

VILLAGE OF CORRALES

ORDINANCE NO. 07-012

AN ORDINANCE AMENDING SECTIONS 18-77 “DEFINITIONS” AND 18-79 “GENERAL PROCEDURES” OF THE VILLAGE’S CODE OF ORDINANCES, RELATING TO THE PLANNING AND PLATTING OF SUBDIVISIONS, BEING SECTIONS 2 AND 3 OF ORDINANCE NO. 63, PASSED AND ADOPTED JANUARY 13, 1976, AND AS SUBSEQUENTLY AMENDED; PROVIDING FOR LEGAL NOTICE OF HEARINGS ON PROPOSED SKETCH PLANS AND PLATS; AMENDING PROCEDURES RELATED TO SKETCH PLAN (FORMERLY SKETCH PLAT) REVIEW AND APPROVAL; AMENDING PROCEDURES FOR RECORDING OF FINAL PLATS; AND MAKING OTHER AMENDMENTS.

WHEREAS, the Village Council, the Governing Body of the Village of Corrales (the “Governing Body”), determines that “Legal notice” as defined herein should be provided for any hearing at which a request for a summary plat, sketch plan review, preliminary plat or final plat will be considered by the planning and zoning commission (the “Commission”) or the Governing Body; and

WHEREAS, the Governing Body finds that applicants for subdivision approval should be afforded the opportunity to present a preliminary sketch plan of the proposed subdivision for review and comment by the Commission, without the need for formal preparation of a plat as defined in the Village’s Code of Ordinances and in the New Mexico statutes; and

WHEREAS, the Governing Body finds that, upon approval, a final plat for any subdivision within the Village of Corrales should be recorded in the office of the county clerk by the Village as provided by Section 3-20-7(C), NMSA 1978, and that the applicant having obtained approval of such final plat should compensate the Village for the cost of such filing.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

1. The following definition shall be added, in appropriate alphabetical position, to Section 18-77 of the Code of Ordinances of the Village of Corrales (the “Code”):

Legal notice means giving the public notice of a hearing at least 30 days before the date of the hearing, by posting in the village and also by mailing written notice by certified mail, return receipt requested, not less than 15 days before the date of the hearing, to the owners of all property within 300 feet of the exterior boundaries, excluding public right-of-way, of the property on which a hearing has been requested, using for these purposes the last known name and address of the owners shown in the records of the county assessor.

2. Subsections (b), (c), and (d) of Section 18-79 of the Code shall be recodified as Subsections (c), (d), and (e) of the said Section 18-79, respectively.

3. The following Subsection (b) shall be added to Section 18-79 of the Code:

(b) **Public notification.** Legal notice shall be given for any hearing at which a request for summary plat approval, sketch plan review, preliminary plat approval or final plat approval will be heard. In addition to legal notice, the applicant shall obtain from the administrator a notification sign which contains information that is pertinent to the application. This sign must be displayed by the applicant in a location visible and prominent to the general public on the property for which the subdivision is requested for at least fifteen (15) days prior to the date of the hearing.

4. Subsection 18-79(c) of the Code (as recodified in accordance with Paragraph 2 above) is amended to read as follows:

(c) **Sketch plan submission and review.** Sketch plan submission and review may be required by the planning and zoning administrator depending upon the complexity and impact of the proposed development. Before preparation of a preliminary plat, the subdivider must at the request of the planning and zoning administrator or may at the subdivider's option, submit a sketch plan for general review and comment by the commission. The commission shall review and advise the applicant concerning the appropriateness of the proposal under this article, current plans, policies, zoning classifications, infrastructure availability and geographic suitability for subdivision. The applicant shall complete and submit a sketch plan application and 13 sets of all application materials which shall include a location/vicinity map, a sketch plat showing the general layout of the proposed subdivision, and written information. Following the sketch plan review by the commission, a copy of the applicant's sketch plan application shall be retained in the village files with the commission's comments attached. The applicant must address all concerns raised by the commission at the sketch plan review or request a waiver of conditions pursuant to section 18-90 when making the preliminary plat application.

(1) **Location/vicinity map.** This map shall consist of data added to an existing base map such as a United States Coastal and Geodetic Survey, village or county base map, covering at least a one mile radius from the tract proposed for development and shall show the relationship of the proposed plat to the existing residential areas, community facilities, all streets, commercial areas, schools, and parks.

(2) **Sketch plan.** Show in simple sketch form the following:

- a. Title of proposed subdivision and names and addresses of subdivider, legal owners, land planner, engineer, and land surveyor.
- b. North arrow, scale, and date of sketch plan submission.
- c. The general proposed layout of blocks, lots and other features numbered for identification.
- d. Existing streets and roads including those which abut or serve the proposed development.
- e. Proposed layout of streets indicated as public or private and labeled for identification.
- f. Existing easements.
- g. 100-year floodplain from FEMA approved maps or superseding report.
- h. Existing storm drainageways and facilities both on the proposed development property as well as those on all adjoining properties.
- i. Identification of any mayor street or corridor shown on the long range major street plan.
- j. Existing water and sewer locations and well and septic field locations.
- k. Existing irrigation access and ditches.

1. Other features which may include major natural or manmade geographic features.
- (3) **Written information.** Additional written information may include identification of how and when subdivider intends to construct infrastructure improvements, data on existing covenants, irrigation ditch easements, land characteristics and proposed utilities as well as any information which may be helpful in supplementing the sketch plan and describing the proposed development.

5. Subsection 18-79(e) of the Code (as recodified in accordance with Paragraph 2 above) is amended to read as follows:

(e) **Final plat approval and submission required.** Following preliminary plat approval and the presentation of proof by the subdivider that the subdivider has complied with all preliminary plat requirements including, but not limited to, the completion of infrastructure requirements which may have been a condition of preliminary plat approval, the subdivider shall complete and submit a final plat application and 13 sets of all application materials as required in section 18-87 for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission.

- (1) The applicant must address all of the final plat requirements at the time of the final plat application and submittal. The final plat application shall include a plat of the proposed subdivision prepared by a surveyor licensed and registered in the state and shall comply with all requirements of section 18-87.
- (2) The commission shall hold a hearing at which the applicant shall present the proposed development as shown on the final plat application and submittal. After the hearing, the findings of the commission shall be made and the commission shall note on the final plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended final plat application for the purpose of demonstrating that the applicant has complied with the orders of the commission.

(3) **Recording of final plat.**

- a. Submittal of the final plat for recording is the responsibility of the village. Upon receipt of final unconditioned approval of the final plat by the commission, and endorsement of the final plat by the chairman and secretary of the commission, the Mayor and the village clerk, the applicant shall within fifteen (15) days submit payment of the filing fee for recordation to the village. Upon receipt of payment the village shall promptly record the plat in the office of the county clerk in which the land is located. The village shall retain two (2) copies of the final plat as recorded and properly stamped and shall file them in the office of the village clerk.
- b. The final plat shall be effective only upon its recordation in the office of the county clerk. Approval of the final plat by the village shall be null and void if the filing fee and a sufficient number of copies of the final plat are not presented to the village for recordation within thirty (30) days following endorsement of the final plat by all village officials whose signatures are required thereon, unless an extension of time is granted by the administrator for good cause shown. The total of all such extensions of time granted by the administrator shall not exceed ninety (90) days.

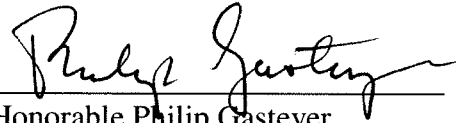
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amendment made by this Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

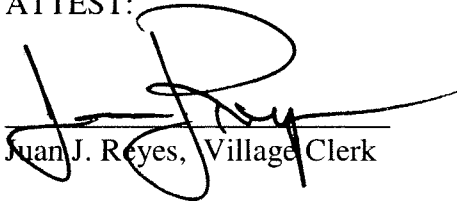
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 26th day of June, 2007.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:


Juan J. Reyes, Village Clerk