m. On separate sheets, if necessary, include existing conditions of the proposed FSP area. If applicable, include the following:
   1. FSP name.
   2. Location, width, and purpose of all easements on site.
   3. Public rights-of-way on and within 150 feet of the site: name, width, and classification.
   4. Utilities on and adjacent to the site: Location and size of water wells, water reservoirs, water lines, sanitary and storm drains, and drainage facilities; location of all irrigation channels and drains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance, and size of nearest lines.
   5. Existing topography guidelines:
      i. For land with average slope of less than five percent (5%), show contour lines at intervals of not more than two (2) feet.
      ii. For land with average slope of more than five percent (5%), show contour lines at intervals of not more than five (5) feet.
   6. Conditions on adjacent land significantly affecting design of the FSP: direction and gradients of ground slope, character and location of development, access points from adjacent points, and building types.

n. Approval block signifying the Final Site Plan approved to be signed by the Zoning Administrator upon approval by the Planning and Zoning Commission and resolution of all outstanding staff comments.

F. EXISTING PLANNED UNIT DEVELOPMENTS.

A PUD existing on the effective date of this Code may continue to develop based on the approved PUD conceptual plan and final site plan. However, a proposed substantial change as defined in this Division shall require that an existing PUD comply with all the requirements of this Code.

Exhibit 'A' (pt. 3) – P&Z

Sec. 38-54. Special Use Permits

A GENERAL PROVISIONS AND PROCEDURES. A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review and approval by the Planning and Zoning Commission to determine impacts on the surrounding area. The procedures for such approval are as follows:

1. PRE-APPLICATION PROCEDURES. Any proposed Special Use Permit shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The pre-application process shall be subject to the provisions provided for in Section 38-10 C. This meeting does not require a written application or fee. The results of this meeting shall not obligate the Planning and Zoning Commission or City Council.

2~~1~~. APPLICATION PROCEDURES. An official application, including the Development Statement, for a Special Use Permit shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:

a. A letter of intent stating the following:

1) A statement of the purpose and use of the property,
2) All property improvements to be made, and
3) A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.

c. Site Plans. The site plans shall be at a scale that adequately represents the information as determined by the Community Development Director or designee. The plans shall be prepared on sheets of paper that are at least 8 1/2" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

1) Title of site plan.
2) Total acreage of site.
3) Date of preparation, north arrow, written and graphic scale.
4) Identification of site by lot, block, subdivision, if applicable.

5) A statement of ownership, signed by the property owner, that complies with Section 38-10.C.8).
6) Name and address of property owner.
7) Name and address of applicant, if applicable.
8) Name and address of consulting firm or representative, if applicable.
9) Location and type of all land uses.
10) All site improvements with all setbacks indicated.
11) Dimensions of all buildings.
12) Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way.
13) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.
14) Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.
15) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

d. Architectural renderings or artistic drawings. The drawings shall be prepared on sheets of paper that are at least 8 1/2" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

1) All new development illustrating all exterior building materials and colors.
2) All new development illustrating relationships to neighboring uses, including site lighting.
3) Sign location, materials, color, size, shape, and lighting.

A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director or designee, or the Planning and Zoning Commission.

Application materials which are illegible and/or otherwise of a low quality will not be accepted.

A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director or designee may waive any submittal requirement. The Planning and Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but not be limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing.~~information before acting on a request.~~ The City Council may require additional information before acting on an appeal.

Special Use Permit applications processed via the IDP for residential uses may exclude the landscaping plan and schedule as part of the submittal. All landscaping requirements of the City Design Standards shall be complied with at time of construction.

e. Copy of early notification letter to neighborhood group(s) and/or defined noticed area and copy of minuts (summary or verbatim) from any required meeting pursuant to Section 38-10 C. 1. (d) (v).

32. PUBLIC HEARING AND NOTICE PROCEDURE. A public hearing shall be held by the Planning and Zoning Commission for all Special Use Permits in accordance with the provisions of Section 38-10 of this Code.

~~3~~4. REVIEW AND APPROVAL PROCEDURES. The Planning and Zoning Commission may deny a Special Use Permit request or may grant final approval including the minimum conditions listed in Paragraph 38-54B. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan and Plan elements and to insure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Appeal of a Planning and Zoning Commission decision may be made to the City Council in accord with the provision of Section 38-13.

5~~4~~. TIME LIMITATIONS, REVOCATIONS, AND DEVELOPMENT STANDARDS. In addition to the imposition of conditions, the Planning and Zoning Commission may impose a time limitation on the Special Use Permit. If a Special Use is discontinued for a period of one (1) year, said permit shall automatically be revoked. If a certificate of occupancy and/or a business registration is not issued for the property with the Special Use Permit within two years from the date of Planning and Zoning Commission approval, or if appealed, City Council approval, the Special Use Permit shall be revoked automatically. All improvements shall be in accord with the development standards within the district, except as otherwise authorized by the Special Use Permit. There shall be no major revisions in the approved Special Use site plan, except as approved by the Planning and Zoning Commission, or if appealed, approved by City Council.

Any major revision proposed to the Special Use Permit and site plan shall require resubmittal of the Special Use Permit and site plan in their entirety. Minor revisions are those changes that are not major and may be approved by the Community Development Director or designee. Major revisions to the Special Use Permit and site plan shall include, but are not limited to:

a. Any change in land use,
b. Fifteen (15) percent cumulative increase in land use or building square footage,
c. Fifteen (15) percent cumulative increase in vehicular traffic on any roadway segment or intersection,
d. Any increase or decrease in size of the Special Use area,
e. Any reduction in screening, bufferyards and setbacks at the Special Use boundary line,
f. Fifteen (15) percent cumulative increase in the buildable area for structures including signs, and
g. Reduction or elimination of time limitations.
h. Renewal of the Special Use Permit.

6~~5~~. RECORDING OF THE SPECIAL USE PERMIT. After approval, the Special Use Permit shall be issued by the Community Development Director or designee and shall

include all information, conditions, reference to site plans, and other provisions of the Special Use. The Special Use Permit shall be filed in the Dona Ana County property records. The Special Use Permit shall not become effective until adequate evidence of filing in County records has been provided to the Community Development Director or designee. Approval of a Special Use Permit is not a zoning district change.

B. SPECIAL USES ENUMERATED. The following are special uses that may be approved by the Planning and Zoning Commission in accord with the provisions and conditions of this Section. The Planning and Zoning Commission may, at its discretion, impose additional conditions when deemed necessary. Such uses may be approved only within the districts stipulated.

Sec. 38-33G Adult Bookstore/Video Store or Adult Amusement Establishment (M1/M2, and M-3). These uses shall be permitted provided:

1. Such uses are located at a minimum of 1,000 feet from a property line of a:
   a. school;
   b. church;
   c. nursery/day care;
   d. public park or recreational facility; and
   e. residential zoning district;

2. These uses shall be permitted provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and

3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. Such signs shall be 36" x 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows:

WARNING:

ADULT BOOKSTORE/VIDEO STORE.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

or

WARNING:

ADULT AMUSEMENT ESTABLISHMENT.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

Sec. 38-33H Airport, Privately and Publicly Owned (C-2, C-3, M1/M2 and M-3). The Las Cruces International Airport (LCIA) property is zoned M-3(Conditional). The condition is that land uses will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

Sec. 38-33J Antennas, Towers, Communication Structures and Other Vertical Structures (All zoning districts). See Section 38-59.

Sec. 38-33E Amusement Park (Permanent)(EE, RE, REM, C-3, MT, M1/M2 and M-3). See Section 38-33E.

Sec. 38-33E Archery and Firing Range, Outdoor (OS-R, C-3, M1/M2, and M-3). See Section 38-33E.

Sec. 38-33G Auto/Truck Full or Self-Service/Automated Wash/Wax/Detailing (CBD). See Section 38-43.

Sec. 38-33G Auto/Truck Repair & Service (CBD). See Section 38-43.

Sec. 38-33A Boarding House (CBD). See Section 38-43.

Sec. 38-33C Brewery and Winery(EE and REM).

Sec. 38-43 Building Height over 50 feet (CBD).

Sec. 38-33A Campground (C-3, and M1/M2). See Section 38-57.

Sec. 38-33D Cemetery/Columbarium (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM and R-1bM). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Group Child Care Home (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM and R-2).

Sec. 38-33E Country Club, Golf Course and/or Driving Range (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). There shall be screening and buffering on property lines abutting residential areas and no structures shall be within fifty (50) feet of a residential property line. The parking areas for these uses shall have access to a collector or higher designated roadway. Country clubs within the OS-R zone shall be designed in concert with a golf course or similar large open area.

Sec. 38-33I Extraction of Raw Materials (Not to include Manufacture, Processing or Treatment) (EE, RE, and REM). Such uses shall be a minimum of four hundred (400) feet from a residential district boundary or from an existing residential property. Uses shall not create a significance nuisance due to noise, odor, pollution, traffic or other similar problems. See Section 38-33I.

Sec. 38-33G Gas Station (CBD). See Section 38-43.

Sec. 38-33A Halfway House (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3 and R-4).

Sec. 38-33H Heliport/Helistop (EE, REM, R-4, O-2, C-2, C-3, M1/M2 and M-3). Use shall be in accordance with federal Airspace Protection Regulations, including 14 CFR, Part 77.

Sec. 38-33C Racetrack, Animal/Rodeo Arena (EE, RE-Mobile, C-3, M1/M2 and M-3)

Sec. 38-33E Racetrack, Auto/Truck (M-3).

Sec. 38-32D Single Business/Use (Non-Center) - Increased Square Footage Above Maximum (C-1 and C-2). Additional square footage not to exceed 2,000 may be granted in the C-1 district. Additional square footage not to exceed 6,000 may be granted in the C-2 district.

Sec. 38-33E Sports Complex/Stadium: Baseball, Football, Soccer, Softball, Track, etc. (EE, REM, C-3, M1/M2, and M-3). Parking and structures shall be located a minimum of three hundred (300) feet from any residential zoning district boundary.

Sec. 38-33J Waste Transfer Stations/Sewage Treatment Plants (M1/M2 and M-3). Use shall be located at least 300 feet from any residential zoning district boundary.

Sec. 38-55. RESERVED

Exhibit 'A' (pt. 3) – P&Z

Sec. 38-54. Special Use Permits

A GENERAL PROVISIONS AND PROCEDURES. A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review and approval by the Planning and Zoning Commission to determine impacts on the surrounding area. The procedures for such approval are as follows:

1. PRE-APPLICATION PROCEDURES. Any proposed Special Use Permit shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The pre-application process shall be subject to the provisions provided for in Section 38-10 C. This meeting does not require a written application or fee. The results of this meeting shall not obligate the Planning and Zoning Commission or City Council.

2~~1~~. APPLICATION PROCEDURES. An official application, including the Development Statement, for a Special Use Permit shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:

a. A letter of intent stating the following:

1) A statement of the purpose and use of the property,
2) All property improvements to be made, and
3) A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.

c. Site Plans. The site plans shall be at a scale that adequately represents the information as determined by the Community Development Director or designee. The plans shall be prepared on sheets of paper that are at least 8 1/2" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

1) Title of site plan.
2) Total acreage of site.
3) Date of preparation, north arrow, written and graphic scale.
4) Identification of site by lot, block, subdivision, if applicable.

5) A statement of ownership, signed by the property owner, that complies with Section 38-10.C.8).
6) Name and address of property owner.
7) Name and address of applicant, if applicable.
8) Name and address of consulting firm or representative, if applicable.
9) Location and type of all land uses.
10) All site improvements with all setbacks indicated.
11) Dimensions of all buildings.
12) Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way.
13) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.
14) Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.
15) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

d. Architectural renderings or artistic drawings. The drawings shall be prepared on sheets of paper that are at least 8½" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

1) All new development illustrating all exterior building materials and colors.
2) All new development illustrating relationships to neighboring uses, including site lighting.
3) Sign location, materials, color, size, shape, and lighting.

A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director or designee, or the Planning and Zoning Commission.

Application materials which are illegible and/or otherwise of a low quality will not be accepted.

A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director or designee may waive any submittal requirement. The Planning and Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but not be limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing.~~information before acting on a request.~~ The City Council may require additional information before acting on an appeal.

Special Use Permit applications processed via the IDP for residential uses may exclude the landscaping plan and schedule as part of the submittal. All landscaping requirements of the City Design Standards shall be complied with at time of construction.

e. Copy of early notification letter to neighborhood group(s) and/or defined noticed area and copy of minuts (summary or verbatim) from any required meeting pursuant to Section 38-10 C. 1. (d) (v).

32. PUBLIC HEARING AND NOTICE PROCEDURE. A public hearing shall be held by the Planning and Zoning Commission for all Special Use Permits in accordance with the provisions of Section 38-10 of this Code.

~~3~~4. REVIEW AND APPROVAL PROCEDURES. The Planning and Zoning Commission may deny a Special Use Permit request or may grant final approval including the minimum conditions listed in Paragraph 38-54B. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan and Plan elements and to insure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Appeal of a Planning and Zoning Commission decision may be made to the City Council in accord with the provision of Section 38-13.

5~~4~~. TIME LIMITATIONS, REVOCATIONS, AND DEVELOPMENT STANDARDS. In addition to the imposition of conditions, the Planning and Zoning Commission may impose a time limitation on the Special Use Permit. If a Special Use is discontinued for a period of one (1) year, said permit shall automatically be revoked. If a certificate of occupancy and/or a business registration is not issued for the property with the Special Use Permit within two years from the date of Planning and Zoning Commission approval, or if appealed, City Council approval, the Special Use Permit shall be revoked automatically. All improvements shall be in accord with the development standards within the district, except as otherwise authorized by the Special Use Permit. There shall be no major revisions in the approved Special Use site plan, except as approved by the Planning and Zoning Commission, or if appealed, approved by City Council.

Any major revision proposed to the Special Use Permit and site plan shall require resubmittal of the Special Use Permit and site plan in their entirety. Minor revisions are those changes that are not major and may be approved by the Community Development Director or designee. Major revisions to the Special Use Permit and site plan shall include, but are not limited to:

a. Any change in land use,
b. Fifteen (15) percent cumulative increase in land use or building square footage,
c. Fifteen (15) percent cumulative increase in vehicular traffic on any roadway segment or intersection,
d. Any increase or decrease in size of the Special Use area,
e. Any reduction in screening, bufferyards and setbacks at the Special Use boundary line,
f. Fifteen (15) percent cumulative increase in the buildable area for structures including signs, and
g. Reduction or elimination of time limitations.
h. Renewal of the Special Use Permit.

6~~5~~. RECORDING OF THE SPECIAL USE PERMIT. After approval, the Special Use Permit shall be issued by the Community Development Director or designee and shall

include all information, conditions, reference to site plans, and other provisions of the Special Use. The Special Use Permit shall be filed in the Dona Ana County property records. The Special Use Permit shall not become effective until adequate evidence of filing in County records has been provided to the Community Development Director or designee. Approval of a Special Use Permit is not a zoning district change.

B. SPECIAL USES ENUMERATED. The following are special uses that may be approved by the Planning and Zoning Commission in accord with the provisions and conditions of this Section. The Planning and Zoning Commission may, at its discretion, impose additional conditions when deemed necessary. Such uses may be approved only within the districts stipulated.

Sec. 38-33G Adult Bookstore/Video Store or Adult Amusement Establishment (M1/M2, and M-3). These uses shall be permitted provided:

1. Such uses are located at a minimum of 1,000 feet from a property line of a:
   a. school;
   b. church;
   c. nursery/day care;
   d. public park or recreational facility; and
   e. residential zoning district;

2. These uses shall be permitted provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and

3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. Such signs shall be 36" x 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows:

WARNING:

ADULT BOOKSTORE/VIDEO STORE.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

or

WARNING:

ADULT AMUSEMENT ESTABLISHMENT.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

Sec. 38-33H Airport, Privately and Publicly Owned (C-2, C-3, M1/M2 and M-3). The Las Cruces International Airport (LCIA) property is zoned M-3(Conditional). The condition is that land uses will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

Sec. 38-33J Antennas, Towers, Communication Structures and Other Vertical Structures (All zoning districts). See Section 38-59.

Sec. 38-33E Amusement Park (Permanent)(EE, RE, REM, C-3, MT, M1/M2 and M-3). See Section 38-33E.

Sec. 38-33E Archery and Firing Range, Outdoor (OS-R, C-3, M1/M2, and M-3). See Section 38-33E.

Sec. 38-33G Auto/Truck Full or Self-Service/Automated Wash/Wax/Detailing (CBD). See Section 38-43.

Sec. 38-33G Auto/Truck Repair & Service (CBD). See Section 38-43.

Sec. 38-33A Boarding House (CBD). See Section 38-43.

Sec. 38-33C Brewery and Winery(EE and REM).

Sec. 38-43 Building Height over 50 feet (CBD).

Sec. 38-33A Campground (C-3, and M1/M2). See Section 38-57.

Sec. 38-33D Cemetery/Columbarium (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM and R-1bM). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Group Child Care Home (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM and R-2).

Sec. 38-33E Country Club, Golf Course and/or Driving Range (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). There shall be screening and buffering on property lines abutting residential areas and no structures shall be within fifty (50) feet of a residential property line. The parking areas for these uses shall have access to a collector or higher designated roadway. Country clubs within the OS-R zone shall be designed in concert with a golf course or similar large open area.

Sec. 38-33I Extraction of Raw Materials (Not to include Manufacture, Processing or Treatment) (EE, RE, and REM). Such uses shall be a minimum of four hundred (400) feet from a residential district boundary or from an existing residential property. Uses shall not create a significance nuisance due to noise, odor, pollution, traffic or other similar problems. See Section 38-33I.

Sec. 38-33G Gas Station (CBD). See Section 38-43.

Sec. 38-33A Halfway House (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3 and R-4).

Sec. 38-33H Heliport/Helistop (EE, REM, R-4, O-2, C-2, C-3, M1/M2 and M-3). Use shall be in accordance with federal Airspace Protection Regulations, including 14 CFR, Part 77.

Sec. 38-33C Racetrack, Animal/Rodeo Arena (EE, RE-Mobile, C-3, M1/M2 and M-3)

Sec. 38-33E Racetrack, Auto/Truck (M-3).

Sec. 38-32D Single Business/Use (Non-Center) - Increased Square Footage Above Maximum (C-1 and C-2). Additional square footage not to exceed 2,000 may be granted in the C-1 district. Additional square footage not to exceed 6,000 may be granted in the C-2 district.

Sec. 38-33E Sports Complex/Stadium: Baseball, Football, Soccer, Softball, Track, etc. (EE, REM, C-3, M1/M2, and M-3). Parking and structures shall be located a minimum of three hundred (300) feet from any residential zoning district boundary.

Sec. 38-33J Waste Transfer Stations/Sewage Treatment Plants (M1/M2 and M-3). Use shall be located at least 300 feet from any residential zoning district boundary.

Sec. 38-55. RESERVED

Exhibit 'B' – P&Z

CITY OF LAS CRUCES

SUBDIVISION CODE

(Chapter 37, Las Cruces Municipal Code)

DRAFT

Adopted: March 27, 2006

Printed: April 2006

CITY OF LAS CRUCES
SUBDIVISION CODE

TABLE OF CONTENTS

Article I. General Provisions
Sec. 37-1. Introduction.
Sec. 37-2. The title of this document.
Sec. 37-3. The purpose of this chapter.
Sec. 37-4. The city authority to require subdivision regulations.
Sec. 37-5. Severability.
Sec. 37-6. Interpretation and conflict.
Sec. 37-7. Repeal.
Sec. 37-8. Changes and amendments.
Sec. 37-9. Penalties.
Sec. 37-10. Fees.
Sec. 37-11. Processing subdivision applications.
Sec. 37-12. Review/approval bodies.
Sec. 37-13. Procedures for appealing decisions of the staff, the development review committee and the planning and zoning commission.
Sec. 37-14. Definitions.
Secs. 37-15--37-40. Reserved.

Article II. Master Plan
Sec. 37-41. The purpose of master planning.
Sec. 37-42. When a master plan is required.
Sec. 37-43. Preapplication meeting.
Sec. 37-44. Submittal of a master plan application.
Sec. 37-45. Review and consideration of a master plan application.
Sec. 37-46. Master plan submittal requirements.
Secs. 37-47--37-75. Reserved.

Article III. Preliminary Plat
Sec. 37-76. The Purpose of Preliminary Platting.
Sec. 37-77. When a Preliminary Plat is Required.
Sec. 37-78. Pre-application Procedure.
Sec. 37-79. Submittal of a Preliminary Plat Application.
Sec. 37-80. Review and Consideration of a Preliminary Plat.
Sec. 37-81. Preliminary Plat Submittal Requirements.
Secs. 37-82--37-110. Reserved.

Article IV. Final Plat
Sec. 37-111. The purpose of final platting.
Sec. 37-112. Submittal of a final plat application.
Sec. 37-113. Approval of final plats.
Sec. 37-114. Final plat submittal requirements.
Secs. 37-115--37-140. Reserved.

Article V. Infill Subdivision Process
Sec. 37-141. The purpose of infill subdividing.
Sec. 37-142. Usage.
Sec. 37-143. Procedure for the infill development process.
Sec. 37-144. Submittal of an infill development process application.
Sec. 37-145. Approval of infill subdivisions under the infill development process.
Sec. 37-146. Preapplication procedure for the infill subdivision method.
Sec. 37-147. Submittal of an infill subdivision method application.
Sec. 37-148. Approval of infill subdivisions under the infill subdivision method.
Sec. 37-149. Additional approval requirements for the infill development process or infill subdivision method.
Sec. 37-150. Infill subdivision submittal requirements for the infill development process or infill subdivision method.
Secs. 37-151--37-175. Reserved.

Article VI. Alternate Summary Process
Sec. 37-176. The purpose of the alternate summary process.
Sec. 37-177. Preapplication procedure.
Sec. 37-178. Submittal procedure for the alternate summary process.
Sec. 37-179. Alternate summary process submittal requirements.
Secs. 37-180--37-205. Reserved.

Article VII. Replats
Sec. 37-206. Replat--Defined.
Sec. 37-207. Process to follow when replatting.
Secs. 37-208--37-235. Reserved.

Article VIII. Vacation Plats
Sec. 37-236. Purpose of vacation platting.
Sec. 37-237. Submittal process for vacation plats.
Sec. 37-238. Vacation plat approval process.
Sec. 37-239. Vacation plat submittal requirements.
Secs. 37-240--37-265. Reserved.

DRAFT

Article IX. Annexations
Sec. 37-266. Purpose of annexation.
Sec. 37-267. When an annexation plat is required.
Sec. 37-268. Preapplication procedure.
Sec. 37-269. Submittal of an annexation request.
Sec. 37-270. Review and consideration of an annexation request.
Sec. 37-271. Annexation request submittal requirements.
Secs. 37-272--37-297. Reserved.

Article X. Guarantee of Improvements
Sec. 37-298. Subdivision improvement requirements.
Sec. 37-299. Application procedure.
Sec. 37-300. Construction drawing submittal requirements.
Sec. 37-301. Installation and acceptance of improvements.
Sec. 37-302. Guarantee of performance.
Sec. 37-303. Release of collateral.
Sec. 37-304. Extension of guarantee of performance.
Sec. 37-305. Acceptance of improvements.
Secs. 37-306--37-331. Reserved.

Article XI. Waiver of Regulations
Sec. 37-332. Waivers.
Sec. 37-333. Waiver procedure.
Secs. 37-334--37-359. Reserved.

Article XII. Construction Standards
Sec. 37-360. General provisions.

DRAFT

ARTICLE I: GENERAL PROVISIONS

Sec. 37-1. Introduction.

This chapter applies to anyone wishing to divide a parcel of land into two or more parts or to eliminate or adjust lot lines between two or more existing parcels. The required information and the steps to be taken vary and depend on certain characteristics of the proposal, such as the desired number of lots, the intended use of each, the location and legal description. The following information will help determine the process and the requirements necessary for dividing the property.

Why subdivide? People subdivide land for many reasons, the most common being for resale. For example, you may wish to sell a portion of your land to another person. Other reasons for subdividing land might include such transactions as long-term leasing or the mortgaging of a portion of a lot. In order to accomplish any of these, it is necessary to follow the procedures outlined in this chapter.

What is a subdivision? Just as there are many reasons for subdividing land, there are also many ways to subdivide. Some subdivisions consist of just one to two lots and can utilize the alternate summary process. Others consist of hundreds of lots to be developed in phases of a few lots at a time and must follow the processes as illustrated by this chapter's procedures for master plans, preliminary plats, and final plats. A subdivision proposal may contain multiple lots but also may change the uses of the property as well. When a subdivision is proposed in the central part of the city to utilize existing roads and utilities, it may be possible to use the infill subdivision process. Often subdivisions propose to change something about property that has already been subdivided; this would be considered a replat, as defined in this chapter's section on replats.

Subdivisions come in a variety of shapes, sizes, uses and locations. Many require the construction of streets, sidewalks or other improvements to serve the lots created; while some utilize existing infrastructure. Therefore, this chapter provides four basic processes to suit the wide variety of possibilities involved in subdividing land; the alternate summary process, Replat, infill subdivision process and major subdivision process.

One or two lots. The alternate summary process (article VI) and replat (article VI and VII) are followed when a subdivision of land consists of no more than two lots. While larger subdivisions consisting of three lots or more are required to be approved by the planning and zoning commission at a public hearing, the alternate summary process is intended to streamline the processing of small subdivisions by allowing them to be approved administratively.

In the central part of the city. The infill subdivision process (article V) is designed to make desirable the development of vacant land in the central part of the city. The boundary of the infill area is generally bordered by Interstate 25, University Avenue, Valley Drive, and North Main Street. All subdivision proposals within this boundary would be considered infill subdivisions. There are two methods of processing subdivisions within the infill area. One is the infill development process, an expedited procedure which allows variances, special use permits, and other land use issues to be addressed. The second method is the infill subdivision method, also an

expedited method for subdivision-related cases only and for properties which do not qualify to use the infill development process. See article V, infill subdivision process, for more details regarding these two processes. Subdivision proposals in the infill area consisting of just one or two lots may follow the alternate summary process.

Major subdivisions. A subdivision that does not meet the criteria under the alternate summary process, Replat procedures or infill subdivision process is considered a major subdivision. This name is somewhat deceiving in that a major subdivision may range from just three lots to a multi-phased development consisting of hundreds of lots. The typical major subdivision is required to follow both the preliminary plat (article III) and final plat (article IV) procedures. More complex proposals, such as phased development, development with multiple land uses and large developments (over 40 lots), will be required to follow the master plan (article II) process in addition to the preliminary and final platting processes. The master plan is also required when a property owner with property outside the city wishes to annex his/her property into the city limits.

City subdivision process. No matter which type of subdivision you may be proposing, the basic process is the same. The subdivision plat must be prepared by a surveyor licensed to practice in the state. The subdivision plat and related materials will be submitted to the city community development department. The city's subdivision administrator will review the materials and, if complete, accept the submittal for formal staff review. The proposal is distributed to various city departments and other governmental agencies for review and comment. These comments, if applicable, are returned to the consulting surveyor to be addressed. Once all comments have been addressed, the subdivision administrator will schedule the proposal for approval consideration by the appropriate body. Depending on the type of subdivision, the approval consideration may come from the subdivision administrator, the development review committee, or the planning and zoning commission.

Once the final plat is approved, you can proceed to construct any required improvement necessary to allow the plat to be filed in the county courthouse. It is possible to provide a form of financial security to cover the cost of the required improvements in order to file the plat before completing roads and utilities. The city's subdivision administrator will oversee the proposal from the time it is submitted until the plat is filed and/or all improvements are constructed.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-2. The title of this document.
This chapter shall be known and shall be cited as the "Subdivision Code" of the City of Las Cruces, New Mexico.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-3. The purpose of this chapter.
The purpose and intent of this chapter are to promote the health, safety, convenience and general welfare of the citizens of the city through the implementation of a readable and understandable set of subdivision regulations outlining the processing of subdivision applications. More specifically, provisions of this chapter are designed to achieve the following objectives in newly-subdivided areas:

- Ensure orderly, efficient and integrated development within the city pursuant to guidelines established by the elements of the city comprehensive plan and all other applicable city policies, rules and regulations.
- Promote proper street location, width and design in order to facilitate vehicle circulation and to minimize adverse growth impacts in accordance with the metropolitan planning organization (MPO) transportation plan, the transportation element of the comprehensive plan and city design standards.
- Provide for the protection and preservation of natural resources and the promotion of natural beauty within the city.
- Provide for adequate air circulation, lighting, public open spaces, utility services, traffic movement, drainage and public facilities.
- Ensure that proposed development is suitable for a given parcel of land, based on its location and environmental characteristics.
- Strive for a customer service approach to subdivision application processing.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-4. The city authority to require subdivision regulations.

A. This chapter is created and adopted pursuant to the authority set forth in NMSA § 3-19-6, as amended, and shall be applicable to all property within the corporate limits of the city, except for state and federal land being used for public purposes.

B. The city council, the planning and zoning commission, the development review committee (DRC) and the subdivision administrator (SA) are the review and/or approval bodies for this chapter to regulate the subdividing of land within the corporate limits of the city.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-5. Severability.
If any article, section, paragraph, sentence, phrase or part of this chapter is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-6. Interpretation and conflict.

A. *Minimum requirements.* The provisions of this chapter shall be considered to be the minimum requirements to meet the purpose expressed in section 37-3 of the Code; nothing herein prohibits the review/approval bodies from imposing greater requirements to ensure the promotion of health, safety and welfare of the citizens of the city and to achieve the goals and objectives of the comprehensive plan.

B. *Local conflict.* Where the provisions of any local ordinance or regulation impose greater

restrictions than those of this chapter, the provisions of such document shall prevail.

C. *Federal and state conflict.* Any provisions of U.S. or state law that impose a greater duty, standard or requirement than those contained herein shall supersede the provisions of this chapter.

D. *Conflict within this chapter.* When two or more provisions of this chapter are in conflict, the most restrictive provision shall apply.

E. *Interpretation of meaning.* The subdivision administrator shall interpret the meaning of the provisions of this chapter. Disagreement with an interpretation may be appealed to the development review committee. The decisions of that committee may be appealed to the planning and zoning commission, and the commission decision may be appealed to the city council.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-7. Repeal.

All subdivision regulations of the city effective prior to the adoption of this chapter are hereby repealed. Such repeals shall not affect nor prevent the prosecution or punishment of any person for the violation of any regulations repealed for an offense committed prior to the repeal.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-8. Changes and amendments.

This chapter may be changed and amended by the city council. Such changes or amendments shall not become effective until after a public hearing has been held on the amendments by the planning and zoning commission and recommendations from the commission have been forwarded to the city council. ~~Before such hearings, notice of same must be published in a newspaper of general circulation in the city at least 15 calendar days before the hearing.~~

A. Notice Requirements:

1. Agenda - The agenda for Planning and Zoning Commission meetings shall be available no later than fifteen (15) calendar days prior to the meeting.

2. Notice - Notice regarding the time and place for the Planning and Zoning Commission public hearing shall be published at least fifteen (15) calendar days prior to the meeting. in a newspaper of general circulation in the City.

3. Notice of the City Council public hearing regarding proposed changes and agenda availability shall follow the City Clerk time frames and processes.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-9. Penalties.

A. *Penalty for use of unapproved or unrecorded plat.* Any owner, or agent of the owner, of any land located within the city who transfers or sells such land prior to approval and recording of the necessary plat with the county clerk, as required in this chapter, shall be

deemed guilty of a misdemeanor, and upon conviction shall be penalized in the manner prescribed by law. The description of the land by metes and bounds in the instrument of transferring of land shall not exempt parties to the transaction from such penalties.

B. *Penalty 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 of state law, and upon conviction shall be punished by a fine of not less than $100.00. Also, all city-provided utilities and services may be withheld or withdrawn from the property until such time as this chapter is complied with. (Ord. No. 1798, § I, 6-19-00)

Sec. 37-10. Fees.

A. A fee is required to offset the costs associated with processing and reviewing the subdivision application, excluding subdivisions processed through the infill development process.

B. All fees related to this chapter shall be adopted by resolution of the city council.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-11. Processing subdivision applications.

A. Following all prerequisite steps identified for the application types that are listed elsewhere in this code.~~All~~ subdivision applications including submittal materials and fees are to be submitted to the community development department. The subdivision administrator will review the submittal and, if accepted, the submittal will be processed for review. When the review process is completed, the subdivision administrator will schedule the submittal for consideration by the appropriate review/approval officials or bodies and follow the submittal through to final action.

B. Notice of decision. Upon making a recommendation to the city council or taking final action on matters for which the planning and zoning commission has been granted final authority, the community development department shall promptly:
   1. Prepare a written decision that includes an order and a statement of the factual and legal basis for the order:
      a. Recommending the granting or denying of relief; or
      b. Granting or denying relief.
   2. File the written decision with the city clerk.
   3. Send by certified mail, to all parties whose rights will be determined by the decision, a document containing original signatures that includes a copy of the written decision of the planning and zoning commission. Also, this document shall state the requirements for filing an appeal.
   4. Send by regular mail, or otherwise provide a copy of the document that includes a copy of the written decision of the planning and zoning commission to every person who has filed a written request with the community development department for notice of the decision.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-12. Review/approval bodies.

The city council, the planning and zoning commission, the development review committee (DRC) and the subdivision administrator (SA) are the review/approval bodies of this chapter. Depending on the type of subdivision application submitted, any of the four review/approval bodies may be the one to grant final approval of the subdivision submittal.

A. *Subdivision administrator.* The subdivision administrator is a representative of the city whose objective it is to simplify the subdivision process for the applicant, while at the same time addressing all concerns related to the proposal on behalf of the city. The SA is the source of information for the general public, the development community and the staff regarding the subdivision process and its requirements. The SA shall facilitate the processing of all subdivision submittals from preapplication meetings to final acceptance of subdivision improvements.

1. *Authority of the subdivision administrator.* The SA shall have the authority to waive or add submittal requirements in cases in which it is determined that the additional information is necessary to accomplish the objectives of this code. Waiver of engineering/utilities-related submittal requirements shall require the concurrence of the public works director or the utilities director, as appropriate. The SA shall justify, in writing, his/her request for additional submittal requirements.

   The SA shall have the authority to determine the applicability of comments returned by the reviewing staff and to override such comments if it is determined that the comments do not apply to the type of submittal under consideration or that it is inconsistent with city policy, rules and/or regulations. The SA may, with concurrence from the development review committee, approve subdivisions processed through the alternate summary procedure.

2. *Responsibilities of subdivision administrator.*
   a. Address questions from the general public/developers/consultants and staff related to all areas of subdividing/developing land.
   ~~a.~~b. Ensure that all notification measures are carried out pursuant to applicable provisions either codified (Subdivision Code) or within approved policy.
   ~~b.~~c. Accept or reject submittals.
   ~~c.~~d. Facilitate communication between reviewers and developers/subdividers/consultants.
   ~~d.~~e. Resolve issues/problems arising from a staff review of a subdivision.
   ~~e.~~f. Schedule meetings and prepare agendas for the development review committee.
   ~~f.~~g. Prepare staff recommendations and reports for cases requiring planning and zoning commission approval.
   ~~g.~~h. Monitor the progression of construction activities in subdivision improvements and associated performance guarantees or similar agreements through final inspections and acceptances of subdivisions.
   ~~h.~~i. Identify, as staff liaison to the development review committee, the subdivisions that are required to be reviewed by the development review committee.

B. *Development review committee.* The development review committee (DRC) is a formal

group of representatives employed by the city or its representatives empowered to act on behalf of their respective departments on subdivision development related applications.

1. Membership of the development review committee shall consist of at least one representative from each of the following:
   a. Public works department;
   b. Community development department;
   c. Utilities department;
   d. Fire department;
   e. Facilities department;
2. The purposes of the development review committee are:
   a. To identify and address major issues that may affect a proposal, and to provide general oversight of the reviews of subdivision- and development-related proposals;
   b. To resolve conflicting comments, recommendations, and design differences between reviewing departments and subdividers/developers regarding planning-related issues that have been appealed from the decision of the subdivision administrator.
   c. To make recommendations to the planning and zoning commission for approval, conditional approval, denial or postponement of master plans, preliminary plats and final plats.
3. Authority and procedure of the development review committee. The development review committee shall have final authority for approval of infill concept plans, alternate summaries, and replats that do not increase the number of lots in an existing subdivision. The development review committee's decision shall be final unless it is overruled by appeal to the director or directors responsible for the area of disagreement and/or further appealed to the planning and zoning commission or city council.

   The development review committee shall meet at the same time each week as needed to review subdivision application submittals, potential submittals or other development-related issues that may require DRC review. The notice of the DRC meeting shall appear in the public meeting schedule. The subdivision administrator shall set the agenda for DRC meetings and abide by all notification requirements pursuant to approved policy~~, which shall be made available 24 hours prior to the development review committee meeting~~. Minutes will be taken during DRC meetings and will become available to interested parties in the form of staff review comments.

C. *Planning and zoning commission.* The planning and zoning commission is a seven-member board appointed by the city council.

1. Authority of the planning and zoning commission:
   a. Final authority on master plans, preliminary plats and, as appropriate, final plats and on all issues referred to the Commission by the development review committee.
   b. Recommendation to city council on amendments to this chapter.
   c. The commission may recommend that any subdivision proposal be reviewed by the city council.

d. All other authority is granted to the commission in accordance with section 38-66 of the city municipal code, and ordinance no. 1267.

2. A notice of the decision of the planning and zoning commission shall be provided in accordance with section 37-11(b).

D. *City council.* The city council is a seven member board of elected officials that is the governing body of the city.

1. Authority of the city council. The city council, as it pertains to this chapter, has the authority to:
   a. Resolve appeals of decisions made by the planning and zoning commission and the development review committee.
   b. Grant final approval of amendments to this chapter.
   c. Grant approval of any development proposal in which the planned unit development process is used or any proposal in which a planning-related waiver greater than 15 percent of the required standard is requested.
2. A notice of the decision of the city council shall be provided in accordance with section 37-11(b).

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-13. Procedures for appealing decisions of the staff, the development review committee and the planning and zoning commission.

A. *Basis for appeals.* Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the community development department within 15 calendar days after the decision and all other procedures established by this chapter have been exhausted. The appeal shall state all issues to be considered.

B. *How decisions are appealed.* The city council, the planning and zoning commission, the development review committee, the public works director and the utilities director are responsible for hearing appeals at designated stages of the subdivision process.

C. *Appeal of staff decisions.* Staff decisions may be appealed at any time during the subdivision application process. Appeals of staff decisions may fall under one of two categories, engineering/utility issues and planning related issues. The subdivision administrator shall determine whether the appeal should be to an engineering/utility issue or to a planning-related issue, and shall notify the appropriate body to review the appeal.

1. *Appeal of engineering opinions.* Engineering/utility related opinions are related, but not limited to: design specifications for roadways, grading, drainage, utilities, or other issues determined by the subdivision administrator and/or the public works director to be engineering-related.

   Appeals of staff decisions regarding engineering/utility-related issues are resolved by the public works director or the utilities director, respectively. The appeal may be submitted at any time during the subdivision application process. Appeals shall be

submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for a review of the appeal. The meeting shall include the applicant, public works director and/or the utilities director, as appropriate and the staff member whose decision is being appealed. Upon review of the appeal, the public works director or the utilities director shall render a decision within three business days of the meeting.

2. *Appeal of planning related issues.* Planning related issues are issues related to, but not limited to: lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, or other issues determined by the subdivision administrator to be planning-related.

   Appeals of staff decisions regarding planning related issues are resolved by a committee of at least three of the following: the community development director, facilities director, public works director, utilities director and fire chief. The appeal may be submitted at any time during the subdivision application process.

   Appeals shall be submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for review of the appeal. The meeting shall include at least three department directors, the DRC and the staff member whose decision is being appealed. Upon review of the appeal the directors shall render a decision on the appeal at the meeting.

D. *Appeal of engineering/utility decisions of the public works director or the utilities director.*

1. Appeals of the public works director or the utilities director's decision regarding engineering or utility related issues are resolved by arbitration. The appeal shall be submitted to the subdivision administrator within 15 calendar days of the decision of the public works director or the utilities director.
2. Arbitration defined. Arbitration is the final appeal process used to resolve only engineering or utility related issues that have been reviewed and acted on by the development review committee, public works director or the utilities director.
3. Arbitration procedure. When an appeal alleges that there is fault in a decision made by either the public works director or the utilities director with regard to an engineering- or utility-related issue, the appeal shall be resolved by an arbitration committee. The appellant shall submit the appeal in writing to the subdivision administrator within 15 calendar days of the decision of either the public works director or the utilities director. The arbitration committee shall review the engineering or utilities related issue under question and any pertinent information within 30 calendar days of the appeal submittal. The appellant shall be responsible for all costs associated with the arbitration board.
4. Arbitration committee. The arbitration committee shall consist of three engineers licensed to practice in the state who are not associated with the city, but are familiar with its development standards. The city shall choose one engineer, the applicant shall choose the second engineer, and the two chosen engineers shall choose the third.

   Action from the arbitration committee shall be in the form of approval or disapproval.

Action from the arbitration committee shall be final unless appealed to the state board of registration for professional engineers and surveyors or to a court of competent jurisdiction.

E. *Appeal of planning related decisions of the department directors.*

1. Appeal of a planning related decision of the department directors is resolved by the planning and zoning commission. Appeals shall be submitted in writing to the subdivision administrator within 15 calendar days of the development review committee's decision.
2. Authority of the planning and zoning commission. The planning and zoning commission, by a majority vote of a quorum of the commission[WU1]~~all its members~~, may, after all other procedures established by this chapter have been exhausted, reverse or affirm any order, requirement, decision, or determination of the development review committee, or make any change in an order, requirement, decision, or determination of the planning related decision at a public hearing.

F. *Appeal of decisions of the planning and zoning commission.*

1. Appeal of a decision of the planning and zoning commission is resolved by the city council. Appeals shall be submitted in writing with the appropriate fees to the subdivision administrator within 15 calendar days of the planning and zoning commission's decision.
2. Authority of the city council. The city council, by a majority vote of all its members, may, after all other procedures established by this chapter have been exhausted, reverse or affirm any order, requirement, decision or determination of the planning and zoning commission, or make any change in an order, requirement, decision, or determination of the planning and zoning commission. The decision of the city council may be appealed to district court.

DRAFT

G. *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, board, or authority from whom the appeal is taken certifies that, by reason of facts, a stay would cause imminent peril of life and property.

H. *Appellant responsibility in appeals.* All appellants under this section are required to submit in writing to the community development department a detailed statement of the grounds of their appeal, no later than 15 calendar days after the decision is appealed. The written appeal shall state specifically the objections of the decision and the reasons for the appeal.

I. *Notice.* Notice on all appeals of decisions of the Planning and Zoning Commission shall:

1. Be sent by regular mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within no less than five hundred (500) feet of the subject property. This distance may include streets, alleys, channels, canals, railroads, and all other public rights-of-way. Notice shall be mailed at least fifteen (15) calendar days prior to the required public hearing.
2. Require regular, non-certified, first class mail to be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property if staff has determined that such notice was warranted. Notice shall be mailed at least fifteen (15) calendar days prior to the required public hearing.
3. Require notice of the time and place of the public hearing be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the City.
4. In the event that notification signs were issued for the case now under appeal, the property owner and/or original applicant shall ensure that all signs previously erected for notice purposes remain up until a decision on the appeal is rendered. Modification to and/or replacement of said signs shall be authorized and directed by staff to ensure appropriate information regarding the appeal venue is displayed.~~Notice on all appeals of decisions of the planning and zoning commission shall be sent by regular mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 200 feet of the area of the proposed development, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Notice to said property owners shall be mailed at least nine calendar days prior to the meeting.~~

~~1.~~5. The SA shall execute an affidavit verifying the list of persons to whom notice was mailed. ~~Notice of the time and place of the meeting shall be published in a newspaper of general circulation in the city area and also posted on the property by the community development department at least nine calendar days prior to the meeting.~~

J. Fees shall be assessed to the appellant person or persons in order to cover the costs of such appeal. Such fees shall be as prescribed in the fee schedule as adopted and amended. (Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-14. Definitions.

Block. An area of land within a subdivision, generally bounded by highways, streets (other than alleys), natural boundaries, or the exterior boundaries of the subdivision.

Building setback. The right angle distance from a point on the street right-of-way to the closest point of any building structure.

City. The City of Las Cruces, New Mexico.

City council. The governing body of the city.

Collector. A street designed to carry moderate to large volumes of traffic (generally a minimum ADT of 5,000 vehicles), primarily from local streets to arterials. Collectors may provide some direct access to individual properties, usually large residential developments and mid-size commercial/industrial/office developments. The length of a major collector seldom exceeds one mile.

Contiguous property. Parcels of property that are in contact or touching.

Cul-de-sac. A minor street with only one outlet and culminated by a turn-around. Refer to section 32-36 of the city municipal code.

Development review committee (DRC). A formal group of representatives employed by the city that meets at the same time each week to review subdivisions or subdivision related proposals and to resolve conflicting comments, recommendations or design differences between city reviewing departments, subdivision administrator, and/or developers/subdividers. The development review committee's decision shall be final unless overruled by a committee of department directors, the planning and zoning commission or city council (See appeals section 37-13).
The development review committee shall consist of at least one representative from each of the following:

- Public works department;
- Community development department;
- Facilities department;
- Utilities department;
- Fire department;

DRC members or their designee shall have the authority to make nonpolicy decisions on behalf of their respective departments and the city.

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 into storm drainage facilities. Also, a comprehensive analysis of:

- The existing storm drainage conditions of a proposed development; and
- The disposal of the increased runoff that is generated by the proposed development.

Dwelling. A building or unit thereof designed and used exclusively for residential occupancy.

Easement. The right, liberty, advantage or privilege that one individual (or entity) has in lands of another, either express or imputed (utility, grant or necessity).

Engineer. A person engaged in the practice of engineering and qualified to so practice as attested by his/her legal registration as a professional engineer in the state.

Engineering utility related issues. Issues related to but not limited to: design specifications for roadways, grading, drainage, utilities, or other issues determined by the subdivision administrator and/or the public works director or the utilities director to be engineering-utility-related.

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

Lot. A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, for development. It also is a tract of land described by metes and bounds and as shown on the records in the county assessor's office.

Major arterial. A street having the primary purpose of carrying large volumes of traffic, and that does not usually provide direct access to individual properties. Major arterials are designed to provide cross city travel, and generally carry a minimum ADT of 10,000 vehicles.
Major local. A street whose primary purpose it is to provide direct access to individual properties, primarily in small to mid-size residential developments, and to individual commercial/industrial/office lots. The length of a major local seldom exceeds one-half mile.

May. When a requirement in these regulations uses the word "may" instead of "shall," the requirement will be necessary only if directed by the development review committee, the planning and zoning commission or city council.

Minor arterial. A street having the primary purpose of carrying moderate to large volumes of traffic and that does not usually provide direct access to individual properties. Minor arterials are designed to provide partial "cross-city" travel, and generally carry a minimum ADT of 5,000 vehicles.

Minor local. A street having the primary purpose of providing direct access to individual residential lots. The lengths of minor locals seldom exceed one-half mile.

Outlot. A parcel of ground or tract of land within a platted subdivision, to be used for purposes other than residential. An example of an outlot is a tract of land designated for open space or a retention pond.

Performance bond. A surety bond made out to the city in an amount equal to the estimated full cost if the improvements, said cost being estimated by the city engineer, surety bonds being legally sufficient to ensure the city that the said improvements will be constructed in accordance with these regulations.

Planned unit development (P.U.D.). A development process whereby the intent and purpose is to promote design and development standard flexibility in cases where strict application of the zoning ordinance would inhibit the overall goals and objectives of the city.

Planning related issues. Issues related to but not limited to: lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, other issues determined by the subdivision administrator to be planning-related.

Planning and zoning commission. The officially appointed planning and zoning commission of the city. The planning and zoning commission shall have final authority in the review of subdivision proposals requiring commission action. The commission shall also act as an advisory board with regard to amendments to this code.

Plat or *replat.* A map, chart, survey, or plan, certified by a land surveyor, that contains a description of subdivided plat or resubdivided replat land with ties to permanent survey monuments.

Shall. The word "shall" is mandatory and not permissive.

Street. A public way, other than an alley, that has been dedicated, or reserved by plat and which affords he principal means of access to abutting property.

Subdivider. An owner or an owner's agent who undertakes the subdivision of land as set forth in the respective regulations.

Subdivision. Subdivision for the purpose of approval by the municipal planning authority means: for the area of land within the corporate boundaries of the city, the division of land into two or more parts by platting or by metes and bounds description into tracts or lots for any purpose.

Surveyor. A person who is engaged in the practice of surveying and is qualified to so practice as attested by his/her legal registration as a professional surveyor in the state.

Tract. See outlot.

Vacation. To void a portion of a previously-filed subdivision plat application or to void the filed plat in its entirety.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-15--37-40. Reserved.

DRAFT

ARTICLE II.
MASTER PLAN

Sec. 37-41. The purpose of master planning.

A. The purpose of the master planning process is to advance the goals and objectives of the city's comprehensive plan and to address a variety of environmental and social issues in an area being proposed for future development. A master plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development. The master plan process is designed to achieve the following objectives:

- To achieve the goals, objectives and policies of the city comprehensive plan and the objectives of other city policies.
- To ensure compliance with the growth management section of the land use element of the city comprehensive plan.
- To ensure compliance with the metropolitan planning organization's transportation plan.
- To guide future land development and transportation patterns.
- To provide for an efficient process in determining fiscal impacts, neighborhood concerns, the coordination of city capital improvements, and the identification and protection of significant natural features.
- To ensure that all adopted city plans, rules and regulations are followed. To ensure that proposed development is suitable and appropriate for a given parcel of land, based on its location and its environmental characteristics.

B. This chapter recognizes change in design criteria and the need for flexibility in land development. The master plan process permits changes that conform with the intent to provide health, safety, convenience and general welfare to the citizens of the city. Approved master plans shall be used as a general guide to land development with successive steps established for specific plans that shall be consistent with the adopted master plan.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-42. When a master plan is required.

A. A master plan shall be required when any of the following criteria apply:
   1. A development is to be divided into various phases.
   2. A development application is proposing multiple land uses.
   3. A request for annexation is made.
   4. An application is for the single development of 40 or more lots.
   5. When a commercial, office or industrial development application is proposing to utilize the alternate summary procedure more than once.

B. For smaller residential developments consisting of no more than two phases on ten or fewer acres, with 39 or fewer lots, a master plan may be omitted at the discretion of the DRC.

C. The subdivider is responsible for including on the master plan all contiguous property

owned, legally controlled by, or of any development and/or financial interest to said subdivider.

D. A preliminary plat may be submitted simultaneously with the master plan. A final plat may not be submitted at the same time as the master plan or the preliminary plat. Subdivision applications submitted through the planned unit development (P.U.D.) process will not be required to meet the requirements in this article. (Ord. No. 1798, § I, 6-19-00)

Sec. 37-43. Preapplication meeting.

A. ~~Prior to the filing of an application for approval of a master plan, the subdivider shall submit to the community development department a conceptual plan of the proposed development. This does not require a written application or fee, nor does the preapplication procedure require formal approval by either the planning and zoning commission or city council.~~Any proposed master plan causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with

surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

a. A detailed description (to the extent possible) of what is being pursued in terms of development
b. Information as to how the developer, applicant, or representative for the development action may be contacted
c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur
d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully
e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
f. Community Development staff contact information for any related correspondence or general inquiry.

~~A.~~ 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

B. Conceptual plans shall be presented to the first available development review committee meeting for review and comment. The development review committee shall discuss with the developer, or the developer's representative, the proposed conceptual plan and shall indicate any changes that will be required for the formal submittal of the proposal.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-44. Submittal of a master plan application.

A. The master plan and supplemental material shall be submitted to the community development department no later than 25 calendar days prior to the day of the next regular meeting of the planning and zoning commission for approval consideration. Any master plan requesting three or more planning-related variances (excluding administrative variances) shall be processed via the planned unit development process as outlined in the city zoning code.

B. Upon submittal, the community development department shall issue a receipt. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the master plan submittal contains all necessary items as per section 37-46 of this chapter, the subdivision

administrator shall accept the submittal for review. A proposed master plan shall not be accepted for review by the subdivision administrator if incomplete or substantially inaccurate. All items required on a master plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

C. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information will be needed in order to accomplish the objectives of this chapter. Examples of possible additional requirements and/or information could include, but are not limited to, a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc. Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.

D. Master plans will be processed by the subdivision administrator to the applicable city departments and other governmental agencies for review, comments, and recommendations. Each department shall have five business days to complete the review. Written reports, containing comments and recommendations shall be returned to the subdivision administrator.

E. The subdivision administrator shall review all comments for applicability and appropriateness to the master plan requirements and forward any comments to the subdivider or the subdivider's representative for completion. Master plans applications that are commented upon shall be returned, amended, resubmitted and reviewed until the provisions set forth in the regulations are met.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-45. Review and consideration of a master plan application.

A. Master plans shall be submitted to the development review committee for review, comments and recommendations. The development review committee shall review the master plan to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-41 of this chapter. The development review committee shall provide the planning and zoning commission with a report containing a recommendation that the master plan be either approved, conditionally approved, postponed or disapproved. The report shall include the reason(s) for the recommendation.

B. Public notice:

1. Agenda. The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
2. Posting. Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative ~~community development department~~ at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages,

one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, , Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.

3. *Notice.* Notice on all proposed master plans shall be sent by regular-, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within ~~2~~500 feet of the area of the proposed subdivision, ~~excluding~~ including streets, alleys, channels, canals and other public rights-of-way. The community development department is responsible for the list of property owners and the preparation of mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes hereinto ~~said property owners~~ shall be mailed at least ~~nine~~fifteen (15) calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The planning and zoning commission shall review the master plan, report, comments and recommendations received from the development review committee, subdivision administrator and presentations from the applicant or the applicant's representative and from any interested citizens. Action from the planning and zoning commission shall be in the form of approval, conditional approval, postponement, or disapproval. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions acted on by the planning and zoning commission at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b).

D. It is the requirement of the planning and zoning commission that no master plan shall be reviewed unless either the applicant or the applicant's representative is present at the public hearing. If neither party is present at the public hearing, the master plan will be postponed until the next regular planning and zoning commission meeting.

E. Upon approval of the master plan by the planning and zoning commission, the developer may submit to the community development department any zoning applications, preliminary plats or final plats as necessary and applicable, that reflect the objectives of the approved master plan.

F. The approval of the master plan shall be effective for a period of five years, as described on the approval action form. If, at the expiration of the five-year period, no single

preliminary plat, building permit, or any other development application, in conformance with the approved master plan, has been submitted and approved, the master plan shall expire. Such action does not necessarily have to encompass the entire master-planned area in order for said master plan to remain active. The developer may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the planning and zoning commission for consideration. Please note: Approval of a master plan does not prohibit the utilities department from revising any utility requirements based on projected needs or growth around the master-planned area.

G. Any substantial change to the master plan will require resubmittal of the plan in its entirety and may trigger the need for a neighborhood group and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator. Minor modifications or changes shall be reviewed and considered by the subdivision administrator. Substantial changes to the master plan are subject to a regular public hearing with the same requirements as an original application. Substantial changes shall include, but are not limited to:
   1. Any change in land use or use intensity;
   2. Modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;
   3. Increase in residential density;
   4. Any extension of time limits beyond 20 percent;
   5. Any change in the master plan that is determined by the subdivision administrator to be substantial.

H. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been attempted. Refer to section 37-13, "procedures for appealing decisions of staff," the development review committee and the planning and zoning commission' for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-46. Master plan submittal requirements.

A. An application for approval of a master plan shall include the following information:
   1. Name of master plan.
   2. Detailed area/vicinity map clearly showing the surrounding area and the proposal's relationship to existing road networks, and existing natural and/or man-made features that may impact the development or may be impacted by the development. Detail must be sufficient so that the subject property can be located in the field using the map.
   3. North arrow, date of preparation, written and graphic scale.
   4. A general legal description that shall include:
      a. Approximate survey ties;
      b. Approximate acreage.
   5. Name and address of the consultant preparing the master plan.
   6. Name and address of the developer.
   7. Boundary lines of the master plan, with approximate lengths of lines.
   8. Proposed land use, by parcel or phase. Residential parcels shall provide gross density range.
   9. Present zoning and proposed zoning (if applicable).
   10. Contours--20-foot intervals. In instances whereby 20-foot intervals are not appropriate or applicable, contours may be provided at an appropriate interval that adequately presents the elevation differences of the land as determined by the community development department director.
   11. Adjacent land use and zoning district identification.
   12. Thoroughfare system: Proposed approximate location, length, width and point of intersection of all major transportation systems, which may include bikeways, trails and any other transportation lines. Identify existing and proposed classification of roads as per city design standards and based on the current city MPO transportation plan.
   13. Significant natural features, such as arroyos and approximate 100-year floodplains.
   14. Adjacent roads and other transportation routes identified by functional classification.
   15. Easements.
   16. Tabular information:
      a. Land use of each phase or parcel.
      b. Approximate acreage for each parcel or phase.
      c. Total number of residential dwelling units, minimum and maximum range.
      d. Dwelling units per acre for each parcel or phase.
      e. Approximate acreage proposed for open space, private and public facilities, and right-of-way.
      f. Approximate additional population to be generated by development, based on census data.
      g. Approximate additional traffic estimated to be generated by development, utilizing ITE trip generation information, as amended.
   17. Approval block signifying the final approved master plan to be signed by the subdivision administrator upon approval by the planning and zoning commission and compliance with all conditions.
   18. Conceptual utilities plan. The conceptual utilities plan shall contain enough

DRAFT

information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development. Actual size and location of utilities to be determined at time of development and subject to change based on utility needs of the surrounding area.

19. Conceptual drainage plan. The conceptual drainage plan shall contain enough information to provide a general understanding of how drainage issues will be addressed by the development.

~~19.~~20. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

~~20.~~21. Supplemental material:

a. Application:

i. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the county clerk's office.

ii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b. Submittal fee.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-47--37-75. Reserved.

DRAFT

ARTICLE III.
PRELIMINARY PLAT

Sec. 37-76. The purpose of preliminary platting.
The purpose of the preliminary platting process is to establish quality site design that promotes the compatibility of development with physical and cultural issues within the city. The preliminary plat process is designed to achieve the following objectives:

- To provide for an efficient process for establishing streets that have the capacity to adequately handle anticipated traffic flow and that are in harmony with the MPO's transportation plan and the transportation element of the comprehensive plan.
- To promote site design that encourages sound, economical, and compatible development and that creates a healthy living environment in the city.
- To allow for design flexibility and imagination.
- To provide for subdivided lots with adequate configuration, area and appropriate design for the purpose for which they are to be used and to address housing, marketing and economic development trends that support the policies within the housing element of the comprehensive plan.
- To minimize traffic and drainage hazards through proper site design.
- To promote efficient design to mitigate impacts to community infrastructure.
- To assure that all adopted city plans, rules and regulations, and the development master plan, if applicable, are followed.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-77. When a preliminary plat is required.
A preliminary plat conforming to this chapter shall be required for all subdivisions except those processed through the replat, alternate summary or infill subdivision process. A preliminary plat may be submitted simultaneously with a master plan. Subdivisions that are processed through the P.U.D. process do not have to receive preliminary plat approval.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-78. Preapplication procedure.

A. Any proposed preliminary plat causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to

whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary

that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

   f. Community Development staff contact information for any related correspondence or general inquiry.

A. 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey

development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

~~B.~~ B. If necessary, the conceptual preliminary plat(s) shall be referred to the first available development review committee meeting for review and comment. The subdivision administrator and/or the development review committee shall review all conceptual plans and discuss with the subdivider or the subdivider's representative the changes, if any, that will be required for the submittal process.

(Ord. No. 1798, § I, 6-19-00)

DRAFT

Sec. 37-79. Submittal of a preliminary plat application.

A. The preliminary plat application and relevant supplemental material shall be submitted to the community development department for approval consideration no later than 25 calendar days prior to the day of the regular meeting of the planning and zoning commission.

B. Upon submittal, the community development department shall issue a receipt for submittal. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all required items have been submitted, and the preliminary plat submittal contains all required items as per section 37-81 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed preliminary plat submittal shall not be accepted for review if incomplete or substantially inaccurate. All items required on a preliminary plat must be present for acceptance. In cases in which a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

C. The subdivision administrator, the development review committee or the planning or zoning commission shall have the authority to waive or add submittal requirements in cases in which it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Examples of possible additional requirements and/or information could include, but is not limited to, a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc. Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.

D. Preliminary plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their comments and recommendations, shall be forwarded to the subdivision administrator.

E. The subdivision administrator shall review all comments for applicability and appropriateness to the preliminary plat requirements and forward any comments to the subdivider or the subdivider's representative for completion. Preliminary plat applications that receive comments shall be resubmitted and reviewed until the provisions set forth in the regulations are met and all outstanding comments are addressed.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-80. Review and consideration of a preliminary plat.

A. Following staff review, the development review committee shall evaluate the preliminary plat and staff comments to determine if they are consistent with the intent and purpose set forth in sections 37-3 and 37-76 of this chapter. The preliminary plat shall be scheduled for a public hearing for planning and zoning commission consideration. The development review committee shall provide the planning and zoning commission with a written report containing a recommendation that the preliminary plat be approved, conditionally approved, postponed or disapproved. The development review committee shall state the

reason(s) for their recommendation regarding the preliminary plat to the planning and zoning commission.

B. Public notice requirements: The following shall be required for all preliminary plats scheduled for planning and zoning commission review:
   1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
   2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative~~community development department~~ at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, , Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
   3. *Notice.* Notice on all proposed preliminary plats shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5~~2~~00 feet of the area of the proposed subdivision, in~~e~~cluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and preparation of the mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice, for purposes herein ~~to said property owners~~ shall be mailed at least fifteen (15)~~nine~~ calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The planning and zoning commission shall review the preliminary plat application, the report, any comments, and recommendations from the development review committee, the presentation from the subdivider or the subdivider's representative and from any interested citizens at a public hearing. The intent of the planning and zoning commission review is to allow for public input in the development process and to serve as a land-planning process. Review of the proposal shall consist of planning related issues such as site plan compliance to the city's comprehensive plan and all development- or growth management-related policies. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. Action shall be in the form of an approval,

conditional approval, postponement, or disapproval. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with Sec. 37-11(b).

D. It is the requirement of the planning and zoning commission that no preliminary plat shall be reviewed unless either the applicant or the applicant's representative is present at the planning and zoning commission meeting. If the applicant or the applicant's representative is not present at the public hearing, the preliminary plat application hearing will be postponed until the next regular planning and zoning commission meeting.

E. Approval of a preliminary plat shall not constitute approval of the final plat, but shall signify the general acceptability of the proposed subdivision. Preliminary plat approval shall constitute permission to prepare and submit the final plat application and construction drawings of all improvements for the proposed subdivision. Final platting shall not be considered until preliminary plat approval is complete.

F. Preliminary plat approval shall be effective for no more than two years from the date of approval as described on the approval action form. If a final plat application has not been submitted for approval as required by the provisions of this chapter, the preliminary plat shall expire, and a new preliminary plat application must be submitted for approval by the planning and zoning commission. The developer may submit a request for a one year extension of approval, prior to the expiration date, if desired. The request will be reviewed by the development review committee. All plat extensions shall be automatically conditioned to require compliance with all city codes, regulations, and specifications in place at the time of development of the plat in question.

G. Any substantial change to the preliminary plat application will require resubmittal of the plat in its entirety and may trigger the need for a neighborhood group and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator.~~.~~ Minor modifications or changes shall be considered by the subdivision administrator.

H. Substantial changes to the preliminary plat application will be subject to a planning and zoning commission public hearing, with the same requirements as an original application. Substantial changes shall include but are not limited to:
   1. Any proposed change in land use or use intensity;
   2. Anticipated (or proposed) modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;
   3. An anticipated increase in residential density;
   4. Any extension of time limits beyond 20 percent;
   5. Any change in the preliminary plat that is determined by the subdivision administrator to be substantial.

I. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or of any other adopted resolution, rule, or

regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of the staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

DRAFT

Sec. 37-81. Preliminary plat submittal requirements.

A. *Preliminary plat requirements.* The preliminary plat shall be at a scale that adequately represents the information. The preliminary plat shall be prepared on 18-inch × 24-inch sheets of paper. Copies provided shall be legible, with no limit to the number of sheets used. The plat shall show existing conditions and all proposals, including the following:

1. Name of proposed subdivision;
2. Total acreage of subdivision, to nearest one-tenth of an acre;
3. Date of preparation, north arrow, written and graphic scale;
4. Detailed area/vicinity map clearly showing surrounding area and the proposal's relationship to existing road networks, and existing natural and/or man-made features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map;
5. Name and address of subdivider;
6. Name and address of the person, corporation or organization preparing the preliminary plat;
7. An accurate and complete boundary survey of the land to be subdivided. Plat boundary lines shall be shown, giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the plat shall provide sufficient data to enable the reestablishment of curves on the ground. Include the location and description of all monuments set or found. Data for each curve shall include:
   a. Central angle and arc length;
   b. Radius;
   c. Chord bearing and length;
8. A statement of ownership, signed by the legal owner, and the equitable owner if applicable, on the final approved preliminary plat;
9. Zoning or proposed zoning shall be shown with boundaries given as streets, highways, or property lines. Special use permit information shall be included if applicable.
10. Number to identify each lot, plus the acreage of each lot and tract;
11. Proposed lot lines and public rights-of-way lines; rights-of-way and street widths; rights-of-way for public services or utilities with identification of any limitations thereof;
12. Proof that all lots in any subdivision meet the requirements of the city zoning code and that 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 on or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by the city zoning code.
13. Approximate locations, dimensions, areas, and purposes of tracts proposed to be reserved for the public;
14. Sites and approximate area(s) for any multi-family dwellings or nonresidential uses;
15. Existing conditions of the proposed preliminary plat, including the information indicated next, if applicable. Separate sheets may be used, if necessary, to convey the information.
    a. Present site designation or subdivision name;
    b. Easements on-site: Location, width and purpose of each;

c. Public rights-of-way on and within 150 feet of the site: name, width, and classification of each;
d. Utilities on and adjacent to the site: Locations and size of each water well, water reservoir, water line, sanitary and storm drain; locations of all irrigation channels and drains; locations of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the directions, distances, and sizes of the nearest lines;
e. Existing topography:
   i. For land with average slopes of less than five percent, show contour lines at intervals of not more than two feet;
   ii. For land with average slopes exceeding five percent, show contour lines at intervals of not more than five feet;
f. Existing storm drainage facilities on and adjacent to the site;
g. Conditions on adjacent land significantly affecting design of the subdivision: approximate directions and gradients of ground slopes, character and location of development, access points from adjacent points and building types;

16. Approval block signifying the final approved preliminary plat, to be signed by the subdivision administrator upon approval by the planning and zoning commission and resolution of all outstanding staff comments;
17. Master utility plan, which shall contain a general outline of the proposed utility routing plans for the development, to include, but not be limited to, the following information:
    a. Existing and proposed utility locations;
    b. Sizes of existing and proposed utilities and system loads;
    c. Locations of proposed connections to existing utilities;
    d. Proposed off-site improvements necessary to connect to existing utilities;

    The master utility plan may be submitted with the final plat or construction drawings with the consent of the utilities department director. Written approval for this allowance must be submitted with the preliminary plat submittal.
18. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

B. Supplemental material to be submitted with the preliminary plat:
1. Application:
   a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate, or all persons having a specific power of attorney) for the subject property as recorded in the county clerk's office.
   b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
2. Submittal fee.
3. Variance requests (if applicable).
4. Master drainage study:

a. The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study.
b. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development.
c. The report shall include, but not be limited to, the following information and calculations:
   i. Calculation for peak flow from all offsite tributary drainage areas.
   ii. Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
   iii. Preliminary analysis of 100-year floodplain and major drainage ways.
   iv. Closed sub-basin analysis of 100-year floodplain and major drainage ways.
   v. Discussion and analysis of downstream drainage facilities.
   vi. Discussion of anticipated drainage problems within the proposed development and possible solutions.
   vii. Report shall be typed on 8 1/2-inch × 11-inch paper.
d. Drawings for the master drainage study shall include, but not be limited to, the following:
   i. Any and all floodplains and flood ways must be identified. A copy of applicable F.E.M.A. floodplain map is required indicating limits of current study.
   ii. Existing topography:
      1) For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet.
      2) For land that slopes more than five percent, show contour lines at intervals of not more than five feet.
      3) Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures.
      4) Identification of all drainage basins in the development.
      5) Location of all streets in/adjacent to the proposed development.
      6) Identification of all drainage basins tributary to the proposed development.
      7) Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available)
e. Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-82--37-110. Reserved.

DRAFT

ARTICLE IV.
FINAL PLAT

Sec. 37-111. The purpose of final platting.
Within two years after the approval of a preliminary plat, the subdivider must submit the final plat. The final plat is the subdivision instrument that is prepared for recording in the office of the county clerk. The final plat process ensures that the recordable plat is in complete compliance with plans approved earlier in the preliminary plat process. If the approved preliminary plat contains more than one phase, a final plat must be submitted every two years thereafter until all phases are complete. The submittal of such additional phases shall constitute a continuance of preliminary plat approval status. A final plat shall not be submitted until preliminary plat approval, if applicable, is complete.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-112. Preapplication procedure for plats following final plat processes consistent with Article V – Infill Subdivision Process, Section 37-176 (a) regarding alternate summary subdivision creating not more than two (2) lots, Section 37-176 (c) regarding creation of not more than two (2) lots of a previously filed subdivision, Section 37-207 (b) regarding an increase of the number of lots within a previously platted subdivision and Section 37-207 (d) regarding final plats reflecting vacation requests, and Article VIII – Vacation Plats.

A. Any proposed final plat identified in Sec. 37-112 causing need for public notification, review and approval by the Planning and Zoning Commission or City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.

b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

   a. A detailed description (to the extent possible) of what is being pursued in terms of development

   b. Information as to how the developer, applicant, or representative for the development action may be contacted

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

   f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-113. Submittal of a final plat application.

A. The final plat and supplemental material shall be submitted to the community development department no later than 25 calendar days prior to the day of the regular meeting of the planning and zoning commission for approval consideration if applicable.

B. Upon submittal, the community development department shall issue a receipt for the submittal. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted and the final plat submittal contains all necessary items as per section 37-114 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a final plat must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

C. The subdivision administrator or the development review committee shall have the authority to waive or add submittal requirements if it is determined that the additional additional items and resulting information is necessary to accomplish the objectives of this Code. Additional requirements may include a neighborhood group and/or noticed area meeting (see Section 37-112). Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.

D. Final plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their recommendations, shall be forwarded to the subdivision administrator. The development review committee shall review the final plat to determine whether it is consistent with the intent and purpose set forth in sections 37-1 and 37-111 of this chapter. For final plats requiring planning and zoning commission approval, a written report shall be provided to the planning and zoning commission with a recommendation that the final plat be either approved, conditionally approved, postponed, or disapproved. The development review committee shall state the reasons for their recommendation on the final plat in the report to the planning and zoning commission.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

DRAFT

Sec. 37-113. Approval of final plats.

A. Administrative approval of final plats. Final plats that are consistent with, and that conform to, an approved preliminary plat shall be approved administratively, unless determined by the subdivision administrator via pre-application for plats subject to Section 37-112 or the DRC that the planning and zoning commission review is necessary, or as otherwise provided by this chapter e.g., replats or waivers to planning-related issues. A final plat that deviates from the approved preliminary plat shall be rejected by the subdivision administrator and either modified to comply with the preliminary plat or suspended in lieu of an amended preliminary plat.

B. Planning and zoning commission approval of final plats. Final plats requiring planning and zoning commission approval shall be advertised in accordance with the following before consideration at a public hearing:
   1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
   2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative~~subdivider~~ at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved (e.g. appeals), , Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
   3. *Notice.* Notice on all proposed final plats requiring planning and zoning commission review shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5~~2~~00 feet of the area of the proposed subdivision, in~~ex~~cluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and for the preparation of mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes herein, ~~to said property owners~~ shall be mailed at least fifteen (15)~~nine~~ calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The planning and zoning commission shall review the final plat, report, comments and recommendations from the development review committee, presentation from the subdivider or subdivider's representative and from any interested citizens at a public hearing as applicable. If the proposed final plat is complete and devoid of any issues, said final plat shall be placed on the consent agenda for planning and zoning commission approval. final plats that are in full compliance with this chapter and an approved preliminary plat, if applicable, as determined by the subdivision administrator, shall not be removed from the consent agenda except by a majority vote of the membership of the commission. Action from the planning and zoning commission on final plats not on the consent agenda shall be in the form of an approval, conditional approval, postponement, or disapproval. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b). All approvals by the planning and zoning commission are conditioned upon final review and approval of outstanding staff comments.

DRAFT

D. It is the requirement of the planning and zoning commission that no final plat shall be reviewed unless either the applicant or the applicant's representative is present at the planning and zoning commission meeting. If the applicant is not present at the public hearing, the final plat will be tabled until the next regular planning and zoning commission meeting.

E. Upon approval of the final plat, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat application. The final plat shall not be filed until all construction improvements have been completed, approved and accepted by the city, or until a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat approval. The subdivision administrator shall be responsible for filing the final plat with the applicant and/or their representative at the county clerk and recorder's office.

F. Final plat approval shall be effective for no more than three years from the date of approval. If the subdivision improvements have not been completed or a form of security established and approved, the final plat shall be resubmitted for final plat approval. The developer may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the development review committee for consideration. All plat extensions shall be automatically conditioned to require compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.

G. No changes, revisions, erasures, or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to the satisfaction of all requirements and conditions. Any substantial change to a final plat subject to Section 37-112 may trigger the need for a neighborhood group(s) and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator.

H. Appeals Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or of any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-1154. Final plat submittal requirements.

A. Final plat requirements. The final plat shall be drawn with permanent ink or produced by a photographic process on a linen or polyester (Mylar) film. The final plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information. Copies provided shall be legible.

B. If more than one sheet is used, all sheets must be indexed and contain an index map

showing the relationship of the sheet to the whole. Each sheet shall show north arrow, name of subdivision, date of survey, written and graphic scale. The following information shall be shown on the plat:

1. Name of subdivision.
2. Total acreage of subdivision to nearest one-tenth of acre.
3. Date of preparation, north arrow, written and graphic scale.
4. Detailed area/vicinity map clearly showing surrounding area and the proposal's relationship to existing road networks and existing natural or man-made features that may impact the development. Detail must be sufficient so that the subject property can be located in the field using the map.
5. Signed statements by the subdivider dedicating public rights-of-way, and granting all required easements for public use. Also include a statement that the subdivision is planned with the free consent of and in accordance with, the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds. For consistency on all plats, the dedication statement shall read as follows:

   DEDICATION

   THE TRACT HEREON IS TO BE KNOWN AS _____ SUBDIVISION.

   ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

   THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.

6. Name and address of subdivider.
7. Name and address of the person, corporation or organization preparing the final plat.
8. Certification block for planning and zoning commission chairman and secretary.
9. Certification block(s) by authorized representatives from respective utility companies(cable, telephone company and electric company, etc.).
10. Certification and seal by a registered licensed surveyor of the state in accordance with the laws of the state, certifying the accuracy of the survey and the plat, and that the surveyor prepared or supervised preparation of the plat.
11. An accurate and complete boundary survey of the land to be subdivided. Plat boundary lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the plat shall provide sufficient data to enable the reestablishment of curves on the ground. Curve data shall

include:

a. Central angle and arc length;
b. Radius;
c. Chord bearing and length;

12. Location and description of all monuments set or found within the plat area. Subdivisions shall be tied into and referenced to the state plane coordinate system if within one-half mile of a traverse station established in conformity with the state plane coordinate system, with reference made on the final plat.
13. Bearings and lengths for all lot lines and rights-of-way lines existing or proposed. Lines to be eliminated shall be designated and identified by dashed lines. Names of streets, rights-of-way widths of all streets, commercial alleys, green ways, bikeways, trails and other transportation links shall be so designated.
14. Number to identify each lot.
15. Acreage of each lot.
16. Letter to identify each block.
17. Location, dimensions and purpose of all easements, existing or proposed, and any limitations thereof.
18. Adjacent land ownership within 100 feet. Note subdivision and/or owner's names and filing information: book, page and date.
19. Outlots or tracts designated by letter, with disposition indicated in the Note section. Location of land intended to be converted or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision shall be so identified. The purpose of each outlot and the responsibility for maintenance of all tracts shall be noted.
20. Locations, dimensions, and purposes of all necessary easements for water rights in relation to irrigation.
21. Ponding icon. For lots utilizing on-lot ponding, an icon shall be placed on the lot in the approximate location of the proposed ponding area. A note referencing the ponding icon shall also be present on the plat and reflect the purpose and the lot owner's responsibility for maintaining the ponding area.
22. A note placed on the plat stating: "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
~~22.~~23. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

C. Supplemental material to submit with the final plat:

1. Application:
   a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property as recorded in the county clerk's office.
   b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

2. Submittal fee.
3. Documentation from the county assessor's office that the current year's property taxes are paid and that no taxes are owed on the property.
4. Appropriate documentation shall be submitted to show proof of water service and approval of sewage disposal. (Applicable if the subdivision will not be utilizing city services.)
5. Address plat. The address plat shall be drawn with permanent black ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information. Copies provided shall be legible. The following information shall be required:
   a. Title of subdivision;
   b. Approved lot layout;
   c. Lot and block numbers;
   d. Street name;
   e. Street address for each lot. (Community development department will provide the addresses.)
   f. Neighborhood delivery and collection box unit location (NDCBU), if applicable.
6. A traverse closure sheet (computer printout) for the exterior boundaries of the entire tract and for each parcel within the tract, except any parcels that are true rectangles.
7. Filing fee shall be required of the applicant at time of plat filing.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-1156--37-140. Reserved.

DRAFT

ARTICLE V
INFILL SUBDIVISION PROCESS

Sec. 37-141. The purpose of infill subdividing.
The purpose of the infill subdivision process is to implement the infill policy plan regarding the subdivision of land by providing an efficient process to encourage the development of vacant or underutilized properties within the central part of the City and to utilize existing infrastructure in a more cost-effective manner.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 2519, 5-26-09)

Sec. 37-142. Usage.

A. The infill subdivision process is designed to make it more desirable to develop vacant or underutilized land in the central part of the City, as well as to streamline the processing of subdivisions through two procedures: the infill development process (IDP) and the infill subdivision method (ISM). Both procedures provide an expedited review and processing schedule.
B. The infill development process option allows the applicant to submit a single application, in which the Planning and Zoning Commission may consider not only the proposed subdivision, but additional development aspects of the property such as variances, changes of land use, special use permits, etc. Consult section 38-48 of the Municipal Code, for specific procedures and options. The IDP option shall only be available on qualified infill properties within the defined infill area. See figure 1 for delineation of the Infill Area.
C. To qualify for use of the infill development process, the property must meet the definition of an infill parcel as set forth in Section 38-48 of the Municipal Code. Subdivision proposals not meeting the qualifications of the infill development process, but located within the infill area may follow the provisions of the infill subdivision method.
D. The infill subdivision method is an expedited procedure for subdivisions located in the infill areas. The ISM allows for an administrative approval of a concept plan in lieu of the full master plan process for proposals that would ordinarily require master plan approval. Once the concept plan has been approved, the developer may skip the preliminary platting process and proceed to the final plat process. The infill subdivision method is for subdivision proposals only. Any necessary variances, zone changes, special use permits, etc., would require separate action. Subdivision proposals in the Infill Area that consist of just one or two lots may potentially follow the alternate summary procedure.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02; Ord. No. 2519, 5-26-09)

Sec. 37-143. Procedure for the infill development process.

A. Pre-application procedure for IDP. Any proposed IDP causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting of the Development Review Committee (DRC), scheduled by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the

representative regarding procedural nuance, necessary changes prior to formal submittal, or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance form the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or

beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented

B. ~~Prior to the filing of an application for approval of an infill development process subdivision proposal, the subdivider shall meet with the development review committee (DRC) to discuss the proposal and the planning objectives to be accomplished with the submittal.~~ For purposes of the pre-application process, a~~A~~ written application or fee is not required, nor does this pre-application procedure require formal approval. ~~The DRC shall discuss the proposal with the subdivider or the subdivider's representative and shall indicate changes, if any, that will be required prior to the submittal process.~~

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-144. Submittal of an infill development process application.

A. The application indicating the type of action being requested, along with the necessary support information may be submitted to the community development department at any time. The submittal shall be reviewed by the appropriate staff within eight business hours, and if all required items have been submitted, the application shall be accepted for review. If a submittal is found to be incomplete, the applicant shall correct the deficiencies and resubmit the application. The proposal will then be scheduled for review by the planning and zoning commission at a public hearing on the first Tuesday following the public notice period.

B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting.Any request for additional submittal requirements shall be justified in writing by the requesting entity.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-145. Approval of infill subdivisions under the infill development process.

A. Following staff review, a written report shall be provided to the planning and zoning commission with a recommendation that the proposal be approved, conditionally

approved, postponed, or disapproved. The development review committee shall state reasons for their recommendation on the proposal to the P~~p~~lanning and Z~~z~~oning C~~c~~ommission.

1. Public notice requirements for the IDP:
   a. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
   b. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative ~~community development department~~ at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
   c. *Notice.* Notice on all proposed subdivisions shall be sent by regular-, non-certified, first class mail for subdivision related matters. If zoning related issues are part of the IDP request, notice for those items shall follow Article II, Section 38-10, E.~~or certified mail, if necessary to comply with state law requirements for cases regarding zoning matters,~~ to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5~~2~~00 feet of the area of the proposed subdivision, in~~ex~~cluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and the preparation of the mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes herein~~ to said property owners~~ shall be mailed at least fifteen (15)~~ten~~ calendar days prior to the public hearing. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days prior to the meeting.

B. The planning and zoning commission shall review the proposal, report, comments and recommendations received from the development review committee, the presentation from the subdivider or the subdivider's representative, and comments from any interested citizens, at a public hearing scheduled as needed, in accordance with section 38-1605 of the municipal code. Action from the planning and zoning commission shall be in the form of an approval, conditional approval, postponement or disapproval. Action from the

planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b).

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-146. Preapplication procedure for the infill subdivision method.

A. The subdivider that is following the infill subdivision method shall, prior to the filing of an application for approval of a final plat, submit a conceptual plan of the proposed development for formal review. Upon receipt of the submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the conceptual plan submittal contains all necessary items as per section 37-144 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed conceptual plan shall not be accepted for review if incomplete. All items required on a conceptual plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.

B. Any proposed ISM causing need for public notification, review and approval by the Planning and Zoning Commission shall first have a concept plan reviewed at a meeting of the Development Review Committee (DRC) that is to be scheduled within nine (9) calendar days of acceptance by the Community Development staff (note: a conceptual plan is not required if following the infill development process). The purpose of the review is to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-141 of this chapter and to gauge whether early notification is warranted. A written report shall ultimately be provided to the subdivider indicating any changes that may be needed or potential concerns that may arise during the final plat and construction drawing review process. Upon completion of the review, the DRC will provide a recommendation on the proposal for the Planning and Zoning Commission. Due to this process, a representative for the proposed development action shall attend the DRC meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC an opportunity to gauge and determine neighborhood and/or community impacts and development related issues.

1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance form the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.

2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or

representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

   f. Community Development staff contact information for any related correspondence or general inquiry.

~~A.~~ 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented. ~~The subdivider that is following the infill subdivision method shall, prior to the filing of an application for approval of a final plat, submit a conceptual plan of the proposed development for formal review. Upon receipt of the submittal, the community~~

~~development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the conceptual plan submittal contains all necessary items as per section 37-144 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed conceptual plan shall not be accepted for review if incomplete. All items required on a conceptual plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.~~

~~B. Conceptual plans shall be submitted to the DRC for review, comments and recommendations. The DRC shall review the conceptual plans within nine calendar days to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-141 of this chapter. A written report shall be provided to the subdivider indicating any changes that may be needed or potential concerns that may arise during the final plat and construction drawing review process.~~

~~*Note:* The conceptual plan is not required if following the infill development process.~~

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-147. Submittal of an infill subdivision method application.

A. Following a concept plan review by the DRC, if required, the final plat and supplemental material shall be submitted to the community development department. Upon submittal, the subdivision administrator shall have eight hours to review the submittal for completeness. If all of the required items have been submitted, and the final plat submittal contains all necessary items per section 37-147, the submittal will be accepted for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate.

B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

C. Final plats shall be processed to the development review committee and other governmental agencies, if applicable, for review, comments and recommendations. The development review committee shall review the final plat to determine if it is consistent with the intent and purpose set forth in sections 37-3 and 37-141 of this chapter.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-148. Approval of infill subdivisions under the infill subdivision method.

A. Following staff review, a written report shall be provided to the P~~p~~lanning and Z~~z~~oning C~~c~~ommission with a recommendation that the final plat be approved, conditionally approved, postponed, or disapproved. The development review committee shall inform the planning and zoning commission of the reasons for their recommendation on the final plat.

B. Public notice requirements for the infill subdivision method:

1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative ~~community development department~~ at least fifteen (15)~~nine~~ calendar days prior to the P~~p~~lanning and Z~~z~~oning C~~c~~ommission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
3. *Notice.* Notice on all proposed subdivisions shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5~~2~~00 feet of the area of the proposed subdivision, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Regular, non-certified, first class mail shall also be sent to all recognized niehgborhood groups within five hundred (500) feet of the subject property. The community development department is responsible for the list of property owners and preparation of regular mail. Notice for purposes herein,~~to said property owners~~ shall be mailed at least fifteen (15)~~nine~~ calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The P~~p~~lanning and Z~~z~~oning C~~c~~ommission shall review the final plat, report, comments and recommendations from the development review committee, presentation from the applicant or the applicant's representative and from any interested citizens. Action from the P~~p~~lanning and Z~~z~~oning C~~c~~ommission shall be in the form of an approval, conditional approval, postponement, or disapproval. Action from the P~~p~~lanning and Z~~z~~oning C~~c~~ommission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the P~~p~~lanning and Z~~z~~oning

Ceommission, as approved at the public hearing, shall be furnished to all appropriate parties in accordance with section 37-11(b). All approvals by the Pplanning and Zzoning Ceommission are conditioned upon final review and approval of outstanding staff comments.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-149. Additional approval requirements for the infill development process or infill subdivision method.

A. It is a requirement of the Pplanning and Zzoning Ceommission that no infill development process or infill subdivision method proposal shall be reviewed unless either the subdivider or the subdivider's representative is present at the Pplanning and Zzoning Ceommission meeting. If the applicant or representative is not present at the public hearing, the proposal shall be tabled until the next available Pplanning and Zzoning Ceommission meeting.

B. Upon final approval of the infill development process or the infill subdivision method proposal, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat shall not be filed until all construction improvements have been completed by the developer and approved by the city or a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat approval. The subdivision administrator shall be responsible for filing the final plat at the county clerk and recorder's office.

C. Final plat approval shall be effective for no more than three years from the date of approval. If the subdivision improvements have not been completed or a form of security established and approved, the final plat shall be resubmitted for final plat approval. Prior to the expiration date, the developer may submit a request for extension, if desired. The request will be reviewed by the development review committee for consideration. All plat extensions shall be automatically conditioned to required compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.

D. No changes, revisions, erasures, or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to the satisfaction of all requirements and conditions.

E. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions if staff, the development review committee and the planning and zoning commission."

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-150. Infill subdivision submittal requirements for the infill development process or infill subdivision method.

A. Conceptual plan requirements. Preapplication procedure for infill subdivisions utilizing the ISM requires the submittal of a conceptual plan, which shall be prepared in

accordance with the master plan requirements stated in section 37-46.

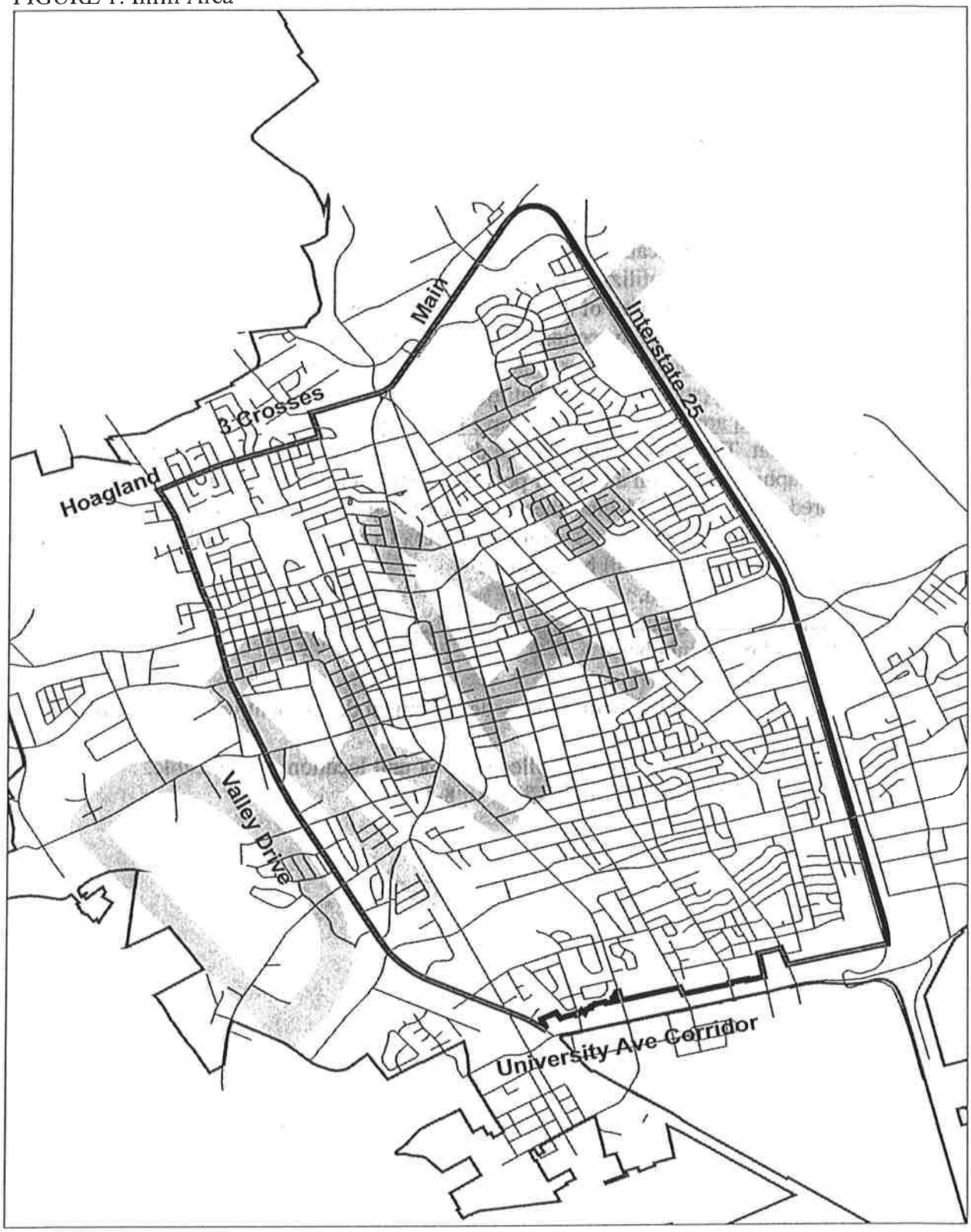
B. Final plat and supplemental material requirements. After review of the conceptual plan, if required, the subdivider shall submit the following for final plat approval.
   1. Application for final plat:
      a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property as recorded in the county clerk's office.
      b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
   2. Submittal fee, unless utilizing the IDP.
   3. Filing fee shall be required of the applicant at the time of plat filing.
   4. A final plat conforming to section 37-114 of this chapter.
   ~~4.~~5. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.
   ~~5.~~6. Address plat. The address plat shall be drawn with permanent ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information (preferred scale: 1 inch = 100 feet). Copies provided shall be legible. The following information shall be required:
      a. Title of subdivision.
      b. Approved lot layout.
      c. Lot and block numbers.
      d. Street name.
      e. Address for each lot. (Community development department will provide the addresses.)
      f. Neighborhood delivery and collection box unit location, if applicable.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-151--37-175. Reserved.

DRAFT

FIGURE 1: Infill Area



ARTICLE VI.
ALTERNATE SUMMARY PROCESS

Sec. 37-176. The purpose of the alternate summary process.

A. When a subdivision consists of no more than two parcels of land or is a replat of a previously-filed subdivision application that does not increase the total number of lots, the subdivision administrator may review and approve the subdivision, including subdivisions that propose to dedicate a right-of-way.

B. The subdivision administrator may also approve replats that decrease the number of lots of contiguous parcels in a previously-filed subdivision, provided that street dedications and utility easements are not being proposed to be vacated by the action.

C. The subdivision administrator shall have the authority to determine whether a replat of a previously-approved subdivision or a subdivision of two parcels shall be approved by summary procedure or be brought before the planning and zoning commission. The determination shall be final unless overruled by the development review committee, the city planning and zoning commission or city council action. (See section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission")

D. The alternate summary procedure shall be used only once on any one property unless the property has been master-planned for creating commercial, office or industrial subdivisions and the streets within those subdivisions have been dedicated and accepted by the city, including previously-platted lots (See article II: Master Plan). If the streets within a subdivision have not been dedicated and accepted by the city, the subdivider must follow the master plan procedures of this chapter before utilizing the alternate summary procedure more than once (See article II: Master Plan).

(Ord. No. 1798, § 1, 6-19-00)

Sec. 37-177. Pre-application procedure for final plats submitted under Sec. 37-176 (a) (increase of no more than two lots) or Sec. 37-176 (c) (creation of two parcels from a previously approved subdivision).

A. Any proposed final plat under Sec. 37-176 (a) (increase of no more than two lots) or Sec. 37-176 (c) (creation of two parcels from a previously approved subdivision) causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related

discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.

   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be

notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

   f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-178~~7~~. Preapplication procedure - general.

A. Prior to the filing of an application for approval of a final plat, the subdivider shall submit to the community development department a conceptual plan of the proposed development. A written application or fee is not required, nor does the preapplication procedure require formal approval.

B. The conceptual plan shall be processed to the subdivision administrator. The subdivision administrator shall discuss with the applicant or the applicant's representative the proposed final plat and shall indicate changes, if any, that will be required for the submittal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-179~~8~~. Submittal procedure for the alternate summary process.

A. The final plat and supplemental material processed through the alternate summary procedure shall be submitted to the community development department any time during normal working hours. Upon receipt of the submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all the required items have been submitted, and the final plat submittal contains all of the necessary items as per section 37-114, the subdivision administrator shall accept the submittal for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a final plat must be presented for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.

B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements in cases where it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Additional requirements may include a neighborhood group and/or noticed area meeting. Any requests for additional submittal requirements shall be justified in writing by the requesting entity.

C. Final plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their comments and recommendations, shall be forwarded to the subdivision administrator.

D. Whenever comments received by the city departments are in conflict, or the subdivider is in disagreement with the comments, the subdivision administrator shall be the authority to determine and resolve non-engineering or utility comment(s). The subdivision administrator may defer this authority to the development review committee. The development review committee decisions shall be final unless overruled by appeal to department directors, the planning and zoning commission, arbitration or city council, as applicable.

E. The subdivision administrator shall review all comments for applicability and appropriateness to the final plat requirements and shall forward any comments to the subdivider or the subdivider's representative for revision and completion. Final plats or replats that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met. At that time, the final plat or replat shall be approved, and notice of decision shall be furnished to the applicant and the applicant's representative in accordance with section 37-11(b).

F. Upon final approval of the final plat or replat, the applicant may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat or replat shall not be filed until all construction improvements have been completed and approved by the city, or a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat or replat approval. The subdivision administrator and the applicant or their representative shall be responsible for filing the final plat or replat at the office of the county clerk.

G. Final plat approval shall be effective for no more than three years from the date of approval as described on the approval action form. If the subdivision improvements have not begun or a form of security established and approved, the final plat shall be resubmitted for approval. The subdivider may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the subdivision administrator for consideration. All plat application extensions shall be automatically conditioned to require compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.

H. An applicant who proposes a subdivision for the purpose of mortgage, which is processed through the alternate summary procedure, is required to submit a plat of survey and a legal description with a note that clearly states that the subdivision is for mortgage purposes only and does not allow for the conveyance of the property in question. Upon submittal, the subdivision administrator shall transmit a letter to the property owner stating that the subdivision created is for mortgage purposes only and does not grant the authority to sell the divided parcel as shown on the plat of survey. If the property owner desires to sell the divided parcel by mortgage, he/she is responsible for meeting all requirements, as stated in this chapter. Once the property owner provides a written response to the subdivision administrator's letter that said property owner understands the conditions of the subdivision by mortgage and is not dividing said parcel for the purpose of sale, the subdivision administrator will approve the plat of survey.

I. Appeals. Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or by any other adopted resolution, rule, or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-18~~079~~. Alternate summary process submittal requirements.

A. Subdivisions that follow the alternate summary process shall conform to the following requirements:

1. *Application.*
   a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate and all persons having a specific power of attorney) of the subject property, as recorded in the county clerk's office.
   b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
2. *Submittal fee.*
3. Documentation from the county assessor's office that the current year's property taxes are paid and that no taxes are owed on the property.
4. A final plat conforming to section 37-114 of this code.
5. Releases by affected utility companies for replats submitted for approval by the alternate summary procedure.
6. Address plat. The address plat shall be drawn using permanent black ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch x 24-inch sheets at a scale that adequately represents the information (preferred scale: 1 inch = 100 feet). Copies provided shall be legible. The following information shall be required:
   a. Title of subdivision;
   b. Approved lot layout;
   c. Lot and block numbers;
   d. Street name;
   e. Address of each lot (Community development department will provide the addresses).
   f. Neighborhood delivery and collection box unit location, if applicable.
7. Filing fee at time of plat filing.
~~7.~~8. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-181~~0~~--37-205. Reserved.

ARTICLE VII.
REPLATS

Sec. 37-206. Replat--Defined.
A replat occurs when changes take place on a previously-filed subdivision plat. The process to follow when replatting a subdivision of lots within a subdivision varies and depends on the type(s) of changes being made.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-207. Process to follow when replatting.

A. A replat of a previously-filed subdivision that does not increase the total number of lots (moving or removing existing lot lines) may follow the procedures established in article VI, alternate summary procedure.

B. Replats that increase the total number of lots of a previously-filed subdivision shall follow procedures appropriate to those given in Final Plats.

C. Replats proposing waivers to this chapter and/or design standards shall follow the appropriate procedures regardless of whether said waiver(s) were approved with the original subdivision plat.

D. Replats and vacation plats may be submitted simultaneously and as one plat, if deemed appropriate by the subdivision administrator (Refer to Vacations). The application shall be processed to the city council for consideration when all requirements of this chapter have been met.

E. Appeals. Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or of any other adopted resolution, rule or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the city community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission."

Sec. 37-208. Pre-application procedure for final plats submitted under Sec. 37-207 (b) (increase of lots of a previously filed subdivision or Sec. 37-207 (d) (vacation plats).

A. Any proposed final plat under Sec. 37-207 (b) (increase of lots of a previously filed subdivision or Sec. 37-207 (d) (vacation plats) causing need for public notification, review and approval by the Planning and Zoning Commission or City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion,

information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.

   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community

Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

~~E.~~ 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.Sec. 37-208.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-209~~8~~--37-235. Reserved.

DRAFT

ARTICLE VIII.
VACATION PLATS

Sec. 37-236. Purpose of vacation platting.

A. The vacation process is to be followed when a request is made to rescind all or part of a recorded subdivision plat of land that has been legally dedicated. A vacation petitioner shall file a vacation plat on any land being vacated that is recorded in the county clerk's office, unless determined by the subdivision administrator that such action is not required. If a vacation plat is not required, a plat of survey that is clear and concise in displaying the proposed vacation shall be submitted, in lieu of said plat,.

B. Vacation plats shall be prepared as a final plat in accordance with section 37-114 of this chapter. Said plat shall be prepared by, and have the seal of, a state registered land surveyor.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-237. Preapplication procedure for vacation plats.

A. Any proposed vacation plat causing need for public notification, review and approval by the City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed platting action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.

   b. Potential land use conflicts resulting from potential sale of vacated property to adjacent property owners.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is the loss of pedestrian access as a result of vacated right of way.

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

b. Information as to how the developer, applicant, or representative for the development action may be contacted.

c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-238~~7~~. Submittal process for vacation plats.

A. The vacation plat and supplemental material shall be submitted to the community development department no later than 35 calendar days prior to the day of the regular meeting of the city council for approval consideration.

B. Upon receipt of submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the vacation plat submittal contains all necessary items, the subdivision administrator shall accept the submittal for review. A proposed vacation plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a vacation plat must be present for acceptance. If the submittal is found to be incomplete, the applicant shall have

eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

C. The subdivision administrator or the development review committee shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

(Ord. No. 1929, §§ I, II, 3-3-03)

Sec. 37-238. Vacation plat approval process.

A. Vacation plats shall be submitted to the development review committee for review, comments and recommendations. The development review committee shall review the vacation plat to determine whether it is consistent with the intents and purposes set forth in this chapter.

B. A written report shall be provided to the city council with a recommendation that the vacation plat be either approved, denied or modified. The development review committee shall state reasons for their recommendation to the city council.

C. Public notice requirements:

1. *Agenda.* The agenda of the city council meetings shall be made available no later than fifteen (15)~~our~~ calendar days prior to the meeting.
2. *Notice.* Notice of the time and place of the city council meeting shall be published in a newspaper of general circulation in the city at least fifteen (15)~~eight~~ calendar days prior to the meeting. Notice on all proposed vacations shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within 500 feet of the proposed vacated right-of-way~~ion and within all lands abutting the area proposed to be vacated~~. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within 500 feet of the proposed vacated right-of way. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice to neighborhood group(s) and/or noticed area~~said property owners~~ shall be mailed at least fifteen (15)~~nine~~ calendar days prior to the meeting.

D. The city council shall review the vacation plat or request, comments and recommendations from the development review committee, the presentation from the petitioner or the petitioner's representative and from any interested citizens. Action from the city council shall be in the form of approval, denial, or modification. Action from the city council shall be recorded in the minutes of the meeting. An affirmative vote by four members of the city council is required for approval of a vacation plat or request. A copy of the city council notice of decision that includes any changes or conditions, as done at the public hearing, shall be furnished to all of the parties stated above in accordance with section 37-11(b).

E. It is the requirement of the city council that no vacation plat or request shall be reviewed unless either the petitioner or the petitioner's representative is present at the city council meeting. If the applicant is not present at the public hearing, the vacation plat or request will be tabled until the next regular city council meeting.

F. No changes, revisions, erasures or modifications shall be made on the vacation plat after approval by the city council. No vacation plat shall be filed and recorded prior to the satisfaction of all requirements and conditions of this chapter. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after vacation plat approval. The subdivision administrator shall be responsible for filing the vacation plat at the county clerk's and records office.

G. Appeals. The decision of the city council may be appealed to district court. The appeal must be filed within 30 calendar days of the decision of the city council. See section 37-13 for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-239. Vacation plat submittal requirements.

A. The following information shall be required.
   1. Application.
      a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property, as recorded in the county clerk's office.
      b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
   2. Submittal fee.
   3. Filing fee at time of plat filing.
   4. Vacation plat (conforming to the provisions set forth in section 37-114), with the exception that signature blocks for the mayor and the city clerk be added in lieu of that of the city planning and zoning commission. In addition, all existing utilities and utility easements shall be shown on the plat.
   5. A petition signed and notarized by property owners in situations whereby access would be affected.
   6. A statement of vacation signed and notarized by the property owners.
   ~~6.~~7. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00)

Secs. 37-240--37-265. Reserved.

ARTICLE IX.
ANNEXATIONS

Sec. 37-266. Purpose of annexation.
The purpose of an annexation is to redesignate property outside the city as being within the city limits, thereafter. Annexations can be used to maintain a unified urban area and to promote orderly growth utilizing city services.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-267. When an annexation plat is required.
An annexation plat conforming to this chapter shall be required for all annexation requests. A master plan identifying the purpose for which the property is intended to be used, and an initial zoning request, are also required. (Ord. No. 1798, § I, 6-19-00)

Sec. 37-268. Preapplication procedure.

A. ~~Prior to the submittal of a petition for annexation, the property owner shall submit to the community development department a conceptual plan of the proposed development/annexation. A written application or fee is not required, nor does this preapplication procedure require planning and zoning commission approval.~~ Any proposed annexation causing need for public notification, review and approval by the Planning and Zoning Commission and City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The applicant shall submit to the community development department a conceptual plan of the proposed development/annexation. A written application or fee is not required, nor does this preapplication procedure require planning and zoning commission approval. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

   a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate

DRAFT

the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

   a. A detailed description (to the extent possible) of what is being pursued in terms of development.

   b. Information as to how the developer, applicant, or representative for the development action may be contacted.

   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

   f. Community Development staff contact information for any related correspondence or general inquiry.

~~A.~~ 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

B. The subdivision administrator and the zoning administrator shall review all conceptual annexation requests and discuss with the petitioner(s) and/or the petitioners'

representative any changes that will be required for the submittal process.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-269. Submittal of an annexation request.

A. The annexation petition, initial zoning request, master plan and annexation plat shall be submitted to the community development department no later than 48 calendar days prior to the day of the regular meeting of the planning and zoning commission for approval consideration.

B. Upon receipt of a submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, the subdivision administrator shall accept the submittal for review. A proposed annexation shall not be accepted for review if the annexation plat, the master plan and the zoning application are incomplete or substantially inaccurate. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

C. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Required information may include, but is not limited to, a neighborhood groups and/or noticed area meeting, traffic impact analysis, environmental analysis or other documentation or information necessary to meet the objectives of this chapter. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

D. Annexation requests will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days in which to complete the review. Written reports with their recommendations shall be forwarded to the subdivision administrator.

E. The subdivision administrator shall review all comments for applicability and appropriateness to the annexation requirements and shall forward any comments to the applicant or the applicant's representative for completion. Annexation requests that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-270. Review and consideration of an annexation request.

A. Following initial staff review and review of the initial zoning request, the annexation request shall be forwarded to the development review committee for review, comment and recommendation. The development review committee shall review the annexation master plan in accordance with section 37-45 of this chapter. Following development review committee review, the master plan, and the annexation and initial zoning request, shall be scheduled for a public hearing for planning and zoning commission

consideration. A written report shall be provided to the planning and zoning commission from the development review committee recommending that the master plan and the annexation and initial zoning request be either approved, conditionally approved, postponed or disapproved. The development review committee shall state the reasons for their recommendation concerning the annexation and initial zoning request submitted to the planning and zoning commission.

B. Public notice requirements: The items indicated below shall be required for all annexation requests scheduled for planning and zoning commission action.
   1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
   2. *Posting.* The community development department shall post a notice of the proposed annexation and initial zoning in a conspicuous place on the property at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, , Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
   3. *Notice.* Notice of the Planning and Zoning Commission public hearing shall be sent by certified mail to all property owners when one city block or less is under consideration for the activities listed, (except zone change-related cases, see Section 38-10B2b, where notice shall be sent by regular, non-certified, first class mail), as shown by the records of the County Assessor, within at least one hundred (100) feet of the subject property of the proposed request, excluding streets, alleys, channels, canals, railroads, and all other public rights-of-way. Thereafter, regular, non-certified, first class mail shall be sent to those properties that fall within a distance greater than one hundred (100) feet and no less than five hundred (500) feet of the subject property. The secondary distance of (>= 100' - <= 500') may include streets, alleys, channels, canals, railroads, and all other public rights-of-way.. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice shall be mailed at least fifteen (15) calendar days prior to the required public hearing. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the City.~~Notice on all proposed annexations shall be sent by certified mail, to comply with state law requirements for zoning matters, to all property owners (as shown on the records of the county assessor) within the proposed area of annexation and within 200 feet of the area of the proposed annexation, excluding streets, alleys, channels, canals, other~~

~~public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and the preparation of certified mail. Notice to said property owners shall be mailed at least ten calendar days prior to the public hearing. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days prior to the public hearing.~~

C. The planning and zoning commission shall review the master plan, the annexation and initial zoning request report, comments, and recommendations received from the development review committee, as well as the presentation from the applicant and/or the applicant's representative, and from any interested citizens at a public hearing. The intent of the planning and zoning commission review is to allow for public input in the development process and to serve as a land-planning process. Review of the proposal shall consist of zoning-related issues including, but not limited to, compliance with the comprehensive plan. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. The annexation request shall be heard as one case, but separate action shall be taken on the master plan, the annexation plat and the initial zoning request. Action on the annexation plat and the initial zoning request will be in the form of a recommendation to the city council that the proposals be approved, conditionally approved, or disapproved.

D. It is the requirement of the planning and zoning commission that no annexation request shall be reviewed unless either the applicant or the applicant's representative is present at the public hearing. If neither is present at the public hearing, the request will be postponed until the next regular planning and zoning commission meeting.

E. Following action by the planning and zoning commission, the annexation request and the initial zoning request shall be forwarded to the city council for final action. The annexation request and the initial zoning request will be scheduled for the next available regular city council meeting once staff has received the minutes of the planning and zoning commission public hearing, and all public notice requirements of this chapter are met. A copy of the notice of decisions that include any changes or conditions the planning and zoning commission and city council made at public hearings shall be provided to all appropriate parties in accordance with section 37-11(b).

F. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or of any other adopted resolution, rule, or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission."

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-271. Annexation request submittal requirements.

A. A request for annexation shall include the following:

1. Application (to include annexation, initial zoning and master plan):
   a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property as recorded in the county clerk's office.
   b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.
2. Submittal fee.
3. Petition. The petition shall contain the following information:
   a. Date;
   b. Description of property (certified by N.M.P.L.S.);
   c. Acknowledgment by each property owner;
   d. Name of each property owner;
   e. Address of each property owner;
   f. Notarized signature of each property owner;
4. Annexation plat. Conforming to the provisions set forth in section 37-114, the plat must also contain certification blocks for the mayor and the city clerk, as well as for recording information (book and page) for the annexation ordinance. An annexation plat must include all adjacent public rights-of-way.

   The plat shall, by note, reference all agreements related to water rights, and future payments, and must include the city council resolution number associated with the agreement.
5. Initial zoning request (see 1981 Las Cruces zoning code, as amended).
6. Master plan, conforming to the provisions set forth in section 37-46.
7. Letter of acknowledgment from the property owner(s) that the conveyance of water rights or payment in lieu of said rights shall be required at the time of development; and, adherence to the city's water rights ordinance, as amended.
8. Filing fee at time of plat and ordinance filing.
9. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00)

Secs. 37-272--37-297. Reserved.

ARTICLE X.
GUARANTEE OF IMPROVEMENTS

Sec. 37-298. Subdivision improvement requirements.

A. After final plat approval, the subdivider shall submit construction drawings to the community development department for review and approval for construction permits. Review of the construction drawings may transpire at any time after the submittal of the final plat. However, construction permits shall not be issued without appropriate approval of the final plat.

B. Designs for subdivisions within the corporate limits of the city shall conform to the provisions set forth in the city design standards, (chapter 32, LCMC).

C. Waivers to the design standards are discouraged and will be considered only if the subdivision application is processed through the planned unit development (P.U.D.) procedure, or whenever the subdivider has provided sound evidence in writing substantiating the need for a waiver to said standards.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-299. Application procedure.

A. The construction drawings and supplemental material shall be submitted to the community development department. Upon submittal, the community development department shall review the submittal for completeness. If all of the required items have been submitted, the community development department shall issue a receipt for same.

B. Construction drawings and supplemental material will be processed by the applicable city departments and other governmental agencies for review, comments and recommendations. Written reports, with their comments and recommendations, shall be forwarded to the community development department within ten business days for the first review and within five business days for each subsequent review.

C. The community development department shall forward any comments to the subdivider or the subdivider's representative for completion. Construction drawings and supplemental material that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met. At that time, the construction drawings shall be approved, the construction approval block signed by the appropriate authorities and a construction permit issued (if the final plat has received approval from the appropriate authority).

D. Conflict. Whenever comments received by the city departments are in conflict, or whenever the subdivider is in disagreement with the comment(s), the subdivision administrator will determine the appropriate procedure to be followed in order to resolve said conflict or disagreement. Conflicts or disagreements may be resolved by following the applicable appeal procedure.

DRAFT

E. Appeals.
1. Appeals of staff decisions regarding nonutility engineering concerns with the construction drawings are resolved by the public works director. The appeal may be submitted at any time during the construction drawing review process. Appeals shall be submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for review of the appeal. The meeting shall include the applicant, the development review committee, and the staff member whose decision is being appealed. After a review of the appeal, the public works director shall render a decision within three business days of the meeting.
2. Appeals of staff decisions regarding utility concerns with the construction drawings are resolved by the utilities department director. The appeal may be submitted at any time during the construction drawing review process. Appeals shall be submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for review of the appeal. The meeting shall include the applicant, the utilities director, the DRC and the staff member whose decision is being appealed. Upon review of the appeal, the utilities director shall render a decision within three business days of the meeting.
3. Appeals to the decision of either the public works director or the utilities director regarding the construction drawings are resolved by arbitration. See section 37-13(d), "appeal of public works director or the utilities director."

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-300. Construction drawing submittal requirements.

A. Subdivision requirements:
1. Application;
2. Submittal fee;
3. A final plat conforming to section 37-114 of this chapter;
4. Geotechnical soils investigation report. A complete geotechnical soils investigation and corresponding report may be required if the soil conditions are unknown, unreliable, or otherwise unusual. This requirement must be met when working in soils that are graded "expansive" or "very fine."

   Any geotechnical soils investigation must include, at a minimum, representative sampling and testing for:
   a. Soil classification (USCS);
   b. Sieve analysis;
   c. Structural design factors (R value and/or CBR value);
   d. Other parameters may be required, including but not limited to:
      i. Soil percolation tests (permeability);
      ii. Soil boring logs;
      iii. Water table elevations;
5. Pavement design. A complete pavement design may be required for collectors, arterials, industrial parks/developments, or other areas subject to unusual traffic loadings. This requirement must be met whenever the soil to be worked in has been graded as "expansive" or "very fine." Pavement designs must include, at a minimum:
   a. Depth and type of subgrade preparation;

b. Depth and type of base course needed;
c. Depth and type of asphalt pavement needed: Note--Asphalt mix formula to be required from contractors.

6. Final drainage study. The final drainage study shall be a detailed report and analysis of the drainage in the proposed development. It shall include detailed calculations for all potential runoff within the proposed development, and detailed calculations supporting the design of all drainage structures within the development.

   Construction plans for all drainage structures, and grading plans for all street grades where applicable, shall also be considered as part of the final drainage study.

   Drawings and calculations comprising the final drainage study shall include, but not be limited to, the following information:

   a. Existing and proposed contours for proposed development. (Contour interval based on N.G.S. Datum--two-foot contour interval minimum.) Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall contain spot elevations or one-foot contour intervals.
   b. Location(s) and elevation(s) of city or U.S.G.S benchmark(s). All elevations shall be based on N.G.S. Datum.
   c. Property lines.
   d. Streets, R.O.W. limits, names and grades.
   e. Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts.

      All pertinent information such as size, slope, elevations and locations of existing drainage ways shall be included in order to facilitate review and approval of drainage plans.
   f. Overall drainage area boundaries and drainage sub-area boundaries.
   g. Proposed types of curbs and gutters and gutter flow directions, including crosspans (intersections).
   h. Proposed storm drains, open drainage ways and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other appurtenances necessary for drainage control.
   i. Proposed inflow and outfall point(s) for runoff from the study area.
   j. Routing and accumulative flows at various critical points for the initial (ten-year) and major (100-year) storm runoff.
   k. Minimum finished-floor elevation and ground-site elevations at all critical building locations for protection from major storm runoff.
   l. A 1-inch = 100-foot (preferable) scale map of the proposed development that shows the following information:
      i. Locations and sizes of all drainage structures;
      ii. General flow patterns within the development;
      iii. Minimum finished-floor or building-pad elevation of each building site;
      iv. 100-year flood level in all streets in which the curb would be overtopped during the 100-year storm;
      v. All drainage basins within the development (Note: The number of basins

should be limited to the smallest practical number.)

m. All floodplains and floodways within the proposed development. A copy of the current F.E.M.A. Floodplain Map is required showing project limits.

n. All drawings on 24-inch × 36-inch sheets.

o. Plan details. The following details shall be indicated on the drainage plans.
   i. Title block (lower right-hand corner preferred);
   ii. Scale;
   iii. Date and revisions;
   iv. Name and address of professional engineer (and firm);
   v. Professional engineer's seal;
   vi. Drawing number (sheet n/n);
   vii. Legend;
   viii. Approval block for appropriate reviewing departments and agencies;

p. Construction drawings. Construction drawings shall be prepared by a registered professional engineer licensed in the state. All drawings shall be on 24-inch × 36-inch sheets and shall show the following information:

Plan:

- North arrow;
- Property lines;
- Street names and easements (with locations and width dimensions);
- Existing utility lines, locations and depths (or heights):
  - Water;
  - Gas;
  - Storm drains;
  - Irrigation canals;
  - Sanitary sewers;
  - All existing and proposed public and private utilities.

Profile:

- Vertical and horizontal grids with scales identified;
- Ground surface grade (dashed line) and proposed grade (solid line);
- Existing utility lines where crossed;
- Benchmarks (N.G.S. Datum);

Proposed construction:

- *Pipes and culverts:*
  - Plan showing stationing;
  - Profile showing elevations at even stationing (at 50-foot intervals)
  - Size and length pipe, pipe composition (if applicable) and distances between manholes;
  - Slope of pipe;
  - Inlet and outlet details of all manholes and inlets, and connections to existing drainage systems (if applicable);
  - Manhole details, including station numbers, and invert and top elevations;
  - Typical bedding details for pipe for all bedding situations encountered on

project;

- *Open channels:*
  - Plan showing stationing;
  - Profile indicating elevations of invert of channel, top of lining (if any), and adjacent ground grade;
  - Profile showing elevations at even stationing (at 50-foot intervals);
  - Typical cross sections;
  - Construction notes;
  - Lining details;
  - Rip-rap and bedding details, with graduation requirements for same;
  - Details of all inflow and outflow structures and drop structures (includes subgrade and foundation design details);
- *Technical specifications:* Technical specifications shall be included on any drainage project permitted for construction within the city. Specifications shall meet the minimum guidelines for construction as outlined in the city standard specifications for roadway construction and design standards as amended. Additional specifications for construction shall be included, to the point at which there exists a clear understanding of the nature and quality of work to be performed on the project. Additional technical specifications for projects that will become city property or that will be involved in the city storm drainage maintenance program, may be required.

q. Street plan and profiles. The plan and profiles shall be prepared on 24-inch × 36-inch sheets by a registered professional engineer, licensed in the state. The scale of all plans and profiles shall be 1:5 vertical, 1:50 horizontal unless a grid break would result. In such cases, the scale may be 1:10 vertical, 1:100 horizontal. A grid shall be required in all cases.

Plan. The following information shall be indicated on the plans:

- Title block (lower right-hand corner preferred);
- Horizontal/vertical scale;
- Date and revisions;
- Name of professional engineer (and firm);
- Professional engineer's seal;
- Drawing number (sheet n/n);
- Legend;
- Construction approval block for appropriate reviewing departments and agencies;
- Street name;
- North arrow;
- Match lines with stationing and "see sheets" called out;
- Limits of construction;
- Centerline stationing;
- Stations at street intersections, curb returns and property lines;
- Sizes and locations of all utilities (existing and proposed) (stub-outs not

required);
- Rights-of-way widths;
- Adjacent block and lot numbers;
- Fire hydrant locations;
- Water and gas lines and valve locations;
- Sidewalk and wheelchair ramp locations;
- Curve centerline data;
- Stationing and locations or crown transition;
- Back-of-curb radius (P.C., P.T. and midpoint stations), or sidewalk if no curbing is required, if applicable;
- Curb/gutter locations, if applicable;
- Top-of-curb elevations, or of sidewalk if no curbing is required, and stations at each front lot corner;
- Drainage flow arrows at crosspans and nontypical intersections;
- Driveway locations and stations (if applicable);
- Proposed top-of-pavement spot elevations at and across from all intersections (at flowline extensions);
- A local benchmark based on N.G.S. datum, with description, location and elevation;
- Manhole locations;
- "No parking" sign locations (if applicable)

Profiles. The following information shall be indicated on the profiles:
- Proposed and existing grades 100 feet beyond limits of construction;
- Even stationing (at 50-foot intervals) and elevations on all profiles of top-of-curb, right and left, street centerline required if in a nontypical section;
- Stationing and elevation of the vertical point of intersection on all vertical curves, including, PVT, PVI, PVC, and K value;
- Top-of-curb elevations (or top-of-sidewalk elevations if no curbing is required at each lot corner);
- Sanitary and storm sewer pipe invert elevations;
- Slopes of sewer lines;
- Stationing of manholes;
- Pipeline locations, sizes and depths noted;
- Limits of construction;
- Grid at scale of 1:5 Vertical and 1:50 horizontal; scale can be 1:10 vertical and 1:100 horizontal if size will require a page break;

r. Grading plans. The plans shall be prepared by a registered professional engineer licensed in the state. The following information shall be required:
- Street names;
- Block and lot numbers;
- North arrow;
- Written and graphic scales;

- Existing contours based on project "as-builts," not plans, at 2-foot intervals (100 feet beyond project boundary if adjacent land is undeveloped and the property line of the adjacent land is developed). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall provide spot elevations, or one-foot contour intervals;
- Retaining wall locations (and note if walls will be built at time of roadway construction) (See city design standards, chapter 32, LCMC);
- Top-of-curb elevations, or sidewalk if no curbing is required at each lot corner
- Pad elevations or finished floor elevations (for each lot);
- Spot elevations (minimum of six per lot showing high points and low points) or a typical lot detail if the proposed development has a relatively flat surface (e.g., river valley subdivision);
- Pond elevations: Top, bottom and dimension from property lines (if applicable);
- Barrow ditch elevations (if applicable);
- Drainage channel elevations (if applicable);
- Drainage flow arrows (and note if roof area will drain to ponding area);
- Retention/detention, basin, location and elevation;
- A project benchmark based on N.G.S. datum with description, location and elevation.
- Note: All grading, including lot grading, shall be done at time of roadway construction and to be maintained by subdivider.
- General notes for grading and construction, etc.;
- Off-site grading or slope grading limits (if applicable);
- All grading must comply with chapter 70 of the Uniform Building Code or an approved alternative. Alternative design may only be approved by the public works director.
  If grading will be performed on the land of an adjacent property owner(s), or construction vehicles may need to access the property, a copy of a letter must be provided to the city, signed by the adjacent property owner(s), stating that they understand the nature of the work and do not oppose the modification to their property and/or that they will allow temporary access to their property by the contractor;
- Show existing utilities.

s. Utility master plan. The Utility master plan shall include all phases of development and be prepared by a registered professional engineer, licensed in the state. The following information shall be required: If utilities are not in the standard location, i.e., street right-of-way, then preapproval is required by the utilities department.
   - Utilities for existing development: Size and type of pipe (existing and proposed), including underground electrical, telephone, cable TV, etc.;
   - Lot and block numbers;
   - Street names;
   - North arrow, written and graphic scale: Scale shall be no greater than 1-inch =

60-feet;
- Utility stubouts;
- Street light pad and conduit locations;
- Wire utility boxes;
- Fire hydrant locations;
- Water and gas valve locations;
- A local benchmark based on N.G.S. datum, with description, location and elevation;
- Manhole locations.

t. Detail sheet, to be prepared by a registered professional engineer licensed in the state. The following information shall be required, if applicable:
- Roadway construction notes and general notes;
- Utility construction notes;
- Manhole details;
- Typical utility stubout to lot detail;
- Street intersection detail (if applicable);
- Typical street cross-section(s) (including paving composition);
- Curb and gutter detail;
- Wheelchair ramp detail;
- Retaining wall detail, cut-off wall detail and all fencing details (if applicable);
- Drainage structure details;
- Light base details;
- Typical lot layout;
- Any other construction detail which may be needed for clarification purposes;
- Water and gas valve and line detail.

B. The subdivider of any approved subdivision shall be responsible for completing roads, drainage and utility improvements necessary for filing the final plat. Construction improvements shall include 100 percent coverage of all road, drainage and utility improvements within the subdivision and 50 percent coverage of roads adjacent to the subdivision. The subdivider shall be responsible for any necessary off-site utility extensions required to provide service, unless such extensions are already part of the utility capital improvement program.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-301. Installation and acceptance of improvements.

The improvements, both public and private, required with the approved subdivision application shall be constructed, installed and approved into the city's maintenance program (if applicable) prior to the filing of an approved final plat or provisions made to secure the completion of improvements. The subdivider may secure the improvements by furnishing a performance bond, an irrevocable letter of credit, a cashier's check, an escrow account, or other acceptable collateral and a guarantee of performance to the city in favor of the city, to secure actual construction of the improvements within a period of 34 months after the approval of the final plat. If the improvements have not been constructed in accordance with the approved plans and

specifications within the time frame prescribed by this chapter, the city may withdraw adequate monies from the securities to complete the construction of the subdivision.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-302. Guarantee of performance.

A. The community development department shall not file the final plat until all required improvements have been inspected and approved by the city, or until provisions are made to secure the completion of improvements. If the improvements are not completed by the completion date, the subdivision shall revert to preliminary plat status unless the final plat has received an approval extension.

B. A form of security, a guarantee of performance and a bid from the contractor may have to be filed with the city. The amount of such security must cover the projected cost of all required improvements agreed to by the subdivision administrator. The amount shall be based on the projected costs that the city would incur at the time improvements are scheduled for completion. Any of the following types of security shall be filed with the subdivision administrator:
   1. Performance bond: A surety bond acceptable to the city to cover estimated costs of improvements.
   2. Escrow account: An account established with a financial institution in the amount of the projected costs of improvements.
   3. Irrevocable stand-by letter of credit: Irrevocable authority to draw a draft for the projected cost of improvements.
   4. Cashiers check: An amount of security acceptable to the city to cover estimated costs of improvements.
   5. Any other form of security approved by the subdivision administrator and legal staff.
   6. An applicant subdividing a large tract of land as deemed appropriate by the development review committee, may with the approval of the subdivision administrator and the legal staff, submit a final plat for approval without providing any form of security if it is noted on the final plat that:
      a. The city has not accepted the dedications identified on the plat; and
      b. The applicant and future owners shall notify prospective purchasers in writing that the purchaser will be responsible for providing the necessary improvements and/or security.

The city shall not issue any building permits within the subdivision until such time security in form of those listed in 37-302(b)(1--5) has been provided to the city.

All forms of security and agreements shall be reviewed and approved by the subdivision administrator, and approved as to form by the attorney's office.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1866, § I, 5-7-01; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-303. Release of collateral.

If the developer wishes to provide a form of security, the following procedure for release of collateral shall apply:

As improvements are completed, the subdivider may apply to the subdivision administrator for a

release of part or all of the collateral deposited. Application for partial release shall include the contractor's invoice, showing the items and percentages of completion being billed. The subdivision administrator shall forward the request to the appropriate inspectors to verify that the work being billed has been completed. Upon inspection and approval by the city, the subdivision administrator may release said collateral. If the subdivision administrator determines that any of such improvements are not constructed in compliance with specifications, the city shall be entitled to withhold collateral sufficient to ensure such compliance. If the city determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the city may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications. The subdivision administrator shall withhold 10% of any collateral for specific improvements until such time as the final approved record drawings are submitted to the subdivision administrator and the improvements are accepted by the city.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-304. Extension of guarantee of performance.

A. The subdivider may request an extension of the guarantee of performance with the city via a written request explaining the extension proposal and the reasons for said request. The subdivision administrator shall review the subdivider's request to determine whether the guarantee of performance and the security will be extended. If approved, the subdivider shall be responsible to furnish a revised guarantee of performance and a form of security that adequately secures the completion of improvements prior to the expiration date of the guarantee of performance contract.

B. Guarantee of performance extensions shall only be granted once, for a one-year period, if there has been substantial progress made in the construction of the improvements. Substantial progress, in this sense, means 50 percent completion, the extent to be determined by the subdivision administrator.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-305. Acceptance of improvements.

A. The subdivider may request the city to approve and accept the roadway, utility, and drainage improvements. For preliminary acceptance of utility improvements, and prior to connection to the city's utility system, the subdivider shall be required to submit utility blueline drawings for review and approval by city engineers. Such drawings shall be submitted to the utilities department projects administrator.

B. Upon completion of the development, the subdivider may make a written request to the subdivision administrator for final acceptance of all subdivision improvements. Along with the written request, the city shall require the submission of one set of Mylar record drawings (as-builts), a computer-aided drawing file on a 3.5-inch computer diskette or recordable CD, or other format accepted by the city, and a detailed material listing. The city shall inspect said improvements to determine whether the infrastructure is acceptable and whether it conforms to the approved final plat and construction drawings. The computer-aided drawing file on computer diskette or CD may be waived by the development review committee. Granting a waiver shall not serve as a convenience to the

applicant, but the waiver shall be the minimum necessary for relief due to some demonstrable hardship, and shall be granted only in cases where reasonable alternative means are not available to resolve the issue(s).

C. The computer-aided drawing file to be submitted shall be labeled with the contractor's name, the engineer's name, the subdivision name, the subdivision location, and the final inspection date. The computer-aided drawing file shall be the file used to generate the final record drawings (hard copy). The computer-aided drawing file shall depict the final Mylar as-builts with the rights-of-way and the subdivision tied to the state plane coordinates. The computer file drawing shall be in AutoCAD Version 11 or later, or in a similar 100 percent compatible and transferable file. Prior to submittal of the digital record drawings, the project engineer shall enter into a digital file agreement with the city. The purpose of the digital file agreement is to protect the project engineer from liability in the event that the drawings become altered in any manner not approved by the city and the project engineer.

D. Said Mylar drawings shall be signed and sealed by a registered engineer of the state. The Mylar drawings made from the design drawings based on the contractors' as-builts and the computer-aided drawing file shall provide the following information for city review:
   1. *Grade changes.* Reflect all changes in grading from the approved plan and profile sheets, including but not limited to curb elevations, property line elevations, drop inlets, curb return elevations, tops of manholes, and inverts.
   2. *Street alignment changes.* Designate any alignment change within a street right-of-way that deviates from that shown on the approved plan and the profile sheets.
   3. *Detail sheet changes.* Reflect any change in street cross sections, retaining walls or other general details that have been altered from the approved construction drawings.
   4. *Utility changes.* Designate all utility changes that deviate from the approved plan and profile sheets.

E. Additionally, a detailed material listing shall be required. The materials listing must be a tabular listing that includes, wherever appropriate, mains (sewer mains must include depth), valves, manholes, fire hydrants, number of service lines and number of drainage inlets. These materials must be represented in the listing by the standard measure or by the unit installed, e.g., linear foot, number of each. The listing must be separated by utility function for potable water, wastewater, storm drainage and gas. The listing must include:
   1. Developer's name;
   2. Subdivision name and location;
   3. Date of final inspection;
   4. Quantity and unit of materials installed (e.g., 250 linear feet, eight each);
   5. Material description, including size or dimensions (e.g., 4-inch PVC main).

F. The subdivision administrator, upon receipt of a written report of recommendation for acceptance and from:
   1. The public works director that all improvements have been installed in accordance with the plans, as approved, and are in conformity with the requirements of this

chapter; and

2. The utilities director that all utility improvements have been installed in accordance with the plans, as approved, and that they are in conformance with the requirements of this chapter;

May formally accept said public improvements for city maintenance. The subdivision administrator will notify the subdivider within ten business days after his/her request as to whether the improvements will be accepted for city maintenance. The subdivision will be accepted only with the concurrence of the subdivision administrator, public works department director and the utilities department director. Upon acceptance, the subdivider shall guarantee improvements for one year.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-306--37-331. Reserved.

DRAFT

ARTICLE XI.
WAIVER OF REGULATIONS

Sec. 37-332. Waivers.
In the case of a particular proposed subdivision, whenever it can be shown that strict compliance with the requirements of this chapter would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that such conditions would result in inhibiting the objectives of this code, the planning and zoning commission may vary, modify, or waive nonengineering-related requirements up to 15 percent of the required standard. Furthermore, any proposal containing three or more planning-related waivers shall be processed via the planned unit development process. The subdivision administrator may waive submittal requirements of this chapter. A waiver of engineering submittal requirements shall require the concurrence of the public works director. The public works director and the utilities director may vary, modify or waive engineering-related requirements as applicable and appropriate. No variance or waiver shall be allowed when such waiver is requested because the goals and objectives of the drainage section of the city's design standards are not being met. For example: A waiver shall not be granted if the developer is designing a drainage system that transfers problems from one location to another, that does not provide protection against regularly-occurring damage, or that creates major property damage or loss of life from runoff expected in a major storm event. Also, no waiver shall grant any variation or modification contrary to the mandatory requirements of state law.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-333. Waiver procedure.

A. Whenever the subdivider desires to request a waiver or variance from any nonengineering-related requirements of this chapter, the subdivider shall submit, in writing, the request for waiver at the time of master plan submittal or preliminary plat submittal, or at the time that a replat or an alternate summary processed subdivision is submitted. The request for waiver shall include, in detail, the reasons for supporting such a request.

B. The subdivision administrator shall schedule the requested waiver to be reviewed by the development review committee. The development review committee shall review the waiver request and recommend to the planning and zoning commission to approve, disapprove, or modify the waiver request.

C. The planning and zoning commission shall review the recommendations of the development review committee and approve, disapprove, or modify the waiver request. Any waiver requests greater than 15 percent of the required standard shall be forwarded to the city council with a recommendation by the planning and zoning commission that the waiver be either approved or denied. Any proposal requesting three or more planning-related waivers shall be processed via the planned unit development procedures and shall require city council approval.

D. When a proposal with waiver(s) requiring city council approval is submitted, the planning and zoning commission will review the proposal and provide a recommendation for approval or denial to the city council. The case will be forwarded to the city council for action.

E. The city council shall review the proposal and recommendations from the planning and zoning commission. Action by the city council shall be in the form of approval, denial, or modification. Action by the city council shall be recorded in the minutes of the meeting. An affirmative vote by four members of the city council is required for approval of a proposal. A copy of the city council notice of decision that includes any changes or conditions, as done at the public hearing, shall be furnished to all of the parties stated above in accordance with section 37-11(b).

F. Specifications or supplementary data required by this chapter for a master plan, a preliminary plat or a final plat may be waived whenever such specifications or data are determined by the planning and zoning commission to be unnecessary for the consideration of the plat.

Whenever the subdivider desires to request a waiver or variance from any engineering/utility requirements of this chapter, the subdivider may submit, in writing, to the subdivision administrator, the request for waiver at any time during the subdivision process. It is recommended that engineering-related waivers be submitted as early in the process as possible to avoid unnecessary delays. The request for waiver shall include, in detail, the reasons for supporting such a request.

The subdivision administrator shall submit the requested waiver to either the public works director or the utilities director, as applicable. Upon receipt of the request, the public works director or the utilities director shall meet with the development review committee at the next scheduled meeting to discuss the waiver request(s). The public works director or the utilities director, after consultation with the DRC, shall render a decision on the waiver or variance request within three business days.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-334--37-359. Reserved.

ARTICLE XII.
CONSTRUCTION STANDARDS

Sec. 37-360. General provisions.

A. Construction of all subdivisions (public and private improvements) within the corporate limits of the city shall conform to all applicable sections of the documents listed below. The regulations, policies and provisions governing the construction of required improvements include, but are not limited to, the following documents, as amended:
   1. City comprehensive plan;
   2. City zoning code (chapter 38, LCMC);
   3. City design standards (chapter 32, LCMC);
   4. MPO transportation plan;
   5. Stormwater management policy plan;
   6. Bicycle facilities and systems master plan;
   7. City standard specifications for road construction;
   8. Building code (chapter 30, LCMC);
   9. City standard specifications for water, sewer, and gas utilities;
   10. Any and all other rules, regulation, and policies adopted by the city governing construction standards.

(Ord. No. 1798, § I, 6-19-00)

DRAFT

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 23, 2013 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chair
William Stowe, Vice-Chair
Charles Beard, Secretary
Ray Shipley, Member
Charles Scholz, Member
Joanne Ferrary, Member

STAFF PRESENT:

Vincent Banegas, Deputy Director, Community Development, CLC
Katherine Harrison-Rogers, Community Development, CLC
Susana Montana, Community Development, CLC
Rusty Barrington, Legal Department, CLC
Robert Cabello, Legal Department, CLC
Mark Dubbin, Las Cruces Fire Department
Bonnie Ennis, Community Development, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Crane: Good evening. Welcome to the April 23rd meeting of the Planning and Zoning Commission. Let me start, as we usually do, by introducing our Commissioners. To my far right is Commissioner Stowe who represents District 1; then Commissioner Scholz who is the Mayor's representative; and our new Commissioner, Joanne Ferrary, who has an extensive background in public affairs in New Mexico and is most welcome to us and she is representing District 5. Commissioner Beard is with District 2 and I'm the Chair, Godfrey Crane, and I represent District 4.

II. CONFLICT OF INTEREST

At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Crane: As usual we start with asking the Commissioners if they have any conflict of interest concerning tonight's agenda, all indicating "no;" and the City representatives, any conflict of interest? All indicating "no." Thank you.

nobody on the Commission..." "...is that 'if' nobody on the Commission..." and the next line, line 39, the very end of the line, we need a comma after "matter." "...If the public has any interest in discussing this matter 'comma' we just vote on it without discussion."

Shipley: We need a small "w" there, I guess.

Crane: Pardon me? Yeah, a lower case "w" on the "we;" page 4, line 39 and this occurs in another place so I'll bring it up in a minute, "r-o-l-e" should be "r-o-l-l." Yes, that's also on page 36, line 42; and finally, page 15, line 36 the number "12" is repeated. You could cut out one of them. It says, "12 more 12 Tuesday afternoon..." I'll entertain a motion that the minutes as amended be accepted.

Scholz: So moved.

Shipley: Second.

Crane: Mr. Scholz moves and Mr. Shipley seconds. All in favor, "aye."

All except Scholz and Ferrary: Aye.

Crane: Any against? Ms. Ferrary is abstaining.

Scholz: I'm also abstaining. I wasn't at the meeting.

Crane: Okay, Mr. Scholz is abstaining.

Scholz: Thank you.

IV. POSTPONEMENTS – NONE

Crane: So we move onto the Postponements, which is still "none."

V. CONSENT AGENDA

START

Crane: Next we have the Consent Agenda and, for the benefit of those who haven't been here before perhaps, the way this works is that unless some member of the Commission or City employee or somebody with the public wishes to have any aspects of any one of these three items discussed we will just vote on them without discussion as a group, let's say just as a group of cases.

1. **Case ZCA-13-01:** A request to amend various sections of the 2001 Las Cruces Zoning Code, as amended. The amendments primarily seek to change various provisions related to the public notification process for the various cases processed by the City pursuant to the code. Notification deadlines are proposed to be

normalized and methods of notification and procedures for same involving neighborhoods and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

2. **Case SA-13-01:** A request to amend various sections of the 2006 Las Cruces Subdivision Code, as amended. The amendments specifically seek to change various provisions related to the public notification process for the various subdivision cases processed by the City pursuant to the code. Notification deadlines are proposed to be normalized and methods of notification and procedures for same involving neighborhood and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

3. **Case S-13-003:** Application of Sonoma Ranch North LLC for a Preliminary Plat known as Sonoma Ranch North Tract 2C Lots 1 and 2. The 6.158-acre portion of the 107-acre Tract C would be divided into two lots: A 3.366-acre Lot 1 and a 2.792-acre Lot 2. The property is located on the south side of Northrise Drive east of Sonoma Ranch Boulevard, Parcel No. 02-36081 and 02-36083, and lies within an R-3 (Median-density Multi-Family) zoning district and would be developed into apartments. Council District 6 (Councillor Thomas).

Crane: Any member of the Commission wish to address any of these? Mr. Shipley.

Shipley: Yes, case 3; S-13-003.

Crane: You would like to address that? Okay, we'll move that to New Business, first item. Any member of the City Planning discussion? Any member of the public? No, okay... Ms. Harrison-Rogers, do I have to have a motion to get that moved to the New Business? No. Okay. We'll take up case S-13-003 on New Business and we'll vote on ZCA-13-01 and SA-13-01 as part of the Consent Agenda. May I have a motion to approve the Consent Agenda?

Scholz: So moved.

Crane: Commissioner Scholz moves.

Shipley: Second.

Crane: Seconded by Commissioner Shipley. All in favor, aye?

All: Aye

Crane: Any opposed? It passes 6-0. ← END

VI. OLD BUSINESS

1. **Case No. Z2859.** Application of The Burris Brothers, LLC to rezone property

PLANNING AND ZONING COMMISSION
WORK SESSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 19, 2013 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice Chair
Charles Beard, Secretary
Charles Scholz, Member
Ray Shipley, Member
Joanne Ferrary, Member

BOARD MEMBERS ABSENT:

Donald Bustos, Member

STAFF PRESENT:

Vincent Banegas, Deputy Director, CLC

Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Crane: Good evening. It being six o'clock this work session is called to order. In the absence of the public I guess we will not have to identify ourselves except I should formally welcome our new Commissioner, Joanne Ferrary, who now completes our little Board. And how do you want to run this? You're going to make a presentation, I imagine?

Banegas: I do have a presentation that'll kind of walk you through the amendments that are before you under consideration and some history behind that.

Crane: First we should ...

Scholz: We need to approve the minutes.

II. APPROVAL OF WORK SESSION MINUTES

1. February 19, 2013

Crane: ... approve the minutes, as I was about to say. Thank you. Actually, I saw your arm wave peripherally and I thought I've done something wrong already. First we will approve the minutes of the last work session, which

was February 19th. Any Commissioner have any points to make on this? Mr. Shipley.

Shipley: I'm looking. If somebody else wants to go first I've got to come to it 'cause I wrote it down at home but I don't have my page yet.

Crane: Well, I have ... Anybody else before the Chair steps in? Page 15, line 16, I think what I said was, "City Council should say no, developers will be fine", not "fined". I've no problem with fining developers. They have to do something bad first. I think I said "fine." I have two more: page 26, line 17 and Mr. Michaud's remarks; I've a feeling he said "I'm using a context based approach", but I'm not convinced of that. But "contact" doesn't seem to make much sense there.

Scholz: I think you're right, Mr. Chairman. I think it is "context."

Crane: All right. And finally, page 33, line 44. I think we should delete the "e" from "Santa Clause". This really made me upset. Mr. Shipley, you find your stuff?

Shipley: I think the word that I wanted to change, I think it said "tome" and I couldn't figure out what that was, but I think it was sets the tone, but I haven't found it in my ... I didn't have my notes from home. I did it at home.

Scholz: You weren't thinking of Marisa Tomei.

Shipley: Tomei, no. I thought it would be easy to find when I got here. I'll get to you later.

Crane: Okay, shall we vote to accept the minutes?

Shipley: I move to approve the minutes as amended.

Scholz: Second.

Crane: Second was Mr. Scholz, was it? Those in favor aye.

All: Aye.

Crane: Any against? And Ms. Ferrary's probably going to abstain.

Ferrary: Yes.

Crane: And when I see the red light up here I know you want to speak and I'll recognize you or whoever else in turn. Thank you.

III. NEW BUSINESS

1. **Case ZCA-13-01:** A request to amend various sections of the 2001 Las Cruces Zoning Code, as amended. The amendments specifically seek to change various provisions related to the public notification process for the various cases processed by the City pursuant to the code. Notification deadlines are proposed to be normalized and methods of notification and procedures for same involving neighborhoods and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

2. **Case SA-13-01:** A request to amend various sections of the Las Cruces Subdivision Code, as amended. The amendments specifically seek to change various provisions related to the public notification process for the various subdivision cases processed by the City pursuant to the code. Notification deadlines are proposed to be normalized and methods of notification and procedures for same involving neighborhood and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

Crane: Okay sir, Mr. Weir, right?

Banegas: Mr. Chairman, Members of the Commission, Vincent Banegas for the record. I'll be presenting the cases that are going to be before you for formal action at your April regular meeting. Tonight, however, we thought it'd be very prudent to give you a first blush, if you will, of the proposed amendments to the Zoning Code and the Subdivision Code. Before I go over that I thought it'd even be more beneficial to kind of walk you through some the history behind these amendments and what conversations have been held with not only staff, Planning and Zoning Commission, but also City Council. So with that, let me start my presentation.

The issue at hand is, of course, public notification and examining some of the procedures that we could consider for public notification improvement in terms of our processes. With that a very brief history: back in February 2012 some of you might recall that at a regular meeting there was some discussion over ways in which we can improve our notification and at that time it was recommended that staff consider a 21-day threshold for sign posting, for mail out notice, for newspaper advertisement, etc.

We took that under consideration and discussed that quite thoroughly at the staff level and obviously it caught some momentum because on March 19, 2012 that same year at a City Council work session City Council wanted staff to present information regarding notification measures in use and kind of give a background as to where they came from and how they compared to what other regulations or statutes might be in place that govern that. So to that end staff gave a presentation that

compared State Statute provisions for all the types of things that we examine: subdivision related, zoning related, variance related, those types of things that come before this Body and sometimes before City Council, either for final approval or on appeal.

We gave a summary or cursory overview of those standards and we discussed some opportunities for some improvement to those Standards. It was at that time pursuant to a work session packet that was distributed to Council that we also include an excerpt of the minutes from this Body from the February meeting that talked about that 21-day threshold. Following that discussion presentation, staff was directed to look at the issues a little bit more thoroughly and examine them more closely to see what specific elements can be adjusted in order to make the public notification process a little bit more successful in casting a broader notification net for all the citizens that we ultimately impact with the issues that we discuss and/or approve.

At a September 2012 City Council work session follow-up up there were two documents that were presented to the Council. I believe those were included in your packet or at least I hope they were. One was called the Public Notification and Participation Report, an Analysis of Option for a More Informed Community. That document took a look at everything we had in place at the present time, looked at other communities in terms of what they used for public notification measures, examined ways at which we can either incorporate some of those measures or modify the ones we had on the books presently to see how to improve the process. Then it gave a recommendation as to what elements and how they might be adjusted in terms of what we could look at for incorporation into our notification processes.

The idea of that report was to identify the plethora of options available for each of the departments throughout the city to consider the menu items, if you will, I consider that kind of a "menu listing" of options, consider what options might benefit their operations within their respective departments and pull together a departmental policy, if you will, on notification measures that they could incorporate into their activities. Parks and Rec for instance, obviously in the location of public parks they might consider selecting some of the menu options from that report and improving some of their notification processes, some of the street crews, as an example, when they repave might also do the same.

Taking the lead on that, the second document that was included in your packet was called a Citizen Notification Policy Manual for the City of Las Cruces Community Development Department. That report or that document intended policy manual is pulling from that first report the menu items that we feel can be incorporated into a successful notification procedure for the things that Community Development carries out in concert with the Planning and Zoning Commission and City Council and all the plans and cases that we bring forward at one point or another. Some of the elements that are discussed in that document are strictly

policy. It's going to be very difficult to incorporate them into an ordinance form but nonetheless, the intent is to take that policy manual up to City Council for approval as a policy document and via resolution procedures.

Other elements that are included in that document are definitely intended for implementation via our ordinances and, to that extent, the two Ordinances that are here this evening, those being the Zoning Code, the 2001 Zoning Code as Amended, and also the 2006 Subdivision Code as amended. That is also one of the documents that is subject to amendment in order to incorporate those provisions.

Right now, just to kind of briefly bring you up to speed, many of you are aware, some of you are not, we deal with development cases in one form or another. Dealing with annexations, zoning, Special Use Permits, Planned Unit Developments, the list is very large and we also deal with long range planning projects. In fact right now we're getting ready to bring you some information regarding our update of the Comprehensive Plan and along with that there're neighborhood plans, there're the community blueprint type plans and other regional or sector plans that we may bring forward and definitely impact the community. We have public notice processes for those as well.

The two types of notice that we carry out in the department, it's kind of a two-tier approach. The primary, of course, is agenda posting, the typical. We have newspaper advertisements about the cases that going forward to this Body and also to City Council. The City Clerk handles much of that. We have mail out letters that also go out to property owners in the affected area.

Secondarily, we have the website, which I should note that prior to the movement towards the new City website, our old website had a webpage dedicated solely to development activity. Any cases that were brought forward or submitted to the City Community Development Department we would list on that webpage and try to keep a status or a rolling status check on where it sat and whether it received approval, denial, or those things of that nature. With the new website we recognize that there have been some limitations as to what we can and cannot post. There's been a lot of behind the scenes work trying to get the website up and running, certainly to the extent that it once was, if not better and so we're still working on that. But we see the website as a use not only for existing but for the future wherein we can inform the public about cases that come before the City for consideration and ultimate approval.

We also have a Notification Association Policy that was also included in your packet and that is an approved policy that is in place today. It is a policy and, to the extent where it identifies the responsibilities of the City, we do carry out those actions. However, in terms of the responsibility for neighborhood associations and developers, we definitely strongly encourage the participation as listed in that policy. But in many instances we don't have the leverage to require notification, say, of the developer to the neighborhood association in order to inform

about proposals, be that subdivision related, zoning related, or what have you so therein lies some of the weakness with that policy.

Just to compare and kind of show you what we showed City Council: we have the State Statutes on the left. I just chose the three columns, Subdivision, Zoning, and Variance, and to that end this column defines some of the features that are required or the elements that are required for notice as it relates to the actions on the far left side. So for agenda posting, as an example, when we're dealing with subdivisions in accordance with state statutes, the Municipal Body determines what is reasonable and same for zoning and same for variance. Our mail out deadline for subdivisions is five days prior and the State Statutes are very quiet on zoning and variance related matters and so on down the list. So you can see that there are a lot of open-ended issues related to State Statutes as it ties to notification. When you compare the City of Las Cruces Standards in almost every point... well, I will say on every point we either meet or greatly exceed the Standards of the notification thresholds that the State requires.

Some of the concerns that we have with them, however, is there's a lot of variation in some of the thresholds themselves, timing, as an example. If you're dealing with subdivisions you can deal with six days prior to the hearing, nine days prior to the hearing depending on what type of action or notification action you're carrying out; and then if you jump across activities, say over to zoning, you could be dealing with 10 days or 15 days, so there're multiple thresholds that are included in today's notification procedures. There's also distance variation. We have 200 feet whereby we notify property owners within proximity to a subject parcel that's going through development proposal type action and that excludes rights-of-way. But we also have a 300-foot notification distance for neighborhood associations pursuant to that policy that I previously mentioned, so there's some variation there.

When the matter went before City Council, obviously there were some notification concerns that were raised to the individual Councilors. I know you all probably have heard them. I know staff has heard them from time to time and we kept hearing that our current processes weren't reaching enough people. We weren't casting wide enough net, if you will, and our notification distances were too short. Sometimes we would have property owners right across the street from someone else who received notice yet they did not and that could very well be the distance just didn't quite get there. There's always somebody who's left out of the notice, someone who's within it. So, we heard about that. Our methods were not entirely inclusive.

We have a set number of methods that were in use and we've been using those for quite some time but we never branched out and took a look at other options. Some of the processes like certified mail became a burden to some property owners because if you're not there to receive your certified mail you might receive a note from the Post Office or from

the mail carrier that says you need to go to the Northrise office and pick up your certified. It'll be there when you're good and ready to pick that up. So it becomes a burden for the property owners to make time and do just that; not to mention with certified mail we have received our fair share of complaints regarding the cost of that. It is the cost of doing business but last I checked, and I think it's still the same, I believe it's $5.75 per letter to send certified mail out. Yeah, that's a hit. And we would get a lot of those and depending on the case and depending when we're taking matters to the P &Z and City Council, we would have many envelopes returned unclaimed. So, it's quite a hit in more ways than one.

We had limited use of technology that was readily available and so we just needed to examine new methods that were also mentioned and, of course, with all these different processes being considered, we also have to consider the ease of application. We have to consider the practicality of the methods, you know. Does it cause excessive time constraints on the developer, on the citizens that are notified, on staff for carrying out the review? Is it easy for staff to carry out these notification procedures or is it a substantial burden in which to meet these thresholds? Those things have to be considered.

Safety and liability: we once had a group of Boy Scouts commit to helping our department distribute some little door hangers, I guess they were called, and they were helping us with some readdressing efforts out on the East Mesa. The first day they went out there we had the little door hangers made up and they went out doing the civic duty for their civic pin, I believe or badge, and unfortunately one of the kids got bitten by a dog. Needless to say that was the last time that they went out. The next day the flyers were brought back and they were no longer interested in assisting. That happened to be a Boy Scout but it could easily have been City staff or what have you doing the same thing that has that same thing happen to them.

We've also talked about signs, larger signs and posting them on private property. We've talked about from time to time the fact that if we put larger signs on property that requires more digging, posthole diggers, or something like that. We could encounter drip irrigation lines or sprinkler lines or some other type of line that we would severe or puncture or rupture in some way, shape, or form and that's a liability to the City as well. So those types of things we've got to keep in mind as we examine these methods and how to improve our notification measures.

Costs: I've mentioned some of that with the certified. Also there was a discussion at City Council that there was a perception by the public that there's a substantial amount of protest with the cases that we deal with and, therefore, that requires an extended or a more deliberate need to look into the notification process. When we looked into that I realized that this isn't hyper-current. It's going through July, the end of July of last year and I suspect the numbers will change a little bit but the point probably will not. But out of that time period we looked at the number of

cases that were submitted and there were 171 that got submitted to the City for consideration. Of those, 84 of those were either administratively approved, dropped by the applicant and at that time awaiting P & Z. Eighty-seven cases were acted on by a decision making body. So 87 of those 171 were actually acted on and when we looked further at those based on the minutes, we found that 30 of those cases or 34%, there was no protest; 47 of those cases, individuals who spoke at the meetings were merely seeking clarification on what was being heard; 6 of those cases there were concerns raises or considerations requested by the public, maybe a mitigation issue that you all could act on as a condition for approval, that kind of thing. They weren't really protesting. They were more just kind of informing the Commission of "if you do this," "could you please consider," that kind of thing. Four cases had strong protests. You know, we dealt with a cell tower up in Sonoma Ranch region that had substantial protest. So I'm not saying it doesn't exist, it just ... the numbers were so low for those type of cases. That was one of the points.

Crane: May I interrupt for a moment? This is the results of the public discussion at the public Planning and Zoning meeting or other meetings as well?

Banegas: This was part of the discussion at the City Council work session when we raised the issues of public notification in general.

Crane: Okay, thank you.

Banegas: So to that end we were again asked to look into notification methodologies and we did so. We looked at the region, looked at other communities in New Mexico, some in Texas, Arizona, and Colorado and took a look at their codes, their notification methods and we found several nuances that many were very much like what we had in place and there was some deviation.

Notification boundaries: keep in mind we had that 200 foot less excluding rights-of-way and we found that some of the boundaries that these other communities had were higher and some were lower. Some communities notified not only the property owner of record but also tenants. I think that would present some problems for us, but nonetheless that's what we found. Some communities required mandatory neighborhood meetings period and some under certain conditions or circumstances and it was kind of a case-by-case review of the case at hand. Notification timing was more standardized across the board but no one was higher than the 15-day threshold. We do have 15 days in place today for some of the zoning issues, as you recall, on that table, but others are less than that.

Then there was some discussion about applicant responsibilities in those various communities in terms of costs, you know. How do we ...? If you're going to do other types of activities for public notice that all comes

with a cost, so how do we share that cost? So, you know, it outlined in the various instances that the applicant picked up some of the cost and the City picked up other costs and then the applicant was responsible for certain activities in terms of the posting and the City was responsible for other parts, so those were kind of the nuances we found.

So based on that, the report that I previously mentioned was prepared and we looked at the issues, concerns, and viable methods and associated costs and all that and that was the menu item that I presented or discussed just a minute ago where we selected out the options that could be considered and it identified some of the changes that might need to be made to those options in order to make them work for the City. As I indicated, it prompted the departments in the City to pick and choose what might work for their department operationally and then to adopt the policy.

I also mentioned just a minute ago that the Community Development did just that and so we selected from the report, we modified some of the existing practices and we incorporated some of the new methods that were examined as part of our strategy for an improved notification method. Part of that policy does talk about cost and we are looking via the proposal to consider cost recovery on the mail outs, on the newspaper ad, and on signs. If you look at the grand total, because of the methods at which we're seeking to utilize mail out provisions etc., the costs aren't going to go up that significantly for anyone. We're trying to keep the cost low. That's why we're looking at strict state statutes which I'll go over in a minute in terms of mail out and that will help on the certified mail cost. So because of their cost savings there, newspaper ad, etc, they're only paying their pro-rata share of the ad, those types of things. We don't anticipate a huge hit with any of the proposals that we're bringing forward. Those additional cost recovery fees, I should mention, will be in addition to the standard set fee that they already pay.

So, more about our method, our chosen departmental strategy, it's a five-step method. We do as I indicated: seek to modify the existing process. All our agenda, newspaper, sign posting, and letter mail out will now meet as proposed: a 15 day, calendar day threshold. There's not going to be any of the 6, 9, 10. It's all 15. The mail out notice to the neighborhood associations will now follow a 500-foot boundary period. It's no longer going to be the 300 feet. We're going to the 500.

The staff determination on early notice and potential for early meeting need pre-submittal is being incorporated into the proposal. What that means, and I'll go into that in more detail, but basically at a pre-application meeting that City staff already holds weekly, developers or anyone, any applicant can come before the staff at this meeting, present their proposal with enough information and specificity to allow us to determine whether or not we think it's going to cause concern with the neighborhood.

If that determination is made, based on some criteria that I'll go over here in a minute, then we are going to ask the developer to go seek

... to prepare an early notice to the neighborhood groups and, in the absence of an adequate coverage of neighborhood group, to the noticed area; that being the property owners that we would normally notify, give them information about the proposal, what it means, give them contact information and invite the opportunity to meet with them on an agreed upon time, place, etc. between neighborhood and developer or applicant, and discuss the matter at hand.

We are also going to seek, for the submittal of the proposal which is 15 days. This all has to take place 15 days before they submit. But as part of the submittal proposal they will have to provide a copy of that letter and also either verbatim or summary minutes which they prepare based on their discussions with the neighborhood. That'll be a submittal item as well, so all that theoretically gets brought into the City, one neat package ahead of time before any formal submittal takes place, and that also gets distributed to you all for further consideration.

Now the ability for this Body or even City Council to require additional meetings with the neighborhood: that still will remain in place. This early notice and the potential for meeting with them is "in addition to," so if you know everything breaks loose here at one of the cases and you feel that, you know, there's still some unresolved issues that need attention you could certainly postpone the case and recommend that the developer or applicant meet with the neighborhood further and discuss the remaining issues. So that'll still be left as a tool in your toolbox for consideration of these cases.

The sign posting now will become, as proposed, the responsibility of the applicant. We will provide the signs. We will provide the content that goes on the signs. We will even provide the posts which will be more substantial than the little posts that we have because the sign's size is increasing to four foot by four-foot standard. We're still going to use the corrugated plastic, call it Coroplast I think, but it's still that material. We're trying to keep costs down. But nonetheless, the posting or the sign posts will have to be a little beefier than that and we can easily get those at Home Depot and they're not the high end, super-sturdy type but they're definitely more sturdy than what we use now.

The applicant will have the responsibility to not only posting it in accordance with the 15 day threshold but making sure it remains posted not only through the approval process either by this Body if you have final action; but if it goes to City Council for final action they make sure it remains posted through that process as well. Some of the information on the sign will have to change and we will guide them on how to change that, but the sign needs to be posted and if it's not posted and that's determined to be indeed the case, they may be subject to postponement until they meet whatever requirements the Code would require them to follow. So, there is some expectation on the applicant's part to meet the requirements as well.

The general notification boundary, like the neighborhood group or

association boundary notification, is also at 500 feet so there's consistency there. We're no longer looking at that 200 feet, excluding right-of-way. We will be applying a strict application of the State Standards for Certified and First Class Notice and I've a little scenario that'll help explain that a little bit better. It's a little convoluted, doesn't necessarily impact Planning and Zoning Commission per se, but certainly zoning cases that go to City Council for final action where we end up dealing with certified letters, it'll definitely play a role there.

The second step, if you will, is the development and planning project webpage which I've mentioned. Those items on the screen indicate what we anticipate including as information for the public on the cases that come before us for consideration: the key one being Status Indicator, as I see it. The intent here is to have all our cases updated as we cross milestones either, maybe there's a neighborhood meeting that takes place. Well, five days after that event the expectation is that we update that status column or field and indicate that, you know, neighborhood meeting held, general consensus reached, or some notation that gives some idea of where it's at in the process. If it goes to Planning and Zoning Commission, what was your recommendation? We would note that and so forth. So, hopefully, that informs the community a little better.

The third step we're going to examine is social media. The thought was maybe we can create a CD Department Facebook page. The City has relaxed internally some of the standards for utilizing social media and I'm not saying Facebook is necessarily the way to go, but something along those lines. We would investigate doing something like that or we could just make announcements and allow people to, you know in this case, Facebook case, become friends of Community Development or something like that. So we would post cases and that way they would know that, you know, cases of "X," "Y," and "Z" type have been submitted and that would be another way at which we would get the word out. How successful that will be, we don't know, but we're going to examine how to do that.

The Las Cruces notification system is the fourth step. That is the new notification system. Some of you may have subscribed to it. You get, there're options to it, but I myself get little I think they're e-mails that come from the City of Las Cruces when there's an accident that closes part of Highway 70 or maybe there's the distribution of the City Manager weekly newsletter that goes out every Friday. Sometimes I get notified of that and so what we envision there is to notify the public, whoever subscribes to that system, public meetings this meeting, neighborhood meetings, meetings where we take blueprint proposals, for instance, to the community, that type of thing. So we would just include an agenda listing the items under consideration, that kind of thing.

And finally there's the City of Las Cruces TV. There are some static bulletin boards that they use in public information office and we anticipate using those to announce development proposals, much like the

webpage. We would include information about projected and actual meeting dates to the extent possible. We'd update the information weekly and we would try to leave one month's worth of information intact so people can see that, you know, whatever item they had their interest on earlier, you know, several weeks ago is still in whatever status condition, so, hopefully, we can inform in that way as well.

So, what does the new notification measures mean? How does that impact as it relates to first class and certified mail out? I mentioned we're taking a strict application of the State Statutes. We have a map here that can be anywhere USA, but it happens to be a neighborhood in Las Cruces right off of Sonoma Ranch, which is right about here. Sonora Springs Avenue is right here. So this neighborhood is being used for this example and we've got this parcel and let's pretend it's going for a zone change so it's cross-hatched to indicate that that's the given parcel. Right now this grey area represents the 200-foot notification boundary that we follow. That's today standard. We exclude rights-of-way so if you add 50 to the 200 feet you get 250-foot radius. Fifty-foot is basically the right-of-way width for your typical residential roadways as part of this example. What we're looking to do is increase that to 500 feet, as previously mentioned, so you can see there's a dramatic increase in the number of properties so notified to the extent that under the existing provisions there are 37 properties notified or property owners notified but under the proposed there will be 81 so a huge increase in the numbers notified.

With this issue and the notification process is considered, the State Statutes state that when you are rezoning property of one block in size or less which certainly meets the criteria for this example, you only need to notify properties within 100 feet of the subject parcel by certified mail. So that red line around the property indicates that that's the 100-foot boundary. Beyond that red line boundary the 100-feet up to our 500-foot distance State Statues are quiet. So what we're proposing to do is still notify the individuals but via first class and trying to remove that burden of picking up certified mail. We're trying to do that so they'll receive first class mail, costs are reduced, and so that's what we're seeking to do. What that means and this a little confusing, but what that means is at least with zoning cases at the P & Z level, we never send out certified, but first class. We do send out a notice and there are 81 first class notices being sent out under what is being proposed. At the City Council level, because it requires certification under the existing provisions, if we're to go up to the 500 foot boundary there would be 81 certified letters mailed out and none of those would be first class. The proposal keeping the 500-foot distance; there's no change at the P & Z level. But at City Council this is where you get 19 properties receiving certified and the remainder outside this red line receives the first class notice to the tune of 62 of them. So there's a significant difference with that.

This boundary here represents the 300-foot notice distance for neighborhood groups or neighborhood associations pursuant to the

existing policy. Under the proposal we are going to match the property notification distance of 500 feet and you'll see that it has a slightly bigger impact because neighborhood association boundaries are larger and so there's not going to be that many that are affected normally. In this case you see these boundaries by this thicker, darkened line here. There's one boundary. Here's another boundary and you begin to see a third just popping out here. But nonetheless, with the new 500-foot distance we're impacting two neighborhood groups, theoretically casting a broader net and notifying more individuals. So to that tune we're doubling the number of associations or neighborhood groups that are notified. So that's what the provisions mean graphically anyway.

That's the history of where we've been and kind of a summary of the provisions that are being considered for implementation. Specifically, as it relates to the cases that will be heard by this Commission, we have Zoning Code amendment, we have Subdivision Code amendment and to explain those fairly quickly since I've gone over some of the nuances. There are some key sections that will be affected. Section 38-10, which deals with the Planning and Zoning Commission powers and authority, we are introducing the pre-application procedure. I've touched on that. It will impact annexations, zone changes, SUPs, PUDs. Variances will also be impacted. It takes advantage of the pre-ap meeting that is already existing. There's no procedural change that staff will have to make for that.

It will require or introduce determination as for need for early notification to neighborhood groups and/or noticed area when neighborhood groups are not well represented in the area and the determination will be made on some factors. We're not just going to say, "Yeah, we think this neighborhood likes to be noticed on whatever development matters." We're going to have to base them on some criteria and so we decided to look at traffic impact as an example. If there's a proposal for change of zoning to commercial and it's a long a roadway that already has a level of service that's questionable; I mean, based on traffic analysis that has taken place and the introduction of commercial zoning might even decrease the level of service further. That could be a reason for the notification.

Land use conflicts: if they're seeking commercial zoning and it's right next to residential and we think the neighborhood's going to come a little unglued with that, that could trigger a need for early notification, and so forth. Other neighborhood concerns could also be considered and those are tangible, you know, requests or issues that can be raised or that have come up throughout interaction with them. But types of issues that we will not entertain triggering the early notice is, you know, when we hear that that vacant private parcel represents open space that, "I enjoy and I walk my dog through the property," and so forth and, "I'm losing that open space." Well, it's not an element that staff would consider for early notification. That's just not going to do it. Other things might be, you

know, "I enjoy 35-foot height requirement in the R-1 zone and I don't want my neighbor to build up to 35 feet, I only want 25 feet," and they let us know that that's their concern. Well, the zoning's in place. There are set standards that already apply across the board. We're not going to consider that a legitimate neighborhood concern. Things like that I try to write into the proposed amendment, things that could trigger early notice, some things that we wouldn't consider as trigger for early notice.

The proposal: the early notice seeks to inform the community early about the proposal, gives them information about who the applicant is, contact information, gives them information about staff; who they can contact at the City level to ask questions, relevant questions about zoning in general, things of that nature and it also invites the opportunity for a meeting, an agreed upon meeting, time, place, all that good stuff between the developer/applicant, and the neighborhood. It seeks to have that meeting handled prior to submittal so within 15 days is when all this takes place. If they agree to have a meeting beyond the 15-day threshold that could delay submittal of the application in its entirety so the developer has to kind of take that under consideration. They need to push for meeting within that 15-day window prior to submittal but they could certainly exceed that if they're willing to push back their submittal deadline.

Even after that first 15 days, let's assume a developer submits his packet; no meeting was requested by the neighborhood and then later on the neighborhood requests a meeting. It's day 16 or day 17, the packet's been submitted. That's okay. We're not going to hold up the developer but when the matter reaches this Body the developer will have been told by staff, "You know, it's probably a good idea to go ahead and meet with them anyway. We're not going to hold you up but, you know, when you get to the Planning and Zoning Commission it'd go a heck of a lot smoother if you meet with them and resolve some of the concerns they might have, because if you get here and again everything goes haywire, you might postpone the case and ask for the same thing that we've asked them to do." So we're still going to encourage that but it's not going to be a requirement if they exceed that 15 day pre-submittal window.

One point I really want to make is building permits in terms of development and what might trigger consideration of early notification. Building permits are not part of the overall types of development that will be considered under these amendments so it is specifically referenced in the Code as an "exclusion." I do know in various parts of town we've been asked to notify neighborhood entities when building permits get submitted and it's everything we can do to make sure that they get processed in a timely manner and to all the appropriate individuals for review etc., and so we try to let them know. But we don't, as a matter of policy, do that and we're certainly not considering that as part of this amendment process. I talked about the 15 calendar day threshold. I'm not going to go over that again.

Sign size: I've hit at four by four. Note on that is we're going to

require one sign per street frontage so even if it's a residential lot and you have dual street frontage, you're probably going to be looking at two signs to post and if you're dealing with a zone change or something like that or a master plan on a very large tract of land you may have multiple signs to post as well. Staff won't be making that determination.

I talked about State Statutes regarding mail out notice. One clarification on there is it'll apply to all final action items of P & Z with exclusion of the subdivisions that you hear. Those all are handled first class mail and that'll remain. But it also applies for final action items at City Council and it ties to items, for instance, that are like a PUD site plan with no concept plan. It ties to items such as Special Use Permits, the infill processes, etc., just to kind of give you an idea of those type of items where it applies.

Recommended cases to City Council from this Body and subdivisions: just to further clarify following the existing first class method, there's no change there. I talked about the one block or less, the 100 foot certified and first class thereafter and first class notice to neighborhood groups. That will remain pursuant to that policy.

Let's see, at the City Council level Section 38-13 is also being amended. It basically incorporates some of the same information that I've just gone over for the authority of the Planning and Zoning Commission and it'll point to those sections rather than just reiterate them so there's not going to be a lot of wording changes in that section. We're also bringing forward proposed changes to Section 38-49 under the PUD. PUDs as we all know can be substantially controversial and so there's language in there that again echoes what I've just gone over under the previous Section 38-10. We also impact Section 38-54 SUPs, very similarly as the PUD and as the other section, no need to go over that. There is one miscellaneous clean up on 38-10 and that was tied to the conditional zoning. I'm merely making you aware that. It has nothing to do with this notification amendment. I just thought it was necessary and long overdue.

There's a discussion in the Code over conditional zoning and when revocation takes place and there are certain conditions that you all can place on, as a recommended element on a zone change, as an example, where you can prohibit billboards. You can prohibit certain types of use and if that gets carried forward to City Council and City Council acts on that and approves that. We're just clarifying that those types of prohibitions aren't subject to the two year trigger for revocation if nothing happens to that property. In other words, it'll remain in place until they either get the condition lifted through another ordinance action or end of days. I don't know. But, regardless, that's what it's seeking to do is just to clarify and it's merely clean up in that nature.

Subdivision Code amendment: the only thing I would say about that is it's very similar to the Zoning Code. It's carrying the same type of amendment language over from the Zoning Code. It's just that the Zoning

Code is set up where you have annexation, master plan, preliminary plat, and all the other platting mechanisms and there's a lot of repetition in there so you're going to see a much thicker document and a lot of language added. I would've loved to have figured out a better way to organize that document but I didn't have time. So there's a lot of format issues with that document that I'll have clerical staff clean up before I bring it forward formally. But nonetheless it has the same type of issues, newspaper notice, agenda, all those same early notice requirements are also included.

For pre-application meetings: if the type of application didn't have a pre-application section one was introduced and if it was rather vague. We clarified what was meant by pre-application meeting and that there was a potential for early notification in neighborhood group meetings. So, that's what that does; nothing out of the ordinary other than what I've already described.

The only other item I'd like some ... A few other items I'd like some discussion one, at least one element of it is the Subdivision Code amendments will obviously impact annexation, master plans, preliminary plats, and final plats. Final plats typically are considered completely in line. In fact when we think of final plats they're the last step towards the full subdivision process. You normally go master plan, preliminary plat, final plat, and then you file the thing or at the County that allows you to sell lots and develop and go to town. The final plat is normally very... it should be very consistent with preliminary plat, which is consistent with the master plan. So those don't require any review by the Planning and Zoning Commission.

However, there are other processes that might require Planning and Zoning Commission consideration and those are infill subdivision processes, alternate summary when there are two lots being created, and re-plats where they were increasing the number of lots, previously filed subdivisions, that's the catch there, and of course vacation plats. Sometimes those types of plats, final plats can receive a little friction, if you will, from the neighborhood and so that's why they're being included in these proposals for amendment.

The only thing I'd ask of this Commission is some feedback 'cause of the infill subdivision process, if some of you are familiar with that. We have an infill plan and we have the processes that identify not only in the Subdivision Code as to how to do an infill development. But we also have it in the Zoning Code and for the Subdivision Code the whole idea of including infill into this amendment language can fly in the face of the very reason it exists. We're trying to take advantage of vacant or underutilized properties in the City; trying to take advantage of existing infrastructure that might be immediately adjacent to vacant property or underutilized property; and as an incentive for people to want to develop it further and improve these underutilized properties and therefore add greater value to the tax rolls. One of the things we said is we would try to streamline the

review process. Well, if we add infill into this scenario for amendment it's not going to streamline, it's going to add more time to it. But as you know in the past we have had several infill cases that have come before you and its neighbors have not been entirely pleased with the proposal. So that's why I added it. What I'm asking this Commission is: what do you think? Should we keep it there? Should we remove it from amendment consideration? Your thoughts would be very much welcomed on that.

Then just one final note is the miscellaneous clean up on the Subdivision Code, the authority of the Commission and the voting. I'm just making your voting description consistent with the zoning provisions and also the Municipal Code. It's worded really awkwardly in the Subdivision Code so I'm just making it consistent so there's really no change there. And that concludes my presentation, Mr. Chairman. I'd be happy to entertain any questions you might have.

Crane: Thank you, Mr. Banegas, and let me speak on behalf of the Commission and say you've done an immense amount of extremely detailed work here for which I admire tremendously and congratulate you and your staff for having lasted through it.

Banegas: Thank you.

Crane: So at this point you would like whatever comments we have, correct? Mr. Scholz.

Scholz: Just two quick: one I would hesitate to bog down the Infill process...

Banegas: Okay.

Scholz: ... because I really feel like we should work on that; that is, we should make that as streamlined as possible. We do give notice don't we?

Banegas: Yes, we do.

Scholz: So I think, you know, giving a regular notice, I think, would be sufficient, at least that's my opinion, because I'd like to see those properties used. You know, when I drive around neighborhoods and I see these empty lots in otherwise built up neighborhoods I say to myself, "That's a real shame, you know. Why isn't that land being developed?" I think we have, you know, several groups like Habitat and things like that that are anxious to utilize places like this and so I think we have people who are willing to do, you know, good work on those plats. I do recall an instance, oh probably four or five years ago, where somebody wanted to build townhouses or apartments and that's the one you're referring to.

Banegas: Yes.

Scholz: Yeah. That was in a neighborhood south of Lohman as I recall.

Banegas: That's correct.

Scholz: And they had like quarter acre lots in those days and, you know, I think we resolved it by having the developer meet with the people...

Banegas: Correct.

Scholz: ... and eventually he reduced the size of the development and I think it was compatible.

Banegas: Correct.

Scholz: But I like the idea of infill. I think it's, you know, a critical thing. My other comment is an interesting typo I discovered as I was scanning through this. It's on page four of the Administration of the Zoning Code, under item two, Neighborhood Group Notice Meeting, and it says "...And the general nature of the conversation that tool place". It should be "took place".

Banegas: Took. Yes.

Scholz: And that's something that spell check won't catch, I know.

Banegas: Okay. I got it.

Scholz: Other than that I agree with Chair Crane. You did a great job on this. This is a good update.

Banegas: Thank you.

Scholz: And I think it will ... I think, in a sense it will encourage people to comment on it, which is what we'd like.

Banegas: Yes.

Scholz: In another way, I think, it'll also alleviate some of the problems that we've had.

Banegas: Thank you.

Crane: Mr. Shipley.

Shipley: Mr. Banegas, I thought it was a very very good job as well. On the Citizen

Notification Policy Manual, as I was going through that I had a question about page eight, there is a... about the sixth or seventh line down it says "Long term staff should strive to have the page graphically oriented and be more interactive for the user and."

Banegas: Oops.

Shipley: So I don't know what the thought was, whether that was period in the wrong place and the "and" should go away or whatever. Further down on that same page in the next paragraph, about half way down it says "the item will be left on the page for no longer than one month".

Crane: Excuse me, Mr. Shipley, which page are you on?

Shipley: Page eight.

Crane: Eight. Thank you.

Shipley: Of this.

Crane: Yep.

Shipley: The Citizen Notification Policy Manual. And it says, it's talking about the items left on there for one month so that, "... to view past actions, so that the page primarily reflects current activities while providing a small window on which to view past actions." I kind of thought that probably should be two months and the reason I say that is that that's kind of the history and if somebody didn't get a chance to participate or attend a meeting or whatever, one month is generally not long enough for ... so that they can have a chance to at least understand what happened, what goes on.

Banegas: Okay.

Shipley: You know it's there ... you say it's there four weeks and then it's gone. That's really just a blip on the screen.

Banegas: Okay.

Shipley: I wanted to also say that I think the idea of using Facebook and CLC TV are very, very good ideas. I think we need to become technologically savvy and use every media that we can and again, I think, that was ... I said the two-month's activity was there. I really like the way you consolidated. I thought the four by four signs; that's absolutely fantastic because the signs that we have now get blown away too quickly and they're too small and too many people don't even notice them. Four by four signs will work very well. That's a great ... I just want to say, as Mr.

Scholz said, it is a very very good package.

Banegas: Thank you.

Shipley: I like the 21 days because of mail but if you're going to first class mail people will get the mail and open it sooner than they would be going to get a registered letter.

Banegas: Yes.

Shipley: So I think that 15 days is okay.

Banegas: Okay.

Shipley: But thank you very much for your hard work and your staff's hard work.

Banegas: You're welcome.

Crane: Commissioner Beard.

Beard: I thought it was a very good presentation and I agree with your numbers. The certified mail was a problem with me, to tell you the truth. I got certified mail the day that I came here to listen to it and it was because of this round robin type of thing. I just didn't get it.

Banegas: Right.

Beard: So I like the first class mail to tell you the truth. The infield, infill I mean, I've seen where there's controversy quite a bit there and personally, I would like to be given a chance to hear it. If it's just put on the agenda ... well, if there's a proposal for an Infill and somebody complains about it, will it automatically be heard here?

Banegas: Mr. Chairman, Commissioner Beard, the infill development proposals will still come forward to this Body and there will still be notice, whether or not it takes the type of notice or the potential for early notification and/or neighborhood group meeting. That's kind of the issue at hand which could delay submittal and delay development of the infill parcel. But this body would still debate.

Beard: So we would see it regardless?

Banegas: Right.

Beard: And we would approve it also?

Banegas: That's correct.

Beard: Okay.

Banegas: The only caveat to that is if it's vacant land it's already zoned and they're merely looking to build something consistent with the zoning and they want to take advantage of the quick review of building permit submittal that does not come before this Body. But if they're looking to use a use or put a use on the property that's not allowed. It's considered a use variance. It's under the infill process that would come before you or if they're looking to subdivide land and take advantage of infill provisions that would also come before you.

Beard: Good. Good. I like that.

Banegas: Okay.

Crane: Commissioner Ferrary.

Ferrary: I also found this very interesting and helpful, Mr. Banegas, and as the new kid on the block, especially so. I also agree with, you know, doing the Facebook and, you know, having that so you can get more interaction than a website would be. I don't know if anyone's considered, you know, to Twitter or have, you know, if the City has, you know, something people can react to and we can get information also. Sometimes it's kind of dangerous, but a lot of fun too. But also on the signs, have you thought of instead of wood posts have you thought of steel posts? Easier to get in and out of the ground.

Banegas: Mr. Chairman, Commissioner Ferrary, the steel posts that we, I call them T-posts. They're kind of those ... ranchers use them to some extent. They're the green metal posts and they have a heavy-duty version and they have a lighter duty version. It's the lighter duty that I think will be just fine for purposes of posting signs here.

Ferrary: And then just Zip Ties to the back.

Banegas: Correct, absolutely. Punch holes in the corrugated plastic, Zip Tie them, and "Bob's your uncle."

Ferrary: Real easy.

Banegas: Yeah.

Ferrary: Thank you.