Chapter 23
SUBDIVISIONS

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Chapter 23
SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 23-1. Title.

For the purpose of this Article these requirements shall be officially referred to as the "Subdivision Regulations of the City of Aztec, New Mexico" (hereinafter "these regulations").
(Code 2007, 23-1)

Sec. 23-2. Policy.

It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat subject to the control of the City of Aztec pursuant to the official Comprehensive Plan of the City of Aztec for the orderly, planned and efficient development of Aztec.

Land to be subdivided shall be of a character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until provisions for adequate public facilities and improvements has been made and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the Infrastructure Capital Improvement Program of the City of Aztec, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and Land Use Plan, and the Infrastructure Capital Improvement Program of the City of Aztec.

Land that has been subdivided prior to the effective date of these regulations may, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Section 23-3.
(Code 2007, 23-2)

Sec. 23-3. Purposes.

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the citizens of Aztec.

2. To guide the future growth and development of the City of Aztec in accordance to the Comprehensive Plan of Aztec and of the territory lying within three (3) miles of the municipality.

3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, 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 Aztec and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequence of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to ensure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.

5. To protect and conserve the value of the land throughout the City of Aztec and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Aztec, 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, and to provide for the proper location and width of streets and building lines.

7. To establish reasonable standards of design and procedures for subdivisions and re-subdivision s in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

8. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.

9. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

10. To preserve the natural beauty and topography of the City of Aztec and to ensure appropriate development with regard to these natural features.

11. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the zoning ordinance of the City of Aztec.
(Code 2007, 23-3)

Sec. 23-4. Authority.

The City Commission of Aztec is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including preliminary, and final plats in accordance with Chapter 3, Article 20 and Article 19, NMSA 1978. The City Commission may grant variances from these regulations pursuant to the provision of Section 23-12.
(Code 2007, 23-4)

Sec. 23-5. Jurisdiction.

1. These regulations apply to all subdivision of land, as defined in Section 23-31, located within the corporate limits of the City of Aztec and all territory within three (3) miles of such present municipal boundary. If annexation of land to the City of Aztec should occur, these regulations automatically apply to the annexed land and that land lying up to three (3) miles therefrom.

2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Commission in accordance with these regulations.

3. No land described in this Section 23-5 (1), shall be subdivided or sold, leased or transferred or developed until each of the following conditions has occurred in accordance with these regulations:

4. The subdivider or his agent has submitted a conforming preliminary plat of the subdivision to the Planning Department for the City Commission; and

5. The subdivider or his agent has obtained approval of the preliminary plat when required, and approval of a final plat from the City Commission; and

6. The subdivider or his agent files the approved plats with the Clerk and Recorder for San Juan County.
(Code 2007, 23-5)

Sec. 23-6. Enactment.

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of April 6, 1998.
(Code 2007, 23-6)

Sec. 23-7. Interpretation and Separability.

1. Interpretation**.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

   (1) *Public Provisions*. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Any other provisions which are more restrictive or impose higher standards shall control.

   (2) *Private Provisions*. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

2. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.
(Code 2007, 23-7)

Sec. 23-8. Saving Provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.
(Code 2007, 23-8)

Sec. 23-9. Reservations and Repeals.

Upon the adoption of these regulations according to law, the Land Subdivision Regulations of the City of Aztec adopted April 6,1999, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.
(Code 2007, 23-9)

Sec. 23-10. Amendments.

For the purpose of protecting the public health, safety, and general welfare, the City Commission may from time to time propose amendments to these regulations and approved or disapproved by the City Commission at a public meeting following public notice.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-10)

Sec. 23-11. Public Purposes.

Regulation of the subdivision of land is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the City Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical, prudent and efficient development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.
(Code 2007, 23-11)

Sec. 23-12. Variances, Exceptions, and Waiver of Conditions.

1. General. Where the City Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may

approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based on the following:

(1) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property

(2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

(5) The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

2. Conditions. In approving variances, exceptions, or waivers of conditions, the City Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 23-3.

3. Procedures. A application for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider. The application shall state fully the grounds for the request.
(Code 2007, 23-12)

Sec. 23-13. Enforcement, Violations, and Penalties.

1. General.

(1) It shall be the duty of the Planning Department to enforce these requirements and to bring to the attention of the Municipal Attorney or his/her designated agent any violations of these regulations.

(2) No owner, or agent of the owner, or any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the City Commission in accordance with the provisions of the regulations and filed with the Clerk and Recorder of San Juan County.

(3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

(4) 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 of these regulations, nor shall the Building Inspector nor the City of Aztec have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

2. Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above and include:

(1) Injunctive relief to prohibit a Subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the Subdivider complies with the terms of these Regulations;

(2) Injunctive relief to compel compliance by any person with the provisions of the injunctive relief with the provisions of these Regulations;

(3) Rescission and restitution for persons who have purchased, leased, or otherwise acquired an interest in subdivided land that was divided, sold, leased, or otherwise conveyed in material violation of these regulations.

3. Violations And Penalties. Whoever being the owner, or agent of the owner, of any land located in the City of Aztec or within three (3) miles, transfers, leases, sells, or agrees to sell such land by reference to any presentation of as herein provided for in the Article and recorded in the office of the Clerk and Recorder of San Juan County New Mexico, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit and pay a penalty of not more than $5,000, or $500 for each lot, in violation of Section 23-13 of this article, whichever is more, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. The City of Aztec, through its attorney or other official designated by the Governing Body may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action.
(Code 2007, 23-13)

Secs. 23-14 to 23-20 Reserved.

ARTICLE II. DEFINITIONS

Sec. 23-21. Definitions.

For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article III. Words used in the present tense include future tense and words used in the plural include the singular.

AASHTO
American Association of State Highway and Transportation Officials

Adequate public facilities
Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City Commission based on specific levels of service.

Agent
Professional consultant hired by landowner or developer to act on behalf of the owner.

Alley
A public right-of-way or private way or thoroughfare or part thereof, primarily devoted to vehicular use and providing secondary access to abutting property.

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

Area of benefit
An area of land which is designated by the City Commission as receiving benefits from or creating the need for the construction, acquisition, or improvement of a Public Facilities Project.

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

Assessment district
See *Public Facility Service Area*.

ASTM
American Society for Testing and Materials

AWWA
American Water Works Association

Block
The distance measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property line enclosing it.

Bond
Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by these regulations.

Buffer
See *External Buffer*.

Building
Any structure built for the support, shelter, or enclosure of persons, animals, personal property, or movable property of any kind.

Building or setback line
A line on a plot between the property line and the street right-of-way where no building may be erected. This also indicates what may be permitted in which yards: parking, fences, accessory buildings patios, swimming pools and other such structures.

Capital improvement
A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City of Aztec.

Capital improvements program
A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new and existing developments and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years (10-20). Capital improvements program may refer either to the improvements and the associated costs programmed for all service areas for a particular category of public facilities.

Certify
Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the municipality by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City attorney
The attorney for the city.

Collector roads
A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

Commission
The City Commission, which is the Governing Body of the City of Aztec, New Mexico.

Common ownership
Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of

his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community improvement district
See *Public Facility Service Area*.

Comprehensive Plan (Community Development Plan)
A master plan for development of the local government prepared and adopted by the City Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Conceptual grading and drainage plan
A plan prepared by a state registered engineer in graphic format showing existing and proposed grading, drainage control, flood control, and erosion control information in sufficient detail to determine project feasibility.

Concurrency
Requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

Construction plan
The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Commission as a condition of the approval of the plat.

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

County
The New Mexico County in which this article is effective, usually San Juan County, New Mexico.

County clerk
The elected Clerk of San Juan County, New Mexico.

Cul-de-sac
A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design engineer
A registered professional engineer in the State of New Mexico who has been contracted by the developer/subdivider to perform engineering studies, reports, design, etc., for the proposed subdivision and to represent the developer/subdivider on engineering matters.

Design standards
Standards that set forth-specific improvement requirements.

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

Development agreement
Agreement between the Governing Body and developer through which the Governing Body agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

Drainage course
A natural watercourse or indenture for the drainage of surface waters. An undrained low is one that has no outlet other than through infiltration or evaporation.

Drainage plan
See *Conceptual Grading and Drainage Plan*.

Drainage report
A comprehensive analysis prepared by a registered engineer of the drainage, flood control, and erosion control constraints on and impacts resulting from a proposed subdivision, development, or construction project.

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

Escrow
A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Exactions
Requirements of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

Expenditure
A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

Expressway or freeway
A high capacity and high-speed major thoroughfare with partially or fully controlled access to abutting properties.

External buffer
A naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a multi-phased or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

Final subdivision plat
The map of a subdivision to be recorded after approval by the City Commission and all provisions as described in Section 23-19. Final Plat Approval.

Frontage
That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Governing body
The City Commission of Aztec, New Mexico.

Grade
The slope of a road, street, or other public way specified in percentage terms.

Health, safety, or general welfare
The purpose for which municipalities may adopt and enforce land use regulations for the prevention of harm or the promotion of pubic benefit to the community; commonly referred to as police power.

Homeowners association
See *Property Owners Association*.

Impact fee
A fee imposed on new development by the local government pursuant to this article in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements. Municipalities are authorized to impose impact fees under Sections 5-8-1 through 5-8-42 NMSA 1978 (the "Development Fees Act").

Improvements
See *Lot Improvement or Public Improvement*.

Individual sewage disposal system
A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Infill development
Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred.

Infrastructure
Streets, sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision.

Land surveyor
A person who engages in the practice of land surveying and is registered as a land surveyor in the State of New Mexico.

Landscaping
Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Liquid waste system
A system which is designed, constructed, operated, and maintained to receive, treat, and dispose of liquid wastes. It usually consists of collection, treatment, and disposal components.

Local government
The municipality of Aztec, New Mexico.

Local road
A road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes and adjacent to it for electric and possible future expansions.

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

Lot improvement
Any building, structure, place, work of art, or other object situated on a lot.

Major subdivision
All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

Major thoroughfare
A street of considerable length that carries, or that planning evidence indicates will carry, a large volume of traffic, and is usually planned in conjunction with state or federal agencies and is not to serve immediately abutting properties as its primary purpose.

Marginal access street (frontage road)
A street parallel to and adjacent to a controlled access thoroughfare and which provides access from the thoroughfare or interchanges to abutting properties.

Minor industrial or commercial street
A street of relatively short length that provides direct access to an industrial or commercial district and is designed to discourage its use by through traffic.

Minor, or local, residential street
A street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic.

Minor subdivision
Any subdivision containing not more than three (3) lots fronting on an existing street that does not require the extension of new infrastructure in accordance with the design standards, including streets, roads, water and sewer mains and does not adversely affect the remainder of the parcel or adjoining property.

Money in lieu of land
Payment of money into a municipality earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site which is recorded and enforced in accordance with Chapter 3, Article 36 NMSA 1978 or such other method prescribed by law.

Monument
One or more of the following:

- Bench mark **-** a cap, set with the elevation on the same datum as used on design plans and the land surveyor's registration number inscribed thereon.
- Permanent survey monument **-** a cap set, in reference to the New Mexico coordinate system having the land surveyor's registration number inscribed thereon or a standard bureau of land management monument marking sectionalized corners.

- Subdivision control monument **-** a metal stake or pipe or other approved monument which identifies position within a subdivision area and which is referenced to a permanent survey monument.

Municipality
See *Local Government*.

Neighborhood park and recreational improvement fund
A special fund established by the governing body to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations.

NMSHTD
New Mexico State Highway and Transportation Department

NMSSPW
Current Edition of the New Mexico Standard Specifications for Public Works Construction.

Nonresidential subdivision
A subdivision whose intended use is other than residential, such as commercial or industrial.

Notice of noncompliance
A notice issued by the Planning Department to the city commission informing the applicant for approval of a major subdivision that the preliminary plat is not in compliance with these regulations and that the applicant may not apply for preliminary plat approval.

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.

Official map
The map established by the governing body pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions thereafter.

Owner
The record owners of the fee or a vendee in possession, including 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 the definition of same ownership.

Pavement width
The distance between the edges of the pavement which is intended for vehicular travel. It includes gutters and flat curb.

Performance bond
A surety bond or cash deposit made out to the City of Aztec in an amount equal to the full cost of the improvements which are required by this article, said cost estimate provided by subdivider and reviewed by the city manager and said surety bond or cash deposit being legally sufficient to secure that the said improvements will be constructed in accordance with this article.

Performance criteria
Regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.

Perimeter street
Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Phased subdivision application
An application for subdivision approval submitted pursuant to a master preliminary plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

Planned unit development (PUD)
A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

Plat
A graphic and verbal description of a lot or lots with licensed registered land surveyor reference ties to permanent survey monuments.

Police power
Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.

Potential source of contamination
Any source which could release substances resulting in the degradation of a body of water and a hazard to public health.

Preliminary plat
The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the city commission for approval.

Private way
A lot or easement which is not public right-of-way and which contains a street or alley providing access between public right-of-way and one or more lots. The term may include easements for public and private infrastructure when such are established through a suitable legal document, along with access rights.

Property owners association
An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision -be it a lot, parcel site, unit plot, condominium, or any other interest -is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated lot, parcel, unit, condominium, or other interest of the member.

Public facility
Means separately identify categories of public facilities and the types of improvements for which an impact fee may be charged for each such category under this article. Public facility excludes those improvements that are site-related facilities.

Public facility improvement program
Established improvements program to correspond to public facilities for which an impact fee may be charged. The adopted plan, as may be amended from time to time, which identifies the public facilities and their costs for each public facility area or sub-area, which serve new development for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of public facilities fees pursuant to this article.

Public facilities project
Any and all public improvements the need for which is directly or indirectly generated by development.

Public facility service area
The service area for... [identify category of public facility and define for each category for which a fee is to be charged].

Public hearing
An adjudicatory proceeding held by the city commission preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduced evidence for the purpose of demonstration that plat approval should or should not be granted. Witnesses may be sworn and subject to cross-examination. The rules of civil procedure binding on the courts shall not, however, bind the city commission.

Public improvement
Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

Public meeting
A meeting of the governing body preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

Public right-of-way
That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement or vehicles, pedestrian traffic, and/or for conveyance of public utility services and drainage.

Re-subdivision
Any change in a map or an approved or recorded subdivision plat that affects any street layout on the map or 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 occupied or intended to be occupied by a street, crosswalk, railroad, road, electric line, oil or gas pipeline, water main, sanitary or storm sewer main, shade-trees, or for any other special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the right-of-way is established.

Road, classification
For the purpose of providing for the development of streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plat, have been designated on the official map of the local government and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the comprehensive plan of the local government. The required improvements shall be measured as set forth for each street classification on the official map.

Road right-of-way width
The distance between property lines measured at right angles to the centerline of the street.

Rural area
A sparsely developed area, with a population density of less than one hundred persons per square mile and where the land is undeveloped or primarily used for agricultural purposes.

Sale or lease
Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

Security
The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement and other applicable required improvements.

Service area
The area for a particular category of pubic facilities within the jurisdiction of the local government and within which impact fees for capital improvements will be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements for that category of public facility identified in the public facility improvements program. Service areas may be subdivided into subareas for purposes of assuring that impact fees collected and expended therein reasonably benefit new development within such areas.

Service unit
[identify, collectively, each service unit for each category of public facility for which an impact fee is to be charged], which is the standardized measure of consumption for that category of pubic facility and which is set forth in impact fee schedules for that category of public facility.

Setback
The distance between a building and the street line nearest to the building.

Shade tree
A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Site-related facility
An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of [identify categories of public facilities for which an impact fee is to be charged] to serve the new development, and which is not included in the capital improvements program and for which the developer or property owner is solely responsible under subdivision or other applicable regulations.

Soil survey
A national cooperative soil survey conducted by the usda, natural resources conservation service in cooperation with the state agriculture experiment station and other federal and state agencies, or any other survey containing information of comparable quality and detail following the national standards for an order 2 survey.

Specific plan
A document encompassing a specific geographic within the jurisdiction of the local government which is prepared for the purpose of specifically implementing the local government comprehensive plan by (1) refining the policies of the comprehensive plan to a specific geographic area; (2) containing specific recommendations as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions.

Standard Details
All standard detail drawings included in the *Construction Standards for the City of Aztec, New Mexico.*

Street
See *Road*.

Structure
Anything constructed or erected.

Subdivide
The act or process of creating subdivision.

Subdivider
Any person who (1) having an interest in land, causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertise to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision
Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, 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. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

Subdivision agent
Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision improvement agreement
A contract entered into by the applicant and the city commission on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision approval.

Subdivision plat
The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the city commission for approval and which, if approved, may be submitted to the San Juan County Clerk or recorder of deeds for filing.

Temporary improvement
Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Transfer of development rights
The conveyance of development rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.

Vacation
The act, which rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

Variance
Modification or waiver of the regular subdivision design standards.

Vested rights
Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

Watercourses
Any waterway or bed or channel of a waterway.

(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-21)

Sec. 23-22 to 23-30. Reserved.

ARTICLE III. APPLICATION PROCEDURE AND APPROVAL PROCESS

DIVISION 1. GENERALLY

Sec. 23-31. General Procedure.

1. Classification of Subdivisions. Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two (2) principal steps. If so requested and all provisions have been met for final approval, any minor subdivision may request that preliminary approval and final approval be reviewed concurrently by the Community Development Department and the City Commission. The Community Development Department shall notify adjacent land owners of the proposed development and public meeting. The purpose of this recommendation is to identify any issues or constraints the public may have prior to submitting engineered plats and designs.

   (1) Minor Subdivision. Any subdivision containing not more than three (3) lots fronting on an existing street that does not require the extension of new infrastructure in accordance with the design standards, including streets, roads, water and sewer mains and does not adversely affect the remainder of the parcel or adjoining property.

   - Preliminary Plat
   - Final Subdivision Plat; or
   - Preliminary and Final Plat Concurrently

   (2) Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

   - Preliminary Plat
   - Final Subdivision Plat

2. Official Submission Dates. The Official Submission Date for both major and minor subdivisions is thirty (30) days prior to the date of the public meeting by the City Commission at which a recommendation for approval of a preliminary subdivision plat is conducted.
   (Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-31)

Secs. 23-32 to 23-40. Reserved.

DIVISION 2. ALTERNATE SUMMARY PLAT

Sec. 23-41. Alternate Summary Procedure.

The Manager or an authorized representative to the Commission is hereby authorized to approve and sign certain subdivision plats as follows:

1. Subdivisions of not more than two (2) parcels of land; or

2. Re-subdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots; or

3. Subdivisions of two (2) or more parcels of land in areas zoned for industrial use.

Any subdivision approved as authorized in this section shall be in substantial conformity with Specifications for Preliminary Plat Submittal, of these regulations. Approval by this summary procedure shall be enclosed on the plat.
(Code 2007, 23-41)

Secs. 23-42 to 23-50. Reserved.

DIVISION 3. PRELIMINARY PLAT

Sec. 23-51. Procedure.

1. Pre-application Procedure. Before preparing the preliminary plat for a subdivision, the applicant shall schedule an appointment and meet with the Community Development Director. The Community Development Department will notify relevant department heads for the purpose of a Planned Review Process. The purpose of the Planned Review Process is to classify the subdivision and discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The City Planner shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

2. Application Procedure and Requirements. After the Planned Review Process, the owner of the land, or his authorized agent, shall file an application for approval of a preliminary plat with the City Commission at least thirty (30) days prior to a regular meeting. The application shall:

   (1) Be made on forms available at the office of the Community Development Department together with a fee of two hundred dollars ($200.00) and two dollars ($2.00) per lot;

   (2) Present a plat which includes all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by evidence of ownership, such as a copy of the deed. The information shall include the book and page number of the recorded document and granting title if available.

   (3) Be accompanied by stamped envelopes addressed to each owner of property immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property extending one hundred (100) feet from the street frontage of the opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll along with printed notices of the proposed subdivision.

   (4) Include all land the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the property, with the names and addresses of

owners as shown in the Assessor's files. (Said 100 feet shall be extended by the width of any adjacent public street.) This information may be shown on a separate current Tax Map reproduction from the Assessor's Office showing the subdivision superimposed on the Tax Map;

(5) Application shall be presented in duplicate and accompanied by minimum of seven (7) copies of the preliminary plat as described in these regulations and complying in all respects with these regulations;

(6) Accompanied by digital file of plat compatible with AutoCAD software.

3. Agency Review Process. Upon completion of the application and the planned review process the Community Development Director will identify the appropriate agencies listed below to which the subdivider shall forward a copy of the preliminary plat and supporting documentation. The selected federal, state and local agencies are to be supplied with a request for review and opinions to be served from the agency directly to both the subdivider and the Community Development of the City of Aztec located at 201 W. Chaco, Aztec NM 87410. The following include, but are not limited to potential review agencies:

(1) The New Mexico Highway and Transportation Department;

(2) The New Mexico State Engineer Office;

(3) The New Mexico Environment Department

(4) The City or County Fire Marshal, depending on the pertinent jurisdiction;

(5) The Soil and Water Conservation District in which the proposed subdivision is located;

(6) Any irrigation ditch association whose irrigation ditch, lateral or tailwater passes through the proposed subdivision or within one hundred (100) feet of any exterior boundary of the proposed subdivision;

(7) Army Corps of Engineers; and

(8) Any other public agencies the City considers necessary to determine whether there are adequate public facilities to accommodate the proposed subdivision.

The above agencies shall have sixty (60) calendar days from their receipt of the preliminary plat to review and return an opinion regarding the proposed subdivision.

4. Approval Procedure. If the preliminary plat complies with all applicable laws governing the subdivision of land, the Community Development Department shall place the matter on the next available regular meeting agenda of the City Commission for formal recommendation of approval, disapproval or conditional approval of the preliminary plat. The Community Development Department shall submit a notice for publication in one (1) newspaper of general circulation to be published at least fifteen (15) days prior to the public hearing and mail notices to each property owner immediately adjacent and extending one hundred (100) feet from the subject property, and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing.

(1) After the Community Development Department has reviewed the preliminary plat and construction plans, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any recommended changes and/or additions.

(2) The Community Development Department shall place the application and preliminary plat on the next scheduled meeting of the City Commission. The City Commission shall approve, conditionally approve, or disapprove the preliminary plat (or the preliminary plat and final plat concurrently if a minor subdivision and if so requested).

(3) If the preliminary plat is disapproved by the City Commission, the applicant may appeal as provided in section 23-23. The applicant shall have one (1) year from the date that the preliminary plat is approved by the Governing Body to submit a final subdivision plat after which time a new preliminary plat must be submitted for approval.

5. Standards for Approval of Preliminary Plat. No preliminary plat of a proposed subdivision shall be approved by the City Commission unless the applicant demonstrates by clear and convincing evidence that:

(1) Definite provision and assurance has been made by the water supply system provider that the system is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

(2) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

(3) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

(4) The subdivider has contacted each agency prescribed by the Community Development Director as listed in Section 23-51 (3) (a-h).

6. Public Improvements. If the subdivider does not intend that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Mayor of the City Commission, the City Commission shall require that the applicant execute a development agreement and provide security for the agreement as provided in Article IV.

7. Effective Period of Preliminary Plat Approval. If a subdivision plat is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plat for preliminary plat review subject to the then existing zoning restrictions and subdivision regulations.

8. Zoning and Subdivision Regulations. Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary plat is submitted for the approval of the City Commission.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-51)

Sec. 23-52. Amendments To Preliminary Plat.

At any time after the preliminary plat approval and before submission of a final plat, the applicant may request of the Community Development Department that an amendment be made in the approval or conditional approval of the preliminary plat. The City Commission shall hold a public hearing on the proposed amendment in accordance with the same requirements for preliminary plat approval found in Section 23-12.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-52)

Secs. 23-53 to 23-60. Reserved.

DIVISION 4. FINAL PLAT

Sec. 23-61. Final Subdivision Plat.

1. Application Procedure And Requirements. Following the approval of the preliminary plat the applicant shall file with the City Commission an application for final approval of a subdivision plat. The application shall:

   (1) Be made on forms available at the Office of the Community Development Department, together with a fee of Ten Dollars ($10.00).

   (2) Include the entire subdivision, or section thereof, which derives access from an existing state, county, or local government highway.

   (3) Be accompanied by a minimum of seven (7) copies of the subdivision plat and the construction plans, as described in these regulations.

   (4) Comply in all respects with the preliminary plan, as approved, depending on the classification of the subdivision.

   (5) Be presented to the Community Development Department at least thirty (30) days prior to a regular meeting of the City Commission in order that a public meeting may be scheduled and the required fifteen (15) days public. The notice shall advise the public that the final plat and all conforming documents have been received by the Commission and may be reviewed by members of the public who may then submit written comments to the Commission with any concerns regarding the proposed subdivision. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat approval will be considered.

   (6) The subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

   The owner, or his representative, hereby offers for dedication to the local government all the streets, easements, parks, required city utilities or other necessary improvements shown on the subdivision plat and construction plans in accordance with an offer of dedication dated _____, and recorded in the Clerk and Recorder's Office for San Juan County, New Mexico.

   By_____ Date_____
   (Owner or Representative)

(7) Be accompanied by the subdivision improvement agreement and security, if required, in an amount established by the City Commission upon recommendation of the City Planner and shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the City Commission and shall include, but not be limited to, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

(8) Be accompanied by an inspection fee in an amount to be determined by the Public Works Director. The applicant shall also pay a fee, to be determined by the Public Works Director, for each street sign shown in the construction plans, which street signs shall be installed by the City of Aztec.

(9) Accompanied by digital file of the plat, which is compatible with AutoCAD software.

2. Notice of Public Meeting. Upon receipt of formal application and all accompanying material, the Community Development Department shall submit a notice for publication in one (1) newspaper of general circulation to be published at least fifteen (15) days prior to the public meeting and mail notices to property owners, as specified in Section 23-18 (1)(h), and shall maintain file copies of the plat and construction plans for public review prior to the meeting.

3. Public Meeting Determination. The Community Development Department shall place the final subdivision plat on the next regularly scheduled City Commission meeting. The City Commission shall approve or disapprove the application and shall set forth any reasons for disapproval.

4. Appeal in the Event of Disapproval. If the City Commission disapproves the final plat, the applicant may appeal to the City Commission in the manner described in Section 23-51.

5. Submission and Review. Subsequent to the resolution of the City Commission, three (3) paper copies of the construction plans, and one (1) copy of the original of the subdivision plat on tracing cloth, and/or reproduction Mylar, and two (2) copies of the subdivision plat on sepia paper and two (2) copies of the subdivision plat on paper shall be submitted to the Community Development Department for final review. A check payable to the County Clerk and Recorder in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has indicated that all the requirements of approval have been met.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-61)

Sec. 23-62. Vested Rights and Development Agreements.

1. Effect Of Approval And Recordation. Except as otherwise provided in this Chapter, no vested rights shall accrue to the owner or developer of any subdivision either by virtue of the recordation of a final plat or by reason of preliminary or final plat approval until the actual signing of the final plat by the Mayor of the Governing Body of Aztec.

2. Applicable Laws. To obtain final plat approval, the applicant shall be in compliance with all federal, state and local laws applicable at the time that the final plat is considered for approval by the City Commission.

3. Development Agreements. The municipality may, but under no circumstances is it required to, enter into a Development Agreement:

   (1) *General*. The Development Agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the municipality (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section 23-20 (4). The City Attorney or designee is authorized to negotiate Development Agreements on behalf of the municipality.

   (2) *Covenants*. Any covenant by the municipality contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain a provision that the municipality may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

   (3) *Third Party Rights*. Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.

   (4) *Limitation on Liability*. The Development Agreement shall contain a clause that any breach of the Development Agreement by the municipality shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the United States Constitution or similar state constitutional provisions.

   (5) *Developer's Compliance*. The Development Agreement shall include a clause that the government's duties under the Agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the Agreement, and all applicable federal, state, and local laws and regulations, and its obligations under the subdivision improvement agreement.

   (6) *Adoption*. The Development Agreement shall be adopted by the Governing Body pursuant to applicable state and local laws and shall be recorded in the Clerk and Recorder's Office of San Juan County, New Mexico.

   (7) *Incorporation as Matter of Law*. All clauses, covenants, and provisos required by these regulations to be included in a Development Agreement shall be incorporated in to the Development Agreement as a matter of law without respect to the intent of the parties.
   (Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-62)

Sec. 23-63. Signing and Recordation of Subdivision Plat.

1. Signing of Plat.

   (1) When a subdivision improvement agreement and security are required, the Mayor of the City of Aztec and the Community Development Department shall endorse approval on the final plat after the agreement and security have been approved by the City Commission, and all the conditions of the resolution pertaining to the final plat have been satisfied.

   (2) When installation of improvements is required prior to the recordation of the final plat, the Mayor of Aztec and the Community Development Department shall endorse approval on the final plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the local government as shown by a certificate signed by the City Manager, stating that the necessary dedication of public lands and improvements have been accomplished.

2. Recordation of Plat.

   (1) The Mayor and the Community Development Department will sign the reproducible Mylar original of the final subdivision plat and two (2) sepia prints of the final subdivision plat. The sepia prints will be returned to the applicant's engineer.

   (2) It shall be the responsibility of the Community Development Department to file the final plat with the County Clerk and Recorder's Office within ten (10) days of the date of signature.
   (Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-63)

Sec. 23-64. Appeals to Governing Body.

Any person who is adversely affected by a decision of the approval may appeal the disapproval of any preliminary or final subdivision plat by the City Commission by filing a Notice of Appeal with the City Commission, with a copy to the Community Development Department, no later than ten (10) days after the date on which the City Commission notifies the applicant that it has disapproved the preliminary or final subdivision plat. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the City Commission, at which time it may affirm or reverse the decision of the City Commission. The Commission may reverse its decision only by a unanimous vote of the members of the governing body present at the meeting. On appeal, the applicant shall be allowed to make a presentation to the City Commission under such terms, conditions and procedures as established by the City Commission. The City Commission shall render a decision affirming or reversing its decision no later than forty-five (45) days after the date on which the Notice of Appeal is filed. If the City Commission reverses its decision, the applicant may proceed to submit a preliminary or final plat as is appropriate under the conditions for approval agreed to by the City Commission.
(Code 2007, 23-64)

Sec. 23-65. Suspension and Invalidation of Final Plat.

If the municipality suspends final approval for any subdivision plat under these regulations, it shall record a document with the Clerk of the Recorder's Office for San Juan County, New Mexico declaring that final approval for the subdivision is suspended and that further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" in Section 23-21. If any court of competent jurisdiction invalidates final plat approval for any subdivision, the municipality shall record a document with the Clerk and Recorder's Office for San Juan County, New Mexico declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.
(Code 2007, 23-65)

Secs. 23-66 to 23-70. Reserved.

ARTICLE IV. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sec. 23-71. Improvements And Subdivision Improvement Agreement.

1. Completion of Improvements. Before the final subdivision plat is signed by the Mayor and all applicable entities, all applicants shall be required to complete, all street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, and free and clear of all liens and encumbrances on the dedicated property and public improvements. The timing of improvements may be altered as stated below.

2. Subdivision Improvement Agreement and Guarantee.

   (1) *Agreement*. The City Commission may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Mayor signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the City Commission.

   (2) *Covenants to Run*. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the City Commission pursuant the applicable state and local laws and shall be recorded in the Clerk and Recorder's Office of San Juan County, New Mexico.

   (3) *Security*. Whenever the City Commission enters into a subdivision improvement agreement, it shall require the applicant to provide sufficient security for the promises contained in the subdivision improvement agreement. Security may be in the form of a letter of credit, cash escrow, surety bonds or other acceptable security device. Security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvement, including lot improvements. Security shall be accepted by the City Commission.

3. Temporary Improvement. The applicant shall build, pay and maintain for all temporary improvements required by the City Commission.

4. Costs of Improvements. All required improvements shall be made by the developer, at its expense, without reimbursement by the local government or any improvement district except that, as may be allowed under state law, the developer may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.

5. Failure to Complete Improvement. For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are

not completed within the period specified by the City Commission upon preliminary approval, the preliminary plat approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the local government may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time of the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for the subsequent owner's written agreement to complete improvements in the subdivision; (5) exercise any other rights available under the law.

6. Acceptance of Dedication Offers. The approval of a subdivision plat by the City Commission whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the municipality of any street, easement, or park shown on the plat. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the governing body and shall be recorded with the approved subdivision plat. The City Commission may require the plat to be endorsed with appropriate notes to this effect.
(Code 2007, 23-71)

Sec. 23-72. Inspection of Improvements.

1. General Procedure and Fees. The City Commission shall provide for periodic inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the municipality an inspection fee based on the estimated cost of inspection, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the Mayor unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the municipality and no building permits or certificates of occupancy shall be issued until all the fees are paid. If the City Planner finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.

2. Release or Reduction of Security.

   (1) *Certificate of Satisfactory Completion*. The City Commission shall not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the City Planner has submitted an endorsement stating that all required improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the City Planner, through the submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Subdivision Regulations, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Commission, City

Planner, and City Attorney, the City Commission shall thereafter accept the improvements for dedication in accordance with the established procedure.

(2) *Reduction of Escrowed Funds and Security*. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvements for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principle amount. Funds held in escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the City Attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, The City Attorney shall execute waivers of the municipality's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.
(Code 2007, 23-72)

Sec. 23-73. Acceptance of Escrow Deposits for Lot Improvements.

Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Inspector and the Planning Department may issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the City Planner for the cost of the lot improvements. The subdivision improvement agreement and security covering the lot improvements shall remain in full force and effect.
(Code 2007, 23-73)

Sec. 23-74. Maintenance of Improvement.

The developer shall be required to maintain all required public improvements on the individual subdivided lots until acceptance of the improvements.
(Code 2007, 23-74)

Sec. 23-75. Deferral or Waiver of Required Improvements.

The City Commission may defer or waive at the time of final approval, the provisions of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare and must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
(Code 2007, 23-75)

Sec. 23-76. Issuance of Building Permits and Certificates of Occupancy.

No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the local government, unless approved through a subdivision improvement

agreement. The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of a certificate of occupancy.
(Code 2007, 23-66)

Sec. 23-77. Consumer Protection Legislation; Conflicts of Interest Statutes.

1. No building permit or certificate of occupancy shall be granted or issued if a developer or its authorized agent has violated any federal, state or local law pertaining to (1) consumer protection; or (2) real estate land sales, promotion, or practices; or (3) any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate until a court of competent jurisdiction so orders.

2. With respect to any lot or parcel of land described in the immediately preceding section, if a building permit or certificate of occupancy has been granted or issued, it may be revoked by the municipality until a court of competent jurisdiction orders otherwise, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

3. Any violation of a federal, state, or local consumer protection law shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 1-8.
(Code 2007, 23-77)

Secs. 23-78 to 23-80. Reserved.

ARTICLE V. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

DIVISION 1. GENERALLY

Sec. 23-81. Conformance to Applicable Rules and Regulations.

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

1. All applicable statutory provisions.

2. The official zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.

3. The Official Comprehensive Plan, Official Map, Public Utilities Plan and Capital Improvements Program of Aztec, including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted.

4. The special requirements of these regulations and any rules of the Health Department and/or appropriate state or substate agencies.

5. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or a collector road accessed by a state highway, no matter how long that road is.

6. The standards and regulations adopted by the City of Aztec.

7. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations established in Section 23-3 of these regulations.
   (Code 2007, 23-81)

Sec. 23-82. Adequate Public Facilities.

No preliminary plat shall be approved unless the City Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision.

1. Comprehensive Master Plan Consistency Required. Proposed public improvements shall conform to and be properly related to the comprehensive plan and all applicable capital improvement plans.

2. Water. A public water system capable of providing water for health and emergency purposes, including adequate fire protection, shall be made available to all habitable buildings and buildable lots per design standards.

3. Wastewater. All habitable buildings and building lots shall be served by an approved means of wastewater collection and treatment.

4. Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream or arroyo drainage area and shall be designed to prevent increases in downstream flooding. The City of Aztec may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.

5. Roads. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

6. Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, gas lines, wastewater systems, drainage facilities, electric lines, and telecommunication lines shall be constructed through the new development. The City of Aztec may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversized required public facilities to serve anticipated future development as a condition of plat approval.
(Code 2007, 23-82)

Sec. 23-83. Monuments.

The applicant shall place permanent reference monuments in the subdivision as required in these regulations and as approved by a Registered Land Surveyor.

1. Monuments shall be located on street right-of-way lines, at street intersections, angel points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

2. The external boundaries of a subdivision shall be established and marked in the field by monuments approved by a Registered Land Surveyor prior to the time the City Commission recommends approval of the final plat.
(Code 2007, 23-83)

Sec. 23-84. Character of the Land.

Land that the City Commission finds to be unsuitable for subdivision development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will be reasonably 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 Commission, upon recommendation of the Community Development Director, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.
(Code 2007, 23-84)

Sec. 23-85. Lot Improvements.

1. Side lot lines shall be at right angles to straight street lines or radial to curved street lines.

2. Each lot must front upon a publicly dedicated street.

3. Lot dimensions shall conform to the requirements of the official Zoning Ordinance of Aztec, New Mexico, provided that the depth of the lot shall not exceed three (3) times the width.

4. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets. Lots with double frontage shall be avoided except where necessary when single family residential development abuts arterial streets.

5. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
(Code 2007, 23-85)

Secs. 23-86 to 23-90. Reserved.

DIVISION 2. ROADS

Sec. 23-91. General Requirements.

Every subdivided lot shall be served from a publicly dedicated street or approved public easement.

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, unless such street is:

   (1) An existing designated federal, state, or county road; or

   (2) A street upon a plat approved by the City Commission and recorded in the San Juan County Recorder of Deeds' office. Such street or highway must be suitably improved as required by Section 23-51, Street Design Standards, or be secured by a performance bond required under these subdivision regulations, with the width and the right-of-way required by these subdivision regulations.

   Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

2. Level of Service. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a level of service to which it was intended when constructed. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. The applicant for any development may be required by the New Mexico State Highway and Transportation Department or the City of Aztec, to submit a traffic impact analysis.

3. Grading and Improvement Plan. Roads shall be graded and improved and conform to the Design Standards and specifications found in these regulations and shall be approved as to design and specifications by the Public Works Director, in accordance with the construction plans required to be submitted prior to final plat approval.

4. Classification. All roads shall be classified as either Primary Arterial, Secondary Arterial, Collector, Industrial or Commercial, Marginal Access Street, Minor Residential Street, Cul-de-sac or Alley. In classifying roads, the City of Aztec shall consider projected traffic demands after 20 years of development.
(Code 2007, 23-91)

Sec. 23-92. Design Criteria.

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design criteria for roads are hereby required.

1. Road Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. All surfacing shall be of a character as is suited for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be in accordance with the Design Standards. Adequate provisions shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all Design Standards and specifications adopted by the City Commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

2. Additional Width of Existing or Planned Streets. Subdivisions that adjoin existing or planned streets shall dedicate the right-of-way as necessary to meet the minimum street width requirements set forth in the design standards.

3. Restriction of Access. When a subdivision or portion thereof adjoins a major thoroughfare, no single-family residential lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for screen planting of the portion of any such lot contiguous with said major thoroughfares.

4. Street Names. A proposed street, which is in alignment with and joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street within the area covered by this Article. The use of a suffix “street” , “avenue”, “boulevard”, “drive”, “place”, “court”, or similar description shall not be a distinction sufficient to constitute compliance with this Article. In general, east-west trending right-of-ways shall be called “streets” while north-south trending ones shall be called “avenue.” Dead end rights-of-way may be called “courts” or “circles” and short streets may be called “place” or “drive.”

5. Alleys. Alleys 20 feet wide shall be provided to the rear or side of all lots, unless proper easements and facilities have been put into place to address all required utilities and maintenance thereto. Dead-end alleys are not allowed.

6. Blocks. In blocks over eight hundred (800) feet in length, the Commission may require one or more public cross walks of right-of-way no less than six (6) feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred (400) feet. Block width shall be sufficient to allow two (2) tiers of lots of a minimum depth of one hundred (100) feet for each tier.

7. Bridges. Bridges of primary benefit to the applicant, as determined by the City Commission, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the City Commission, will be fixed by special agreement between the City Commission and the applicant. The cost of bridges that do not solely benefit the developer shall be charged to the developer pro rata based on the percentage obtained by dividing the service area of the bridge into the area of the land being developed by the subdivider.

8. Road Regulatory Signs. The applicant shall deposit with the local government at the time of final subdivision approval the a sum to be determined by the Public Works Director, for each road sign required by the Public Works Director at all road intersections. Within the City, The City of Aztec shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which is to be approved by the Public Works Director.

9. Street Lights. Installation of streetlights shall be required in accordance with the design and specification standards approved by the Electrical Engineer.
(Code 2007, 23-92)

Secs. 23-93 to 23-100. Reserved.

DIVISION 3. DRAINAGE AND STORM SEWERS

Sec 23-101. General Requirements.

The City Commission shall not recommend for approval any plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. A report by a civil engineer, registered in New Mexico, must accompany the preliminary plat of a subdivision giving the quantity, velocity and depth of flow in all drainage courses at points of entering and leaving the subdivision and at key points within the subdivision for flows anticipated, after development of the area, from floods with an average reoccurrence level of 100 years at a six (6) hour duration. The effect of such flows at these points on hydraulic structures, streets, street intersections, and private structures should be presented in the report. Any open channel must be structurally lined with adequate checks to prevent excessive erosion, as determined by the drainage report. Right-of-way easements for all open channels shall be dedicated to the City. Surface water drainage patterns shall be shown for each and every lot and block.
(Code 2007, 23-101)

Sec 23-102. Nature of Storm Water Facilities.

1. Accessibility to Public Storm Sewers. Where pubic storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the Subdivision Design Standards. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. If a connection to a public storm sewer will be provided eventually, as determined by the Public Works Director and the City Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the subdivision improvement agreement required for the subdivision plat.

2. Accommodation of Upstream and Arroyo Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire drainage area, whether inside or outside a subdivision. A civil engineer, registered in New Mexico shall determine the size of the facility, based on the provisions of the constructions standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

3. Effect on Downstream Drainage Areas. The City Commission may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility.

4. Areas of Poor Drainage. Whenever a plat is submitted for an area that is subject to flooding, the City Commission may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the one hundred (100) year floodplain, as determined by the Federal Emergency Management Agency. The plat of the subdivision shall provide for an overflow zone along the bank of any watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone may be adjusted only by a “Letter of Map Amendment,” signed by the Federal Emergency Management Agent, and shall be subject to approval by the City Commission. The City Commission may deny subdivision approval for areas of poor drainage and potential for flooding.

5. Floodway Areas. The City Commission 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 that lies within the floodway of any stream or drainage course. These floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping earth, waste material, or stumps, except at the discretion of the City Commission.
(Code 2007, 23-102)

Sec 23-103. Dedication of Drainage Easements.

1. General Requirements. When a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way

conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2. Drainage Easements.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements equal to the width of flow at the energy grade line, as determined by the drainage report shall be required. Drainage facilities shall be provided as required. Easements shall be shown on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system changes the location of offsite drainage and will carry water across private land outside the subdivision, appropriate drainage easements must be secured and indicated on the plat.

(3) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.
(Code 2007, 23-103)

Secs. 23-104 to 23-110. Reserved.

DIVISION 4. WATER FACILITIES

Sec. 23-111. General Requirements.

1. City water main extensions shall be approved by the City Commission.

2. The location of all fire hydrants, all water supply improvements, shall be shown on the preliminary plat, and the cost of installing same shall be borne by the developer and included in the subdivision improvement agreement and security to be furnished by the developer.
(Code 2007, 23-111)

Sec. 23-112. Individual Wells and Central Water Systems.

1. In zoning districts with a density of lot size one acre or more and when a public water system is not available in the discretion of the City Commission, individual wells may be used or a central water system provided in a manner so that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the New Mexico State Environment Department for its approval, and individual wells and central water systems shall be submitted to the City Commission prior to final subdivision plat approval.

2. If the City Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the

applicant shall make arrangements prior to receiving final plat approval for future water service. Performance or cash bonds may be required to ensure compliance.
(Code 2007, 23-112)

Sec. 23-113. Fire Hydrants.

Fire hydrants shall be required for all subdivisions unless it is deemed a minor subdivision with adequate fire hydrants already in place. Fire hydrants shall be located no more than 500 feet apart and within 300 feet of any structure and shall be approved by the Public Works Director and Fire Marshall. 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 is shown on the subdivision plat.
(Code 2007, 23-113)

Secs. 23-114 to 23-120. Reserved.

DIVISION 5. SEWER FACILITIES

Sec 23-121. General Requirements.

The applicant shall install sanitary sewer facilities in accordance with the Subdivision Design Standards. If the municipal sanitary sewer is not within 2,000 feet, the applicant shall install sanitary sewer facilities in a manner prescribed by the New Mexico State Environment Department construction standards and specifications.
(Code 2007, 23-121)

Sec 23-122. Mandatory Connection to Public Sewer System.

If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
(Code 2007, 23-122)

Secs. 23-123 to 23-130. Reserved.

DIVISION 6. SIDEWALKS

Sec. 23-131. Required Improvements.

1. Sidewalks shall be included within the dedicated non-pavement right-of-way for all roads created because of the subdivision and contiguous to all existing roads.

2. Sidewalks shall be required on both sides of all streets, whenever sidewalks are provided they shall have a minimum width of four (4) feet in A-1, R-1, R-1M, and R-2 zones, six feet in O-1, C-1, C-2, M-1 and M-2 zones where the right-of-way permits, and shall be constructed

under the supervision of, and subject to the approval of the Public Works Director and City Manager in accordance with the standard specifications of the City.
(Code 2007, 23-131)

Secs. 23-132 to 23-140. Reserved.

DIVISION 7. UTILITIES

Sec. 23-141. Location of Utilities.

All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-ways, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. Please refer to 23-25 Improvements and Subdivision Improvement Agreement, for all public improvements.
(Code 2007, 23-141)

Sec. 23-142. Easements.

1. Easements centered on rear lot lines shall be provided for utilities (private and municipal) and such easements shall be at least ten (20) feet wide per Section 25-33 paragraph F of the Aztec City Code. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

2. When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements as least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.
(Code 2007, 23-142)

Secs. 23-143 to 23-150. Reserved.

DIVISION 8. PUBLIC AREAS AND USES

Sec. 23-151. Parks, Playgrounds, and Recreation Areas.

1. Recreation Standards. The City Commission may require that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the City Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreational Purposes." When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following requirements, which has been

prepared on the basis of providing one (1) acre for every fifty (50) dwelling units. The City Commission may refer such proposed reservations to the Parks and Recreation Director for recommendation. The developer shall dedicate all such recreation areas to the local government as a condition of final subdivision plat approval.

2. Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least two (2) acres. When the acreage from the recreation requirements would create less than (1) acre, the City Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area less than half (1/2) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

3. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the City Commission, which improvements shall be included in the subdivision improvement agreement and security. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the City Commission and shall be shown marked on the plat, "Reserved for Park and/or Recreation Purposes."
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-151)

Secs. 23-152 to 23-160. Reserved.

DIVISION 9. PRESERVATION OF NATURAL FEATURES AND AMENITIES

Sec. 23-161. Preservation of Natural Features and Amenities.

The City of Aztec recommends that existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses, historic spots, and similar irreplaceable assets be considered for preservation in the design of the subdivision.
(Code 2007, 23-161)

Secs. 23-162 to 23-170. Reserved.

DIVISION 10. NONRESIDENTIAL SUBDIVISIONS

Sec 23-171. General Requirements.

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the City Commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the City Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Commission, and shall conform to the

proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-171)

Sec. 23-172. Standards.

In addition to the principles and standards in these subdivision regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

3. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.

4. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

5. Streets carrying truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.
(Code 2007, 23-172)

Secs. 23-173 to 23-180. Reserved.

DIVISION 11. RE-SUBDIVISION OF LAND

Sec. 23-181. Definition.

Re-subdivision includes:

1. Any change in any street layout or any other public improvement;

2. Any change in any lot line;

3. Any change in the amount of land reserved for public use or the common use of lot owners;

4. Any change in any easement shown on the approved plat.
(Code 2007, 23-181)

Sec. 23-182. Procedure.

Whenever a developer or landowner desires to re-subdivide an already approved final subdivision plat, the developer shall first obtain approval for the re-subdivision by the same procedures prescribed for the subdivision of land.
(Code 2007, 23-182)

Sec. 23-183. Exceptions.

Whenever the City Commission, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting re-subdivision by the procedure established in this Section, the City Commission may waive the requirement of Section 23-51 (1). The City Commission, after an application for re-subdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

1. The name and legal description of the subdivision affected by the application;

2. The proposed changes in the final subdivision plat;

3. The place and time at which the application and any accompanying documents may be reviewed by the public;

4. The place and time at which written comments on the proposed re-subdivision may be submitted by the public; and

5. The place and time of the public meeting at which the City Commission will consider whether to approve, conditionally approve, or disapprove the application.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-183)

Sec. 23-184. Succeeding Subdivisions.

Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the City Commission if the proposed subdivision includes:

1. A part of a previous subdivision that has been created in the preceding seven (7) year period; or

2. Any land retained by a subdivider after creating a previous subdivision if the previous subdivision was created in the preceding seven (7) year period.
(Code 2007, 23-184)

Sec. 23-185. Procedure for Re-subdivision when Indicated.

Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be re-subdivided, the City Commission may require that the applicant allow for the future opening of

streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be required of plat approval.
(Code 2007, 23-185)

Secs. 23-186 to 23-190. Reserved.

DIVISION 12. PLAT VACATION

Sec. 23-191. Owner Initiated Plat Vacation.

The owner or owners of lots in any approved subdivision, including the developer, may petition the City Commission to vacate the plat with respect to their properties. The petition shall be filed in triplicate on forms provided by the Planning Department and one (1) copy shall be referred to the City Commission by the Planning Department.

1. Notice and Hearing. The Community Development Department shall publish notice in a local newspaper of general circulation and provide personal notice of the petition for vacation to all owners of property within the affected subdivision and shall state in the notice the time and place for a public hearing on the vacation petition. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days after the published and personal notice.

2. Criteria. The City Commission shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare; but in no event may the City Commission approve a petition for vacation if it will materially injure the rights of any non-consenting property owners or any public rights in public improvements unless expressly agreed to by the City Commission.

3. Recordation of Revised Plat. Upon approval of any petition for vacation, the Community Development Department shall direct the petitioners to prepare a Revised Final Subdivision Plat in accordance with these regulations. The Revised Subdivision Plat may be recorded only after having been signed by the Mayor and the City Attorney.

4. Developer Initiated Vacation. When the developer of the subdivision, or its successor, owns all of the lots in the subdivision, the developer or successor may petition for vacation of the subdivision plat and the petition may be approved, conditionally approved, or disapproved at a regular public meeting of the City Commission subject to the criteria in Section 23-41(1)(b). The petition shall be at least thirty days prior to a regular City Commission public meeting and the Commission shall refer one (1) copy of the Commission's actions on the petition, the developer or its successor will have no right to a refund on any monies, fees, or charges paid to the municipality nor to the return of any property or consideration dedicated or delivered to the municipality except as may have previously been agreed to by the City Commission and the developer.
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 23-191)

Secs. 23-192 to 23-200. Reserved.

ARTICLE VI. SUBDIVISION DESIGN STANDARDS

Sec. 23-201. Compliance with Requirements.

1. It is the responsibility of the subdivider to obtain all necessary permits, easements and other approvals for the proposed subdivision. The subdivider must be familiar with, and comply with any and all City, County, State and Federal laws, ordinances, regulations and codes related to subdivision development.

2. Under certain circumstances, the developer has the right to request the City of Aztec to waive any part or parts of these Subdivision Design Standards on the basis of extreme hardship. A developer exercising such privilege shall specify in writing any and all design standards that are requested to be waived, the reason for deviation from these standards, and the alternative proposal for the subdivision. The written request shall be submitted to the City staff who shall evaluate the request and make recommendation to the City Commission relative to the request. Such deviation from these standards may be incorporated into design documents only after approval has been granted by the City Commission.

3. Except where specifically modified by the City Commission, each proposed subdivision shall conform to these design standards.

4. The subdivider shall make the following minimum improvements that shall conform to these Design Standards:

   (1) Grading, curbs and gutters, paving, and drainage structures required for proper drainage.

   (2) Site Grading and drainage, taking into consideration the drainage patterns of adjacent improved and unimproved property and treating upstream area(s), where appropriate, as though fully developed.

   (3) All streets, easements, and pedestrian ways shall be graded and surfaced to widths and grades shown on the Construction Plans. The subdivider shall improve the extension of all streets to intercepting or intersecting streets.

   (4) Sidewalks shall be as shown on the Construction Plans.

   (5) Sanitary sewer and domestic water supply facilities shall be installed as shown on the Storm drainage facilities shall be installed as shown on the Construction Plans.

   (6) Fire Hydrants shall be installed as shown on the Construction Plans.

   (7) Telephone, electric power, gas, and cable television service shall be installed and available to lots created.

   (8) Street Signs

   (9) Street lights

   (10) Survey Monuments

5. It is the sole responsibility of the subdivider to ensure that all construction improvements are performed in compliance with federal, state, and local safety and health laws.

6. Before construction activities begin, the subdivider shall conduct a pre-construction meeting with the Construction Contractor and the City. At this time the subdivider shall provide the City with a construction schedule delineating various phases of the work. During the construction phase, the subdivider shall arrange full-time construction inspection which will be provided by the subdividers Design Engineer. The Engineer shall prepare certified monthly inspection reports with all necessary data and information such as test results, shop drawings, mix designs, etc. It shall be the subdividers responsibility to require that the Engineer communicate with the City regarding the construction activities and any field changes that may require written justification and documentation. A complete set of "Record Drawings" will be required at the completion of the project. Additional required submittals and required inspections during construction include, but are not limited to, the following items:

   (1) Compaction test results at the completion of mass grading operations.

   (2) City staff shall inspect all underground facilities before backfill material is placed.

   (3) Compaction test results on trench backfill.

   (4) Subgrade compaction test results.

   (5) City staff shall inspect curb forms or grade line (slip form) before placement of concrete.

   (6) Submit design mix(s) for concrete and break tests at 7 days and 28 days.

   (7) Design mix, gradation, and compaction tests for installed base course.

   (8) Design mix, and compaction tests for asphalt paving.

   (9) City will inspect after final grading operations are complete.

   (10) Upon request for acceptance, the Design Engineer will be required to submit a final construction report certifying the completion of all installations and shall provide comprehensive "record drawings" for all work completed.

   (11) Before final acceptance, at the City's sole discretion, it may request additional test be completed to insure proper installations. Any such test will be at the cost of the subdivider.
   (Code 2007, 23-201)

Sec. 23-202. Submittal Requirements.

1. Item, Schedule, and Quantity.

Submittal	When Required	# of Copies
Pre-application Location Map Sketch Plat General Information	Prior to Prelim. Plat	2
Premilinary Plat Grading & Drainage Plan Soils Analysis Schedule	2 weeks prior to P & Z Mtg.	7
Final Plat	1 week prior to P & Z Mtg.	2
Construction Drawings and Specification including: Street and Sidewalk Water System Drainage Sanitary Sewer (provide a design analysis for all improvements) (*Final plat approval will not be granted until all required submittals have been approved)	Before Construction	5
Other Federal, State or Local Approvals	Before Construction	1
Record Drawings of All Improvements	After construction of all Improvements with Certification(s)	2

2. Format.

(1) *Improvement Plans*.

- Originals drawn in black ink on Mylar;
- Include title sheet with (1) name of subdivision, (2) name and address of Subdivider and Design Engineer, and (3) Seal and signature of Design Engineer registered in the State of New Mexico;
- Include index with (1) list of plan sheets, (2) vicinity and location map;
- Grading/Drainage plans;
- Street, Storm Sewer, Sanitary Sewer, and Waterline plan and profile sheets;
- Standard details and site specific details.

(2) *Reports, Specifications, Design Analysis and Other Data*.

- Bound on 8-1/2” x 11” paper;
- Include (1) name of subdivision, (2) name and address of Subdivider and Design Engineer, and (3) Seal and signature of Design Engineer registered in the State of New Mexico.

(3) *Electronic Data*. All electronic data must be submitted in the following format:

- ArcView GIS Shape File (Version 9.x)
- Autocad DWG (Version 2000 or above)

and in the following coordinate system:

- State Plane Coordinates New Mexico West with North American Datum of 1983 using feet.

(Code 2007, 23-202)

Sec. 23-203. Provision of Easements.

Easements and/or rights-of-way shall be provided in all subdivisions in a fashion to be conducive to the future extension of street, utilities and drainage facilities. Location and width of easements and rights-of-way shall be of the size and be located with consideration of the surrounding properties. The City has the right to require the continuation of easements and rights-of-way through proposed subdivisions if it deems it necessary for the benefit of the community.
(Code 2007, 23-203)

Sec. 23-204. Survey Monuments.

Monuments shall be placed in accordance with Section 23-82.

1. Specific location and types are a follows:

Location	*Type of Monument*	*Notes*
Subdivision Boundary Corners	Brass cap in concrete	4 min. per subdivision
Block Corners	Alum. cap on #5 bar	
Lot Boundary (PC, PT, corners, etc.)	#5 bars	
Elevation Bench Mark	Brass cap in concrete	1 min. per subdivision

2. Minimum physical requirements of survey monuments

(1) Brass cap to be 2.5” diameter rounded cap with integral anchor for placement in concrete base. Base to be 12” diameter by 30” deep anchor placed in undisturbed soil. Cap shall have identifying markings and surveyor’s registration number.

(2) Aluminum Cap designed to lock on to 2 ft. long #5 rebar when struck with hammer. Cap shall have identifying markings and surveyor’s registration number.

(3) Rebar: Standard #5 deformed steel reinforcing bar 2 ft. minimum in length.

(4) All monuments to be placed at front lot corners.
(Code 2007, 23-204)

Sec. 23-205. Street Design Standards.

This section presents criteria established for use in the design of street systems and related features. The purpose of this section is to promote consistent, sound design of streets having acceptable performance characteristics, to encourage innovative design, and to assert the need for responsible judgment by the Design Engineer. Material presented is intended for use by a qualified design professional familiar with municipal street design. A brief overview of important governing regulations is presented, together with references to commonly accepted standard publications related to the subject. Designers and others using this manual are expected to familiarize themselves fully with the following regulations, other pertinent regulations, and the standard reference publications cited herein.
(Code 2007, 23-205)

1. General Design Criteria For Streets

VERTICAL CURVE REQUIREMENTS (4)

STREET CLASSIFICATION	(5) MINIMUM CENTERLINE RADIUS FEET			(1) MINIMUM LENGTH VERTICAL CURVE (FEET)	(2) VERTICAL CURVATURE DESIGN VALUE K GRADE			(8) MAXIMUM CHANGE ALLOWED WITHOUT VERTICAL CURVE-%	MAXIMUM GRADE ALLOWED %
	DESIGN SPEED M.P.H.	WITH 0.02 FT. FT. SUPER-ELEVATION	(7) WITH NORMAL CROWN		(6) FOR CREST STOPPING SIGHT DISTANCE	(6) FOR SAG STOPPING SIGHT DISTANCE	(3) & (6) FOR SAG COMPORT CONTROL		
PRINCIPAL ARTERIAL	50	1,050	1,400	150	100	75	N/A	0.4	6
MINOR ARTERIAL	45	800	1,100	135	80	65	N/A	0.4	7
COLLECTOR	35	450	575	100	46	45	26	0.7	8
MAJOR LOCAL	30	300	380	100	32	35	19	0.8	8
LOCAL RESIDENTIAL	25	-----	(9) 230	75	25	28	13	1.0	8
LOCAL RESIDENTIAL CUL-DE-SACS & ALLEYS	20	-----	(9) 120	60	18	24	9	1.0	12
LOCAL INDUSTRIAL COMMERCIAL	30	300	380	90	32	35	19	1.0	8
LOCAL-LEG “t” INTERSECTION	15	N/A	N/A	45	5	9	5	1.0	12

(1) Controlling limit only when algebraic grade difference (A) times the design value K is less than minimum shown; in all other cases, l = KA shall control.

(2) The values for K shown are to be used in determining the minimum length of vertical curve required by the use of the relationship l = KA where:
L = Length of vertical curve in feet.

A = Algebraic difference in grade expressed in percent.
K = Design value indicative of rate of curvature.

(3) Allowed on with express permission of the City. Use of K for comfort control is strongly discouraged.

(4) Lengths of vertical curves longer than the minimums resulting from the use of K values shown should be used wherever possible: however, K should not exceed 143' when curb and gutter is used. Source: *Design of Urban Streets*, Federal Highway Administration, U.S. Department of Transportation.

(5) Crest vertical curves are based on eye height of 3'3", object for 0' 6" and AASHTO minimum stopping distances. Sag vertical curves are based on AASHTO standards. If AASHTO standards are revised to more restrictive values, the more restrictive values shall supercede the values in this table.

(6) A minimum of 50' must be maintained between vertical points of intersection.

(7) Local residential streets with 90 degree or near 90 degree turns may be designed with a minimum centerline radius of 75' with the approval of the City. Appropriate advisory signs may be required.

2. Governing Regulations. The following are adopted City regulations that pertain to street design. The designer is cautioned that these regulations are updated from time to time and the designer is responsible to maintain constant familiarity with this documentation.

(1) Land Subdivision Regulations

(2) Comprehensive Zoning Code

(3) City of Aztec Comprehensive Plan

(4) Manual on Uniform Traffic Control Devices (MUTCD).

3. General Planning.

(1) *Street Location and Arrangement*.

- Streets must conform in character, location, and arrangement to adopted plans. Governing plans include, but are not limited to, approved area plans, comprehensive plan and adopted future street corridors. During pre-application the City should be consulted about, and will provide applicable data.
- Proposed street arrangement must provide for the continuation of existing principal streets or appropriate projections thereof if not otherwise governed by an adopted plan.
- Alleys are to be provided unless other provisions can be made for adequate and suitable service access.

(2) *Right-of-Way and Pavement Width Minimum Standards*.

Required street right-of-way, pavement, and sidewalk widths are as follows:

Street Classification	ROW (min)	Sidewalk (min)	Pavement (min)
Principal Arterial	100 ft.	6 ft.	[1]
Minor Arterial	80 ft.	6 ft.	66 ft. [3]
Collector	60 ft.	4 ft. [2]	48 ft. [3]
Major Local	60 ft.	4 ft. [2]	40 ft. [3]
Local	50 ft.	4 ft. [2]	32 ft. [3]
Alley	20 ft.	N/A	20 ft. [3]

1. To be determined during pre-application process.
2. 6' when adjacent to schools or churches
3. Pavement width is from face of curb to face of curb

4. Engineering Design Criteria. The criterion presented herein are the controlling factors in the design of streets within the jurisdiction of the City of Aztec. It is expected that the Design Engineer will apply these criterion to specific design circumstances.

(1) *General Design Criteria*:

- Section 23-205 presents minimum requirements in the City of Aztec for various street classifications. Design speeds given are intended to establish levels to which facilities are to be designed. Posted legal speeds are established only after appropriate examination of the completed street. Posted limits will be determined by the City of Aztec.

(2) *Geometric Criteria*:

- General Information. In general, criteria for the horizontal and vertical geometrics of street design given in Table 23-51-1(page 49) will be the minimum acceptable values. The City recognizes the other factors must also be considered in the design process.

- Vertical Alignment. Long flats are undesirable due to poor drainage characteristics. The minimum desirable gradient consistent with acceptable drainage is 0.5 percent. Similarly, long steep gradients are undesirable due to the ability of traffic to safely negotiate this condition. Vertical curve requirements provided in Table 23-51-1 are intended to provide adequate safety conditions consistent with applicable design speeds. In application of these criterion, the Design Engineer shall apply sound judgment in combining vertical geometry with horizontal geometry. Excessive undulation will not be permitted. Adequate site distances at curve and intersections shall be maintained.

- Horizontal Alignment. Abrupt, inconsistent changes in the horizontal alignment will not be acceptable. Deviation from the minimum standards provided may be permitted only when approved by the City and on minor streets where extenuating circumstances exist and there is an effort to discourage excessive traffic speeds.

(3) *Intersection Design*:

- Angle of Intersection. Streets must be designed to intersect at right angles. Minor deviations may be permitted when topographical or other constraints exist and only when approved by the City. Under no circumstances will intersections be allowed at less that 80 degrees. Intersection designs must provide adequate site distances.

- Intersection Spacing. Intersection of street along arterial street shall be minimized. The following limiting value are to be observed:

  - Streets intersecting arterial streets shall not be closer that 900 ft.
  - Offset alignments at intersection will not be permitted.
  - Non-continuous local streets shall be offset a minimum of 150 ft.

- Collector streets shall be spaced at a minimum of 300 ft. (all distances are measured from centerline to centerline of street).

- Curb Return Radii. Minimum acceptable return radius is 25 ft.

- Intersection Grading. Street crown shall be reduced through intersection to promote comfort and positive drainage. Concrete valley gutter and fillets are required at intersections which convey storm waters (See Construction Standards).

(4) *Curb and Gutter Criterion*:

- Standard 6-inch high barrier curb and gutter must be used as the exterior curb section for all classes of street (See Construction Standards). Any desired deviation from this standard will require City approval.

- On local streets in rural areas, a mountable or estate curb may be used if both traffic and drainage condition permit and approval is granted by the City.

- Concrete curbs and gutter shall be NMSHTD Class A Portland Cement Concrete and placed in accordance with NMSHTD Section 609.

(5) *Pavement Design Criterion*:

- Pavement design shall be based on the latest edition of ASSHTO Interim Guide for Design of Pavement Structures, and the State adaptation of those procedures developed by NMSHTD entitled Structural Design Guide for Flexible Pavement, Bulletin 102.

- Design of pavement structure for all new streets shall conform to the City of Aztec Construction Standards. Subgrade soils investigation(s) and evaluation shall be required to determine the bearing values of the proposed subgrade soils. The Design Engineer shall submit a report to the City stating subgrade bearing values and proposed structural pavement design.

- Structural design of private streets shall also conform to these standards.

(6) Drivepad Requirements:

- Drivepads shall be NMSHTD Class A Portland Cement Concrete.
- Drivepads shall be constructed in accordance with the City of Aztec Construction Standards.

(7) *Sidewalk Requirements*:

- Sidewalks must be provided for all new subdivisions with the City of Aztec. They shall be NMSHTD Class A Portland Cement Concrete and be a minimum of 4-inches thick.
- The width of new sidewalk shall be in accordance with Section 23-205-3.2.
- Sidewalks must be located within the street right-of-way.
- Sidewalks shall slope ¼-inch per foot toward the street. They shall be vertically located such that the low point on the top of sidewalk is at the same elevation as the top of curb when the sidewalk is adjacent to the curb and gutter. They shall be vertically located such that the low point on the top of sidewalk is 0.2 ft. above top of curb when offset from curb line.
- Sidewalk shall be constructed in accordance with the City of Aztec Construction Standards.

Sec. 23-206. Sanitary Sewer Design Standards.

This section presents criteria established for use in the design of sanitary sewerage systems and related facilities. It does not include provisions for the design of major interceptor sewers of any type of treatment. The purpose of this material is to guide the Design Engineer in the development of detailed construction drawings for the extension of the City's sewerage system. Requirement and standards presented are those considered minimum acceptable values necessary to result in system designs having satisfactory functional characteristic, durability and operational suitability.
(Code 2007, 23-206)

1. Governing Regulations. The following are adopted City regulations that pertain to sanitary sewer design. The designer is cautioned that these regulations are undated from time to time and the designer is responsible to maintain constant familiarity with this documentation.

   - Land Subdivision Regulations
   - Comprehensive Zoning Code
   - City of Aztec Comprehensive Plan
   - City of Aztec Construction Standards

2. Engineering Design Criteria. The criterion presented herein are the controlling factors in the design of sanitary sewer within the jurisdiction of the City of Aztec. It is expected that the Design Engineer will apply these criterion to specific design circumstances.

(1) *Design Capacities*.

- When applicable, offsite (potential upstream development) shall be included in the calculations of pipe size. The pipe size required may be governed by City adopted area or master plans for the sewerage system. The City will notify the subdivider during the pre-application process of master planned lines.

- In residential areas, the required design flow per house shall be an average flow of 380 gallons per day (gpd), and a peak flow of 850 gpd. The required design flow per townhouse, apartment, or mobile home shall be an average flow of 290 gpd, and a peak flow of 650 gpd.

- In commercial areas, the design flows will be considered on a case-by-case basis. The Design Engineer shall provide the calculations to the City demonstrating the sewage flow used in design.

- Design flow is to be 1.2 times the peak flow rate. Design is for full pipe flow at design flow.

- Manning's Formula is to be used for determination of pipe velocities and capacities using a Manning's "n" value of 0.012.

- Minimum velocities in pipe shall be 2.0 feet per second (fps). Maximum velocities shall be 10 fps.

- The minimum allowable pipe size is 8-inches.

(2) *Manhole Design Requirements*.

- Manholes are generally to be located on the centerline of the street of right-of-way. Manholes for straight lines in curved street may be located up to 5 ft. from centerline provided adequate clearance from other utilities is maintained. This offset is measured from the center of the manhole barrel perpendicular to the street centerline.

- Minimum manhole depth is 6.0 ft. as measure from invert to rim, unless otherwise approved by the City.

- Manholes for pipe diameters 8-inch through 21-inch shall be 4.0 ft. inside diameter minimum. 6.0 ft. inside diameter manholes may be required on larger lines specific to the degree of direction change in the line.

- Flow through a manhole will not be permitted to change direction more than 90 degrees.

- The minimum drop through a manhole with a change in direction is 0.1 ft. If the grade on the line is in excess of this minimum drop the pipe grade shall be carried through the manhole. In a straight through manhole the minimum can be reduced to the pipe grade if the pipe invert is maintained through the manhole. Excessive drops in manholes will not be permitted to avoid potential odor and

turbulence conditions. Drops in excess of 2' or more will require the construction of a drop manhole, design to be approved by the Public Works Director.

- Where pipes converge, invert shall be designed to prevent any occurrence of a backwater condition.
- The use of drop-manholes will be permitted on a case-by-case basis.
- The maximum distance between manholes shall be 400 ft.
- Cleanouts in lieu of manholes will not be permitted.

(3) *Line Design Requirements*.

- Sanitary sewer materials and installation methods must comply with the requirements set forth in the *New Mexico Standard Specifications for Public Works Construction*, as modified herein, and the City of Aztec Construction Standards.
- The minimum line size allowable is 8-inch diameter line.
- Curvilinear Sewer is generally not permitted; however, it will be evaluated on a case-by-case basis.
- Sections of line that are flat relative to the upstream line are to be avoided. As much as possible, continuous flow velocities and capacities shall be provided. The energy gradient shall slope parallel to the slope of the invert with no abrupt changes nor slopes opposite to the direction of flow.
- Line depth should be sufficient to provide gravity service to property contiguous to the line. Generally, house services will be assumed at a depth of 3.0 ft. below the finished floor elevation measured at a point on the finished floor edge of the nearest sewer line.
- Sanitary sewer main lines are to be located in accordance with the primary utility location figure provide in the City of Aztec Construction Standards. Where these requirements cannot be met, location of all utilities will be reviewed on a case-by-case basis. Parallel water and sewer lines shall be at least 10 feet apart horizontally, and the waterline shall be 2 feet above the sewer. When the waterline crosses the sewer, the waterline shall be a minimum of 3 feet above the sewer. Where this required separation is not achievable, the sewer line shall be encased in concrete 10 feet beyond the area where the proximity violation occurs. As an alternative, pressure rated pipe may be used for the sewer installation; however, the pipe must run manhole-to-manhole. See Construction Standards for additional information.
- Main lines must be located so they can be maintained without disturbing sidewalk, curb, gutter or any other utility. The required trench must be totally within the paved roadway.
- Written approval of the City must be obtained for any deviation from this criteria.

- Any sanitary sewer mains located outside the public right-of-way must be in a permanent perpetual easement granted to the City. The easement shall be of sufficient width to properly maintain the sewer line, but in no case shall be less than 20 feet in width. If water and sewer are to be located within the same easement, a minimum width of 25 feet will be required. In all cases, the proximity requirements of waterline and sewer line shall be maintained.

(4) *Trenching and Backfilling*.

- Trenching shall be performed in accordance with the approved improvement plans and specifications and shall be of sufficient depth and width to insure a safe and proper installation.

- Bedding material to be placed around the pipe shall be finely graded material free of rocks, debris and any sharp objects. Bedding material shall be compacted around the pipe and at least 6 inches above the pipe. The remainder of the backfill shall be select material compacted to a minimum of 90% maximum density as determined by ASTM D1557 when located outside roads, sidewalks and drives. When located within roads, sidewalks and drives, the top 12 inches shall be compacted to 95% of maximum density as determined by ASTM D1557. The above shall apply to all utilities installed in the subdivision. See Construction Standards for additional information.

(5) *Service Connections*.

- Service line connections shall be main line and shall be a minimum of 4 inch diameter. Service line connections to the manhole will not be permitted at any time.

- 6-inch service lines may be required in non-residential areas and may require manhole placement over the sewer main.

- All mechanical taps shall conform to the requirements of the New Mexico Standard Specifications for Public Works, adopted by the City of Aztec.

- All services shall have a minimum slope of ¼ inch per foot from the main line to the edge of the right-of-way.

(6) *Sewage Lift Stations*.

- If a lift station is required, review and approval may be required by the City Commission at the recommendation of the Public Works Director. Sewage lift stations shall be wet well submersible type stations with provisions for pump removal from the surface without entering the well.

- Stations shall have 100% standby capabilities with one pump out of service and shall be capable of pumping the design flow as defined in these regulations.

- Pumps shall be designed for a maximum of four starts per hour.

- Pumps, hardware, access cover and controls for the lift station shall be supplied by the pump manufacturer.

3. Construction Criteria.

(1) *General*. Any permits of easements required for the installation of sewer lines or appurtenances are to be obtained by the subdivider in the name of the City of Aztec. Any and all cost associated with such permits or easements shall be bore by the subdivider.

(2) *Materials*.

- All construction shall conform to the City of Aztec Construction Standards and these regulations unless otherwise approved by the City.
- All construction shall conform to the New Mexico Standard Specifications for Public Works Construction, as modified herein.
- All sanitary sewer line pipe material shall conform to the following:
- DIP - ASTM/ANSI A746, push on joints, corrosion protected.
- PVC - ASTM D3034, SDR 35 for lines 15 inch and smaller
- PVC - ASTM F679 for lines 18 inch and larger.
- All force main pipe material shall conform to the following:
  - PVC - AWWA C900 pressure class 150.
  - DIP - AWWA C151.

(3) *Pipe Installation*.

- Trenching and backfilling shall be per manufactures instruction and recommendations.
- Compaction testing is required at a maximum interval of 200 feet.

(4) *Manholes*.

- See Construction Standards for material requirements.
- See Construction Standards for installation requirements.

(5) *Lift Stations*.

- A dry well external to the wet well is required. The dry well shall include isolation valves and check valves rated of sewage use.

(6) *Service Connections*.

- In-line service tees or wyes to be provided on new sewer lines.

- Mechanical taps permitted only when connecting to an existing line.

- See Construction Standards for additional information.

(7) *Testing of Sewer Lines*.

- All new lines are required to be tested. The tests shall be completed no sooner that 15 days after pipe installation but before any surfacing activities.

- Mandrel Test. All new lines shall pass a rigid mandrel which is 95% the pipes specified inside diameter. The length of the mandrel shall be equal to or greater than the diameter of the mandrel. The mandrel shall be pulled through the span of pipe by hand without mechanical equipment. Any sections where the mandrel does not pass shall be excavated and repaired before acceptance by the City.

- Low Pressure Air Test. A low pressure air test in accordance with the Uniform Plumbing Code shall be performed on 25% of the new reaches installed. The City will identify the reaches to be tested. Any sections of pipe that fail the air test shall be removed and repaired.

Sec. 23-207. Water System Design Standards.

This section presents the criteria, standards and regulations related to the design of water distribution systems for general development services. It does not cover the criteria necessary for design of major transmission lines, wells or reservoirs. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standards presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability, and operational suitability. It is expected that the designer will strive for the best design to suit the circumstance involved, and that designs will reflect sound professional judgment.
(Code 2007, 23-207)

1. Governing Regulations. The following are adopted City regulations that pertain to water system design. The designer is cautioned that these regulations are undated from time to time and the designer is responsible to maintain constant familiarity with this documentation.

   - Land Subdivision Regulations
   - Comprehensive Zoning Code
   - City of Aztec Comprehensive Plan
   - City of Aztec Construction Standards

2. Engineering Design Criteria. The criterion presented herein are the controlling factors in the design of water system design within the jurisdiction of the City of Aztec. It is expected that the Design Engineer will apply these criterion to specific design circumstances.

3. General Requirements.

- The designer will be required to consider the surrounding area when calculating the required line sizes for main or loop lines.

- The design of domestic water lines shall conform in size, location, and arrangement to adopted plans.

- Pressure zone boundaries must be considered in the design of all systems.

- The location of the lines shall conform with the Primary Utility Location detail provided in the City of Aztec Construction Standards. Any deviation will require approval of the City.

(1) *Design and Sizing of Waterlines*.

Design flow rates for subdivisions line sizing are as follows:

	Average Day	Peak Flow
Single Family Housing (1/2 acre or less)	400 gpd	1.8 gpm
Single Family Housing (1/2 acre plus)	400 gpd	3.3 gpm
Commercial will be considered on an individual basis		
See Fire Flow section for additional requirements		

- Lines shall be 6 inch minimum.

- 8 inch lines will be required if loop lines are not provided at a maximum interval of 1200 feet.

- In Commercial and/or Industrial areas the minimum line size is 8 inches.

- Waterlines are to be located in accordance with the primary utility location figure provide in the City of Aztec Construction Standards. Where these requirements cannot be met, location of all utilities will be reviewed on a case-by-case basis. Parallel water and sewer lines shall be at least 10 feet apart horizontally, and the waterline shall be 2 feet above the sewer. When the waterline crosses the sewer, the waterline shall be a minimum of 3 feet above the sewer.

- Waterlines must be located so they can be maintained without disturbing the sidewalk, curb, gutter or any other utility. The required trench must be completely within the paved roadway.

- Written approval of the City must be obtained of any deviation from this criteria.

- Any waterline located outside the public right-of-way must be in a permanent perpetual easement granted to the City. The easement shall be of sufficient width to properly maintain the line, but in no case shall be less than 20 feet in width. If water and sewer are to be located within the same easement, a minimum width of 25 feet will be required. In all cases, the proximity requirements of waterline and sewer line shall be maintained.

(2) *Trenching and Backfilling*.

- Trenching shall be performed in accordance with the approved improvement plans and specifications and shall be of sufficient depth and width to insure a safe and proper installation.

- Backfill shall be select material compacted to a minimum of 90% maximum density as determined by ASTM D1557 when located outside roads, sidewalks and drives. When located within roads, sidewalks and drives, the top 12 inches shall be compacted to 95% of maximum density as determined by ASTM D1557. The above shall apply to all utilities installed in the subdivision. See Construction Standards for additional information.

(3) *Valving*.

- The spacing of valves shall be a maximum of 1200 feet between in-line valves for lines 14 inches and smaller.

- At the intersection of waterlines, all but one leg must be valved.

- Fire hydrant legs must be valved on all lines.

- The system valving must be arranged so that lines may be shut down with a minimum number of valves and affecting the minimum service area. System valving design shall assure that only the immediate area would suffer a disruption of water supply should a break occur.

- All valves shall be the same size as the line on which they are installed. Special tapping valves shall be used with tapping sleeves.

- Air relief valves shall be provided as determined by the designer and approved by the City. See Construction Standards for additional information.

- Pressure relief valves shall be provided as determined by the designer and approved by the City. See Construction Standards for additional information.

(4) *Service Lines and Meters*.

- The metered service line is public through the meter setter and is placed within the public right-of-way.

- Typical residential meter services shall be a minimum of ¾ inch.

- The size of commercial or other services shall be provided as determined by the designer and approved by the City.

- The subdivider is responsible of the installation of the service line, meter box and meter setter. At the time service is requested, the City will install the meter and initiate water service.

- All dwelling units must be individually metered.

(5) *Fire Hydrants*.

- The City of Aztec Fire Department, National Fire Codes and Fire Insurance regulations shall be used to determine required fire protection.

- Fire hydrants are to be installed in all new subdivisions. Each subdivision shall analyze its fire hydrant need relative to the type of buildings proposed or allowable under the requested zoning.

- All fire hydrants are to be located in public right-of-way.

- Lines serving a fire hydrant must be 6-inches minimum.

- In residential areas fire hydrant design shall be analyzed to provide a minimum of 750 gpm with a residual pressure of 20 psi from the 4 inch nozzle.

- In commercial or other areas the required flow rate shall be as determined by the Uniform Fire Code.

- Fire hydrants shall be spaced no further than 500 ft. apart in residential areas.

- Fire hydrants shall be spaced no further than 300 ft. apart in commercial areas.

- Fire hydrants shall be placed at intersecting property lines.

- Fire hydrants shall be placed at the intersection of roadways.

3. Construction Criteria.

(1) *General*. Any permits of easements required for the installation of waterlines or appurtenances are to be obtained by the subdivider in the name of the City of Aztec. Any and all cost associated with such permits or easements shall be bore by the subdivider.

(2) *Materials*.

- All construction shall conform to the City of Aztec Construction Standards and these regulations unless otherwise approved by the City.

- All construction shall conform to the New Mexico Standard Specifications for Public Works Construction, as modified herein.

- All waterline pipe material shall conform to the following:
  - PVC - pressure class 200.
  - DIP - AWWA C151.

- Gate Valves shall be per AWWA C509 for buried service, non rising stem, resilient seat wedge-type.

- Valve boxes - See Construction Standards.

- Fire hydrants shall be per AWWA C502 traffic type, 5-1/4 inch main valve size, 2 - 1-1/2 inch and 1 - 4-1/2 inch nozzles with National Standard fire hose treads and nozzle caps. They shall be provided as chrome yellow.

- Fittings shall be ductile iron.
- All control valves will be reviewed on a case-by-case basis.

(3) *Pipe Installation*.

- Trenching and backfilling shall be per manufactures instruction and recommendations.
- Compaction testing is required at a maximum interval of 200 feet.

(4) *Testing of Waterlines*.

- All lines shall be pressure tested in accordance with AWWA C600.
- All lines shall be disinfected in accordance with AWWA C601.

Sec. 23-208. Drainage and Flood Control Standards.

This section presents criteria established for use in design of drainage structures and flood control methods. Material presented is intended for use by qualified design professionals familiar with drainage and flood control methods. Designers and others using this manual are expected to familiarize themselves fully with the following regulations, other applicable regulations, and standard referenced publications cited herein. The purpose of this section is to promote consistently sound design of drainage structures, flood control structures, and methods, to encourage innovative design, and to assert the need for responsible, professional judgment by the designer.
(Code 2007, 23-208)

1. Flood Control And Protection.

(1) A flood control study shall be performed by the design engineer and a drainage report shall be submitted to the City for review and approval. The drainage report must be approved prior to any action being taken on the final plat or before any construction activities are undertaken where platting actions are not required.

(2) Analysis of all watershed(s) affecting the proposed subdivision shall be incorporated in the report and design of the flood control/drainage structures.

(3) Total surface street runoff from the proposed improved subdivision into existing or possible future developments shall not exceed the runoff from that area of land before development. The engineer may utilize holding pond, underground sewers, drainage channels or any other means that may be deemed appropriate in order to restrict or divert runoff. If the designer is proposing to increase the runoff from an area of land, he must demonstrate to the satisfaction of the City that down stream capacity exists or will be provided as part of the subdivision improvements.

(4) Surface and underground drainage shall not be altered or diverted in any way which creates possible drainage or flooding problems to adjacent areas.

2. Hydrology.

(1) For purposes of hydrological studies and designs, the design engineer shall utilize the generally accepted studies and programs for analyzing watersheds such as the Peak Rates of Discharge for Small Watersheds published by the Soil Conservation Service. The preferred method shall be the Rational Method for determination of runoff for land areas less than 320 acres.

(2) The design engineer's drainage studies shall analyze the 100-year rainfall event and shall determine both peak rates of discharge and volumetric runoff.

(3) In areas where positive drainage does not exist, the 100-year rainfall depth shall be determined to establish the required minimum elevation of future structures.

3. Drainage Structures.

(1) Construction plans and details for drainage structures shall be included in the subdivision improvement plans for the proposed subdivision. All plans shall be reviewed and approved by the City.

(2) The design engineer shall be responsible for showing all necessary supporting data and criteria on plans, specifications, or in the drainage report with regard to flow capacities and structural soundness.

(3) All drainage structures and construction methods shall conform to the *New Mexico Standard Specifications for Public Works Construction*.

Sec. 23-209. Street Lighting and Signage.

1. Street Lighting.

(1) Arterial street and select collector streets are required to be lighted to Illuminating Engineering Society standards for arterial streets.

(2) On local streets, 100 watt High pressure Sodium or lighting approved by the local utility company shall be placed at all intersections, on cul-de-sac streets over 200 feet in length, at right angle turns, and at mid-locations where the block length exceeds 500 feet.

2. Traffic Signs.

(1) Street name signs shall be installed by the subdivider.

(2) The post and sign, size and type shall be consistent with the City's standard.

(3) Traffic regulatory signs and posts shall be installed by the City.
(Code 2007, 23-209)