CHAPTER 280

LAND SUBDIVISION

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[HISTORY: Adopted by the City Council of the City of Las Vegas 4-18-1979 by Ord. No. 67-7 (Ch. 15 of the 1972 City Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 135.
Numbering of buildings — See Ch. 143.
Cultural historic preservation — See Ch. 200.
Drainage — See Ch. 212.
Flood hazard prevention — See Ch. 242.
Gas utility — See Ch. 255.
Sewer use — See Ch. 340.
Streets, sidewalks, rights-of-way and driveways — See Ch. 377.
Trees — See Ch. 409.
Water service and operations — See Ch. 440.
Zoning — See Ch. 450.

ARTICLE I
General Provisions

§ 280-1. Purpose.

This chapter is to provide for the harmonious development of the City of Las Vegas and its environs in order to establish conditions favorable to the health, safety, convenience, and general welfare of citizens of the City. More specifically, provisions of the regulations are designed to achieve the following objectives in newly subdivided areas:

A. Adequate provisions for light and air, public open spaces, water supply, drainage, sanitation, including sewer service, and public facilities.

B. Economy in governmental expenditure and adequate reimbursement of the City for services performed.

C. Safe, convenient circulation of people, goods, and vehicles.

D. Accurate and complete surveying, and preparation and recording of plats.

E. Coordination of land development in accordance with orderly physical patterns as stated in adopted plans and policies as may have been or may hereafter be adopted by the City Council.

F. To designate, preserve, protect, enhance, and perpetuate those structures, properties, and sites which reflect outstanding elements of the national, state, regional, and/or local cultural/aesthetic/natural heritage.

§ 280-2. Statutory authority.

This chapter is authorized by NMSA 1953 Compilation, § 14-18-6, as amended,[1] and as approved by the Planning and Zoning Commission at a public hearing on the _____ day of _____ 1979, and as adopted by Ordinance No. 67-7 on the 18th day of April 1979 by the City Council.

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1. **Editor's Note: See now NMSA 1978, § 3-19-6.**

§ 280-3. Jurisdiction.

This chapter shall govern all platting or replatting of land within the City of Las Vegas and all of the territory lying within three miles of the City's corporate limits with the approval of the Extraterritorial Zoning Commission

§ 280-4. Interpretation.

The provisions of these regulations shall be held to be minimum requirements to meet the expressed intent of subject regulations. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of these regulations, the provisions of such other ordinance or local regulation shall prevail.

§ 280-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY — A minor public way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

AREA PLAN — A plat or sketch of any planned future development of undeveloped land which is contiguous to a proposed subdivision and is under control or ownership of the subdivider. Such plan should indicate general land uses and major arterial.

ARTERIAL STREET — A street which is used primarily for serving large volumes of comparatively high speed traffic from one area of the City to another.

BIKE PATHS — A portion of a roadway or separate pathway designated for use by bicycles.

BLOCK — Property bounded on one side by a street and the other three sides by a street railroad right-of-way, waterway, unsubdivided areas, or other definite barriers.

BUILDING LINE — A line established by the setback requirements as provided in the Municipal Code for the City of Las Vegas.

CITY — The City of Las Vegas, New Mexico.

CITY ATTORNEY — An attorney employed or retained by the City whose duties include reviewing and approving contracts of agreements entered into by the City, involving funds or securities to be expended or accepted by the City.

CITY COUNCIL — The governing body of the City. Final approval of all subdivision plats in the planning and platting jurisdiction of the City rests with this body.

CITY MANAGER — The Manager of the City or his authorized representative.

COLLECTOR STREET — A street which carries traffic from local streets to the major arterial streets and highways.

COUNTY — San Miguel.

COUNTY CLERK — The elected Clerk of the County or the Clerk's authorized representative.

CUL-DE-SAC — A minor street with only one outlet and culminated by a turnaround.

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

DRAINAGE PLAN — A plan indicating an on-site drainage proposal, the passage of stormwaters through the development and safe discharge of runoff onto adjacent lands or onto storm drainage facilities. Also, a comprehensive analysis of:

A. The existing storm drainage conditions of a proposed development; and

B. The disposal of the increased runoff which is generated by the proposed development.

DWELLING UNIT — A room or suite of rooms used as a single-family dwelling, including bath and culinary facilities.

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

ENGINEER — A person who is engaged in the practice of engineering and is qualified to so practice as attested by his legal registration as a professional engineer in the State of New Mexico.

FREEWAY — A divided multilane highway for through traffic with all crossroads separated in grade and with full control of access.

FRONTAGE ROAD — A local street which is parallel to and adjacent to another street, normally a highway or freeway.

IMPROVEMENTS — Includes infrastructure, such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, and water, sewer, and gas systems or parts thereof.

LAND SURVEYOR — A person who engages in the practice of land surveying and is qualified to so practice as attested by his legal registration as a land surveyor in the State of New Mexico.

LOT — A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. It also is a tract of land described by metes and bounds and held in separate ownership, as shown on the records of the County Assessor.

MAJOR THOROUGHFARE — A street of considerable length that carries or that planning evidence indicates will carry a large column of traffic.

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

MASTER PLAN — The Comprehensive Plan of the City of Las Vegas or any of its parts, for the physical development of the area within the planning and platting jurisdiction of the City which has been adopted by the City Council.

MAY — When a requirement in these regulations uses the word "may" instead of "shall," the requirement will be necessary only if directed by the Planning and Zoning Commission.

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

MINOR 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.

MUNICIPAL CODE — The ordinances of the City of Las Vegas, New Mexico, known as the "Municipal Code."

PLANNING COMMISSION — The Planning and Zoning Commission is the officially appointed Planning and Zoning Commission of the City of Las Vegas, New Mexico.

PLAT or REPLAT — A map, chart, survey, or plan certified by a land surveyor and/or registered engineer which contains a description of subdivided or resubdivided land with ties to permanent survey monuments.

PUBLIC RIGHTS-OF-WAY — The total area of land deeded, reserved by plat, or otherwise acquired by the City, the County, or the State of New Mexico.

RESUBDIVISION — The replatting of any lot or group of lots by any means, including changes in existing lot lines, for the purpose of leasing, transferring title, or conveying to another person by a clear and understandable description of the legal boundaries of such lot.

ROADWAY — That portion of the street available for vehicular traffic.

SECONDARY THOROUGHFARE — A street of relatively short length that carries a considerable volume of traffic of more than neighborhood character.

SETBACK — The lateral distance between the right-of-way line of the street or property line and the building, gasoline pump, curb base, display stand or other object.

SHALL — The word "shall" is mandatory and not directory.

SIDEWALK — A pedestrian walkway with permanently improved surfacing.

STREET — A public way, which has been dedicated or reserved by plat, other than an alley which affords the principal means of access to abutting property.

SUBDIVIDE or SUBDIVISION — **[Amended 6-19-1986 by Ord. No. 74-36]**

A. For the area of land within the corporate boundaries of the municipality, the division of land into two or more parts by platting or by metes and bounds description into tracts for the purposes set forth in Subsection C herein; and

B. For the area of land within the municipal extraterritorial subdivision and platting jurisdiction, the division of land into two or more parts by platting or by metes and bounds description into tracts of less than five acres in any one calendar year for the purposes set forth in Subsection C herein.

C. The division of land pursuant to Subsections A and B of this definition shall be for the purpose of:

(1) Sale for building purposes;

(2) Laying out a municipality or any part thereof;

(3) Adding to a municipality;

(4) Laying out suburban lots; or

(5) Resubdivision.

SUBDIVIDER — An owner or an owner's agent who undertakes the subdivision of land as set forth in these regulations.

ZONING ORDINANCE — Chapter 450 of the Code of the City of Las Vegas, New Mexico, designed to promote public health, safety, morals and the general welfare, and to regulate or restrict within the City of Las Vegas, New Mexico, the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, size of yards, courts, and other open space, density of population, and location and use of buildings, structures and land for trade, industry, residence, floodplain or other purposes; to divide the City into districts or zones of such number, shape, area and form as is necessary to carry out the purpose of this Code, and to regulate or restrict the erection, construction, alteration, repair or use of buildings, structures, or land in each district or zone, to provide for the administering of this Code; and to provide for amendments, supplements, or changes hereto.

ARTICLE II
Procedure

§ 280-6. Preliminary plat procedure.

A. An application for subdivision approval shall be submitted to the Planning and Zoning Commission.

B. All applications shall be submitted no later than 15 working days prior to the day of the regular meeting of the Planning and Zoning Commission at which time it is to be considered. All applicants should submit plats as early as possible to ensure that required review can be accomplished. Prior to plat submittal, review by the Utility Committee shall be made.

C. Six copies of the preliminary plat and supplemental material will be submitted by the subdivider with the written application. The Planning and Zoning Commission shall review the preliminary plat and supplemental material along with the City Manager. The City Manager will channel to the Design Review Board those plat applications for sites

to which Chapter 200, Cultural Historic Preservation, of the Code of City of Las Vegas applies.

D. The application and preliminary plat of the subdivision shall be placed on the Planning and Zoning Commission agenda. The subdivider or his representative shall be notified of the time, place, and date of the meeting. It shall be the responsibility of the subdivider or his representative to make the presentation before the Planning and Zoning Commission. Action taken by the Planning and Zoning Commission shall be recorded in the minutes and shall be furnished to the subdivider.

E. Approval of a preliminary plat shall not constitute approval of the final plat. Preliminary approval shall confer upon the subdivider the rights and guarantee during a one-year period from the date of approval, that the general terms and conditions under which the preliminary approval was granted will not be affected by any changes and/or amendments to these regulations. Approval of a preliminary plat shall be effective for one year.

F. The Planning and Zoning Commission may approve a plat as submitted or it may require certain conditions for approval. When these conditions are met it shall be considered approved.

§ 280-7. Final plat procedure. [Amended 1-21-1988 by Ord. No. 76-19]

A. One master reproducible of stable base material (mylar) of the final plat along with supplemental material shall be furnished to the Planning and Zoning Commission by the subdivider. The final plat shall substantially conform to the preliminary plat as approved, including any modifications and conditions specified. It may constitute only that part of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such part conforms to all requirements of these regulations, and provided further that the Planning and Zoning Commission may require the subdivider to include or exclude whatever part of the preliminary plat it deems necessary for orderly development. The final plat must include signatures of the Utility Committee.

B. Application for approval of final plat shall be submitted, in writing, to the City Manager not less than 15 working days prior to the day of the Planning and Zoning Commission meeting at which it is to be considered. The subdivider or his representative must make the presentation at the Planning and Zoning Commission meeting and also before the City Council.

C. The Planning and Zoning Commission will either approve or disapprove or defer to a later date the final plat at their meeting that it is to be considered. If the final plat is disapproved by the Planning and Zoning Commission, the reasons for disapproval shall be referenced and attached to two copies of the final plat, and such action shall be dated and verified by the signatures of the Chairman and Secretary of the Planning and Zoning Commission. One verified copy shall be returned to the subdivider and the other shall become a part of the files of the Planning and Zoning Commission. If the final plat is approved, the signatures of the Chairman and Secretary shall be affixed to the master plat. The City Manager shall draft the resolution for the subdivision and place it on the

agenda of the City Council for its consideration. The City Manager shall be responsible for obtaining the necessary signatures of City officials after approval by the City Council.

D. One copy of the signed master plat shall be maintained on file by the City Manager or his/her designee. No building permits shall be issued until it has been filed and recorded at the County Clerk's Office.

E. It shall be the City's responsibility to file and record with the County Clerk the final plat, at the expense of the subdivider, when the subdivision is within the City limits. If the subdivision lies outside the City limits, but within the planning and platting jurisdiction of the City, signatures and approval of the County Commission are also required, and will be obtained by the subdivider.

F. A development agreement between the subdivider and the City shall be signed and executed before any construction begins. The agreement shall set forth a schedule of improvements listing the improvements required and a time schedule for these improvements. A security shall be posted as a suitable guarantee to insure compliance with City development requirements. If a cash security is offered, it shall be placed in an interest-bearing account and refunded upon completion and City acceptance of scheduled improvements. If a property bond is offered, a deed to the City shall be executed before any construction begins.

ARTICLE III
Suitability of Land

§ 280-8. Geographic suitability.

A. With reference to the Comprehensive Plan and Chapter 450, Zoning, land shall be suited to the purpose for which it is to be subdivided.

B. Land which is not programmed to have adequate public or private water, sanitary sewer service, or flood-control facilities, within a reasonable time, shall not be subdivided for purposes which require such services.

C. Possible environmental problems and the availability of adequate paved street access, transit service, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and individually provided utilities, shall all be evaluated in considering the subdividing of land.

D. Land with the following types of problems may have subdivision approval withheld until it is demonstrated by means of an engineering analysis, submitted by the developer, that such hazards have been or will be eliminated.

(1) Special drainage conditions.

(2) Difficult topography.

(3) Soil conditions which are unusually limiting.

(4) Other geographic hazards to life, health or property.

§ 280-9. Grading.

A. No person shall proceed with any grading in relation to a proposed subdivision until the City has approved a drainage plan. Such grading shall be consistent with the recommendation of an approved drainage plan as required by these regulations.

B. The subdivider shall give consideration to the preservation of trees, scenic points, historic places, and other community landmarks where feasible.

C. Subdivisions shall be laid out so as to match existing topography insofar as possible.

D. Grading shall be held to a minimum in subdivision preparation and shall be done only as needed for construction.

§ 280-10. Area plan.

A. If the subdivider owns or controls more land contiguous to the land he wishes to subdivide immediately, an area plan for the adjacent properties is desirable, and the subdivider is encouraged to submit an area plan along with his subdivision plat.

B. An approval of the larger plan may be required prior to the approval of the preliminary plat. Any plat submitted shall be a reasonable planning unit of the approved plan for the larger area.

ARTICLE IV
Plats and Data For Preliminary Approval

§ 280-11. Preliminary plat.

The preliminary plat shall be at scale of one inch equals 100 feet and be prepared on twenty-four-inch-by-thirty-six-inch sheets of paper. It shall show existing conditions and all proposals, including the following:

A. Name of proposed subdivision, name and address of subdivider, agent, and principal persons preparing the preliminary plat.

B. Scale and North arrow.

C. Proposed benchmark locations, proposed location of and methods of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.

D. Plat boundary lines: bearing in degrees, minutes, and seconds; distances in feet and hundredths.

E. Existing conditions of the site and its environs shall include the following:

(1) Present side designation or subdivision name.

(2) Easements on site: location, width, and purpose.

(3) Public rights-of-way on and within 100 feet of the site: name, width, type, and width of paving.

(4) Utilities on and adjacent to the site: location and size of water well, water reservoirs, water line, sanitary and storm sewers; location of gas lines, fire hydrants, electric and telephone poles, and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance, and size of nearest lines.

(5) Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:

(a) For land that slopes less than approximately 1% show contour lines at intervals of one foot and spot elevations at all breaks in grade along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.

(b) For land that slopes less than approximately between 2% to 5% show contour lines at intervals of two feet.

(c) For land that slopes more than 5% show contour lines at intervals of no more than five feet.

(6) Existing storm drainage facilities on and adjacent to the site.

(7) Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope, character and location of development, and building types.

(8) Zoning on and adjacent to the site.

(9) A statement of ownership, signed by the subdivider.

(10) Total area of the proposed plat to the nearest 0.10 acre.

F. Location map showing location of the site in relation to City boundaries.

G. Proposed lot lines and public right-of-way lines; street names; right-of-way and street width; indicate roadways intended to be private, rights-of-way for public services or utilities, and any limitations thereof.

H. All lots in any subdivision shall meet the requirements of the Municipal Code, and each lot shall be dimensioned in such a manner that setbacks as required by the Code shall be met for any structure or building that may be or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by Chapter 450, Zoning.

I. The subdivider of a subdivision within the City limits shall provide park and recreational facilities or an optional fee in lieu of land dedication. Such facilities shall be based on the maximum density allowed in the zoning district in which the subdivision is located.

J. Number to identify each proposed lot and block.

K. Locations, dimensions, approximate areas, and purposes of lots proposed to be reserved for the public.

L. Sites and approximate area for any multifamily dwellings or nonresidential uses. Properties designated on subdivision plats as multifamily, and zoned for multifamily construction of more than four units per lot, may have park land dedication requirements waived, if the developer(s) provides covenants on the deeds that all multifamily units constructed in these areas shall include recreational facilities, which are maintained by the multifamily unit owner(s) to serve residents of the multifamily units.

§ 280-12. Storm drainage analysis plan.

A. A drainage report or plan shall be prepared by a professional engineer registered in New Mexico and submitted with the proposal.

B. Storm drainage computations for a fifty-year frequency storm showing the estimated runoff from the subdivision prior to and following completion of development shall be included in the plan.

C. The plan shall include a detailed scheme for controlling the increased runoff for a fifty-year frequency storm, such as catch basin or ponding area for controlled entry of water into natural drainage ways or storm sewers to insure that the increase does not overload the system, or cause damage to property and areas at lower elevations.

D. The plan shall show that all property within the subdivision is developed in such a manner that flood damage will be minimized and that construction and substantial improvements are elevated to the one-hundred-year flood level, if the property lies in an area which has been designated a floodplain under the National Flood Insurance Program. New water and sewer systems (including on-site systems) shall be located to avoid impairment or contamination during flooding.

E. Areas which will be inundated by runoff from a fifty-year frequency storm shall not be divided into lots for sale in any proposed subdivision within the planning and platting jurisdiction of the City of Las Vegas.

§ 280-13. Improvements.

A report on the proposed method of installing utilities, fire hydrants, street paving, curb and gutter, sidewalks, and sewer service shall be prepared and submitted to include the approximate time for accomplishing such improvements. Certain improvements, such as sewer lines, electric and water lines, streetlights and fire hydrants, are to be installed before actual building starts. Subdivisions shall base all required utilities on the maximum population density allowed by the zoning district in which the subdivision is located. The City shall install underground conduit for streetlights, if underground electrical lines are installed. Location of streetlights shall be determined by the City of Las Vegas. The 16,000 luminous H.P. sodium lights shall be installed or current specifications.

ARTICLE V
Plats and Data for Final Approval

§ 280-14. Final plat. [Amended 4-20-1983 by Ord. No. 71-33]

A. The final plat shall be drawn in ink on drafting film such as mylar or acetate. Drawings shall be on thirty-six-inch-by-twenty-four-inch sheets and shall be at a scale of one inch equals 100 feet. This final plat may be submitted for approval in contiguous sections.

B. The final plat shall show the name of the subdivision and name of the subdivider.

C. All subdivisions must be tied into a permanent survey monument; preferably a triangulation station, section corner, or City monument. Highway right-of-way markers are not acceptable. The tie must be shown on the final plat.

D. All plats should include an accurate and complete perimeter description, including ownership of boundaries on north, south, east and west.

E. All corners, angle points, points of curvature, and points of tangency on the perimeter of any subdivision must be marked with permanent monuments. Affixed to the top of at least two monuments shall be the New Mexico registration number of the surveyor responsible for the establishment of the monument. All monuments found or set must be noted on the final subdivision plat.

F. The error of closure of the perimeter of any subdivision as shown on the final plat shall be no less than 1/7,500 inch in distance and direction.

G. The final plat shall show title, scale, the North arrow, and date of survey.

H. Plat boundary lines shall be shown giving the bearing in degrees, minutes, and seconds. Distances shall be shown in feet and hundredths.

I. Lot lines and right-of-way lines shall be shown as black lines. Names of streets, right-of-way widths of all streets and alleys and private streets shall be so designated. The radius of all curves, lengths of all tangents on all rights-of way, accurate dimension, bearings, and deflection angles of all curves.

J. Location, dimensions, and purpose of all easements, existing or proposed, and any limitations thereof.

K. Number to identify each lot and block. Also, address of each individual lot in accordance with City numbering system, if applicable.

L. Location, dimensions, areas, and purposes of lots proposed to be reserved for the public.

M. Reference to recorded subdivision plats of adjoining platted land by recording name.

N. Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.

O. Signed statements by the subdivider dedicating public rights-of-way, and granting all required easements for public use.

P. Certification and seal by a registered, licensed surveyor of New Mexico in accordance with the laws of the State of New Mexico, certifying the accuracy of the survey and plat, and that he has shown all required easements.

Q. Certification by City that all streets, curbs, gutters, sidewalks, and drainage requirements have been provided, and that the drainage analysis plan has been approved.

R. Certification by Utilities Committee that all requirements have been met. This includes electric, telephone, TV cables, water, gas, fire hydrants and sewer system needs have been provided.

S. Alternate summary procedure:

(1) When a subdivision consists of no more than two parcels of land or is a replat of a previously filed subdivision which does not increase the total number of lots by more than two lots, a duly appointed administrative officer by the City Council may review and approve the subdivision.

(2) The City Manager may also approve replats which decrease the number of lots of contiguous parcels in a previously filed subdivision, provided that street dedications and utility easements remain the same as on the original plat.

(3) All replats of previously approved subdivisions shall be submitted by the administrative officer to the Utilities Committee for approval regardless of whether they are approved by summary procedure or regular Planning and Zoning and City Council action. In no case shall the replat be approved for filing without the approval of the Utilities Committee. The cost of relocating or changing utilities shall be the responsibility of the developer.

(4) Replats submitted for approval by summary procedure shall include releases by the affected utility companies.

(5) The City Manager shall have the authority to determine whether a replat of a previously approved subdivision or a subdivision of two parcels shall be brought before the Planning and Zoning Commission. His determination shall be final unless overruled by City Council action.

§ 280-15. Fees. [Amended 1-21-1988 by Ord. No. 76-19]

A. A fee of $100 for each plat plus $1 for each lot in the subdivision shall be payable to the City of Las Vegas before the final plat is submitted to the Planning and Zoning Commission. This applies to subdivisions within the municipality.

B. At the discretion and by mutual agreement between City officials and the subdivider, the preliminary and final application, along with the final plat, may be considered by the Planning and Zoning Commission at the same meeting. If this is the case, the above-quoted review fee shall be paid prior to the application being placed on the Planning and Zoning Commission agenda. Fees are not refundable.

C. A review fee of $50 shall be required of subdivisions with only two parcels or lots, to include reports that may be approved by alternative summary procedures. Fees apply to replats only.

D. After a final plat has been approved and signed by the Planning and Zoning Commission and the City Council, the subdivider shall sign and execute a development agreement listing the types of improvements and schedule of completion as provided for in § 280-7F. Security for these improvements shall be posted prior to beginning any construction. Construction of required improvements prior to recording the approved final plat, in lieu of posting a security, shall be allowed only upon obtaining written approval from the City Manager and City Attorney, if it is determined that improvements are $5,000 or less. The City must formally accept all improvements before filing of the final plat at the County Clerk's office. The following types of security may be filed with City:

(1) Performance bond. A surety bond acceptable to the City of Las Vegas to cover the City estimated cost of improvements which has been approved by the City Attorney's office.

(2) Trust agreement. An escrow account has been established with a bank or financial institution to cover the City estimated cost of improvements which can only be drawn upon to cover the cost of improvements.

(3) Mortgage or lien. The subdivider may grant the City of Las Vegas a mortgage or lien on property within the subdivision or other property owned by the subdivider having a value equal to the City estimated costs of improvements.

(4) Other securities. Other types of securities or contractual agreements, other than those cited above, may be used to guarantee construction of required improvements if acceptable to the City and approved by the City Attorney's office.

ARTICLE VI
Design Standards

§ 280-16. Designs to be submitted.

All subdivision designs for streets, alleys and sewers must be submitted by a registered, licensed engineer. The developer shall be responsible for all plans being followed.

§ 280-17. Street location and arrangement.

A. The character, extent, width, and location of all streets shall conform to the Comprehensive Plan and policies of the City Council and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by such streets.

B. Where an arterial or collector street is not shown in the Comprehensive Plan and there is not an adopted future street line, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood properly approved by the City to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.

§ 280-18. Alley location.

Alleys shall be provided in all subdivisions. All alleys should provide for through service traffic.

§ 280-19. Street construction standards.

Streets are to have a six-inch base coarse and three-inch asphalt with a five-eighths-inch plant mix seal. Streets shall have six-inch curb and eighteen-inch gutter. The strength of all concrete used for curb and gutter shall not be less than 3,000 psi. The mix shall be 5 1/2 sacks of concrete per cubic yard. Sand and gravel shall be clean of unsuitable coatings and free of unsuitable material and pass through a two-inch mesh screen. Expansion joints shall be installed every 30 feet and the minimum expansion joint used shall be 1/2 inch thick.

§ 280-20. Street and alley standards. [Amended 2-16-1983 by Ord. No. 71-24]

A. If rights-of-way for public streets and alleys are needed, they shall be provided in accordance with the standards and requirements described as follows:

(1) Major thoroughfare: 120 feet.

(2) Secondary thoroughfare: 80 feet.

(3) Collector street: 80 feet.

(4) Minor industrial or commercial street: 60 feet.

(5) Minor residential street: 54 feet.

(6) Marginal access street: 54 feet.

(7) Cul-de-sac: sixty-foot radius.

(a) Streets which terminate in a cul-de-sac shall be no longer than 500 feet from side street.

(8) Alley: 20 feet.

(9) Frontage road: 66 feet.

B. When rights-of-way are required as stated in Subsection A(1) through (4) above, the developer shall be required to provide curb and gutter on both sides of the street, but no more than 50 feet of paving width.

C. Where a subdivision borders on or contains a railroad right-of-way or a freeway or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side, or on either side, of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park or recreational purposes, or for commercial or industrial purposes in appropriate areas. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.

D. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any major or secondary thoroughfare or arterial street at less than 75° and no collector or minor street at less than 60°.

E. Property lines at street intersections shall be rounded with a radius wherever necessary to permit the construction of a curb having a radius without curtailing the sidewalk at a street corner to less than normal width.

F. All naming and numbering of streets shall conform to an existing City plan for naming and numbering. Street names shall be used which will not duplicate or be confused with the names of existing street. The use of the suffix "street," "avenue," "boulevard," "drive," "lane," "place," or "court" shall not be a distinction sufficient to avoid confusion; therefore, duplicates with different suffixes shall not be used. Street signs and traffic signs shall be installed by the developer and conform to City specifications.

G. Pavement widths shall be measured back-to-back of curbs where curbs are required.

H. All subdivisions within the corporate limits of the City shall include standard curb and gutter on both sides of the street not closer than 38 feet from the back of one curb to the other, with the area between the curbs surfaced with concrete or asphalt meeting the standard specifications of the City of Las Vegas, unless the Planning Commission specifically authorizes and approves the subdivision without curb and gutter.

I. The developer or contractor will submit a test report prepared by a licensed engineer, acceptable to the City, that tests have been made to guarantee the proper installation of improvements. Required improvements shall be installed and constructed in accordance with the design standards and criteria established in the current Uniform Standard Specifications for Public Works Construction for use of municipalities and counties in New Mexico.

J. Sidewalks shall be required in all subdivisions within the City limits. Sidewalks shall be installed next to the curb on all street sides. Sidewalks shall be constructed of concrete with a cement content that shall produce not less than 3,000 psi at 28 days. The minimum cement content shall be 5 1/2 sacks of cement per cubic yard. Sand and gravel shall be clean of unsuitable material and shall pass through a one-and-one-half-inch mesh screen. The maximum water : 6 1/2 gallons, water should be suitable for drinking. The City shall have the option of taking samples of concrete being poured and having tests run as to strength and consistency with the cost of tests being paid for by the property owner.

K. All concrete sidewalks shall be placed in uniformity as follows:

(1) All sidewalks shall be 3 1/2 feet wide and 4 1/2 inches thick; where driveways extend over sidewalk, a thickness of the concrete shall not be less than six inches over the driveway section.

(2) All sidewalks shall have a hole in front of each lot; said hole shall be large enough to accommodate a four-inch-by-four-inch post or six-inch diameter pipe for a mail receptacle. Any exception shall require the express approval of the Planning and Zoning Commission.

(3) Expansion joints shall be installed every 30 feet, and the minimum expansion joint used shall be 1/2 inch thick.

§ 280-21. Utility improvements. [Amended 2-16-1983 by Ord. No. 71-23]

A. The subdivider shall be responsible for costs of installing water, gas, and sewer lines of adequate size to serve the development but in no case shall there be less than a six-inch water line, eight-inch sewer line, and a two-inch gas line.

(1) Arrangements for water lines must be made with Public Service Company of New Mexico.

(2) Sewer lines minimum is eight-inch vitrified clay or approved equal. Sewer lines shall be installed at a minimum of five feet deep with a grade of 0.4%.

(a) Sewer taps shall be connected with a Sealtite saddle consisting of rubber O-rings, a stainless steel band and two silicon bronze T-bolts. The City representative will provide minimum specifications for all mechanical equipment. Manholes shall be placed every 300 feet or closer if there is a change of grade or change of direction. A minimum of a sixty-seven-percent light circle must be seen from manhole to manhole upon completion of line. Inspections by the City representative must be done before the project is completed. Manholes may be prefab or constructed of regular manhole blocks, with a four-foot diameter barrel on the bottom and a two-foot diameter cone on the top. The rings and covers shall be cast iron with design and weight depending on type of traffic to withstand: a three-thousand-pound ring and cover for a normal traffic area and a five-hundred-pound ring and cover on areas carrying considerable truck traffic.

(b) Except where alleys are provided for the purpose, utility easements not less than 15 feet in width shall be provided along rear or side lot lines where necessary for use in erection, construction and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, water mains, electrical lines, telephone lines and other public utilities reasonably required for an urban structure. Drainage easements may vary. Streetlight easements of 10 feet shall be required. All utilities shall be placed underground. No building, trees, shrubs, or other improvements shall be erected on said easements.

B. The developer or contractor will submit a test report prepared by a licensed engineer, acceptable to the City, that all utilities have been installed and meet or exceed City specifications. Required improvements shall be installed and constructed in accordance with the design standards and criteria established in the current Uniform Standard Specifications for Public Works Construction for use of municipalities and counties in New Mexico.

C. The subdivider of subdivisions within the City limits shall be responsible for the installation of fire hydrants. Locations shall be approved by the City Fire Department and the Planning Commission. Subdivisions outside the corporate limits shall have an approved fire protection plan and provide the necessary fire hydrants or other protective measures deemed necessary.

D. Subdivisions within the corporate limits of the City shall have sewer lines connected to the sanitary sewer system of the City. Sewer lines shall be accessible to each lot within the subdivision. Proposed method of sewage disposal shall be provided when sewer services cannot be obtained through the Las Vegas sewage system. Said sewers shall be constructed in accordance with standards established by the Waste and Water Department and shall be subject to its approval.

E. Subdivisions outside the corporate limits, but within the planning and platting jurisdiction of the City, shall connect to a public sanitary sewer system if feasible and approved by City Council. Where lots cannot be connected with a public sewer system, provisions must be made for sanitary sewerage, consisting of a central treatment plant or individual disposal devices for each lot. On lots where individual septic tanks are to be utilized, lots shall not be less than 0.5 acre in size, and may have to be larger depending on the soil type. The subdivision plat shall include deed restrictions requiring that all such disposal systems shall be constructed in accordance with Environmental Improvement Agency standards. Location of septic tanks should take into consideration the possibility of future connections to a community sewer system.

F. A storm drainage system adequate to serve the needs of the proposed new streets and the entire subdivision will be required in new subdivisions. Where an adequate public storm sewer main is available, at the plat boundary the subdivider shall construct a storm drainage system and connect with such storm sewer main of adequate size. Drainage improvements shall maintain any natural watercourse insofar as practical and shall prevent the collection of water in any low spot unless it is to be specified as a ponding area in the drainage plan. Where stormwater from adjacent areas naturally passes through a subdivision, adequate provisions shall be included in the subdivision for facilities to route the stormwaters through the subdivision to its natural outlet. A ten-foot easement on each side of drainage ditch must be given to the City of Las Vegas.

G. Streetlights.

(1) The subdivider shall be responsible for installation of streetlights in the subdivision. The lights installed shall conform to the most recent Public Service Company of New Mexico standards concerning lighting. The lights and all appropriate hardware shall be purchased by the subdivider and installed at the

subdivider's expense and turned over to the City as part of the subdivision acceptance.

(2) Lights shall be located at all intersections of two streets, at the ends of any cul-de-sac, at any place in a street where the street angles at greater than 20° from a straight line, or every 300 feet along a straight line if no intersection exists.

§ 280-22. Public sites and open spaces. [Amended 4-16-1987 by Ord. No. 75-52]

A. The subdivider of a subdivision within the City limits shall provide park and recreational facilities or an optional fee in lieu of land dedication.

(1) Before any subdivider shall receive final plat approval for a subdivision within the City limits, said subdivider shall dedicate to the City a portion of such land suitable for the purpose of park and recreational facilities for the future residents of the subdivision. Such land may be outside the boundaries of the subdivision, but shall be within one mile of the subdivision taken in a straight line from one of the exterior boundaries of the subdivision as shown by the plat of the subdivision.

(2) At the option of the City, the subdivider may pay a fee to the City in lieu of land dedication for a park and recreational facility for use by the future residents of the subdivision.

(3) After a plat with an area proposed for park dedication has been given preliminary approval by the Planning and Zoning Commission, it shall be the responsibility of the developer to draft a preliminary plan and calculate the development costs for the park area. The developer shall assume all costs associated with the development of the dedicated park. The plan and estimated costs shall be submitted to the Planning and Zoning Commission for consideration at the time of their final approval for the subdivision.

B. Amount of land to be dedicated; use of land dedicated.

(1) Land shall be dedicated in the amount of 2.5 acres per 1,000 persons. Population of the subdivision shall be calculated at the average of 3.3 persons per dwelling unit within the subdivision.

(2) The minimum size acceptable to the City for a park site shall be 12,000 square feet. A fee in lieu of land dedication may be paid, if the area required to be dedicated is less than 12,000 square feet. If the entire area to be subdivided houses 25 persons or less, a park fee, but no land dedication, shall be required. Land to be dedicated shall be platted in such a way that the land may be used for building purposes at some future date.

(3) The amount of land to be dedicated shall be prorated on fractional units of household residents, i.e., 500 persons = 1.25 acres; 100 persons = 0.25 acre.

(4) Land received by the City pursuant to this section shall be used for the purpose of providing park and recreational facilities to serve the subdivision for which received.

(5) All improvements, including handicap provisions which front on the park acreage such as curb, gutter and paving, shall be provided by the subdivider.

(6) Properties designated on subdivision plats and zoned for multiple-family construction of more than four units per lot may have park land dedication requirements waived if developers provide covenants on the deeds that all multifamily units constructed in these areas shall include the provisions of recreation facilities which will be maintained by multifamily unit owners to serve residents of the multifamily units.

C. Amount of fee in lieu of land dedication and limitations on use of fees.

(1) If the subdivider pays a fee in lieu of land dedication, the amount of the fee shall be based upon the number of new dwelling units created at a rate of $78 per single-family residence, townhouse or mobile home and a rate of $39 per apartment unit.

(2) The fees received under this section shall be placed in a separate public park recreational purchase and improvement account, and shall be used by the City only for acquisition, development and improvement of park and recreational facilities to serve the subdivision for which fees have been paid. These facilities must be no more than one mile from the subdivision taken in a straight line from one of the exterior boundaries of the subdivision as shown by the plat of the subdivision.

ARTICLE VII
Variances and Exceptions

§ 280-23. Conditions for granting of variances.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in a need for variance or exception because of unusual topography, or impose unreasonable burdens, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning and Zoning Commission may vary, modify, or waive the requirements. No variance shall be allowed when such variance is requested because of inadequate drainage.

§ 280-24. Application for variance.

Application for any variation shall be submitted, in writing, by the subdivider at the time the preliminary plat is filed, and shall state fully the grounds for the application and the facts relied upon by the subdivider.

§ 280-25. Conflicts with state law or zoning regulations prohibited.

In no case shall any variation or modification be contrary to the mandatory requirements of state law. The variation shall not be in conflict with any zoning ordinance and map.

§ 280-26. Final approval.

Final approval of variances granted by the Planning and Zoning Commission rest with the City Council.

§ 280-27. Waivers.

Specifications or supplementary data required by these regulations for a preliminary or final plat may be waived whenever such specifications or data are determined by the City Planning and Zoning Commission to be unnecessary for the consideration of the plat.

ARTICLE VIII
Changes and Amendments

§ 280-28. Authority; procedure.

This chapter may be changed and amended by the City Council, provided that such changes or amendments shall not become effective until after a public hearing has been held. Before such hearing, notice of same must be published in a newspaper of general circulation in Las Vegas at least 15 days before the hearing.

ARTICLE IX
Penalties

§ 280-29. Violations and penalties for use of unapproved or unrecorded plat.

Any owner or agent of the owner of any land located within the planning and platting jurisdiction of the City of Las Vegas, who transfers or sells such land prior to approval and recordation of the necessary plat with the San Miguel County Clerk, as required in this chapter, shall be deemed guilty of a misdemeanor prescribed by law. The description of the land by metes and bounds in the instrument of transferring of land shall not exempt the transaction from such penalties.

§ 280-30. Violations and penalties for improper recording.

Any person who records with the County Clerk any plat in violation of this chapter shall be deemed guilty of a violation of this chapter and state law and, upon conviction, shall be punished by a fine of not less than $100. Also, all City-provided utilities and services shall be withheld or withdrawn until such time as this chapter is complied with.