



City of Sunland Park, Community Services

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February 8, 2019

Dear Mayor Perea, City Councilors and Planning & Zoning Commissioners,

After MANY months of sifting through our old ordinance with a fine-toothed comb, the Community & Economic Development team is proud to present a FIRST DRAFT of the new City of Sunland Park subdivision ordinance. While there is still much work to be done, we have taken a giant leap forward toward updating and streamlining our development code with this draft.

This revision is the last step of the adoption process for the Sunland Park 2040 Comprehensive Master Plan which was approved by the city on June 28, 2018. The direction defined in the new comprehensive plan necessitates close alignment with the City's ordinances. This was our driving force in preparing what you have before you.

In this new subdivision draft ordinance our intent is to remove confusion and ambiguity. Some of the changes that you will see immediately include:

- Procedures have been moved to the Administration and Enforcement chapter to direct current and future staff on processes and ensure uniformity.
- Instead of having the same information in multiple places throughout the ordinance, we reference one location so that, as future revisions are made, the most up-to-date information will always be referenced.
- Duplication in the definitions has been eliminated.
- The formatting is cleaner and consistent throughout.

This is a FIRST DRAFT. We are sending it to you now so you have ample time to review it prior to work sessions and adoption. We hope to schedule work sessions beginning next week. We will be in touch soon with that information.

We are also very close to providing the Zoning Ordinance or new Fee Resolution for your review and input, too. It's an exciting time to be at the City of Sunland Park!!

Sincerely,

Louise B. Marquez

Community & Economic Development Director



**TITLE 11
SUBDIVISION REGULATIONS**

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Chapter 1
TITLE; PURPOSE; DEFINITIONS

SECTION:

- 11-1-1: Title
- 11-1-2: Purpose
- 11-1-3: Jurisdiction And Applicability
- 11-1-4: Definitions

11-1-1 TITLE:

- A. For the purpose of this Title these requirements may be referred to as the land subdivision regulations of the City. (Ord. 1984-09, 6-5-1984)

11-1-2 PURPOSE:

- A. These land subdivision regulations are adopted and shall be invoked to provide for harmonious development of the City and its environs; to coordinate streets within subdivisions with other existing or planned streets or with other features of the proposed Master Plan of the City and of the territory lying within three (3) miles of the City; to provide for adequate open spaces for traffic, recreation, drainage, light and air; and to provide for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare. (Ord. 1984-09, 6-5-1984)

11-1-3 JURISDICTION AND APPLICABILITY:

- A. The land subdivision regulations shall be applicable to all of the territory within the present Municipal boundary of the City, and all territory within three (3) miles of such present Municipal boundary and shall be under the jurisdiction of the Planning and Zoning Commission and the Governing Body. If annexation of land to the City should occur, these regulations automatically apply to the annexed land and that land lying up to three (3) miles therefrom. (Ord. 1989-08, 12-6-1989)

11-1-4 DEFINITIONS:

- A. The following words and phrases appearing in these land subdivision regulations will be defined and interpreted as are set forth below. For this purpose, the singular includes the plural and the plural includes the singular; the words "shall" and "will" are mandatory the word "may" is permissive, and the masculine gender includes the feminine gender.

ALLEY: A public way used primarily as a service access to the rear or side of a property which abuts on a street.

ARTERIAL: A major street or thoroughfare that carries, or will carry, a considerable volume of traffic of more than neighborhood character and also serves abutting properties.

BLOCK: The distance measured along a street between intersecting streets from center line to

center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

CITY: The City of Sunland Park, New Mexico.

CLERK-TREASURER: City Clerk-Treasurer of the City.

COLLECTOR STREET: A street of relatively short length that serves as a connection between a major or secondary thoroughfare and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

COMMISSION: The City Planning and Zoning Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan of the City of Sunland Park, New Mexico.

CUL-DE-SAC: A minor street with only one outlet and culminated by a turnaround at the dead end.

DRAINAGE COURSE: A natural watercourse or indenture for the drainage of surface waters.

EASEMENT: A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.

EXPRESSWAY OR FREEWAY: A high capacity and high speed major thoroughfare with partially or fully controlled access to abutting properties.

GOVERNING BODY: The Governing Body of the City of Sunland Park, consisting of the Mayor and City Council.

LARGE SCALE DEVELOPMENT: One which consists of not less than fifty (50) acres of land, all of which lies in a contiguous and integrated tract.

LOT: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

MAJOR THOROUGHFARE: A street of considerable length that carries, or that planning evidence indicates will carry, a large volume of traffic, and is usually planned in conjunction with State or Federal agencies and is not to serve immediately abutting properties.

MARGINAL ACCESS STREET: A street adjacent to a major thoroughfare which provides access from the thoroughfare to abutting properties.

MASTER PLAN, SUBDIVISION: A plan showing spatial layout of land use, circulation and proposed parcels, created for a planned development or for an area that will be subdivided in phases.

MINOR INDUSTRIAL OR COMMERCIAL STREET: A street of relatively short length that provides direct access to an industrial district and is designed to discourage its use by through traffic.

MINOR, OR LOCAL, RESIDENTIAL STREET: A street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic

PERFORMANCE BOND: A surety bond or cash deposit made out to the City of Sunland Park in an amount equal to the full cost of the improvements which are required by this Title, said cost being estimated by the City of Sunland Park and said surety bond or cash deposit being legally sufficient to secure that the said improvements will be constructed in accordance with this Title.

PLAT: Map, chart, survey, plan or replat certified by a licensed registered land surveyor which contains a description of the subdivided land with ties to permanent monuments.

PRIVATE DEED RESTRICTIONS OR COVENANTS: Private deed restrictions or covenants, conditions and restrictions (CCRs) are imposed on land by private land owners by deed in writing, and recorded with Doña Ana County. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced by the parties to the agreement.

RESUBDIVISION: Adjustment of platted lot lines for the purpose of increasing or reducing the size of contiguous lots, but to not less than the City minimum size.

ROADWAY: That portion of the street available for vehicular traffic and where curbs are laid, the portion from back-to-back of curbs.

STREET: All properties dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

STREET WIDTH: The distance between the lot lines measured at right angles to the street center line.

SUBDIVIDE OR SUBDIVISION: For the purpose of approval by the City means: A. For the area of land within the corporate boundaries of the City, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes numbered below; and B.

1. Sale for building purposes;
2. Laying out any part of the City;
3. Adding to the City;
4. Laying out suburban lots; or
5. Resubdivision.

For the area of land within the City extra territorial subdivision and platting jurisdiction, the rules and regulations of the Camino Real Regional Utility Authority Extraterritorial Zoning, Planning and Platting Areas apply.

SUBDIVIDER: The term means any person, individual, firm, partnership, association, estate, corporation, trust, or any other group or combination acting as a unit, dividing or proposing to

divide land so as to constitute a "subdivision" as defined herein and includes any agent of the subdivider.

SUBDIVISION, MAJOR: Any subdivision that does not meet the requirements for the alternative summary procedure and is not classified as a minor subdivision.

SUBDIVISION, MINOR: Any subdivision containing not more than ten (10) lots fronting an existing street, not involving any new street or any change in an existing street, not involving the extension of City facilities or the creation of any public improvements, and not adversely affecting in any way the remainder of the parcel or adjoining property.

Chapter 2
GENERAL PROVISIONS

SECTION:

- 11-2-1: Platting Requirement
- 11-2-2: Suitability Of Land
- 11-2-3: Large Scale Development Standards
- 11-2-4: Donation Of Water Rights To City
- 11-2-5 Relationship to Private Agreements and Covenants
- 11-2-6 Repeals

11-2-1 PLATTING REQUIREMENT:

- A. Every person who desires to subdivide land shall furnish a plat of the proposed subdivision prepared by a registered, licensed surveyor of New Mexico in accordance with the laws of the State and this Title; provided, however, a resubdivision by description is authorized pursuant to Section 11-5-3 of this Title.

11-2-2 SUITABILITY OF LAND:

- A. No location map or preliminary plat shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of flooding or adverse earth or rock formation. Lots subject to flooding and lots deemed uninhabitable because of adverse earth or rock formation shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or cause an additional flood hazard (not compensated for by the drainage plan) to such property or to other properties adjacent thereto, or which may be affected thereby, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

11-2-3 LARGE SCALE DEVELOPMENT STANDARDS:

- A. The standards and requirements of the City subdivision ordinances may, by the granting of variances, be modified by the Governing Body in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the Governing Body, provides adequate public spaces and improvements for the circulation, recreation, light, air, and all City service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

11-2-4 DONATION OF WATER RIGHTS TO CITY:

- A. Responsibility Of Subdivider: The City does not own or control sufficient rights in surface

or underground potable water to supply the needs of the existing population of the City. The City does not have the financial ability to purchase water rights sufficient to meet this need. In order to meet the need for additional water rights, sufficient to supply water to residents and commercial users in areas subdivided pursuant to this Title, as amended, subdividers must provide those rights.

- B. Submitted Requirements: At the time of submission of a preliminary plat or pursuant to the alternative summary procedure, at the time of submission of a plat or instrument of conveyance submitted in lieu of a plat, the subdivider shall submit:
 - 1. A comprehensive study acceptable to the City Engineer, performed by a licensed professional engineer (his professional fees paid by the subdivider) indicating the maximum amount of water rights necessary to meet the projected consumption in the proposed subdivision when fully developed. Such a study shall be based on actual uses and historical trends in the Southern Dona Ana County, City of El Paso area; or
 - 2. In the alternative, a subdivider may request such a study be done by the City Engineer and in that event the subdivider shall reimburse the cost of the study to the City.
- C. Dedication Of Water Rights To City: The subdivider, as a condition of final plat approval, or as a condition of acceptance of the plat or instrument of conveyance submitted in lieu of a plat, shall dedicate to the City and quit claim all further right, title or interest in sufficient water rights to meet the maximum water rights necessary as indicated by the study.
- D. Petition For Special Exception:
 - 1. In the event a subdivider of land desires to subdivide into ten (10) or fewer lots and is unable to dedicate to the City sufficient water rights to meet the requirements herein, the subdivider may petition the Governing Body for a special exception to this requirement based on hardship.
 - 2. If the subdivider petitions the Governing Body and shows to the satisfaction of the Council that the land being subdivided is served by paved streets, curbs and gutters at all access points and in all interior streets and with City water and sewer services installed to the property and in all interior streets and is served with service lines and facilities adequate to serve the proposed use, the Governing Body may waive the requirement to provide water rights if such subdivision consists of ten (10) lots or less.
 - 3. Notwithstanding anything to the contrary in the foregoing exception, however, the Governing Body may deny any application for special exception where it appears to the Governing Body that a subdivider or owner or successive subdividers or owners are forming tracts of land into sizes that will accommodate ten (10) or fewer lots so as to avoid the requirement of providing water rights. (Ord. 1993-02, 3-22-1993)

11-2-5 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS

- A. These subdivision regulations apply to all development within the municipal limits of the City of Sunland Park, regardless of whether they impose a greater or lesser restriction on the development of land that a private agreement or restriction. These regulations

have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction.

- B. The City has no obligation to conform the terms or applicability of these subdivision regulations to any private or agreement or restriction. The City has no obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement is at the discretion of the City.

11-2-6 Repeals

The City of Sunland Park Ordinance No. 1984-09, 6-5-1984; amd. Ord. 1993-12, 12-28,1993; Ord. 1984-10, 7-17-1984; amd. Ord 2005-02, 4-5-2005; Ord. 2006-11, 11-7-2007; amd Ord. 2006-11m 11-7-006; 2000 Code are hereby replaced and repealed. The adoption of the ordinance codified in this title, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. Ord. 1984-09, 6-5-1984 if the violation is also a violation of the provisions of this Title.

Chapter 3
ADMINISTRATION AND ENFORCEMENT

SECTION:

- 11-3-1: General
- 11-3-2: Approval Necessary For Utility Service
- 11-3-3: Procedures
- 11-3-4: Fees
- 11-3-5: Penalty

11-3-1 GENERAL

- A. All proposed subdivisions, resubdivisions, replats or vacations of all or part of an existing subdivision shall comply with the standards and requirements of this ordinance.

11-3-2 APPROVAL NECESSARY FOR UTILITY SERVICE:

- A. Until a final plat has been approved by the Governing Body, any official of the City or public utility company who shall serve or connect the land within the subdivision with any public utility such as water, sewer, electric or gas is guilty of a misdemeanor. (Ord. 1984-09, 6-5-1984)

11-3-3 PROCEDURES

- A. Preapplication Meeting: Before submitting an application for subdivision, the subdivider shall first schedule a meeting with the Community and Economic Development Department for review and advice concerning the correct subdivision process and the relation of the Comprehensive Plan and other adopted plans of the City to the proposed subdivision. Prior to the preapplication meeting, the subdivider shall submit a location map, sketch plan showing in general the proposed layout of the subdivision, and a written description of the proposal.
 - 1. Location map. The location map shall consist of data added to an existing base map such as a United States Coast and Geodetic Survey or City of Sunland Park base map, covering an area of at least one mile radius from the tract proposed for development. The location map shall show the following information:
 - a. Name(s) of the owner(s) of the land to be subdivided.
 - b. Existing streets and roads and principal utility lines and storm drainways on adjoining properties to service the area.
 - c. North point, scale and date.
 - d. Total acreage within proposed subdivision
 - e. Title of proposed subdivision; names and addresses of property owner, subdivider, land planner, engineer and land surveyor.

2. Sketch plan. The sketch plan shall show the proposed layout in simple sketch form on the base map used for the location map or a current survey. The sketch plan shall show the following information:
 - a. General proposed layout of blocks, lots and other features.
 - b. Proposed layout of streets
 - c. Proposed locations of public spaces, residential and nonresidential areas and approximate acres of each
 - d. Existing easements
 - e. 100-year floodplain from FEMA approved maps or superceding report
 - f. Identification of any major thoroughfare as shown in the Sunland Park Comprehensive Plan that abuts or is located within the proposed subdivision

3. Additional information may include the following if available
 - a. Description of how subdivider intends to meet the park dedication requirement
 - b. Information on existing and proposed covenants
 - c. Description of physical characteristics of the land, including topography, surface drainage and proposed grading,
 - d. Preliminary drainage or other engineering studies
 - e. Purpose of the subdivision if other than creating lots for development

- B. Alternative Summary Procedure: The Community and Economic Development Department, upon recommendation by the City Engineer, is hereby authorized to approve and sign certain subdivision plats as follows:
 1. Subdivisions of not more than two (2) parcels of land; or
 2. Resubdivision, where the combination or recombination of portions of previously platted lots does not increase the total number of lots by more than two, provided that no streets or other public areas are created through the plat which are intended to be dedicated for public maintenance; or
 3. Subdivisions of two or more parcels of land in areas zoned for industrial use, provided that no streets or other public areas are created through the plat which are intended to be dedicated for public maintenance.
 4. Filing With County: The final plat is not in full force and effect until it has been duly recorded in the office of the Doña Ana County clerk and copies filed with the Community and Economic Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six months after the date of approval unless an extension of time is granted by the Governing Body. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Doña Ana County Clerk, the subdivider shall submit to the Community and Economic Development Department one copy of the final plat as recorded and stamped by the Doña Ana County Clerk. No building permit shall be issued until the copy of the recorded final plat as been placed on file with the City.

Any subdivision approved as authorized in this Section shall be in substantial conformity with this Title. Approval by this summary procedure shall be endorsed on the plat or on the instrument of conveyance in lieu of a plat and such approval shall be conclusive evidence of the approval of the Planning and Zoning Commission.

C. Minor Subdivision: An application for subdivision or plat amendment shall be reviewed by Minor Subdivision procedures if the proposed subdivision or plat amendment meets the definition of a Minor Subdivision. The Minor Subdivision review process includes the following procedures:

1. Final Plat:

a. Plat Submittal: Following review of the preapplication sketch, the application shall be filed on a form available from the Community and Economic Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for final plat as described in this Title. The plat shall be submitted to the Community and Economic Development Department in advance of the time and date established as the deadline for the regular meeting of the Planning and Zoning Commission.

b. Public Hearing and Notice Requirements

(i) Required notice, whether posted or mailed, shall state the date, time and place of the hearing, reasonably identify the tract of land that is the subject of the submittal, and give a brief description of the action requested or proposed. Notices shall incidated how the public can get additional information or review the submittal at the Community and Economic Development Department

(ii) Notification of property owners: The applicant, at their expense, shall notify, by certified mail-return receipt requested, the owners of all property within 100 feet of the proposed plat, excluding the distance devoted to existing rights-of-way, the intent to subdivide the subject property. The notice shall state the date, time, and place of the public hearing that the proposed subdivision is to be considered. The City shall provide the applicant with the mailing list of all owners of record with Doña Ana County at the time of the application.

(iii) Advertisement of public hearing. The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission on the proposed subdivision at least 15 days prior to the date of the hearing in locations where public hearings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.

(iv) Posted sign. The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least 15 consecutive days prior to the hearing. The sign will indicate the case number reference, legal description or address of the property, the type of request, contact for additional information about the application, and the date, time and place of the Planning and Zoning Commision public hearing.

2. Planning and Zoning Commission Public Hearing: After staff has reviewed the application and determined it to be complete, the final plat will be submitted to the Planning and Zoning Commission for public hearing and recommendation to the Governing Body. Final submission of a plat under the terms of this subdivision ordinance shall be deemed to occur on the first date that the Planning and Zoning

Commission is scheduled to hold a public hearing on the application for approval of the final plat. The Planning and Zoning Commission shall review all materials required to be submitted, consider the comments of the public received at the public hearing or submitted in writing, as well as the comments of city staff and other governmental agencies. The Planning and Zoning Commission shall then make a recommendation to the Governing Body to approve the application, disapprove the application, or approve the application subject to certain conditions. The Planning and Zoning Commission shall set forth the reasons for its decision in writing.

The applicant may agree to an extension of time for the Planning and Zoning Commission to hold the required public hearing, in which case the time within which the Governing Body is required to act on the final plat is extended.

3. **Provide For Improvements:** The subdivider shall provide for the required public improvements as part of its final plat submittal according to the method required under Chapter 6 of this Title, and as provided in Chapter 6 of this Title..
4. **Governing Body Approval Required:** The Governing Body shall act to approve or disapprove the application for final plat approval within 35 days from the date of the submission of a complete application for final plat, or from the date of that the Planning and Zoning Commission made its recommendation, whichever is later.

The Governing Body shall consider the recommendation of the Planning and Zoning Commission, and shall review all of the materials and written comments submitted to the commission, as well as the comments made at the public hearing held before the commission. The Governing Body may also consider other materials or public comments received at the meeting when the recommendation is considered.

The applicant may agree an extension of time for the Governing Body to act upon the application for final plat approval, in which case the time within which the Governing Body is required to act on the application is extended to the next regularly scheduled Governing Body meeting.

If the final plat is approved by the Governing Body, such approval shall be recorded on the cover sheet of the original drawing of the final plat and on three copies and shall be dated and verified by the signature of the Mayor or designated representative of the Governing Body.

If the final plat is disapproved, the Governing Body shall provide the reasons for disapproval in writing. The reasons for disapproval will be attached to two copies of the final plat. One copy shall be returned to the subdivider and one copy shall be retained in the files of the Community and Economic Development Department.

If the Governing Body fails to approve or disapprove the application for final plat approval within 35 days from the date of the final submission of the plat, other than by reason of a lack of a quorum or other causes beyond the control of the Governing Body, or from any extension of time agreed to by the applicant before the Planning and Zoning Commission or before the Governing Body, then the plat is deemed to be approved, and upon demand, the city council shall issue a certificate approving the plat which the mayor shall sign and to which the city clerk shall attest.

5. Filing With County: The final plat is not in full force and effect until it has been duly recorded in the office of the Doña Ana County clerk and copies filed with the Community and Economic Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six months after the date of approval unless an extension of time is granted by the Governing Body. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Doña Ana County Clerk, the subdivider shall submit to the Community and Economic Development Department one copy of the final plat as recorded and stamped by the Doña Ana County Clerk. No building permit shall be issued until the copy of the recorded final plat as been placed on file with the City.
- D. Major Subdivision: An application for subdivision or plat amendment that does not meet the requirements for the alternative summary procedure or the definition of a minor subdivision shall be reviewed by major subdivision procedure. The Major Subdivision Procedure includes the following steps:
1. Preliminary Plat:
 - a. Plat Submittal: Following review of the preapplication sketch, the application shall be filed on a form available from the Community and Economic Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for final plat as described in this Title. After staff has reviewed the application and determined it to be complete, the preliminary plat will be submitted to the Planning and Zoning Commission for its recommendation of approval. Submission of a plat under the terms of this subdivision ordinance shall be deemed to occur on the first date that the Planning and Zoning Commission is scheduled to hold a public hearing on the application for approval of the preliminary plat.
 - b. Notification of property owners: The City shall notify, by certified mail-return receipt requested, the owners of all property within 200 feet of the proposed plat, excluding the distance devoted to existing rights-or-way, the intent to subdivide the subject property. The notice shall state the date, time, and place of the public hearing that the proposed subdivision is to be considered.
 - c. Advertisement of public hearing. The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission on the proposed subdivision at least 15 days prior to the date of the hearing in locations where public meetings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.
 - d. Posted sign. The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least 15 consecutive days prior to the hearing. The sign will indicate the case number reference, legal description of the property, the type of request, contact for additional information about the application, and the date, time and place of the Planning and Zoning Commision public hearing.
 - e. Hearing On Preliminary Plat: A hearing upon such proposal for subdivision as stated

in the preliminary plat shall be had before the Planning and Zoning Commission not later than its second regular meeting following filing. The Planning and Zoning Commission shall review all materials required to be submitted, consider the comments of the public received at the public hearing or submitted in writing, as well as the comments of city staff and other governmental agencies. The Planning and Zoning Commission shall approve the application, disapprove the application, or approve the application subject to certain conditions. The Planning and Zoning Commission shall set forth the reasons for its recommendation in writing.

The applicant may agree to an extension of time for the Planning and Zoning Commission to hold the required public hearing, or to review and make its recommendation to the Governing Body, in which case the time within which the Governing Body is required to act on the final plat is extended.

If the Planning and Zoning Commission fails to approve or disapprove the preliminary plat on the date of the first scheduled public hearing, other than by reason of a lack of a quorum or other causes beyond the control of the commission or the city, or unless an extension is agreed to by the applicant, then the application shall be deemed and upon demand the Planning and Zoning Commission shall issue a certificate approving the preliminary plat. One copy of the preliminary plat shall be returned to the subdivider with the date and reason for approval or disapproval and any changes or additions that may be required.

- f. Notice thereof shall be given by the Community and Economic Development Department on behalf of the Planning and Zoning Commission by mailing a notice to or telephoning the person or persons who filed the preliminary plat to the address or number set forth in the filed papers.
- g. Approval And Form Of Preliminary Plat:
 - (i) If upon the conclusion of such hearing the Planning and Zoning Commission shall find that such preliminary plat satisfied the requirements of this Title, the chairman of the Planning and Zoning Commission shall sign and date approval thereof in substantially the following language:
The proposed plan of subdivision as shown in the preliminary plat herein is approved and the Planning and Zoning Commission now is ready to receive the final plat of said subdivision for consideration.
 - (ii) One print of said preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, another print so endorsed shall be retained by the Planning and Zoning Commission and one print with said findings shall be placed in the files of the Community and Economic Development Department. A subdivider may submit to the Planning and Zoning Commission an amended preliminary plat for the purpose of complying with any order of the Planning and Zoning Commission. In such event, twelve (12) prints thereof shall be filed with the Community and Economic Development Department for resubmission to the required agencies and the Planning and Zoning Commission.
- h. Provide For Improvements: The subdivider shall provide for the required public improvements according to the method required under this Title and the plat shall be

submitted to the Governing Body for final approval, all as provided in this Title..

- i. Effective period of preliminary plat approval: The approval of the preliminary plat shall be effective for a period of six (6) months, at the end of which time the recommendation for final plat approval of all or a portion of the preliminary plat must have been obtained from the Planning and Zoning Commission. Any preliminary plat not receiving a recommendation for final plat approval of all or a portion of the preliminary plat within this time period shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary plat approval subject to any new zoning and subdivision regulations.

2. Final Plat:

Following the approval of the preliminary plat, the applicant shall file an application for final plat approval on a form available from the Community and Economic Development Department together with the required fee. The application shall be accompanied by the required number of copies of a plat meeting the requirements for final plat as described in this Title and the completed agreement providing for public improvements.

- a. Submission For Review By Planning and Zoning Commission:
 - (i) The final plat may, in the discretion of the subdivider, constitute only such portion of the tract covered in the preliminary plat as the subdivider proposes to presently record and develop.
 - (ii) If a final plat of the entire subdivision or of such portion as the subdivider proposes to presently record and develop, is not submitted for approval within six (6) months after approval of the preliminary plat, such approval of the unfinalized portions of the preliminary plat shall become null and void unless an extension of time is applied for by the subdivider and granted in writing by the Planning and Zoning Commission.
 - (iii) Where a portion of a plat has been approved as a final plat and has been developed, and within six (6) months after completion of such development, an additional final plat has not been submitted for additional approval, the provisions of this subsection providing that it shall become null and void will apply.
 - (iv) Four (4) prints of the final plat shall be filed with the Community and Economic Development Department at least fifteen (15) days before the next regular meeting of the Planning and Zoning Commission.
- b. Advertisement of public hearing. The city shall post notice of the date, time, and place of the public hearing to be held before the Planning and Zoning Commission on the proposed subdivision at least 15 days prior to the date of the hearing in locations where public meetings are typically posted. The location of the proposed subdivision and other pertinent information shall be included.
- c. Posted sign. The City will post at least one notice on each public right-of-way abutting the property that is the subject of the application at a point that is visible from the right-of-way. The sign will be posted for at least 15 consecutive days prior to the hearing. The sign will indicate the case number reference, legal description of the property, the type of request, contact for additional information about the application, and the date, time and place of the Planning and Zoning Commission public hearing.

- d. Planning and Zoning Commission Review: When the Planning and Zoning Commission has determined that the plat conforms to the previously approved preliminary plat, including any condition which may have been required by the Planning and Zoning Commission in approving said preliminary plat, and that said final plat meets all requirements of this Title, the following shall be printed or stamped upon the original plat and prints thereof and signed by the chairman of the Planning and Zoning Commission:

This final plat of subdivision is recommended to the Governing Body for approval, subject to certifications by the Community and Economic Development Department that all arrangements for public improvements required by the land subdivision regulations have been made in accordance with the requirements of Section 11-6-2 of the City Code.

Dated _____

CITY OF SUNLAND PARK PLANNING AND ZONING
COMMISSION

By _____
Chairman

By _____
Secretary

- e. The Planning and Zoning Commission shall then transmit the endorsed final plat and three (3) prints thereof to the office of the Community and Economic Development Department for immediate reference to the Governing Body, with a letter of transmittal in duplicate calling attention to any variations or modifications of the requirements of this Title recommended by the Planning and Zoning Commission under this Title and setting forth its reasons for recommending the same. One print of said final plat so endorsed shall remain on file in the office of the Community and Economic Development Department.
3. Submission To Governing Body; Certificate Of the Community and Economic Development Department: Upon receipt of a final plat and prints thereof so endorsed by the Planning and Zoning Commission, the Community and Economic Development Department shall refer the final plat with said letter of transmittal to the Governing Body at its next regular meeting. Thereupon said plat shall remain pending on the agenda of the Governing Body until the Community and Economic Development Department has certified thereon that:
- a. The public improvements required by this Title have been constructed in a satisfactory manner in accordance with the minimum standards established by the City and as approved by the Public Works Director; or
- b. In lieu of such prior construction, the subdivider has filed with the Community and Economic Development Department a duly executed performance bond with a

financially qualified surety in an amount equal to one hundred percent (100%) of the cost of the total public improvements and on all of the property and providing for the installation of such improvements and utilities within a period not to exceed one year. The form of the bond must have prior approval by the City Attorney.

4. Approval Or Disapproval By Governing Body:
 - a. Following review of the required preliminary plat and other material, and following negotiations with the subdivider on changes as may be deemed advisable, the commission shall, within thirty-five (35) days of receipt of the complete application package act thereon as submitted, or modified. If an extension of review time is granted, the commission shall act on the preliminary plat within twenty-one days after the last opinion requested of the village engineer or any agency is received. The applicant seeking approval of the plat may waive this requirement and agree to an extension of this time period. If the preliminary plat is disapproved, the reason for disapproval of a plat shall be entered upon the minutes of the Governing Body.
 - b. No plat of territory shall be filed and recorded unless it has been approved by the Governing Body, and endorsed by the Mayor and the Community and Economic Development Department.
5. Filing With County: A final plat is not in full force and effect until it has been duly recorded in the office of the Doña Ana County clerk and copies filed with the Community and Economic Development Department. Approval of the final plat shall become null and void if the plat is not recorded within six months after the date of approval unless an extension of time is granted by the Governing Body. The subdivider is responsible for submitting the final plat for recording. After filing the original plat drawing and the required number of copies with the Doña Ana County Clerk, the subdivider shall submit to the Community and Economic Development Department one copy of the final plat as recorded and stamped by the Doña Ana County Clerk. No building permit shall be issued until the copy of the recorded final plat as been placed on file with the City.

11-3-4 FEES:

Since the Municipal administrative staff and city engineers will be involved in reviewing plats, advertising notification and attendance of public hearings, property investigations and other costs involving or incidental to processing of subdivisions, a fee will be charged in accordance with a current fee schedule available from the Community and Economic Development Department.

A. Major Subdivision, Preliminary Plat:

1. Upon submission of a preliminary plat, the engineer for the subdivider shall submit a list of all public improvements to be constructed in or adjacent to, or serving the proposed subdivision by the subdivider.
2. The subdivider shall pay to the City, upon submission of the preliminary plat, a fee in accordance with the current fee schedule. The fee will cover all costs of processing the preliminary and final plat.
3. Fees shall be used by the City to defray its costs related to the subdivision review and approval process.

4. An additional review fee shall be charged if and when a subdivider makes major design changes or layout changes in his plans that must be reviewed again, or if more than three (3) reviews are necessary due to carelessness or neglect of the subdivider or his agents.
- B. Minor Subdivision, Final Plat: Upon submission of a final plat, the subdivider shall pay a fee in accordance with the current fee schedule at the time of application to the Community and Economic Development Department.
 - C. Summary Subdivision: The subdivider shall pay a fee based upon the current fee schedule at the time of application to the Community and Economic Development Department of a plat falling under the provisions of Section 11-3-2 of this Chapter.
 - D. Resubmission: A review fee as established in the fee schedule will be required upon resubmission of a plat.

11-3-5 PENALTY:

- A. Whoever being the owner, or agent of the owner, of any land located in the City or within three (3) miles of the City, transfers, sells, or agrees to sell or negotiates to sell such land by reference to any exhibition of or by other use of a plat or subdivision of such land before such plat has been approved as herein provided for in this Title and recorded in the office of the Dona Ana County Community and Economic Development Department, shall be deemed guilty of a misdemeanor. Upon conviction, he shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot so transferred or sold, or agreed, or negotiated to be sold. The City, through its attorney or other official designated by the Governing Body, may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

Chapter 4 DESIGN STANDARDS

SECTION:

- 11-4-1: General
- 11-4-2: Streets And Alleys
- 11-4-3: Size Of Blocks
- 11-4-4: Arrangement Of Lots
- 11-4-5: Public Use And Service Areas
- 11-4-6: Open Space Recreational Areas
- 11-4-7: Easements For Utilities
- 11-4-8: Drainage Courses

11-4-1 GENERAL

- A. The design standards contained in these regulations, and elsewhere, are intended to implement the Sunland Park comprehensive plan. Construction standards and specifications which apply to the actual construction of a facility or utility are found in the New Mexico Standard Specifications for Public Works Construction, NMAPWA, most current edition¹. Traffic standards which apply to these regulations are found in the latest edition of the Institute of Traffic Engineers "Transportation and Traffic Engineering Handbook."²
- B. All improvements must meet all Federal ADA Regulations.

11-4-2 STREETS AND ALLEYS:

- A. Minimum Requirements For Streets And Alleys:
 - 1. Conformity To Thoroughfare Plan: The location and width of all streets shall conform to the latest Comprehensive Plan and to the provisions herein.
 - 2. Street Right-Of-Way Widths: The minimum street right-of-way width shall be shown on the Thoroughfare Plan Map or, if not shown on such Plan, shall be not less than fifty feet (50') wide.
- B. Additional Width Of Existing Or Planned Streets: Subdivisions that adjoin existing or planned streets shall dedicate the right of way as necessary to meet the minimum street width requirements set forth in this Section as follows:
 - 1. Both Sides Of Street: The entire additional right of way shall be provided where the subdivision is on both sides of the street.
 - 2. One Side Of Street; Land Dedication: When the subdivision is located on only one side of an existing or planned street, as shown on the Thoroughfare Plan, the subdivider shall secure from the adjacent property owner dedication of land

¹ New Mexico Standard Specifications for Public Works Construction, New Mexico Chapter of the American Public Works Association, Current Edition

²Institute of Traffic Engineers. Transportation and Traffic Engineering Handbook, Current Edition

necessary to provide the entire street right of way to the City. In lieu thereof, the subdivider shall reimburse the City its cost of purchase or condemnation of the additional street right of way from the adjacent landowner which shall include all costs and attorney fees therefor. Prior to final plat approval, the subdivider shall make an adequate cash deposit or other satisfactory arrangement with the City to cover such costs. Such satisfactory arrangement may include return of the cash deposit or release of any security in the event the adjacent landowner should donate such right of way. (Ord. 1984-10, 7-17-1984)

- C. **Restriction Of Access:** When a subdivision or portion thereof adjoins a major thoroughfare, no single-family residential lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for screen planting of the portion of any such lot contiguous with said major thoroughfares. (Ord. 1984-09, 6-5-1984)
- D. **Street Grades:** Grades on a major thoroughfare shall not exceed five percent (5%). Grades on other streets shall not exceed ten percent (10%). Minimum grades on all streets shall be 0.30 percent. (Ord. 1984-09, 6-5-1984; amd. Ord. 1984-10, 7-17-1984)
- E. **Street Curves:**
 - 1. **Horizontal Curves:** Where a deflection angle of more than ten degrees (10°) in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, as follows: on streets sixty feet (60') or more in width, the center line radius of curvature shall be not less than three hundred feet (300'); on other streets, not less than one hundred feet (100'). (Ord. 1984-09, 6-5-1984)
 - 2. **Vertical Curves:** Design standards for changes in grade shall be determined by the more stringent of the following standards:
 - a. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for major thoroughfares and one-half ($1/2$) this minimum length for other streets.
 - b. The minimum length of a vertical curve in a street shall be determined by the larger of two (2) values, one being fifteen (15) times the algebraic difference in the rates of grade for major thoroughfares and one-half ($1/2$) this minimum length for other streets as set out in subsection E2a above, the other being three (3) times the design speed of the street in question. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred feet ($1" = 100'$) horizontal, and one inch equals twenty feet ($1" = 20'$) vertical, shall be required of the subdivider.
- F. **Intersections:** Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five degrees (75°). Four (4) way intersections shall be discouraged in residential areas.
- G. **Street Jogs:** Street jogs with center line offsets of less than three hundred feet (300') shall not be allowed, whether between two (2) proposed streets or between an existing and a proposed street. (Ord. 1984-10, 7-17-1984)

H. Dead-End Streets:

1. No dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary turnaround easement shall be provided.
2. Where it is necessary to provide for street access to adjoining property not yet subdivided, proposed streets shall be extended by dedication to the boundary of such unsubdivided property. Such temporary dead-end streets shall be no more than 500 feet measured from the centerline of the intersecting street and provided with a temporary turnaround with the same dimensions as required for a cul-de-sac.

I. Cul-de-Sacs

1. Minor residential streets that end in a cul-de-sac shall be no more than 500 feet measured from the centerline of the intersecting street to the center of the turnaround.
2. No more than 35 dwelling units may be served by a cul-de-sac unless otherwise specifically approved by the City.
3. Circular turnarounds with no center island must have a minimum radius of 45 feet of right of way and a radius of 40 feet of paved area measured to the curb.
4. Circular turnarounds with an approved center island must have a minimum radius of 52 feet of right of way and a radius for the paved area of 47 feet measured to the curb, including a maximum center island radius of 17 feet.

J. Private Streets And Reserve Strips: Every subdivided lot shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets, except where the control of such strip is definitely placed with the City under conditions approved by the Governing Body.

K. Street Names: A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street within the area covered by this Title. The use of a suffix "street", "avenue", "boulevard", "drive", "place", "court" or similar description shall not be a distinction sufficient to constitute compliance with this Title. In general, northwest trending right of way shall be called "street", while northeast trending ones shall be called "trail". Dead-end rights of way shall be called "court".

L. Alleys:

1. Alleys twenty feet (20') wide shall be provided to the rear or side of all lots to be used for commercial or industrial uses.
2. Alleys may be required by the Planning and Zoning Commission in apartment or multifamily subdivisions.
3. Dead-end alleys shall not be allowed; "L" shaped alleys shall be beveled twenty-five feet (25') at the inside of the "L". (Ord. 1984-09, 6-5-1984)

11-4-3 SIZE OF BLOCKS:

A. Block length shall not be less than four hundred feet (400') nor more than one thousand

two hundred feet (1,200') measured along the greatest dimension of the enclosed block.

- B. In blocks over eight hundred feet (800') in length, the Planning and Zoning Commission may require one or more public crosswalks or right of way not less than ten feet (10') in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred feet (400').
- C. Block width shall be sufficient to allow two (2) tiers of lots of a minimum depth of one hundred feet (100') for each tier. (Ord. 1984-09, 6-5-1984)

11-4-4 ARRANGEMENT OF LOTS:

- A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- B. Each lot must front upon a public street not less than fifty feet (50') in width.
- C. Lot dimensions shall conform to the requirements of the Official Zoning Ordinance; provided, that the depth of a lot shall not exceed three (3) times the width.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.
- E. Lots with double frontage shall be avoided except where necessary when single-family residential development abuts arterial streets. (Ord. 1984-09, 6-5-1984)

11-4-5 PUBLIC USE AND SERVICE AREAS:

- A. Due design consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas. Specific consideration shall be given to corners, islands or other special locations designed for school bus loading purposes. (Ord. 1984-09, 6-5-1984)

11-4-6 OPEN SPACE RECREATIONAL AREAS AND PARKS:

- A. Land Dedication: The City of Sunland Park shall require adequate provision for public park land that is suitable for playgrounds or other public recreation within or accessible to each subdivision. The guiding standards for suitability, facility type and size of parks are found in the City of Sunland Park Comprehensive Plan.
 - a. Land Dedication for Parks: The subdivider shall dedicate to the City by recording of the final plat with Doña Ana County land suitable for a public park or recreational facilities for the future residents of the subdivision. Steep slopes or land within the flood plain shall not be accepted as park land unless expressly approved by the Governing Body. Park land equal to one acre per 100 dwelling units will be provided by the subdivider within the subdivision or at another location approved by the Governing Body as part of the final plat.
 - b. Land Dedication for Open Space: Where proposed adequate open space for recreation is shown on the Comprehensive Plan and it is located in whole or in part in the proposed subdivision, as a condition of final plat approval, the subdivider shall dedicate such land or part thereof to the City without charge for recreational

purposes. Land within the City that is so dedicated and is suitable for a public park or recreational facility will count towards the subdivider's park dedication requirement.

- B. Fee In Lieu Of Land: In the alternative, the subdivider may propose and the Governing Body may negotiate payment of a fee to be held in trust by the City to provide parks or recreational facilities for the benefit of the future residents of the proposed subdivision and for no other purpose. In lieu of such fee, approved improvements by the subdivider to existing or proposed recreational areas serving residents of the proposed subdivision may be negotiated by the Governing Body and the subdivider. In the event a reasonable compromise is not agreed to by the Governing Body and the subdivider, the Governing Body shall require as a condition of final approval that such land be reserved and not developed for a period of five (5) years from the date of final approval by the Governing Body so that within that time, the City, the County or other public agency may acquire said land for park purposes in the manner provided by law. If not then so acquired, or a petition for condemnation filed whichever is later, the restriction shall expire.

11-4-7 EASEMENTS FOR UTILITIES:

- A. Except where alleys are provided for the purpose, utility easements not less than ten feet (10') in width shall be provided along rear or side lot lines where necessary for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, water mains, electrical lines and other public utilities reasonably required for an urban structure. Utility companies are to be contacted by the Community and Economic Development Department to determine easement width needed.
- B. Whenever practical, all utilities shall be placed underground.
- C. No building shall be erected on said easement.
- D. All final plats should be accompanied with evidence that all utilities concur, and that easements indicated on the plat are suitable for servicing the area.

11-4-8 DRAINAGE COURSES:

- A. Routing Of Storm Water: Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the facilities to route the storm water through the subdivision to its natural outlet, including necessary easements and provision for lining and checking the rain way, if open, for the installation, or provision for the installation, of storm sewer conduit.
- B. Report By Civil Engineer; Required Conditions: A report by a civil engineer, registered in New Mexico, must accompany the preliminary plat of a subdivision giving the quantity, velocity and depth of flow in all drainage courses at points of entering and leaving the subdivision and at key points within the subdivision for flows anticipated, after development of the area, from floods with an average recurrence interval of ten (10) years and twenty five (25) years. The effect of such flows at these points on hydraulic structures, streets, street intersections, and private structures should be presented in the report. Any open channel must be structurally lined with adequate checks to prevent

excessive velocities. The design requirements for storm sewer, flood control easements and channels, and for hydraulic structures will be provided by the Governing Body, which must approve plans and specifications for these structures. Right-of-way easements for all open channels shall be dedicated to the City. (Ord. 1984-09, 6-5-1984)

Chapter 5
PLATTING REQUIREMENTS

SECTION:

- 11-5-1: Preliminary Plat
- 11-5-2: Final Plat
- 11-5-3: Resubdivision By Description

11-5-1 PRELIMINARY PLAT:

A. Submission For Review:

1. **Filing Copies; Payment Of Fees:** Following review of a location map and sketch plan, said location map or sketch plan being optional with the subdivider, any subdivider proposing to subdivide the land described in said location map or portion thereof shall file in the office of the Community and Economic Development Department a written application on prescribed forms together with six (6) printed copies and a pdf version of a preliminary plat and all supporting materials and pay the required processing fees for said subdivision. Said preliminary plat shall be submitted at least thirty (30) calendar days prior to the regularly scheduled meeting of the Planning and Zoning Commission. The Community and Economic Development Department shall deliver one print to the Mayor, one for engineering review, one to each utility affected and shall retain the remaining prints on file for transmittal to the Planning and Zoning Commission.
2. **Subdividing In Phases:** If the subdivider of a proposed subdivision owns, is in control of, or has option to purchase land adjacent, contiguous or in the area of the land proposed to be subdivided and the subdivider contemplates development or subdivision of such other land in the future, along with the preliminary plat, the subdivider shall submit a proposed master plan for subdivision showing the entire tract of land under his ownership or control. The master plan shall show the spatial layout of land use, circulation and proposed parcels, including the layout of each individual proposed subdivision unit if the subdivider contemplates subdivision in phases.

B. Preliminary Plat Requirements:

1. The preliminary plat shall show at least the following:
2. **Title and Heading:** The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, the registered land surveyor and the subdivider and owner of the tract, with the address to which any notice is to be sent.
3. **Surveyor's Certification and seal:** Certification and seal by a land surveyor, in accordance with the laws of the state of New Mexico, certifying the accuracy of the survey and plat, that preparation of the plat was supervised by said surveyor, and that all easements of record are shown.
4. **Location map** showing location of the site in relation to well-known landmarks, adjacent streets, contiguous property owners, and municipal boundaries.

5. Benchmark Locations and Monuments: Proposed benchmark locations, proposed location and method of tie to permanent survey monuments and proposed location and type of subdivision control monuments, descriptions of all monuments found or set, and certification that all monuments are in place.
6. The legal description of the areas being platted.
7. The layout, numbers and approximate dimensions of proposed lot.
8. The zoning classification and proposed use for the area being platted.
9. Proposed names for all streets in the area being platted.
10. The location of all existing property lines, Municipal boundaries, 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.
11. The proposed location and width of all proposed streets, alleys, front setback lines, utility easements, and areas to be reserved for public use, including land proposed to be dedicated for public parks and recreational use.
12. Existing utilities, drainage courses and culverts, within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines.
13. Contours, referring to the United States Coast and Geodetic Survey Datum with intervals of five feet (5') or less in all areas excepting on slopes averaging less than six percent (6%) where two foot (2') intervals shall be required.
14. The north point, scale one inch equals one hundred feet (1" = 100') and date.
15. The acreage of the land to be subdivided.
16. Statement that the subdivision on the plat is with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land, acknowledged by the owner and proprietor or his authorized agent in the manner required for the acknowledgment of deeds. If the plat is filed by a corporation, the acknowledgment shall be made by its president and secretary.
17. Other supporting information
 - a. .Drainage report as required by section 11-4-1 of this title.
 - b. Geotechnical report, if required. Subsurface conditions on the tract, if required by the Planning and Zoning Commission, including such information as the location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water; soil percolation and any other subsurface conditions.
 - c. Water rights study and proof of water rights to be dedicated to the City prior to construction of any improvements, as required by section 11-2-8 of this title.
 - d. Proof of acceptance of the proposed infrastructure by CRRUA and private utilities.
 - e. Proof of acceptance by GISD of any land proposed to be dedicated for schools.
 - f. Proof of approval of agreement with El Paso Electric Company for the design and installation of street lights.
 - g. Cross sections and construction details of proposed streets.
 - h. For all state highways, proof that subdivider has met all requirements of the New Mexico Department of Transportation for traffic impact analysis and access.
 - i. Draft of existing and proposed protective covenants.
 - j. Proposed phasing and schedule of development. If the subdivider proposes to submit the final plat in phases, then a phasing plan just be approved in conjunction with preliminary plat approval. If the application includes a master plan, proposed

schedule of development for all properties covered by the master plan.

18. Public Improvements List. Public improvements list of all required infrastructure improvements, including how and when the subdivider proposes to provide and install all required sewer or other disposal of sanitary wastes, pavement, sidewalks, drainage structures and water supply system.
19. Such other information and material as may be applicable or required by ordinance or rules and regulations pertaining to utilities within the Municipality.

11-5-2 FINAL PLAT:

A. Preparation By Registered Licensed Surveyor; Minimum Public Improvements:

1. Receipt by the subdivider of the print of the preliminary plat approved by the Planning and Zoning Commission as aforesaid shall constitute authority for the subdivider to proceed with further plans and specifications for installation of public improvements in accordance with the minimum standards established by this Title and the preparation of a final plat.
2. The final plat must be prepared, stamped and signed by a registered, licensed surveyor of New Mexico.

B. Contents Of Final Plat:

1. The final plat shall be in conformity with the requirements of the Community and Economic Development Department 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. Said final plat shall be drawn in black ink to a scale of not more than one inch equals one hundred feet (1" = 100') from an accurate survey. It shall contain one or more sheets of dimensions not exceeding twenty-four inches by thirty-six inches (24" x 36"). If more than two (2) sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component areas on the remaining sheets.
2. Said final plat of the subdivision and accompanying documents shall show:
 - a. Boundary lines with accurate distances and angles.
 - b. Correct legal description which shall refer to permanent monuments, number of each lot in progression, and dimensions of same.
 - c. Lines of all proposed streets and alleys with their width and names.
 - d. Accurate outline of any portions of the land to be dedicated for public parks or recreational use and all other property intended to be dedicated for public use or for the use of the owners of lots fronting or adjacent to the land, together with dimensions of same.
 - e. Line of departure of one street from another.
 - f. Names with widths of adjoining streets and alleys abutting the subdivision.
 - g. All lots designated by numbers or letters and streets, avenues and other grounds designated by names, letters or numbers, and designating building numbers (street addresses).

- h. Building setback lines shown by narrow dashed lines.
- i. Location of all easements provided for public use, services or utilities.
- j. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use.
- k. Radii, arcs, or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- l. Location of all survey monuments and their descriptions.
- m. Name of the subdivision and the scale of the plat, north arrow, the names of owners and subdividers and date.
- n. Certificate of registered land surveyor, attesting to the accuracy of the survey and the correct location of all monuments shown.
- o. Certificate of licensed engineer attesting to the adequacy of, and in compliance with, engineering provisions and requirements.
- p. Acknowledgement. Every plat shall contain a statement that the land being surveyed, and the streets, alleys, easements, drainways and other public ways appearing on the plat are with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land and are dedicated to the public use and shall be acknowledged.
- q. Certification. A certification by the owner or owners and spouse, if any, or a duly authorized attorney that there are no delinquent taxes, suits, actions at law, easements, restrictive covenants or rights of way affecting the property except those stated on the plat.
- r. Affidavit. The plat shall also contain an affidavit by the City that the proposed subdivision does lie within the planning and platting jurisdiction of the City.
- s. Separately signed approval blocks with the names of each utility company involved typed under the signature along with the date of each signature. Signatures shall be obtained from the telephone company, electric company, gas company, cable TV, the City utilities superintendent, and the nearest health officer representing the State Environmental Improvement Division.

11-5-3 RESUBDIVISION BY DESCRIPTION:

- A. Certificate Of Survey: Every person who desires to subdivide land shall furnish a plat of the proposed subdivision, prepared by a registered, licensed surveyor of New Mexico; except that the resubdivision of platted tracts that are less than one acre and which are contiguous with each other, for the purpose of increasing or reducing the size of such contiguous tracts, but not less than the minimum standard size required by the City, shall not require the furnishing of a plat of the proposed resubdivision; provided, that a certificate of survey setting forth the legal description of tracts resulting from such resubdivision shall be filed with the Planning and Zoning Commission, the Community and Economic Development Department and County Assessor of Dona Ana County, and such filing shall be considered as a rededication of said described lots in all respects.
- B. Description Of Lots: The plat shall refer to permanent monuments and shall accurately describe each lot, number each lot in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the land. Description of the lots by number and plat designation

are valid in conveyances and for the purpose of taxation.

Chapter 6 IMPROVEMENTS

SECTION:

- 11-6-1: Authorization To Construct Public Improvements
- 11-6-2: Completion Of Improvements
- 11-6-3: Improvements Standards
- 11-6-4: Improvements Requirements

11-6-1 AUTHORIZATION TO CONSTRUCT PUBLIC IMPROVEMENTS:

- A. **Signed Copy Of Preliminary Plat:** Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required as long as the subdivision conforms to the minimum standards required by this chapter. Where the subdivider is requesting a modification to the standards of this Title, receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications.
- B. **Plans And Information Required:** Prior to the construction of any improvements, the subdivider shall furnish the Community and Economic Development Department all plans, information and data necessary for the construction of said improvements.
- C. **Approval Of Plans:** The plans shall be examined by the City Engineer, and will be approved if in accordance with the following requirements in this Chapter. Following the approval, construction can be started. The subdivider may prepare and secure approval of the preliminary plat and then install improvements only in the portion of the area covered by the preliminary plat.

11-6-2 COMPLETION OF IMPROVEMENTS:

- A. Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of New Mexico. The improvements listed below shall be installed pursuant to the method decided upon under subsection 11-6-2E of this Title, and with the provision that no residence or other building shall be constructed until the street, curb and gutter, sidewalk, water and sewer improvements, underground utilities, or storm drain provisions as may be required have been installed for the entire block in which the residence or other building shall be located.

11-6-3 IMPROVEMENTS STANDARDS:

- A. Standards for design, construction, specifications and inspection of street improvements, curbs and gutters, sewers, sidewalks and drainage facilities shall be prepared by the City Engineer, or in the case of state roadways, the New Mexico Department of Transportation. Similar standards for street lights; electrical, gas and

water distribution facilities; fire hydrants, sewage disposal; garbage disposal; and sanitation facilities shall be prepared by the City Engineer in conformance with applicable State requirements and the requirements of CRRUA and private utilities. In the absence of City improvements standards, the standards of the utility or other service provider shall apply.

11-6-4 IMPROVEMENTS REQUIREMENTS:

A. The improvements to be installed shall include the following:

1. Permanent Markers: All subdivision boundary corners and the intersections of street center lines shall be marked with a permanent monument. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches (4"), extending three feet (3') below the surface of the ground, or steel pipe firmly imbedded in concrete which extends at least three feet (3') below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, however, the offset courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the USC and GS 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. Curbing, gutter, and sidewalks shall be installed in a similar manner. No paving is to be installed unless all utility lines have been placed and stubbed out under the areas to be paved. Roadway surfacing shall include standard curb and twenty-two-inch (22") gutter on both sides of the sides of the street not closer than fifty feet (50') from the back of one curb to the other with the area between the curbs surfaced with concrete or asphalt meeting the specifications of the City Engineer.
3. Major Streets: Major streets shall be at a width determined by study of the City Engineer, recommendation of the Planning and Zoning Commission, and approval of the Governing Body.
4. Sidewalks: Sidewalks shall have a minimum width of five feet (5') and shall be constructed under the supervision of, and subject to the approval of, the City Engineer in accordance with specifications of the City Engineer. Sidewalks shall be located with back abutting the street right-of-way line. All sidewalks must meet ADA Standards for Accessible Design³.
5. Water Lines: The subdivider shall make necessary arrangements with CRRUA to serve each lot and provide evidence from CRRUA that water service is available and proposed infrastructure meets CRRUA standards. Water lines shall be installed to at least the back side of proposed sidewalks before any paving is installed..
6. Sanitary Sewers: The subdivider of land within the City limits shall make necessary arrangements with CRRUA to serve each lot and provide evidence from CRRUA that sanitary sewer service is available and proposed infrastructure meets CRRUA standards.
7. Drainage: Adequate provision shall be made for drainage of storm water subject to the approval of the City Engineer. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. No lot shall be

³ ADA Standards for Accessible Design, <https://www.ada.gov/regs2010/2010ADAStandards/2010ADASTandards.htm>, or current standards

- platted to obstruct natural water flow. Storm water drainage shall not be permitted to combine with sanitary sewer. Drainage channels must be lined and provided with required checks or be installed in concrete storm sewer conduit in accordance with the requirements of the City Engineer. Please see Sunland Park drainage plan for further information.
8. Alleys: Alleys shall be graded to their maximum usable width to a grade sloped to drain. Valley gutters, at least eighteen inches (18") wide shall border the paving on both sides.
 9. Street Signs: A four (4) way metal street sign shall be installed at each street intersection by the City and billed to the subdivider. The letters shall be at least four inches (4") high. The signs shall be plain with white letters and the style, color, and material must be approved in advance by the City. Signs on State roadways shall meet the standards of the State Highway Commission.
 10. Street Lights: Street lights shall be installed in accordance with El Paso Electric Company's Line Extension Policy and Construction Charges. Street lighting systems are normally installed, owned and maintained by the El Paso Electric Company. The subdivider is responsible for coordinating the power source, design of the distribution system and light pole locations, and construction with the City and El Paso Electric Company.

Chapter 7 VARIANCES

SECTION:

11-7-1 MODIFICATION OF REQUIREMENTS, HARDSHIP:

- A. **Conditions For Allowing Variance:** Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of this Title would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition, or that these requirements would result in inhibiting the achievement of the objectives of this Title, the Planning and Zoning Commission may recommend to the Governing Body to vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Title or any utility regulations or other requirements of the City or interfere with carrying out the Comprehensive Plan.
- B. **Application For Variance:** Application for any variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed and shall state fully the grounds for the application and the facts relied upon by the subdivider. The Planning and Zoning Commission shall give its written recommendation thereon at the time of its approval or disapproval of said preliminary plat.
- C. **Limitations On Allowing Variance:** In no case shall any variation or modification be contrary to the mandatory requirements of State law, nor be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan or be in conflict with the Zoning Ordinance.
- D. **Planning and Zoning Commission Recommendations To Governing Body:** In granting variances and modifications, the Planning and Zoning Commission may recommend such conditions as will, in its judgment, secure substantially the objective of the requirements so varied or modified. In all cases the decision of the Governing Body shall be final.
- E. **Authorization to Construct Public Improvements.** In the event that the subdivider has requested a modification of requirements, receipt of the signed copy of the final plat is confirmation of approval of requested modifications and is authorization for the subdivider to proceed with the preparation of plans and specifications for required improvements.