

City of Roswell, New Mexico Subdivision Code

Ordinance O-15-10, Adopted August 6, 2015

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ARTICLE 1: TITLE, PURPOSE, AND INTENT

Section 1. Title

This Ordinance shall be known as the "Roswell Subdivision Ordinance" except as referred to and cited herein, where it shall be known as "this Ordinance."

Section 2. Policy

1. It is hereby declared to be the policy of the City of Roswell that the subdivision of land and its subsequent development are subject to the control of the City pursuant to the Comprehensive Master Plan and its components heretofore duly adopted and approved for the orderly, planned, efficient, and economical development of the City.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Master Plan, Functional Street Classification Map, Land Use Plan, Public Works Specifications and the capital improvements budget and program of the City of Roswell. It is intended that this Ordinance shall supplement and facilitate the enforcement of the provisions, regulations, and standards contained in the Building Code, Zoning Ordinance, Comprehensive Master Plan, Functional Street Classification Map, Land Use Plan, Public Works Specification, and the capital improvements budget and program of the City of Roswell.
4. Land that has been subdivided prior to the effective date of this Ordinance should, whenever possible, be brought within the scope of this Ordinance to further the purposes of the regulations in Section 3.
5. For the purposes of the Roswell Subdivision Ordinance, the City of Roswell as a planning authority under NMSA 1978 §3-19-I, retains to the City Council as the governing body the power, authority, jurisdiction and duty conferred upon the City as the planning authority for purposes of the approval or disapprove of plats and subdivisions as provided under NMSA 1978 Chapter 3, Article 20 and this subdivision ordinance.

Section 3. Purposes and Intent

The purposes and intents of this Ordinance shall be:

1. To protect and provide for the public health, safety, and general welfare of the City of Roswell.

To guide the future growth and development of the City of Roswell in accordance with the Comprehensive Master Plan.

3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the City of Roswell and to encourage the orderly and beneficial development of the community through appropriate planning, assuring the timing and sequencing of development; to promote infill development in existing neighborhoods and non-residential areas with adequate public facilities; to allow for open space provisions; and to protect environmentally critical areas and areas premature for urban development.
5. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, recreation, and other public requirements, and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings; to encourage the use of traffic calming and alternative methods of transportation; to provide for the proper location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
9. To ensure that public facilities and services are available concurrent with development, and that sufficient capacity exists to serve the proposed subdivision; and to ensure that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

10. To prevent the pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the City.
13. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land where market demand exists and which are in the public interest.
14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

Section 4. Scope and Jurisdiction

The regulations as set forth in this Ordinance shall apply to all subdivision of land, as defined herein, located within the corporate limits of the City and, as defined by the County, within the five (5) mile planning and platting jurisdiction of the City, and the vacation and/or dedication to the City or other public entity of any street, easement, or right-of-way in the City.

Land unsuitable for subdivision development due to drainage, flood hazard area, topography, or other conditions constituting a danger to health, life, or property shall not be approved unless the subdivider presents evidence or data to the City establishing that the methods proposed to meet any such conditions are satisfactory to adequately avoid any danger to health, life, or property.

No land shall be subdivided nor may any lot in a subdivision be conveyed unless a final plat of the subdivision has been approved in accordance with the rules and regulations as set forth herein, and recorded in the office of the County Clerk.

No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by a subdivision not in conformity with the rules and regulations as set forth herein. However, a building permit or certificate of occupancy may be issued for a parcel or plat of land in a subdivision duly platted and recorded prior to the adoption of this Ordinance and Subdivision Ordinance Number 1323, in which all of the required public and private facilities and improvements are in place but, because of the location or shape of lots, rights-of-way widths, and other design characteristics (not including public and private facilities and improvements), are not in conformance with this Ordinance. No

excavation of land or construction of any public or private improvement shall take place or be commenced except in conformance with the rules and regulations as set forth herein.

Section 5. Interpretation and Conflicts

The provisions of this Ordinance are held to be minimum requirements. Whenever any provisions of this Ordinance conflict with other City of Roswell laws, rules, regulations, covenants or ordinances, the more restrictive shall govern. This Ordinance shall be construed broadly to promote the purposes for which they were adopted.

Section 6. Authority

This Ordinance is enacted for the purpose of establishing and carrying into effect the several powers, duties, and privileges conferred upon the City of Roswell in, under, and by an Act of the New Mexico State Legislature known as Sections 3-19-1 through 3-19-12, both inclusive, New Mexico Statutes Annotated, 1978 together with acts mandatory thereof and supplementary thereto.

Section 7. Severability

If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the express intent of the City of Roswell to pass each section, subsection, paragraph, sentence, clause, phrase, and every part thereof separately and independently of every other part.

ARTICLE 2: GENERAL PROVISIONS

Section 1. Administration

A. Organization

The administration of this Ordinance is hereby vested in

1. City Manager
2. Planning and Zoning Commission
3. City Council

B. The City Manager and those employees of the City of Roswell under his supervision and direction shall administer and enforce the provisions of this Ordinance, and in addition thereto and in furtherance of the City Manager's authority, shall:

1. Receive, file, and forward copies of applications for subdivisions and amendments to this Ordinance to the Planning and Zoning Commission subject to the procedures established herein.

Review and analyze all applications received, assemble staff recommendations, and transmit such recommendations to the Planning and Zoning Commission.

3. Receive recommendations on applications for subdivisions and amendments to this Ordinance from the Planning and Zoning Commission and transmit same to the City Council.
4. Receive and file copies of all written requests for appeals by any person or persons aggrieved by a decision or determination made by the City staff in the enforcement of this Ordinance.
5. Maintain current and permanent records of this Ordinance and approved subdivision plats.
6. Make recommendations on all other matters under this Ordinance upon which the departments are required to act.
7. Provide such technical assistance as may be required by the Planning and Zoning Commission or the City Council in the exercise of their respective duties.
8. Provide and maintain public information services relative to matters arising out of this Ordinance.

C. Planning and Zoning Commission

The Planning and Zoning Commission, being duly appointed, shall:

1. Receive, hear, and make recommendations on applications for subdivisions and amendments to this Ordinance subject to the procedures established herein.

Instruct the Planning, Zoning, and the Engineering Departments, from time to time, to make or initiate studies and draft reports concerning issues arising from this Ordinance.

D. City Council

The City Council, being duly elected, shall:

1. Receive recommendations on applications for subdivisions and amendments to this Ordinance from the Planning and Zoning Commission and hear and make determinations upon same subject to the procedures established herein.
2. Receive, hear, and make determinations on all written requests for appeals by any person or persons aggrieved by a decision or determination made by the City staff in the enforcement of this Ordinance.
3. Instruct the Planning, Zoning and the Engineering Departments, from time to time, to make or initiate studies and draft reports concerning issues arising from this Ordinance.

Section 2. Amendments to this Ordinance

A. General

Amendments to this Ordinance may be initiated by the City Council, Planning and Zoning Commission, Zoning, Planning, or Engineering Departments, or any person or party. An amendment to this Ordinance involves changes in its text and wording, including but not limited to changes in the regulations regarding design standards, definitions, administration, and/or procedures.

B. Application for an Amendment to this Ordinance

If any person or party initiates a request for an amendment to this Ordinance, the request must be made on the approved application form and submitted in accordance with the procedures set forth by the City. The request must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, the reasons for requesting the amendment, and any other information

which the City Planner, Zoning Administrator or City Engineer feels that the Planning and Zoning Commission and the City Council may require to make a proper decision on the matter. Graphic material may also be submitted if it will assist in understanding the benefits of the amendment.

C. Public Hearing

No amendment to this Ordinance shall be adopted until a public hearing has been held thereon by the Planning and Zoning Commission and by the City Council in accordance with the procedures established herein.

D. Review and Recommendation by the Planning and Zoning Commission

The Planning and Zoning Commission shall review, study, and recommend to the City Council whether or not to adopt a proposed amendment to this Ordinance. In its deliberations, the Planning and Zoning Commission shall consider all oral or written statements from the applicants, the public, the City staff, and its own members. The Planning and Zoning Commission shall not recommend approval unless it finds that the adoption of the proposed amendment to this Ordinance is in the public interest and is not solely in the interest of the applicant.

E. Hearing and Decision by the City Council

The City Council shall review, hear, and decide whether or not to adopt a proposed amendment to this Ordinance. In its deliberations, the Council shall consider the Planning and Zoning Commission's recommendation and all oral or written statements from the applicant, the public, the City staff, the Planning and Zoning Commission members, and its own members. The Council shall not vote for approval unless it finds that the adoption of the proposed amendment to this Ordinance is in the public interest and is not solely in the interest of the applicant.

F. Limitations, Amendments, and Revisions

The City Council may approve the proposed amendment, deny it, or table it for not more than one regularly scheduled City Council meeting or for a period of time specified at the public hearing. If approved, the City staff shall revise this Ordinance accordingly.

Section 3. Variances

A. General

Where the Planning and Zoning Commission and the City Council finds that extraordinary hardships or practical difficulties may result from the strict application of this Ordinance and that the purpose of this Ordinance may be served to a greater extent by an alternative proposal, they may approve a variance from the

regulations of this Ordinance so that substantial justice may be accomplished and the public interest secured, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Planning and Zoning Commission and the City Council shall not approve variances unless they find, in each specific case, the following evidence:

1. The granting of the variance will not be detrimental to the public health, safety, and welfare.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not generally applicable to other property, or are a result of already committed and irreversible circumstances in which a requirement to conform to this Ordinance would present practical difficulties and undue hardships.

3. The physical surroundings, shape, or topographical conditions of the property involved results in placing a particular hardship, as distinguished from a mere inconvenience, upon the property's owner if the strict application of the regulations of this Ordinance are carried out.
4. The requested variance will not in any manner vary the purpose, intent, provisions, rules, and regulations of the Zoning Ordinance or the Comprehensive Master Plan and its components.

B. Procedure

A request for any variance shall be submitted in writing by the owner at the time when the application for the subdivision is submitted. The request shall fully state the reasons for the variance as described herein.

Section 4. Vacation of Plats

A. General

The vacation of any tract, parcel or lot located in a subdivision or part thereof, or the vacation of any street, alley, or other public use may be initiated by the owner or owners of said tract, parcel or lot, or by the owner or owners immediately adjacent to said street, alley or other public grounds. The request for any such vacation shall be submitted in the like manner as that for applications for minor subdivisions.

B. Procedure

The application shall include a plat declaring what is to be vacated. Such a plat shall be processed and considered in the like manner as that of plats for minor subdivisions and shall operate to nullify the force and effect of the recording of the

original plat being vacated, and to divest all public rights in the streets, alleys, or public grounds, and all dedications described in the original plat returning properties to adjoining property owners per State statute. All costs associated with the filing of the vacation plat shall be borne by the applicant.

Section 5. Appeals

A. Appeal of a Decision or Determination of the City Staff

Any person or party aggrieved with a decision or determination made by the City staff in the enforcement of this Ordinance may appeal the decision to the City Council. The appeal shall be submitted, reviewed, and heard in accordance with the following procedures:

1. The appeal shall be initiated by the filing of a written notice with the City Clerk's office within a reasonable time, not to exceed fourteen (14) calendar days from the date of said decision.

Notice to the City, its officers, and its employees shall be by the filing of such written notice with the City Clerk's office.

3. The notice of appeal shall concisely and specifically set forth in writing the reasons why the decision or determination of the City staff should be set aside by the City Council.
4. The appeal shall be heard by the City Council at its next regularly scheduled meeting following the filing of the notice of appeal, unless otherwise scheduled by the City Council.
5. In making a decision on the appeal, the City Council shall consider only those concise and specific points on which the appellant, in his written notice of appeal, urges the City Council to set aside the decision of the City staff. The City Council shall consider all oral and written statements from any member or members of the City staff affected by the appeal.
6. A decision to deny or uphold the appeal shall require a majority vote of all City Council members present.

B. Appeal of a Decision by the City Council

Any person or party aggrieved by a decision of the City Council may present the decision to any court of competent jurisdiction for court review within the time and in the manner required by state law.

Section 6. Enforcement, Violations, and Penalties

No owner, or agent of the owner, of any parcel of land located in a proposed subdivision within the platting jurisdiction of the City, shall transfer, sell, or lease any said parcel of

land before a plat of the subdivision has been approved by the Planning and Zoning Commission and the City Council, in accordance with the provisions, rules, and regulations of this Ordinance, and filed with the County Clerk's office.

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading this Ordinance, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this Ordinance.

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions, rules, and regulations of Subdivision Ordinance Number 1323 and this Ordinance, except in those subdivisions with all public and private facilities and improvements in place, duly platted and recorded prior to the adoption of this Ordinance and Subdivision Ordinance Number 1323.

Any person or party convicted of violating any of the provisions, rules, and/or regulations of this Ordinance shall be punished by a fine and/or imprisonment not exceeding the maximum authorized by the court. Each day that a violation continues shall constitute a separate offense.

ARTICLE 3: DEFINITIONS

Section 1. Usage

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Article 3.

Section 2. Rules of Construction

In the construction of these Regulations, the following rules shall be observed unless the construction would be inconsistent with the manifest intent of these Regulations:

- A. Words and phrases shall be construed according to the context and the approved usage of the language, but technical words and phrases and such other as may have acquired peculiar and appropriate meaning in law shall be construed according to such meaning.
- B. Words importing the singular number may be extended to several persons or things, words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be extended to females.
- C. In computing time, the first day shall be excluded and the last included unless the last falls on Sunday, in which case, the time prescribed shall be extended to include the whole of the following Monday.
- D. The words "shall" "should" and "will" are mandatory and "may" is permissive or directory.

Section 3. Definitions

For the purpose of this Ordinance, the words and terms used herein shall be defined and interpreted as follows:

Abut, abutting. To have a common property line.

Adjacent. Touching or contiguous.

Agent. The owner's representative who shall have express authority to act on behalf of that owner. Written consent shall be required from the legal owner of the premises.

Alley. A public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. (see also "right-of-way")

Applicant. The owner of land proposed to be subdivided or its agent who shall have express written authority to act on behalf of the owner. Written consent shall be required from the legal owner of the premises.

Improvement Agreement. A legally binding and enforceable instrument securing the performance of the person tendering the instrument.

Block. A tract of land bounded by streets, or by a combination of streets, and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of municipalities.

Bond. Any form of a surety bond in an amount and form satisfactory to the City. All bonds shall be approved by the City Manager whenever a bond is required by these regulations. (i.e. Assurance Agreement)

City. The City of Roswell.

Comprehensive Master Plan. A comprehensive plan for development of the City prepared and adopted by the Planning & Zoning Commission, and the City Council, pursuant to State law, presenting the general plan for land use, transportation, and community facilities and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Construction Plan Drawings. The drawings, as prepared by a registered engineer, accompanying a major subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this Ordinance and other ordinances.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Controlled Access Highway. A roadway where direct access to the abutting property is prohibited and where access is gained only at designated arterials or collectors intersecting the roadway.

Covenant. A recorded condition entered into between private parties and constituting a restriction on the use of all private property within a subdivision or development for the mutual benefit of successive property owners, and to provide protection against undesirable aspects of developments which would tend to impair the stability of values. (Covenants are a private agreement and are not subject to the jurisdiction of the City)

Cul-de-sac. A local street with only one outlet that terminates in a vehicular turnaround.

Developer. The owner of land proposed to be subdivided or its agent who is responsible for any undertaking that requires review and/or approval under these regulations.

Disclosure Statement. A statement required to be given to persons acquiring an interest in subdivided land and which complies with the requirement of §47-7-17 NMSA 1978.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Floodplain. Any land subject to a one (1) percent or greater chance of flooding in any given year as indicated on the most recent maps published by the City of Roswell and the Federal

Emergency Management Agency. This area is typically called the 100 year flood plain.

Frontage. See Lot line, front.

Frontage Road. A roadway constructed parallel to and alongside an arterial or collector street and whose function is to provide access only to those lots abutting the roadway.

Grade. The slope of a road, street, alley, utility, facility, specified in percentage terms. Improvement. Any addition made to a piece of property intended to enhance its value, utility, or beauty, or to adapt it for new and further uses.

Legal Setback Line. The shortest allowable distance between a property line and the foundation, wall, or main frame of a building or structure.

Lot. A tract, plot, or other parcel of land defined by a subdivision intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot area. The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135°.

Lot depth. The average horizontal distance between the front lot line and the rear lot line, measured with the lot boundaries.

Lot, double frontage. A lot having frontage on two (2) non-intersecting or parallel street rights-of-way, as distinguished from a corner lot.

Lot, interior. A lot other than a corner lot.

Lot lines. The property lines bounding a lot.

Lot line, front. The boundary of a lot abutting a street right-of-way.

Lot line, rear. A lot line which is most distant from and/or is approximately parallel to the front lot line.

Lot line, side. A lot line which is not a front lot line or a rear lot line.

Lot width. The horizontal distance between the side lot lines of a lot measured with the lot boundaries and measured along the minimum required front yard setback lines.

Monument. A permanent, physical item used as a survey control point.

Off-site. Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Plat. A map, chart, drawing, or survey on which a subdivider's plan of his subdivision is presented and which he submits for approval and intends in final form to record; containing a description of the subdivided land with ties to permanent monuments; and is certified by a licensed, registered land surveyor.

Plat, Final. The map of a subdivision to be recorded after approval by the Planning and Zoning Commission and City Council and any accompanying materials as described in these regulations. The Final Plat is the plat which will be filed and recorded in the County Clerk's office.

Plat, Preliminary. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning & Zoning Commission for approval.

Pre-application sketch. A drawing showing the initial concept of a proposed subdivision including all of the items as described in this Ordinance.

Project Manager. A registered engineer, or his representative, in direct responsible charge of the work to be performed.

Registered Engineer. An engineer properly licensed and registered in the State of New Mexico.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State of New Mexico.

Replat. A map, chart, drawing, or survey on which a subdivider's plan of his resubdivision is presented showing any previous lot lines and which he submits for approval and intends in final form to record; containing a description of the resubdivided land with ties to permanent monuments; and is certified by a licensed, registered land surveyor.

Resubdivision. A change in the map of a recorded subdivision plat that affects any street layout on the map, or any area reserved thereon for public use, or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. A strip of land opened, reserved, or dedicated for a street, walk, utility, drainage, or other public purpose. A right-of-way shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road. (See Street)

Service Road. (See Frontage Road)

Street. A general term used to describe a paved right-of-way, municipally or privately owned, which affords a principal means of vehicular access to abutting properties.

Street, classification. Each existing street, highway, road, and right-of-way in the City, and those located on approved and filed plats, have been designated on the Functional Street Classification Map of the City and classified therein, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way, and their future improvements, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City, its present land use, its estimated future traffic volume, and its relative importance and function as specified in the Comprehensive Master Plan. The required improvements shall be measured as set forth for each street classification.

Street, collector. A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial as designated on the Functional Street Classification Map in the City's Comprehensive Master Plan.

Street, local. A street of limited continuity designed to carry low volumes of traffic used primarily for access to abutting properties and the local needs of a neighborhood.

Street, loop. A local street that has only two (2) intersections with a single adjacent street. See Public Works Specs.

Street, major arterial. A street designed to carry large volumes of traffic, has minimal direct land access, and provides for efficient movement for regional traffic in and around the City as designated on the Functional Street Classification Map in the City's Comprehensive Master Plan.

Street, minor arterial. A limited access road intended to move traffic to and from major arterials, central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators; and/or a route for traffic between communities or large areas which carries high volumes of traffic in and around the City as designated on the Functional Street Classification Map in the City's Comprehensive Master Plan. Access to minor arterials shall be limited to intersecting local and collector streets and to commercial driveways approved by the City Engineer.

Street, perimeter. Any existing street which abuts a parcel of land to be subdivided on only one (1) side.

Subdivider. A property owner who, by himself or through an agent, undertakes the subdivision of his lands as set forth in this Ordinance.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer,

sale, lease, or development, whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions including Resubdivision. Subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes and bound description, devise, intestacy, lease, map, plat or other recorded instrument.

Subdivision, commercial. A tract of land, subdivided into lots, designated and planned for commercial uses.

Subdivision, estate residential. A very low density residential subdivision that may, when permitted by the Zoning Ordinance, and where its location conforms to the standards as set forth in this Ordinance, be exempt from some of the normally required subdivision improvement standards.

Subdivision, industrial. A tract of land, subdivided into lots, designated and planned for industrial use.

Subdivision, major. Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of more than ten (10) lots or any size subdivision requiring any new streets or change in any existing street, or any size subdivision requiring the extension of municipal facilities or the creation of any public improvements.

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 municipal facilities or the creation of any public improvements, and not adversely affecting in any way the remainder of the parcel or adjoining property.

Subdivision, mobile home. A tract of land, subdivided into lots, designated and planned for long term residential use and intended for sale where the residences are comprised of mobile homes.

Subdivision, phased development plan. An approved preliminary plat for a subdivision submitted in phases for final plat approval to the Planning and Zoning Commission and to the City Council.

Subdivision, residential. A tract of land, subdivided into lots, designated and planned for residential uses.

Subdivision, summary. A subdivision resulting in not more than two (2) lots; or a resubdivision of one (1) lot in a previously and duly recorded subdivision resulting in two (2) lots; or a resubdivision which consists of only the relocation or realignment of lot lines in a previously and duly recorded subdivision, where there is: a) a reduction or no change in the number of original lots; b) no change in the street layout or other areas reserved for public use, except for increases in width only; c) no vacations of public rights-of-way; and d) no requests for variances from the provisions, rules, and regulations of this Ordinance.

Tract. A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, tracts, or interests.

Trustee. An individual or firm, licensed under the escrow law of the State of New Mexico, acting as the third party in an Assurance Agreement.

Vacation. The act of rescinding (canceling) any right-of-way, easement, public area, other public interests, or any part of a recorded subdivision in accordance with State statutes.

ARTICLE 4: SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 1. Overview

A. General

All proposed subdivisions, resubdivisions, replats or vacations of all or part of an existing subdivision shall comply with the standards and requirements established by this Ordinance.

B. Pre-Application Conference

For the purpose of expediting applications and reducing subdivision design costs, a subdivider shall request an informal pre-application conference. To facilitate general understanding between the applicant and the City staff prior to any considerable investment and before preparing the Pre-application Sketch for a subdivision, the applicant shall discuss with the Planning, Zoning, and Engineering Departments the varying procedures for the adoption of the different types of subdivisions and the requirements for the general layout of alleys and streets, and for reservations of land, street improvements, drainage, flood hazard areas, sewer lines, waterlines, fire protection, and similar matters, as well as the availability of existing services.

C. Submission of Pre-application Sketch

The Pre-application Sketch shall include the land proposed to be subdivided and all contiguous land holdings of the applicant. It shall be accompanied by a vicinity sketch showing all platted streets within six hundred (600) feet of the proposed subdivision, proposed streets with connections to existing streets, natural drainage channels, and municipal boundaries if they are within two hundred (200) feet of the proposed subdivision. The Pre-application Sketch shall include the information as described in Article 6 of this Ordinance and conform to the existing zoning and subdivision regulations applicable at the time of the scheduled Final Plat approval. Any plat which has received Preliminary Plat approval shall be exempt from any subsequent amendments to the Zoning Ordinance, rendering the plat nonconforming as to density or use, provided that the Final Plat approval is obtained within a one year period. No formal application nor filing fee is required. If the proposed subdivision is located in the five-mile platting jurisdiction, the applicant shall make concurrent contact with the County of Chaves. The platting process shall be initiated through the Chaves County Planning and Zoning Office.

D. Review of Pre-application Sketch

The pre-application Sketch shall be reviewed by the City staff. If the proposed subdivision lies outside the City limits, but within the five-mile platting jurisdiction,

the Pre-application sketch shall be reviewed concurrently by City and County staff. A report on the review of the Pre-application Sketch shall be transmitted to the applicant no later than ten (10) working days after the date of submittal. The report shall advise the applicant of the specific changes or additions, if any, required before preparation of a Preliminary or Final Plat.

Section 2. Application and Review Procedures

Whenever any subdivision of land is proposed, the property owner, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- A. Minor Subdivision
 - 1. Pre-Application Sketch
 - Final Plat
 - 3. Notification of Adjacent Property Owners
 - 4. Advertisement of Public Hearing
 - 5. Planning and Zoning Commission Review
 - 6. City Council Review
- B. Major Subdivision
 - 1. Pre-Application Sketch
 - Preliminary Plat
 - 3. Notification of Adjacent Property Owners
 - 4. Advertisement of Public Hearing
 - 5. Planning and Zoning Commission Review
 - 6. Final Plat
 - 7. Advertisement of Public Hearing
 - 8. Planning and Zoning Commission Review
 - 9. City Council Review
- C. Summary Subdivision
 - 1. Pre-Application Sketch
 - Summary Plat
 - 3. Administrative Review of Summary Plat

Section 3. Approval Process

- A. Minor Subdivision
 - 1. Pre-application Sketch

The applicant shall follow the provisions and procedures as set forth in Section 1.C of this Article after attending a Pre-Application Conference.

Final Plat

Following review of the Pre-applications Sketch, the applicant shall file an application for Final Plat approval of the proposed subdivision. The application shall:

- a. Be submitted on a form available at the Zoning Department together with the required fee;
- b. Include all land which the applicant proposes to subdivide and all land immediately adjacent for a distance of one hundred (100) feet, excluding the distance devoted to existing rights-of-way, together with the names, legal descriptions, and mailing addresses of all adjacent property owners within one hundred (100) feet of the outside boundaries of the plat, excluding the distance devoted to existing rights-of-way, as shown in the County Assessor's office;
- c. Be accompanied by the number of copies as indicated on the application form of the Final Plat, as described in Article 6 of this Ordinance, and shall comply in all respects with the approved Pre-application Sketch;
- d. Be presented to the Zoning Department in advance of the time and date established as the deadline for the regular meeting of the Planning and Zoning Commission.

3. Notification of Property Owners

The City shall notify, by certified mail - return receipt requested, the owners of all property within one hundred (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.

4. Advertisement of Public Hearing

The City shall place an advertisement of the date, time, and place of the public hearing to be held before the Planning & Zoning Commission on the proposed subdivision at least fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Planning and Zoning Commission and the City Council. The location of the proposed subdivision and other pertinent information shall be included.

5. Planning and Zoning Commission Review

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 City Council 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 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 City Council, in which case the time within which the City Council is required to act on the final plat is extended.

If the Planning and Zoning Commission fails to act on a recommendation 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 said Commission or the City, or unless an extension is agreed to by the applicant, then the application shall be deemed recommended for approval, which shall be forwarded to the City Council noting the reason for the approval.

6. City Council Review

The City Council shall act to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the final submission of the plat, or from the date of that the Planning and Zoning Commission made its recommendation, if the applicant had agreed to an extension of time for the Planning and Zoning Commission as provided in subsection 5 above, whichever is later.

The City Council 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 City Council 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 City Council to act upon the application for final plat approval, in which case the time within which the City Council is required to act on the application is extended to the next regularly scheduled City Council meeting.

If the City Council fails to approve or disapprove the application for final plat approval within thirty-five (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 City Council, or from any extension of time agreed to by the applicant before the Planning and Zoning Commission or before the City Council, 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.

B. Major Subdivision

1. Pre-application Sketch

The applicant shall follow the provisions and procedures as set forth in Section 1.C of this Article after attending a Pre-application Conference.

Preliminary Plat

Following the review of the Pre-application Sketch, the applicant shall file an application for Preliminary Plat approval of the proposed subdivision. The application shall:

- a. Be made on a form available at the Zoning Department together with the required fee.
- b. Include all land which the applicant proposes to subdivide and all land immediately adjacent for a distance of one hundred (100) feet, excluding the distance devoted to existing rights-of-way, together with the names, legal descriptions, and mailing addresses of adjacent property owners within one hundred (100) feet of the outside boundaries of the plat, excluding the distance devoted to existing rights-of-way, as shown in the County Assessor's Office.
- c. Be accompanied by the number of copies as indicated on the application form of the Preliminary Plat, as described in Article 6 of this Ordinance, and shall comply in all respects with the approved Pre-application Sketch.

3. Notification of Adjacent Property Owners

The City shall notify, by certified mail - return receipt requested, the owners of all property within one hundred (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 at which the proposed subdivision is to be considered.

4. Advertisement of Public Hearing

The City shall place an advertisement of the date, time, and place of the public hearing to be held before the Planning & Zoning Commission on the proposed subdivision at least fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Planning and Zoning Commission and the City Council. The location of the proposed subdivision and other pertinent information shall be included.

5. Planning and Zoning Commission Review

- a. Submission of a preliminary 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. 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 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, or to make its decision on the preliminary plat application, in which case the time within which the Planning and Zoning Commission is required to act upon the preliminary plat is extended.

If the Planning and Zoning Commission fails to approve or disapprove the application for preliminary plat approval within thirty-five (35) days from the date of the submission of the plat, other than by reason of a lack of a quorum or other causes beyond the control of said Commission or the City, or unless an extension is agreed to by the applicant, then the application is deemed to be approved and upon demand the Planning and Zoning Commission shall issue a certificate approving the preliminary plat. One (1) 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.

- b. Effective Period of Preliminary Plat Approval

The approval of the Preliminary Plat shall be effective for a period of one (1) year, 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.

6. Final Plat

Following the approval of the Preliminary Plat by the Planning and Zoning Commission, the applicant shall file an application for Final Plat approval of all or a portion of the proposed subdivision. The application shall:

- a. Be made on a form available at the Zoning Department
- c. Be accompanied by the number of copies as indicated on the application form of the Final Plat and two (2) copies of the preliminary construction plans, as described in Article 6 of this Ordinance, and shall comply in all respects with the approved Preliminary Plat and any required changes and additions.
- c. Be accompanied by two (2) copies of the completed Improvement Agreement form as described in Article 7.
- d. Be presented to the Zoning Department in advance of the time and date established as the deadline for the regular meeting of the Planning and Zoning Commission.

7. Advertisement of Public Hearing

The City shall place an advertisement 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 fifteen (15) days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Planning and Zoning Commission and the City Council. The location of the proposed subdivision and other pertinent information shall be included.

8. Planning and Zoning Commission Review

Final submission of a final 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 City Council

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 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 City Council, in which case the time within which the City Council is required to act on the final plat is extended.

If the Planning and Zoning Commission fails to act on a recommendation 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 said Commission or the City, or unless an extension is agreed to by the applicant, then the application shall be deemed recommended for approval, which shall be forwarded to the City Council noting the reason for the approval.

9. City Council Review

The City Council shall act to approve or disapprove the application for final plat approval within thirty-five (35) days from the date of the final submission of the plat, or from the date of that the Planning and Zoning Commission made its recommendation, if the applicant had agreed to an extension of time for the Planning and Zoning Commission as provided in subsection 5 above, whichever is later.

The City Council 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 City Council may also consider other materials or public comments received at the meeting when the recommendation is considered.

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

If the City Council fails to approve or disapprove the application for final plat approval within thirty-five (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 City Council, or from any extension of time agreed to by the applicant before the Planning and Zoning Commission or before the City Council, 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.

C. Summary Subdivision

1. Pre-Application Sketch

The applicant shall follow the provisions and procedures as set forth in Section 1.C of this Article after attending a Pre-application Conference.

Summary Plat

The applicant shall submit to the Zoning Office the number of copies as indicated on the application form of the Summary Plat in accordance with the document requirements set forth in Article 6.

3. Review of Summary Plat

The Summary Plat shall be reviewed by the Planning, Zoning, and Engineering Departments. A report on the review of the Summary Plat by the City Manager shall be transmitted to the applicant no later than ten (10) working days after the date of submittal. The report shall advise the applicant of the plat's approval, denial, or specific changes or additions that may be required.

The procedures for Summary Subdivision approval as stated in the preceding Section shall be followed for all of those subdivisions lying within the five (5) mile planning and platting jurisdiction of the City that have been designated for County Summary approval by the Chaves County Zoning Director.

Section 4. Final Submission, Signing, and Recording of the Subdivision Plat

A. Final Review and City Endorsement

Following Final Plat approval by the City Council the applicant shall submit one (1) paper copy of the subdivision plat, and one (1) original Mylar copy of the subdivision plat showing all required changes or additions, to the City Engineering Department for final review. Final approval shall be endorsed on the original Mylar copy by the Mayor and City Clerk, when the review has indicated that all requirements of Final Plat approval have been met.

Recording of the Subdivision Plat

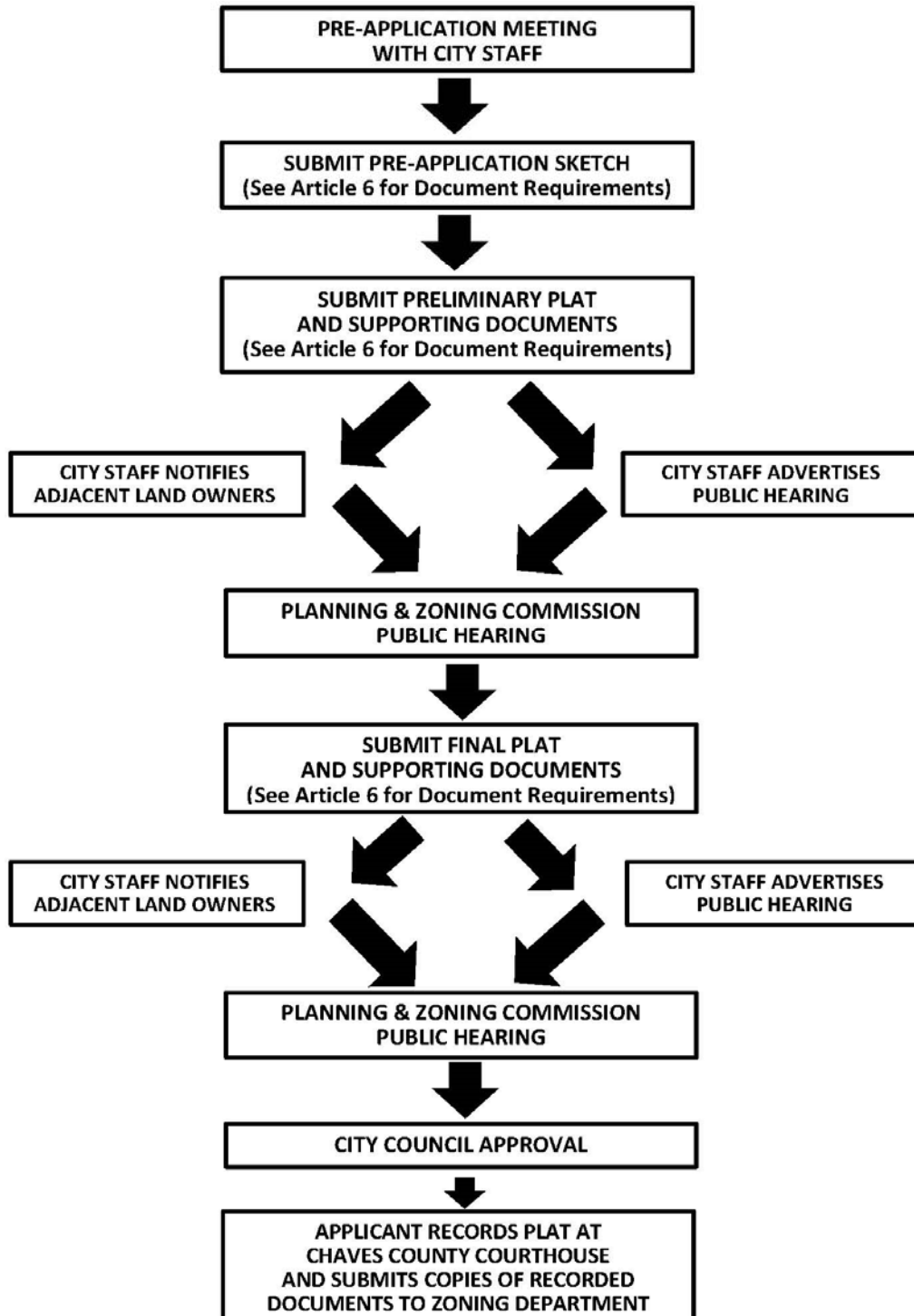
After receiving the endorsement of the City, the subdivider, or his agent, shall record the subdivision and the Improvement Agreement with the Chaves County Clerk. The subdivision plat is in full effect only after it has been duly recorded in the office of the Chaves County Clerk. The City's approval shall become null and

void if the Final Plat of the subdivision is not recorded within one (1) year of the date of City Council approval.

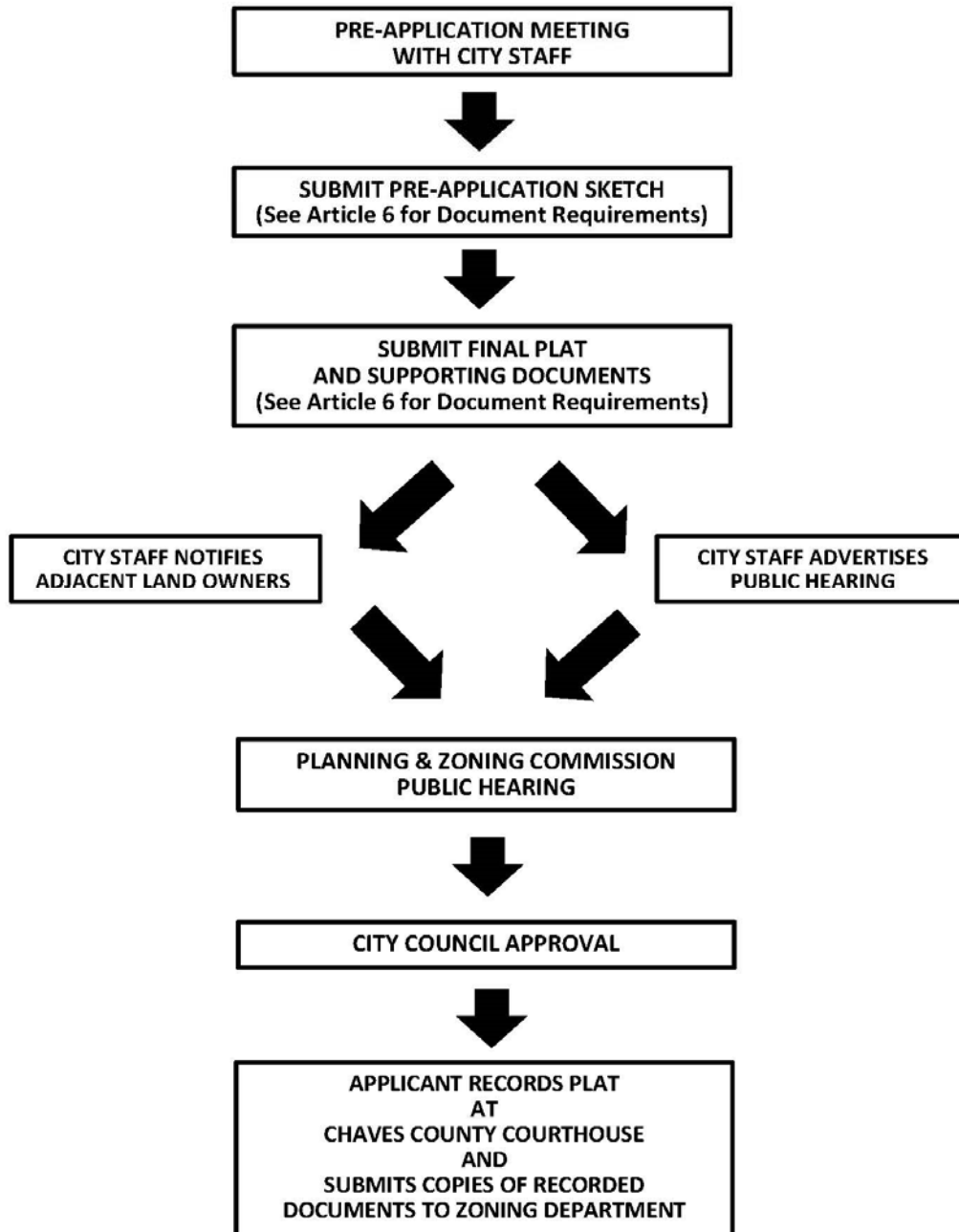
After properly recording the Final Plat of the subdivision with the Chaves County Clerk, the subdivider, or his agent, shall submit to the City Zoning Department two (2) paper copies of the recorded Final Plat of the subdivision, one (1) reproducible Mylar copy of the recorded Final Plat of the subdivision, and one (1) copy of the recorded Improvement Agreement. No construction of facilities shall commence until these items of proof of the recording of the Final Plat of the subdivision and the Improvement Agreement have been submitted to the Zoning Department.

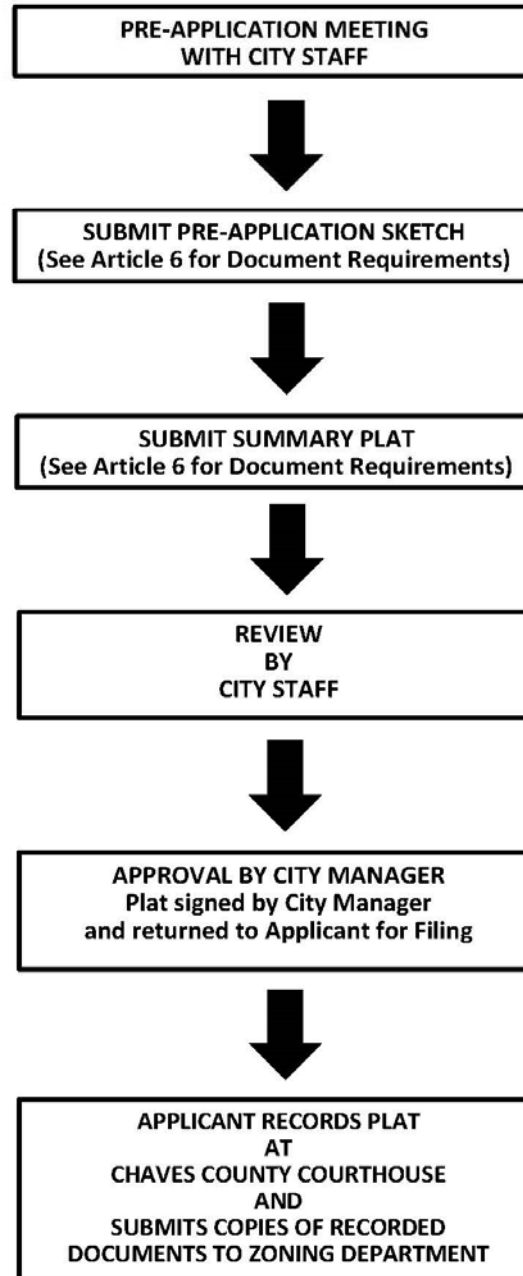
MAJOR SUBDIVISION APPLICATION & APPROVAL PROCESS

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MINOR SUBDIVISION APPLICATION & APPROVAL PROCESS



SUMMARY SUBDIVISION APPLICATION & APPROVAL PROCESS

ARTICLE 5: DESIGN STANDARDS

Section 1. General

A. Conformance to Applicable Rules and Regulations

In addition to requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

1. The City of Roswell Zoning Ordinance;
2. The Comprehensive Master Plan, and Functional Street Classification Plan;
3. The rules and regulations in the City of Roswell Public Works Specifications, or as amended, and where not in conflict with this Ordinance;
4. The regulations of the New Mexico State Highway and Transportation Department if the subdivision or any lot contained therein abuts a State highway; and
5. The standards and regulations adopted by the City of Roswell.

B. Suitability of Land

Land which the Planning and Zoning Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as are appropriate to existing conditions.

Section 2. Lot Improvements

A. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved street.

B. Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning & Zoning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curbing street lines) unless a variation from this rule will give a better street or lot. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setbacks from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

C. Lot Orientation

The lot line common to the street right-of-way shall be the front line. The front line of corner lots shall be the lot line with the narrower dimension. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

D. Double Frontage Lots and Access to Lots

1. Double frontage and reversed frontage lots are strongly discouraged and shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

Residential lots shall not, in general, derive access exclusively from arterial streets. Residential multi-family uses may have limited access to arterial streets. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning and Zoning Commission shall require that such lots be served by a frontage road in order to limit possible traffic hazards.

3. Multi-family developments, Special Uses, Commercial or Industrial lots shall be designed and arranged so as to prohibit driveways requiring vehicles to back into streets.

E. Lot Proportions

Lot depth shall not, where practical, exceed three times the lot width. Lots too shallow for construction purposes shall likewise be avoided.

F. Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid increased concentration of storm drainage water from each lot to adjacent lots (See Article 5, Section 4).

Section 3. Streets

A. General Requirements

1. All streets shall be properly integrated with the existing and proposed system of thoroughfares as established by the Functional Street Classification Plan.
2. Local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
3. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.
4. Land reserved for any street purposes shall not be counted in satisfying yard or area requirements of the Zoning Ordinance.

B. Blocks

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
2. The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet nor be less than 400 feet in length.
3. In long blocks, the Planning and Zoning Commission and/or City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, emergency access, or pedestrian traffic.
4. Pedestrianways or crosswalks, not less than 10 feet wide, may be required by the Planning and Zoning Commission and/or City Council through the

center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning and Zoning Commission and/or City Council for prospective use.

C. Access to Principal and Minor Arterial Streets

Where a residential subdivision borders on or contains an existing or proposed principal or minor arterial street, access shall be limited by one of the following means:

1. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street. No access shall be provided from the arterial.

A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.

3. A series of local streets at right angles to the arterial with abutting lots arranged to side rather than front the street right-of-way.
4. A frontage road separated from the arterial by a planting or grass strip.

D. Design Standards

1. General

Streets, alley pads, driveways, and entrances shall be of suitable location, width, and thickness to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation, and road-maintenance equipment, and be coordinated so as to compose a convenient system and avoid undue hardships to adjoining properties. Design standards for streets alleys, driveways, drainage and utility systems are included in the City of Roswell Public Works Specification. Minimum street right-of-way widths shall be as shown in the following table. Street classifications shall be as described in the City of Roswell Functional Street Classification Plan:

MINIMUM STREET RIGHTS-OF-WAY

Street Classification Minimum Width of Right-of-Way	Dimensions in Feet
Local Street	60
Collector Street	65
Minor Arterial	80
Principal Arterial	100

Street Surfacing and Improvements

After utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the Public Works Specification. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Street Sections shall conform to standards and specifications adopted by the City of Roswell Public Works Specifications. Adequate provision shall be made for culverts, drains, and bridges.

All pavements, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to the City of Roswell Public Works Specifications, and shall be incorporated into the construction plans required to be submitted by the developer for subdivision acceptance.

3. Railroads and Controlled Access Highways

Railroad rights-of-way and controlled access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- a. In residential districts, a buffer strip at least 25 feet in depth, in addition to the required setback limits of the lot, shall be provided adjacent to railroad right-of-way or controlled access highways.
- b. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

4. Intersections

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted.

- c. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

5. Bridges

Bridges of primary benefit to the applicant, as determined by the City Council, shall be constructed at the full expense of the applicant without reimbursement from the City of Roswell. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the City Council, will be fixed by special agreement between the City Council and the applicant.

6. Alleys

Alleys are to be provided. Their minimum right-of-way width shall not be less than twenty (20) feet; alleys in commercial and industrial subdivisions shall be 25 feet in width. The type of surface shall conform to the City of Roswell Public Works Specifications.

E. Street Dedications and Improvements

1. Widening and Realignment of Streets

- a. Where a subdivision is adjacent to a street which, in accordance with the Functional Street Classification Plan, shall be widened, the subdivider shall dedicate, at his or her own expense, a proportionate share of the additional right-of-way width.
- b. Where, in accordance with the Functional Street Classification Plan, a street shall lie wholly within a subdivision, the subdivider shall, at his or her expense, dedicate the entire right-of-way width and improve the full width of the street.

New Perimeter Streets

Street Systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the remaining half of the street shall be improved and dedicated by the subdivider. The City may authorize a new perimeter street where the subdivider dedicates and improves the entire required street right-of-way width within the subdivision boundaries.

3. Frontage Roads

Where a frontage road is proposed, its full width shall be dedicated and improved as required by this Ordinance at the full expense of the subdivider.

Section 4. Drainage and Storm Sewers

A. General Requirements

The Planning and Zoning Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm drainage shall be accommodated in the streets and gutters unless adopted standards and specifications would indicate otherwise. Where storm sewers are required, the cost may, at the option of the City, be shared between the City of Roswell and the applicant where it is determined that off-site drainage is served.

1. Accommodation of Upstream Drainage Areas

A culvert, gutter, or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Subdivider's Engineer shall determine, in accordance with adopted standards and specifications, the necessary size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential development within the watershed as permitted by the Zoning Ordinance.

Effect on Downstream Drainage Area

The Subdivider's Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

3. Flood Plain Areas

The City Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of

any stream as determined in the City's Flood Plain Ordinance. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Chaves County Flood Commissioner and City of Roswell Flood Plain Administrator.

B. Dedication of Drainage Easements

1. General Requirements

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate.

Drainage Easements

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. Storm drainage design, analysis and reports shall be performed and submitted in accordance with the City of Roswell Public Works Specifications.

Section 5. Water Facilities

A. General Requirements

1. Where public or approved central water supply is available, a system shall be designed by a Registered Engineer to furnish an adequate supply of water to each lot, with adequate main size and fire hydrant locations to serve the area. Such systems shall be approved by the City Engineer, in accordance with the City of Roswell Public Works

Specifications. At the time of subdivision, the subdivider will be advised of the City's policy regarding extension of City facilities.

2. Where public or approved central water supply is unavailable, water systems shall be designed by a Registered Engineer and shall be approved by the City Engineer in accordance with the requirements of City and State authorities having jurisdiction.

B. Fire Hydrants

Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located in accordance with the City Fire Department specifications. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on a subdivision plat.

C. Fire Lines

Where fire lines are proposed to serve individual lots, such lines shall be installed by the developer at the time of lot development, at the expense of the lot developer. Ownership and maintenance of the fire lines are the responsibility of the lot owner.

Section 6. Sewer Systems

A. Public Sewer Lines Available:

Where public sewer lines are available or definitely planned, sanitary sewer lines shall be designed to connect to each lot.

B. Public Sewage System Required:

Sanitary sewage facilities shall connect with public sanitary sewage system unless such connection is not available.

1. Where public sanitary sewage systems are not accessible and will not become available within a reasonable period of time, the applicant may install sewage systems as follows:
 - a. Low, Medium and High-Density Residential Districts: A central sewage system only. No individual disposal system will be permitted.
 - b. Rural Suburban District (very low-density residential): Individual disposal systems or central sewage systems shall be used in accordance with State Environmental Department specifications.

C. Design Criteria for Sanitary Sewers

1. Design Factors

Sanitary sewer systems shall be designed by a Registered Engineer for the ultimate tributary population. System design as related to size, slope, depth, alignment, manhole locations, sewer line location and cleanouts should be in conformance with City of Roswell Public Works specifications.

Section 7. Sidewalks

A. Required Improvements

1. Sidewalks shall be included with the dedicated non-pavement right-of-way of all streets, and shall be installed prior to the occupancy of the lot of which the sidewalk serves.

Concrete sidewalks shall be placed either flush with the curb, or at the property line in accordance with the City of Roswell Public Works Specifications.

3. In dedicated pedestrian accessways, sidewalks shall be constructed in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads. Such sidewalks shall be constructed by the developer at the time of street construction.

Section 8. Utilities

A. Location

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, should be located underground throughout the subdivision wherever possible.

B. Easements

Easements shall not split lot lines and shall be located as required by the City and/or applicable utility companies.

Section 9. Public Uses

A. Parks, Playgrounds, and Recreation Areas

1. Where the City's Comprehensive Master Plan indicates the need for the location of a park, playground, or recreation area within the general vicinity

of the property being subdivided, the subdivider shall work with the City to make provisions for the location and acquisition of said area.

As a condition of approval of a final plat of a subdivision, the subdivider shall be required to dedicate to the City for park, playground, or recreational purposes, an area of land comprising eight (8) percent of the total area being subdivided with said land to be located within the subdivision itself or, if the subdivider has land holdings elsewhere, no further than one (1) mile from the borders of the proposed subdivision. The park area shall not be less than five (5) acres in size.

3. In lieu of this land dedication, or if the eight (8) percent calculation results in a park site less than five (5) acres in size, the subdivider, property owner, or developer shall pay a cash contribution to the City in the amount of two (2) dollars per foot of the subdivision's street frontage to be used strictly for future park site acquisition and improvements.

B. Schools

The Planning and Zoning Department shall forward to the School District, the pre-application sketches for all requests for major subdivisions of forty (40) acres or more. The School District may assess the request to determine the need for additional school sites and may work with the developer to acquire such sites.

Section 10. Preservation of Natural Features and Amenities

- A. Existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision.
- B. New trees to be planted in public right-of-way shall be approved by the City and shall be planted in accordance with the regulations of the City Engineer.

Section 11. Rural Suburban Subdivisions

Rural Suburban subdivisions may be exempt from the improvements required by this Ordinance where the location, minimum lot area, streets, and facilities standards are as follows:

A. Location

A rural suburban subdivision shall be located in an area where, because of natural features and conditions, there would be no foreseeable adverse impact upon adjacent properties in terms of the continuity of existing and proposed streets,

traffic flow, sewer and water facilities, drainage systems, and environmental concerns.

B. Minimum Lot Size

Lot size shall be not less than two and one-half (2.5) acres.

C. Street Improvements

1. Streets shall have a minimum width of twenty-four (24) feet within a minimum sixty (60) foot right-of-way.

Curbs and gutters may not be required.

3. Sidewalks may not be required.

4. Cross-sections of the streets and adjacent drainage channels shall be in accordance with the City of Roswell Public Works Specifications

D. Sewage Systems

Private sewage disposal systems may be permitted provided that all regulatory requirements are met.

E. Water

Individual water supplies may be permitted provided that all regulatory requirements have been met.

F. Future Resubdivision

A rural suburban subdivision shall not be resubdivided unless it is in conformity with the Zoning Ordinance. Should a Resubdivision be permitted, the exemption to the standards as set forth in this section would no longer apply, and all of the necessary improvements as set forth elsewhere and throughout this Ordinance shall be installed.

ARTICLE 6: DOCUMENT REQUIREMENTS

Section 1. Pre-Application Sketch

A Pre-Application Sketch submitted to the Planning and Zoning Department shall include the following information:

A. Title

1. The proposed title of the subdivision shall not conflict with the title of any existing and recorded subdivision.
2. To avoid confusion in the recording and research of subdivisions, the proposed title of a resubdivision shall consist of a new name not in conflict with the original name of the subdivision being resubdivided, or any other existed and recorded subdivision. The original name of the subdivision being resubdivided shall be referenced in the dedication on the plat document.

B. Ownership

1. Name and address, including telephone number, of the legal property owner or owners of all land included in the proposed subdivision and, if applicable, his or their agent.
2. Name and address, including telephone number, of the professional person or persons responsible for the subdivision design, for the design of public improvements, and for surveys.

C. Description

Location of property by lot, section, township, range, and county; graphic scale; north arrow; and date.

D. Features

1. Location of property lines, existing easements, railroad rights-of-way, and watercourses.
2. Approximate location of proposed facilities and their proposed connection to existing facilities. Existing facilities should be shown on the sketch submitted for review.
3. Approximate topography.
4. Approximate location and widths of proposed streets and rights-of-way.

5. Approximate dimensions of all proposed or existing lots.
6. Approximate dimensions of all parcels of land proposed to be set aside for park, playground use or the public use, or for the common use of property owners in the proposed subdivision.
7. Whenever the pre-application sketch covers only a part of an applicant's contiguous land holdings, the applicant shall submit a drawing, in pen or pencil, the proposed subdivision area together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
8. Approximate location of Flood Boundaries.

Section 2. Preliminary Plat

A. General

The preliminary plat shall be prepared by a land surveyor registered in the State of New Mexico and at a legible scale, not larger than one inch equals 100 feet. The plat shall be displayed on a maximum sheet size of 30" by 42" and shall comply in all respects with the approved pre-application sketch.

B. Features

The preliminary plat shall show the following:

1. The location of property with respect to surrounding property and streets; the names of all adjoining property owners of record, or the names of adjoining developments; and the name of adjoining streets.

The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location and width of existing streets, easements, water bodies, streams, and other pertinent features such as railroads, buildings, parks, cemeteries, drainage ditches and bridges.
4. The location and width of all proposed rights-of-way, easements, alleys, and other public ways, and proposed building setback lines.
5. The locations, dimensions, and area of all proposed or existing lots.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with

designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

7. The name and address of the owner or owners of land to be subdivided; the names and address of the subdivider if other than the owners; and the name of the land surveyor.
8. The date of the map, approximately true north point, and scale.
9. Name of the subdivision and all new streets.
10. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
11. All lots shall be consecutively numbered.
12. Topography with a minimum contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
13. The approximate location of all flood boundaries within 200 feet of the property to be platted shall be shown.
14. Endorsement of owner as follows:

Owner

Date

15. Signature blocks for all applicable reviewing Commissions and Agencies.
 16. The lack of information under any item specified herein, or improper information supplied by the applicant, may be cause for resubmittal of a preliminary plat.
- C. A storm drainage report shall be prepared by a registered engineer, to be submitted to the City Engineer. The report shall include a description of the storm drainage system proposed for the subdivision, including the detention and stormflow routing options to be used, and the effect of this drainage system on adjacent properties. Infiltration and absorption tests as well as recommendations for silt and erosion control may also be required.
- D. The applicant shall provide an estimated phasing of development.
- E. The applicant shall include proposed copies of any instruments pertaining to off-site improvements.

Section 3. Final Plat

A. General

The final subdivision plat shall be presented at a legible scale in ink on reproducible Mylar with a sheet size of 18" x 29" and shall have the same information, except for any changes or additions required by the Planning and Zoning Commission, as shown on the preliminary plat or pre-application sketch. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning and Zoning Commission's recommendations. All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established by the Plat, if required by the Planning and Zoning Commission in accordance with these regulations.
2. All monuments erected, corners, and other points established in the field in their proper places.
3. Concurrence of all applicable utility companies.
4. Concurrence of Chaves County Flood Commissioner.

B. Preparation

The final subdivision plat shall be prepared by a registered land surveyor.

C. Construction Documents

Construction plans shall be prepared for all required improvements by a registered engineer. Plans shall be drawn at a scale of not larger than one (1) inch equals fifty (50) feet. Documents shall be prepared in accordance with the Public Works Specifications.

Section 4. Summary Plat

A. General

The Summary Plat shall be prepared by a registered land surveyor and at a legible and convenient scale. The plat shall be displayed on a sheet size of 18" by 29".

B. Features

The Summary Plat shall show the following:

1. All information that is required for Final Plats, as described in Section 3 of this Article, except that which is not applicable.

Signature block for City Manager approval, in lieu of other signature blocks for reviewing Commissions and Agencies.

3. Concurrence of all applicable utility companies.
4. Any other information deemed necessary for approval of the Summary Plat.

C. Drainage Report

A storm drainage report may be required. When required, the storm drainage report shall be prepared by a registered engineer, to be submitted to the City Engineer. The report shall include a description of the storm drainage system for the proposed subdivision, including the detention and stormflow routing options to be used, and the effect of this drainage system on adjacent properties. Infiltration and absorption tests as well as recommendations for silt and erosion control may also be required.

ARTICLE 7: ASSURANCE OF COMPLETION

Section 1. General

It shall be the responsibility of the applicant to complete all of the subdivision improvements as required by the City in this Ordinance and in other ordinances, which requirements are in effect at the time the Final Plat has been approved, including but not limited to streets and alleys, sewer and water facilities, drainage and flood control improvements.

Section 2. Improvement Agreements

When seeking Final Plat approval of a major subdivision, the applicant shall complete and submit, along with all other documents and materials as required herein, suitable documentation guaranteeing that the subdivision improvements will be completed prior to sale, lease, or other conveyance of any portion of the subdivision. The subdivider shall agree to provide one of the following:

- A. Assurance Agreement; or
- B. Bond, irrevocable letter of credit, or escrow deposit in an amount not less than 125 percent of the estimated costs of the improvements.

Improvement Agreement forms acceptable to the City of Roswell are available in the Zoning Department.

The Improvement Agreement shall set forth the necessary terms, conditions, and guidelines for compliance of all of the provisions, standards, rules, and regulations as required by the City in this Ordinance and in other ordinances.

The Improvement Agreement shall be filed, along with the approved Final Plat, in the Chaves County Clerk's office and a copy of the filed Agreement furnished to the City.

Section 3. Inspection and Acceptance of Improvements

The subdivider shall provide the City with a certification from a registered engineer that all required improvements have been completed in accordance with City specifications.

The City shall then inspect the improvements and, if they are acceptable, provide the subdivider with a release of Improvement Agreement and notice of acceptance of the improvements for all lots created by the subdivision.

Section 4. Partial Release of Improvement Agreement

The City may provide the subdivider with a release of Improvement Agreement for a portion of the lots created by the subdivision plat, provided that all of the improvements required in connection with such lots have been satisfactorily completed and accepted for dedication, and provided further that such improvements can be used and maintained separately of the improvements required for the entire subdivision plat.

If unusual hardship and time constraints threaten the successful completion of the improvements, the City may, at the discretion of the City Engineer, provide partial release of Improvement Agreement prior to actual completion and acceptance of improvements. The partial release will be considered only under the following conditions:

- A. All utilities serving the lots to be released are in place and have been accepted by the City;
- B. A contract is in force to complete the street construction, and assurance given that the street construction will proceed in a timely manner;
- C. Written confirmation is received from the immediate future owner of the property to be released that they will not hold the City of Roswell responsible in any way for any subsequent delays in completing the improvements; and that they understand the City will withhold the Certificate of Occupancy on the released properties until all improvements have been satisfactorily completed and accepted for dedication;
- D. Partial release will only be considered for 50% of the total lots in the subdivision.

Section 5. One Year Construction Warranty

If, after final inspection and acceptance of work performed, and prior to the expiration of one year from the date of acceptance (or such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the contract documents associated with the approval of the subdivision), any work is found to be defective due to construction or materials failure, the subdivider shall promptly and without cost to the City, in accordance with the City Engineer's written instruction, either correct such defective work, or if it has been rejected by the City Engineer, remove it from the site and replace it with the terms of the instructions. If such corrective action is not completed within six months of the date of the City Engineer's written instruction, the City may have the defective work corrected or the rejected work removed and replaced. All direct and indirect cost of such removal and replacement, including compensation for additional professional services, shall be paid by the subdivider.