to the proper review authority for final approval; recordation in the office of the appropriate County Clerk within thirty-five (35) days of approval by the Town creates a legal subdivision.
- 42. PLAT, PRELIMINARY.** A map of a subdivision of land conforming to the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the applicant achieves vested rights to subdivision upon preliminary approval.
- 43. 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. The sketch plat should show a north arrow, utilities, easements, driveway, driveway width, structures, major trees, streets/roads in the vicinity of the proposed and adjoining lots, and zoning of the proposed and adjoining lots.
- 44. PRELIMINARY PLAT.** See PLAT, PRELIMINARY.
- 45. PRIVATE LANE.** 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.
- 46. PROPERTY LINES.** The lines bounding a lot.
- 47. PUBLIC HEARING.** A duly advertised hearing open to the public and conducted in accordance with the requirements of this Code and applicable state law which provides an opportunity for interested parties to present their opinions and/or evidence related to the proposal.
- 48. 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 conveyance of public utility services, irrigation, or drainage.
- 49. 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.

- 50. ROADWAY/STREET.** That existing portion of a Public Right-of-Way or Private Lane which is improved, or ordinarily used for vehicular use, but not including Driveways, sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles. For purposes of this ordinance, any proposed roadways shall meet the minimum design standards set forth in Section 9. DESIGN STANDARDS, Subsection V., Geometric Standards, Summary Design criteria for roads in this ordinance. An unimproved easement shall not be considered a legal roadway for purposes of approving a subdivision in the Town of Edgewood.
- 51. SEPTIC SYSTEM.** A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. Also, includes septic tanks.
- 52. SETBACKS.** Unobstructed, unoccupied, open areas, measured at its shortest distance as follows:
- 1. STREET OR FRONT SETBACK.** The street or front setback shall be the distance between the front building line and the front property line or street right-of-way line, or street easement whichever is closer. If there is not street right-of-way, then it shall be the shortest distance between the front building line and the nearest edge of the street or curb, whichever is closer.
  - 2. SIDE SETBACK.** The side setback is the distance between the side building line and the side property line.
  - 3. REAR SETBACK.** The rear setback is the distance between the rear building line and the rear property line.
- 53. SHARED ACCESS.** Joint use of a curb cut or drive aisle utilized by more than one use, building or property.
- 54. SIMPLE PLAT.** Any subdivision plat consisting of no more than two lots, with each resultant lot already possessing the following infrastructure attributes: access ingress and egress to a Public Right-of-Way or Private Lane which contains a roadway or street built to the Design Standards contained within this ordinance. The resultant lots shall also have access to any available wet or dry utility called out in this ordinance along at least on frontage of the properties.
- 55. SKETCH PLAT.** See PLAT, SKETCH.
- 56. SLOPE.** The ratio of vertical distance to horizontal distance (rise over run).
- 57. STREET.** A dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public way.
- 58. STREET, ARTERIAL.** Those streets so designated and designed to carry high traffic volumes or to function as major thoroughfares.
- 59. STREET, COLLECTOR.** Those streets so designated and designed to carry moderate traffic volumes and function as connections between residential streets and arterial streets.
- 60. STREET, CUL-DE-SAC OR DEAD END.** A street having one open end and being permanently terminated by a vehicle turnaround.
- 61. STREET, LOCAL.** Those streets which primarily permit direct access to abutting lands and connect to collector and arterial streets.
- 62. STRUCTURE.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground. "Structure" includes "building" but does not include a tent, camper or recreational vehicle, vegetation, vehicle, or public utility pole or line.
- 63. 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.
- 64. SURVEYOR.** Any person, firm, corporation or other entity subdividing land that is licensed in the State of New Mexico within the jurisdiction of this chapter.