

Chapter 47 Subdivision Regulations

ARTICLE I. IN GENERAL

Sec. 47-1. Definitions.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used herein are defined as follows:

Block means a parcel of land entirely surrounded by streets or highways, railroad right-of-way, waterways or by a combination thereof.

Board of appeals the city council or a board appointed by the city council.

Building line means that line which represents the distance a building or structure must be set back from a lot boundary line or street right-of-way line according to the terms of this chapter or the zoning ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines or other lot boundary lines.

City council means the legally constituted and elected governing body of Carlsbad, New Mexico;

Commission means the City of Carlsbad planning and zoning commission.

Dwelling, multi-family means a building or series of buildings on the same lot or portions thereof used or designed as dwelling for two (2) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multifamily" are used synonymous and are used interchangeably throughout this chapter.

Dwelling, single-family means a building designed as a dwelling for one (1) family.

Easement means a grant by the property owner to any person, firm or corporation or to the general public, of the use of a strip or parcel of land for a specified purpose.

Engineer means a registered professional engineer in good standing with the New Mexico Board of Registration for Engineers and Surveyors.

Group development means two (2) or more buildings which are:

- (1) Devoted to a common or related use;
- (2) Construction on a single lot in a single or joint ownership; and
- (3) Made a part of an integrated industrial, commercial, residential or public project, according to a plan for development under specific requirements.

Lot includes the word "plot" or "parcel." "Lot" means a piece, parcel, tract or plat of land intended as a unit for the transfer of ownership or for development.

Lot, corner means a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot, depth of means the horizontal distance between the front and rear lot lines.

Lot, double frontage means a lot having a frontage on two nonintersecting streets as distinguished from a corner.

May is permissive.

Mobile home park means premises where two (2) or more mobile homes are parked for living or sleeping purposes or where spaces are set aside or offered for rent for use for mobile homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes on such premises.

Mobile home subdivision means a subdivision designed and developed for long-term residential use and intended for sale or lease where the residents are in mobile homes exclusively.

Person includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

Plat means a map or drawing, upon which the sub-divider's plan of the subdivision is presented for approval.

Sanitary sewer system means the system which transports liquid or water-carried wastes from residences, businesses, institutions and industrial establishments and to which storm, surface, and groundwater are not intentionally admitted, including, but not limited to, gravity fed systems, septic tanks, and such other systems which may be appropriate.

Shall is always mandatory.

Storm sewer means a sewer which carries storm and surface waters and drainage, but excludes wastewater, sewage and industrial liquid wastes other than unpolluted cooling water.

Street means a dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public way.

Streets includes the terms set forth in Article IV, section 2-3, Street widths.

Structure includes the word "building."

Sub-divider means any person, firm, corporation or other entity subdividing land within the jurisdiction of this chapter.

Subdivision means the division of a tract, parcel or lot into two (2) or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or a change in existing streets and includes a resub-division and, where appropriate, relates to the process of subdividing or to the land or area subdivided.

Surveyor means a registered land surveyor in good standing with the New Mexico Board of Registered Engineers and Surveyors.

Used or occupied, as applied to any land or building, shall be construed to imply that said land or building, is in actual use or occupancy and shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

Yard means a space on the same lot with a principal building, unoccupied and unobstructed by a portion of a structure from the ground upward except where encroachments and accessory buildings and structures are expressly permitted.

Yard, front means a yard situated between the front building line and the front lot line extending the full width of the lot.

Yard, rear means a yard situated between the rear building line and the rear lot line and extending the full width of a lot.

Yard, side means a yard situated between the side building line and a side lot line and extending from the front yard to the rear yard.

Zoning ordinance means the officially adopted Zoning Ordinance of the city.

Words used in the present tense include the future tense. Words in the singular include the plural and words used in the plural include the singular.

(Ord. No. 96-17, 12-30-96)

Sec. 47-2. Title.

This chapter shall be known as the "Subdivision Regulations of the City of Carlsbad."

(Ord. No. 96-17, 12-30-96)

Sec. 47-3. Adoption.

This chapter is adopted pursuant to the authority delegated to municipalities under Section 3-19-6 through 3-19-7, 3-20-1 through 3-20-8 N.M.S.A. 1978, and to promote good planning practice.

(Ord. No. 96-17, 12-30-96)

Sec. 47-4. Purpose.

The purpose of this chapter is to provide for the orderly development of the city and its environs through the control and regulation of the subdivision of land. The standards contained herein are intended to encourage the development of an economically sound and stable urban area; to assure the timely provision of required streets, utilities and other facilities and services to new land developments, to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; to assure the provision of needed public open space and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes, and to assure in general the wise and timely development of new areas in harmony with the comprehensive plan.

(Ord. No. 96-17, 12-30-96)

Sec. 47-5. Application of ordinance.

No plat of the subdivision of any land within the platting jurisdiction of the City of Carlsbad as permitted by state statute shall be filed with the Eddy County Clerk until such plat has been submitted to and approved by the Commission according to the procedures set forth in this ordinance.

No street or other public way or land shall be accepted or maintained, nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the City of Carlsbad for the construction of any building or other improvements in any subdivision established hereafter which has not been approved by the commission in accordance with these regulations.

(Ord. No. 96-17, 12-30-96)

Sec. 47-6. Jurisdiction.

The standards contained herein shall hereafter govern all land subdivisions within the platting jurisdiction of the Commission which shall include such adjacent lands within the city extra territorial zoning district as defined by New Mexico law from time to time.

(Ord. No. 96-17, 12-30-96)

Sec. 47-7. Variances.

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the sub-divider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the

general intent and spirit of these regulations are preserved. The board shall grant such a variance or modification only upon determination that:

- (1) The variance will not be detrimental to the public health, safety and general welfare of the community;
- (2) The variance will not adversely affect the reasonable development of adjacent property;
- (3) The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
- (4) The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan;

(Ord. No. 96-17, 12-30-96)

Sec. 47-8. Amendments.

From time to time, this chapter may be amended by the city council of the city after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the city at least thirty (30) days prior to said hearing; provided, however, that no amendment shall become effective unless it shall have been submitted to the commission for review and recommendation. The commission shall have sixty (60) days within which to submit its report provided, however, that the city council may waive these requirements and grant an extension of time. If the commission fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(Ord. No. 96-17, 12-30-96)

Sec. 47-9. Violations and penalties.

Unless otherwise provided, any person, firm or corporation who violates the provisions of this chapter, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this chapter who transfers or sells or agrees to sell or negotiates, or advertises to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the commission and recorded in the office of the Eddy County clerk, shall be guilty of a misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offense. The city shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations.

(Ord. No. 96-17, 12-30-96)

Sec. 47-10. Interpretation and conflict.

The standards and provisions of this chapter shall be interpreted as being the minimum requirements necessary to uphold the purpose of this chapter and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public. Whenever this chapter imposes a higher standard than required by other resolutions, ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall govern. When the provisions of any other statute impose higher standards, the provisions of such statute shall govern.

(Ord. No. 96-17, 12-30-96)

Sec. 47-11. Separability and validity.

Should any section, paragraph, clause, phrase or provision of this chapter be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part of provision thereof, other than the part so decided to be invalid or unconstitutional.

(Ord. No. 96-17, 12-30-96)

Sec. 47-12. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.

(Ord. No. 96-17, 12-30-96)

Sec. 47-13. Effective date.

This chapter shall take effect and be in force five (5) days after the publication of adoption by the city council.

(Ord. No. 96-17, 12-30-96)

Sec. 47-14. Grandfather clause.

Subdivisions which have received full approval for their preliminary plans prior to the effective date of this chapter shall not be subject to this chapter. The term "preliminary plan," as used in this section, is defined by the land subdivision regulations adopted by the city planning commission on March 5, 1951, as it has been amended from time to time.

(Ord. No. 96-17, 12-30-96)

Sec. 47-15--47-20. Reserved.

ARTICLE II. PLAT SUBMISSION AND REVIEW PROCEDURES

Sec. 47-21. General provisions.

The following sections are an outline of the procedures for obtaining approval of the subdivision of land within the platting jurisdiction of the Commission.

The procedure for review and approval of a subdivision plat consists of three (3) separate steps. The initial step is the early informal consultation and sketch plan review with the commission designee and other technical staff for advice and assistance for compliance with the regulations of this chapter. (No fee is required for this service by the city.) The second step is the preparation and submission to the commission of a preliminary plat of the proposed subdivision. The third step is the preparation and submission to the commission of a final plat together with required certificates.

The final plat becomes the instrument to be recorded in the office of the Eddy County clerk when duly signed by the chairman and the secretary of the commission.

Any owner of land lying within the platting jurisdiction of the city wishing to subdivide land into two or more lots, sites or divisions, for the purpose of either immediate or future sale or building development, or wishing to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the commission for approval and shall obtain such approval prior to the filing of his/her subdivision of land as set forth in Article IV of these regulations and shall be presented in a manner specified in the following section of this article. No plat of a subdivision of land within the jurisdiction of the city shall be filed or recorded by the Eddy County clerk without the approval of the commission.

In order to secure review and approval of the commission for a proposed subdivision, the prospective sub-divider shall, prior to the making of street improvements or installations of utilities, submit to the commission a preliminary plat as provided for in section 47-24 below. On approval of said plat as preliminary plat, he/she may proceed with the preparation of the final plat and other documents required in connection therewith as specified in section 47-24 and the improvements set forth in Article V.
(Ord. No. 96-17, 12-30-96)

Sec. 47-22. Presubmission consultation.

Prior to the preparation of the plans and plats required herein, the sub-divider is encouraged to consult with the commission designee regarding the requirements of this chapter, land subdivision practices generally and the provisions of the comprehensive plan.
(Ord. No. 96-17, 12-30-96)

Sec. 47-23. Sketch plan.

(a) *Submission.* Prior to the preliminary plat application, a sketch plan shall be submitted to the commission designee. The purpose of the sketch plan is to enable the staff to assist the sub-divider prior to extensive site planning and engineering work necessary for the preparation of a preliminary plat and a final plat as required herein.

(b) *Conference.* For the purpose of informal and confidential review and discussion, a conference shall be held between the sub-divider (or his/her agent), commission designee, other technical staff and the chairman or representative of the commission.

(c) *Review.* Following the conference, based on the information shown on such sketch plan, the conferring officials shall, as promptly as possible, advise the sub-divider of the extent to which the proposed subdivision conforms to the applicable requirements of this chapter and shall further suggest any modifications of the plan which are deemed advisable or necessary to secure conformance.
(Ord. No. 96-17, 12-30-96)

Sec. 47-24. Preliminary plat.

(a) *Submission.* The sub-divider shall prepare a preliminary plat and submit such plat to the commission to be used for the purpose of determining the adherence of the subdivision to the design standards and improvement proposals. An application

requesting approval of the preliminary plat, together with fourteen (14) copies of the plat and required supplemental material, shall be submitted to the commission designee by the fifteenth day of the month prior to the next regular scheduled commission meeting.

(b) *Filing fee.* To defray the cost of processing the plat, review, notifying interested parties and inspection, the sub-divider shall pay the following fee to the city at the time of filing for preliminary plat approval:

- (1) Eight (8) lots or more, plus \$2.00 per lot . . . \$250.00
- (2) Less than eight (8) lots, plus \$1.00 per lot . . . \$100.00

(c) *Commission procedure.* The commission shall review and act upon the preliminary plat within (60) days of its submission by the applicant. If no action is taken by the commission within this time, the preliminary plat shall be deemed to have been approved, provided, however, that the applicant may waive this requirement and consent to an extension of said time period. Action taken by the commission shall be at a scheduled public hearing meeting. Notice of the time and place of said meeting shall be sent by certified mail to the sub-divider whose name and address appear on the required application for preliminary plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting. At this meeting, the commission shall either approve, approve conditionally or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the chairman of the commission. The reasons for disapproval shall refer specifically to those parts of the comprehensive plan, ordinance or regulation which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the commission and one (1) copy given to the applicant. On conditional approval, the commission may require the sub-divider to resubmit the preliminary plat with all recommended changes before approving the plat. Before taking final action on the preliminary plat, the commission shall refer copies of the plat and any attachments to those public officials and agencies which are concerned with new development. Where a proposed park, playground, school or other public use shown in any applicable city master plan is located in whole or in part in the subdivision, the review and recommendation of the appropriate public agency shall be obtained by the commission prior to taking final action.

If the preliminary plat is found to conform to all of the requirements of this chapter, approval shall be given by the commission and shall be noted in writing by the chairman on two (2) copies of the preliminary plat. One (1) copy shall be given to the sub-divider and one (1) copy retained by the commission.

(d) *Effect of preliminary plat approval.* Approval of the preliminary plat shall not constitute approval of the plat in final form. Preliminary approval shall be authorization for the sub-divider to proceed with the installation of site improvements and to proceed with preparation of the final plat, but shall not authorize the sale or other transfer of lots.

(e) *Contents of preliminary plat submittal.* The contents of information contained on the preliminary plat shall include the following:

(1) General subdivision information shall describe or outline the proposed development as necessary to supplement the drawings required below.

(2) Topographic data required as a basis for the preliminary plat shall include existing conditions as follows:

a. Ground elevations on the tract based on city-approved datum.

1. For land that slopes less than 20 percent, show spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all direction; and

2. For land that slopes more than 20 percent, show contours with an interval of not more than ten feet if necessary because of irregular terrain or the need for more detailed data for preparing plans and construction drawings.

b. Subsurface conditions on the tract if required by the Commission: Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet.

c. Other conditions on the tract if required by the commission: Water courses, marshes, rock outcrops, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks, and any other retaining walls.

d. Other conditions on adjacent land if required by the commission: Approximate direction and gradient of ground slope, including any embankments or retaining walls.

e. The commission may require the applicant to provide a hydrological study prepared by a competent hydrologist. Such study shall provide information as to the flow of surface water, the effects of the proposed subdivision on the drainage system of which are located on the land to be subdivided and other data sufficient to determine the adequacy of drainage proposals or treatment.

f. If proposed subdivision is located all or in part within a "flood prone" area as determined by the Federal Emergency Management Agency, it shall be noted on the preliminary plat.

(3) The preliminary plat is to be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the following:

a. All significant features determined from the topographic and location maps.

b. Features of the proposed subdivision including:

1. Streets: Names, right-of-way and widths; approximate grades and gradients; similar data for alleys if any;

2. Other right-of-way or easements; location, width and purpose;
 3. Location of utilities if not shown on other exhibits;
 4. Lot lines, lot numbers and block numbers:
 5. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings;
 6. Sites to be reserved or dedicated for parks, playgrounds, schools or other public uses,
 7. Minimum setback lines at front of all lots and sides of corner lots.
 8. Site data including number of residential lots, typical lot size and acres in public uses;
 9. Total acreage of tract;
 10. Title (name of subdivision), developer, scale, north arrow and date.
- c. Additional information to include:
1. Title and certificates: Present tract designation according to official records in the office of the county clerk; title under which proposed subdivision is to be recorded with names and addresses of owners, notation stating acreage, location of benchmarks, certification number of the registered professional surveyor, and a metes and bounds legal description of the tract;
 2. The preliminary plat shall be accompanied by construction plans consisting of profiles showing existing ground surface and proposed street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed grading; roadways and sidewalks, and proposed water supply, sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on city-approved benchmarks.
 3. Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed environment;
 4. Draft of subdivision improvements agreement, whereby the developer declares his intention to make agreed-upon improvements to the subdivision. Bonding may be required.

d. In the event that any person is aggrieved by the decision of the planning and zoning commission, they may file an appeal with the board of appeals (city council) for a variance as described in section 47-7.

(Ord. No. 96-17, 12-30-96)

Sec. 47-25. Final plat.

(a) *Submission.* The sub-divider shall prepare and submit a final plat to the commission accompanied by an application requesting approval of the plat. One Mylar original and 14 copies of the plat shall be submitted to the commission designee by the fifteenth day of the month prior to the next regular scheduled commission meeting at which it is to be considered.

The final plat shall include certification from a city engineering department that required site improvements have been installed to the city's satisfaction or that an adequate financial guarantee has been posted securing to the city the actual construction and installation of required site improvements. The commission may permit the submission of the final plat in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plat.

(b) *Commission procedure.* The commission shall review and act upon the final plat within 60 days of the date of its submission by the applicant. If no action is taken by the commission within this time, the final plat shall be deemed to have been approved; provided however, that the applicant may waive this requirement and consent to an extension of said time period. Action taken by the commission shall be at a scheduled public meeting and notice of the time and place of said meeting shall be sent by certified mail to the sub-divider whose name and address appear on the required application for final plat. Such notice shall be sent not less than five days before the date fixed for the meeting.

The final plat shall conform in all respects to the preliminary plat as previously approved by the commission, but shall incorporate all modifications required in its review of the preliminary plat.

If the final plat is approved by the commission, such approval shall be recorded on the face of the original Mylar drawing of the final plat and on two copies thereof and such approval shall be dated and verified thereon by the signature of the chairman and secretary of the commission in the spaces provided and such date and signatures shall be with black India ink; or if the final plat is disapproved by the commission, the reasons for disapproval shall be referenced and attached to two copies of the final plat and such action shall be dated and verified by the signature of the chairman of the commission affixed to said copies. In either event, one of the said signed copies shall be returned to the sub-divider and the other shall become part of the files of the commission designee. If a final plat is approved, the original drawing of the same shall be used in part for recordation purposes and thereafter retained in the files of the commission designee. If the final plat is disapproved, the original drawing shall be returned to the sub-divider.

None of the requirements of this paragraph shall be modified or waived. Final plats shall be recorded within five days after the acceptance by the commission.

Recording the final plat shall constitute an irrevocable offer to dedicate all streets and other public ways shown thereon to the public (unless a notation stating that there is no offer of dedication of a certain designated street is placed on the plat by the sub-divider and approved by the commission) and to dedicate or reserve as specified by the commission all park reservations, school sites and other such areas to the public use.
(Ord. No. 96-17, 12-30-96)

Sec. 47-26. Plans exempted from standard procedures.

Subdivision plats which fall into any of the categories below shall be exempt from the standard subdivision review and approval procedure:

- (1) The division of land of five (5) acres or less into parcels when no new street is involved;
- (2) The combination or recombination of previously platted lots or portion where the total number of lots is not increased, the resultant lots meet the minimum standards of this and other ordinances and no other features of the plat are changed;
- (3) The creation of lots on previously approved existing streets (public or private) with approved utilities;
- (4) Subdivisions within approved planned unit developments which conform to conceptual plans approved by the commission and the city council.

In the case of the above exceptions, the sub-divider shall submit to the commission designee three (3) copies of a final plat. If the plat conforms to the standards of this and other applicable ordinances, the commission designee may approve the plat and obtain the signature of the chairman of the commission.

If the commission designee sees a need for review by the commission, the matter shall be placed on the agenda for the next regular scheduled meeting.

One copy of the approved plat shall be placed in the subdivision files and two copies shall be returned to the sub-divider for recording purposes.
(Ord. No. 96-17, 12-30-96)
Secs. 47-27--47-30. Reserved.

ARTICLE III. PLAT REQUIREMENTS

Sec. 47-31. Sketch plan.

The sketch plan of a proposed subdivision shall be drawn at a scale and on a sheet size as required for preliminary plats and shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

- (1) North arrow, written and graphic scales and a location map showing the relationship between the proposed subdivision and the surrounding area, specifically showing existing and proposed shopping centers, schools, parks, churches and other public uses;
 - (2) Tract boundaries and total acreage;
 - (3) Significant topographical and physical features including the location of water courses within the tract;
 - (4) The locations, names and rights-of-way widths of existing streets in the vicinity of the tract;
 - (5) Tentative street and lot arrangement showing average lot size and the number of lots;
 - (6) Existing and proposed land uses throughout the subdivision;
 - (7) Existing, zoning classification and changes, if any.
 - (8) Time schedule, if only part of the subdivision is to be developed at one time.
- (Ord. No. 96-17, 12-30-96)

Sec. 47-32. Preliminary plat.

- (a) *General provisions.* The preliminary plat of a proposed subdivision shall be clearly and legibly drawn to a scale not smaller than one inch equal to one hundred feet.
- (b) *Content.* The preliminary plat shall contain or be accompanied by the following information:

- (1) *General information.*
 - a. Proposed name of subdivision. The name shall not duplicate or too closely approximate, phonetically or otherwise, the name of any subdivision within the city or its platting jurisdiction;

- b. North arrow, graphic scale, legends and date including the month, day and year that the original drawing was completed and the month, day and year for each revision of the original drawing;
- c. Name of record owner, sub-divider and registered land surveyor or engineer;
- d. Names and locations of all abutting subdivisions, if any, and location and ownership of adjoining subdivided property;
- e. Existing zoning classification of the tract, if any proposed rezoning within the tract;

(2) *Existing site data.*

- a. The distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing streets or roads;
- b. Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of total acreage of the property;
- c. Contour lines at vertical intervals of two feet or less. The location and elevation of the bench mark to which contour elevations refer shall be known;
- d. All existing municipal boundaries, property lines, rights-of-way, easements, railroads, sewer lines, fire hydrants, utility transmission lines, culverts, bridges, storm drainage ditches, watercourses, buildings, floodplain areas based on a 100-year flood and all other significant manmade or natural features within the proposed subdivision and within fifty (50) feet from the boundaries of the proposed subdivision; and,
- e. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract including the names, rights-of-way widths, pavement widths and approximate grades.

(3) Proposed site data:

- a. Street and alley rights-of-way and street names shall be provided;
- b. Lot lines, lot dimensions, lot and block numbers and minimum building setback lines along street rights-of-way.
- c. Other easements and rights-of-way including location, dimensions, and purposes;
- d. Parks, school sites and other areas designated for public use, if any, with the purpose, location and dimensions of each indicated; and

(4) Supplementary data:

- a. Titles and certificates: Title under which proposed subdivision is to be recorded with name and addresses of owners, notation stating acreage, location of benchmark, certification of the registered professional surveyor, and a metes and bounds legal description of the tract.
- b. Draft of any restrictions including protective covenants proposed shall be included in the owner's declaration of plat;
- c. Three (3) copies of the approval documents from the New Mexico Environmental Improvement Division whenever individual sewage disposal systems (septic tanks) or water supply systems are to be used.
- d. A vicinity map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plats existing within one thousand (1,000) feet of any part of the property.

(5) Construction plans:

- a. Plan and profile of proposed streets indicating the width of the street, location of cul-de-sacs, drainage, structures within the roadway and existing and proposed grades.
- b. Plan and profile of proposed sanitary and storm sewers indicating grades, location of manholes, rim and invert elevations, etc.
- c. Proposed water, cable TV, electrical and natural gas improvements indicating location and size of such improvements, as well as the location of shut-off valves, fire hydrants, transformers, street lights, etc.
- d. Proposed drainage handling improvements indicating location of drainage structures, runoff data and capacity of the proposed structures. A drainage study for the affected area or areas shall be submitted with the construction plans.
- e. Typical road cross-section(s) and other details for the construction of sanitary and storm sewers, water supply and drainage and other proposed improvements.
- f. A site plan indicating topographic changes with contour intervals of no less than two feet local embankments, retaining ponds and retaining walls and the location of soil percolation test holes as may be required to determine subsurface conditions.

(Ord. No. 96-17, 12-30-96)

Sec. 47-33. Final plat.

(a) *General provisions.* The final plat of a proposed subdivision shall be clearly and legibly drawn on Mylar on an appropriate scale.

(b) *Contents.* The final plat shall contain or be accompanied by the following information:

(1) *General information.*

- a. Name of subdivision;
- b. Name of record owner, sub-divider and registered surveyor certifying to the accuracy of the survey plat;
- c. North arrow, graphic, written scales, legends, and filing date;
- d. Name and locations of all abutting subdivisions, if any, and location and ownership of adjoining unsub-divided property; and

(2) *Platting information.*

- a. The boundary lines of the area being subdivided shall be in accordance with the current minimum standards for surveying in New Mexico;
- b. Correct course distances to the nearest established street lines or official monument which accurately tie to the primary control points of the subdivision;
- c. Street designations according to the provisions of the comprehensive plan and this chapter;
- d. Names, widths and lines of all streets within or on the perimeter of the subdivision, with accurate dimensions in feet and hundredths and showing angles to streets, alleys and lot lines to the nearest second;
- e. Radii, central angles, tangents, lengths of arcs and curvatures of all street lines;
- f. Lines and widths of all easements provided for or held by public services and utilities, with accurate dimensions in feet and hundredths including notation of any limitations on such easements;
- g. All watercourses, streams, lake shores, wetlands and floodplains (based on 100-year flood) meander lines with distances and bearings including the fluctuation distance indicated by ordinary high and low marks;

h. Lot numbers and block numbers. Lot lines shall be defined by distance in hundredths of a foot and in degrees to the nearest second, either by bearings or by angles of deflection from other lot and street lines;

i. The location (and elevation if established) of all existing and proposed street monuments.

(3) *Additional information.*

a. Building setback line accurately shown with dimensions;

b. A statement of the intended use of all nonresidential lots, with reference to existing or proposed restrictions as will exist as covenants in the deed; and

c. Accurate boundaries of any area to be dedicated or reserved for public use or acquisition, designated as blocks "A," "B," "C," etc., with the purpose indicated thereon and in the dedication. Any area to be reserved by deed, covenants or restrictions for the common use by owners of land contained within the subdivision shall be indicated.

(4) *Certification.* The following certificates shall be lettered or printed on the face of the final plat in substantially the same form as provided in the appendix to this chapter:

a. Surveyor certification: The signature, seal and certification of a registered professional land surveyor to the effect that the final plat accurately reflects a survey made by him, that any changes from the description appearing in the last record transfer of land contained in the final plat are so indicated, that all monuments shown thereon actually exist or will be installed and their positions are accurately shown, and that all dimensional and geodetic details are correct (see Appendix A).

b. Owners certification: A notarized certification of title showing that the applicants are the owners and statements by such owners acknowledging offers of dedication of land for public use and restricting land by protective covenants. This certification shall also indicate that the title thereof is free and unencumbered (See Appendix A).

c. Certification by the developer's designated registered engineer: The signature, seal and approval of the developer's designated registered engineer shall indicate that required improvements have been satisfactorily installed or that adequate financial guarantees have been provided in accordance with section 47-63 (See Appendix A).

d. Certification by private utility companies: A statement from the different private utility companies having franchise in the area where the subdivision is located, indicating that required improvements have been satisfactorily installed

in accordance with plans and specifications or that adequate financial guarantees have been provided in accordance with section 47-45 of this chapter. (See Appendix A)

e. Certification by the city engineering department: A statement from the city's engineering department indicating that required site improvements have been installed to the city's satisfaction or that an adequate financial guarantee has been posted securing to the city the actual construction and installation of required site improvements.

f. Recording notations: Appropriate notations for transfer and recording by the Eddy County clerk indicating date and time of recording, the plat book location thereof and instrument number.

g. Certification by commission: The signature of the chairman and secretary of the commission together with the seal of the city. (See Appendix A)

(5) *Improvement plans and data.* The sub-divider shall submit construction plans and specifications for all improvements and installations required by Article V of this chapter. The construction plans and specifications shall consist of all cross sections, profiles and other engineering data deemed necessary by the city's surveyor or engineer for the proper design and construction of all required improvements and installations.

(6) *Financial guarantees.* Financial guarantees as required in section 47-63 shall be submitted to the commission along with the final plat. Approval of the final plat shall not be granted in the absence of such guarantees.

(Ord. No. 96-17, 12-30-96)

Secs. 47-34--47-40. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 47-41. General provisions.

The design standards contained herein shall be considered minimum standards. Higher standards are to be encouraged in subdivision design. The following standards shall be applied toward that end.

(Ord. No. 96-17, 12-30-96)

Sec. 47-42. Streets.

(a) *Relation to adjoining street system.* The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width as set forth in this article or the width of the existing street, whichever is greater.

(b) *Access to streets and subdivision boundaries.* Sufficient access streets to adjoining properties shall be provided in subdivisions to permit harmonious development of the area.

(c) *Street widths.* The minimum width of right-of-way, measured from lot line to lot line, shall be not less than follows:

(1) *Arterial streets and highways.* 80 to 150 feet, as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic;

(2) *Collector streets.* 60 feet. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development;

(3) *Local streets.* 60 feet. Local streets are those streets which primarily permit direct access to abutting lands and connect to collector and arterial streets. Service to through-traffic movement should be deliberately discouraged.

(4) *Dead-end streets (cul-de-sacs).* The minimum diameter of a cul-de-sac is 100 feet. Cul-de-sacs are permanent dead-end streets or courts that may not exceed 800 feet in length or 15 dwelling units, and are designed so that they cannot be extended in the future; (See Illustration 4)

(5) *Rural streets.* 60 feet. Rural streets include:

a. Those streets where development density is not more than one dwelling unit per acre; or

b. Streets developed in the extraterritorial zone.

(6) *Loop streets.* 60 feet. Loop streets are streets open at both ends and connected to only one residential street. Loop streets have a maximum length of 1,200 feet or 25 dwelling units.

(7) *Alleys.* 20 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

(8) Planning and zoning will have the authority to classify a street.

(d) *Additional width on existing streets.* Subdivisions that adjoin existing streets shall dedicate additional rights-of-way to meet the above minimum street requirements.

(1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing streets; and

(2) When the subdivision is located on only one (1) side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided. In no case shall the resulting right-of-way be less than sixty (60) feet.

(e) *Restriction of access.* Where a subdivision abuts or contains an existing or proposed major street, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties to afford separation of through and local traffic.

(f) *Intersections.* Street intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than 60 degrees. (See Illustration 4)
To permit the construction of a curb having a desirable radius, property line radii at all street intersections shall not be less than 20 feet. Where the angle of the street intersection is less than 90 degrees, the commission may require a greater radius.

(g) *Tangents.* A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(h) *Street jogs.* Street jogs with centerline offsets of less than one hundred 125 feet shall not be allowed.

(i) *Dead-end streets.*

(1) Minor terminal streets or courts designed to have one end permanently closed shall be no more than 800 feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet. The commission may approve an alternate design such as the T or Y background shown on Illustration 6;

(2) Where, in the opinion of the commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround having a finished roadway diameter of at least 80 feet. (See Illustration 5)

(j) *Private streets and reserve strips.* There shall be no private streets platted in any subdivision, except in planned unit development districts. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips

controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the commission.

(k) *Drainage.* All streets and roads must be so designed as to provide for the discharge of surface water from the right-of-way of all streets and roads by grading and drainage and such methods as shall be approved by the commission.

(l) *Street name.* Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing street. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use or suffix street, avenue, boulevard, driveway, place or court. Through its index list of street names on file, the commission can assist the sub-divider in avoiding duplication.

(m) *Alleys.* Alleys shall be provided to the rear of all lots used for business purposes and shall be provided in residential blocks except where the sub-divider produces evidence satisfactory to the commission of no need for alleys. Alleys shall have concrete or asphalt surfaces and drive pads.

(n) *Sidewalks.* Lots of one-half acre or less shall have concrete sidewalks a minimum of four feet wide and four inches thick. Sidewalks shall be placed directly adjacent to back of curb and gutter or directly adjacent to property line within right-of-way and the location of sidewalks shall be consistent within the proposed development. Commercial development shall have sidewalks a minimum of six feet wide and four inches thick for concrete or provision for an asphalt surface to allow parking lots to be used for sidewalks. Corners of developments shall be developed to meet ADA standards. Sidewalks shall be constructed at the time of development and cracked sidewalks shall be replaced prior to issuance of a certificate of occupancy.

(o) *Drive pads.* Drive pads shall be constructed for one-half acre lots or less and commercial development. Drive pads for one-half acre lots or less shall be a minimum of 12 feet wide and a maximum of 24 feet for two or more car garages and a minimum of six inches thick for concrete. Drive pads for commercial development shall be a minimum of 16 feet and a maximum of 40 feet. 30 feet in width and over are main access points to shopping centers and etc., which generate large traffic volumes.

(Ord. No. 96-17, 12-30-96)

Sec. 47-43. Blocks.

(a) *Length.* Blocks shall not be less than 400 nor more than 1,200 feet in length, except as the commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over 800 feet in length, the commission may require one or more public crosswalks of not less than ten feet in width to extend entirely across the block and at locations deemed necessary.

(b) *Width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size

of the property, in which case the commission will approve a single tier of lots of minimum depth.

(Ord. No. 96-17, 12-30-96)

Sec. 47-44. Lots.

(a) *Arrangement.* In so far as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of 50 feet in width, except on cul-de-sacs or loop streets.

(b) *Minimum size.*

(1) The minimum size residential lot shall not be less than (50) feet wide at the front building setback line nor less than 6,000 square feet in area.

(2) The minimum size commercial or industrial lots shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

(c) *Building setback lines.* The building setback lines shall comply with the city Zoning Ordinance.

(Ord. No. 96-17, 12-30-96)

Sec. 47-45. Public use and service areas.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

(1) *Easements for utilities.*

a. Drainage and utility easements shall be provided on each side and rear lot line where deemed necessary by the commission. The easements shall be designed to adequately provide utilities and drainage for all lots in the proposed subdivision. Where drainage is proposed to cross any lot, the plat shall indicate the size of the pipe necessary to carry the proposed runoff. Each cul-de-sac shall have provisions for a fifteen-foot utility easement extending there from to prevent dead-end water mains. Easements of the same or a greater width may be required along the lines of or across lots where necessary for the extension of existing or planned utilities.

b. Storm sewers. Where, in the opinion of the commission, the flow of water cannot be accommodated with surface drainage, storm sewers may be required. The commission shall determine, on the basis of the watershed and the probable runoff, the size of storm sewers. In ascertaining the size of the storm sewers, the commission may call upon its technical staff or any public or private agency.

(2) *Water supply and sanitary sewer connections.* Where a public water supply or public sanitary sewer system is reasonably accessible, the sub-divider shall indicate a connection with such water supply or sanitary sewer system and a water and sanitary sewer connection for each lot with such material size and length as shall be approved by the commission. Where a public water supply or public sewerage system is not reasonably accessible or not planned for in the future, an alternate method of water supply or sanitary sewer disposal shall be indicated and shall be approved in writing by the New Mexico Environmental Improvement Division and the city's environmental officer.

(Ord. No. 96-17, 12-30-96)

Sec. 47-46. Suitability of the land.

The commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

(Ord. No. 96-17, 12-30-96)

Sec. 47-47. Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resub-division.

(Ord. No. 96-17, 12-30-96)

Sec. 47-48. Group housing developments.

A comprehensive group housing development including large-scale construction of housing units together with necessary drives and ways of access may be approved by the commission and city council, although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

(1) *Planned unit developments.* Subdivisions within approved planned unit developments may be approved by the staff of the commission and the city council provided they are connected to an approved sewerage system and comply with the overall intent of these regulations and the city Zoning Ordinance.

(Ord. No. 96-17, 12-30-96)

Sec. 47-49. Flood-prone areas.

Subdivisions within flood hazard areas as defined by the Federal Emergency Management Administration shall meet the requirements of the city Floodplain Management Ordinance.

(Ord. No. 96-17, 12-30-96)

Secs. 47-50--47-60. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 47-61. General provisions.

(a) *Approval of final plat.* Approval of the final plat for recording shall not be given by the commission unless the sub-divider has installed the following improvements as herein specified and required or has provided a financial guarantee therefore as specified in section 47-63.

(b) *Right of free access and inspection.* Any authorized agent of the commission or the city shall be granted the right of free access to the subdivision at all times for the purpose of inspecting the construction and installation of improvements. Inspection or lack of inspection by the city shall not diminish the obligation of the sub-divider to install required improvements in accordance with approved plans and specifications and the requirements of this chapter.

(c) *Changes in approved plans and specifications.* If exigencies of construction necessitate changes by the commission, who may delegate the responsibility for reviewing and approving said changes to a qualified agent of the city, the sub-divider shall not proceed with construction involving any changes prior to obtaining approval.

(d) *Filing of plans.* One set of "as built" plans and specifications certified by a professional engineer shall be filed with the commission.

(e) *Maintenance of improvements.* Completion of construction of any improvement shall not obligate the governing authority or the city to maintain said improvement.

(Ord. No. 96-17, 12-30-96)

Sec. 47-62. Required improvements.

Every subdivision developer shall be required to install all improvements in accordance with specifications established by the city.

(1) *Monuments.*

a. Concrete monuments four inches in diameter or square, with a flat top, shall be set at all the exterior boundaries of the subdivision and at angle points of curve

in each street. The top of the monuments shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

b. All other corners and points shall be marked with iron pipe or solid steel rod no less than one-half inch in diameter set flush with the finished grade.

c. Upon completion of street improvements a survey monument will be placed at the following location: Centerline of the street right-of-way at the intersection of two or more streets, the centerline of the street right-of-way at BEGINNING (PC) and ENDING POINTS (PT) of a curve; at the POINT OF INTERSECTION (PI) of a curve if the point of intersection falls within asphalted area of the street and the RADIUS POINTS of cul-de-sacs.

Monuments will be bridge spikes or city-approved alternate material.

(2) *Grading.* All streets and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the sub-divider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the commission:

a. *Preparation.* Before grading is started, the entire right-of-way area shall be cleared of all trees, stumps, roots, brush and other objectionable materials.

b. *Cuts.* All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the sub-grade. Rock, when encountered, shall be scarified to a depth of 12 inches below sub-grade.

c. *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess material including organic materials, soft clays, etc. shall be removed from the development site. The fill shall be spread in layers not to exceed 6 inches loose and compacted in accordance with the New Mexico Transportation and Highway Department specifications.

(3) *Storm drainage.* An adequate drainage system shall be provided for proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than 15 inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot ends pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert.

(4) *Roadway improvements.*

- a. All streets designated and shown on the final plat shall be graded, constructed in accordance with the specifications established by the city.
- b. Higher standards than those required by the standard specifications may be required by the commission or city staff to provide adequately for unusual soil conditions, extraordinary traffic volume or other abnormal conditions. (For illustration of typical roadway cross section, see Illustration 5 following Appendix A.)
- c. All shoulders, side slopes and ditches shall be prepared in compliance with standard specifications.
- d. Curbs. All subdivisions within the city limits approved after the date of approval of this chapter shall have curb and gutter that meet the minimum standards of the city. All subdivisions with lots of one-half acre or less in the extraterritorial zone approved after the date of approval of this chapter shall have curb and gutter. The sub-divider shall install curbs of no lower classification than machine-formed concrete extruded standard curb and gutter or mountable curb. (See Illustration 10 for minimum standards. For an illustration of a typical roadway cross section which includes curbs, see Illustration 5 following Appendix A.)

(5) *Installation of utilities.* After grading is completed and approved and before any base is applied, all of the underground work (water mains, gas mains, etc) and all service connections shall be installed completely throughout the length of the road and across the flat section.

- a. Water supply system. Water mains properly connected with the community supply system shall be constructed in such manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains, the location and type of valves and hydrants, the amount of soil cover and the pipes and other features of the installation shall be approved by the commission upon the recommendation of the applicable inspection agencies and shall conform with acceptable standards of good practice for public water systems.
- b. Sanitary sewers. All new subdivisions within the corporate limits of the city approved after the effective date of this chapter shall have a sanitary sewer system which is constructed in compliance with the city's minimum standards and any applicable state or federal regulations.

The system shall be inspected during the construction by an authorized agent to insure that the minimum standards are met.

(Ord. No. 96-17, 12-30-96)

Sec. 47-63. Financial guarantees.

(a) *General provisions.* Financial guarantees covering all improvements required by this chapter shall be prerequisite to commission action on the application for final plat approval. The sub-divider shall submit such guarantees to the commission and the city council in accordance with the requirements of this section.

(b) *Certification of construction.* In subdivisions where the sub-divider completes the construction and installation of all required improvements, the sub-divider shall file with the commission written certification certified by a professional engineer that said improvements have been completed according to the final plat and design drawings and specifications submitted therewith and in accordance with the requirements of this chapter.

(c) *Performance bond.* Prior to completion of any or all required improvements by the sub-divider, the sub-divider may post a performance bond with the city clerk guaranteeing the completion of said improvements in compliance with requirements herein below:

(1) The city shall have the right to refuse a performance bond for any and/or all required improvements and require construction and installation thereof by sub-divider.

(2) Where accepted by the city, the performance bond shall:

a. Run to the City of Carlsbad;

b. Be in an amount equal to 100 percent of the cost, as estimated by the city, of any improvements which have not been constructed, installed and completed in compliance with the requirements of this chapter prior to the posting of said bond and for which sufficient certification has been furnished in compliance with subsection (b) hereinabove;

c. Be with surety as approved by the city;

d. Specify that all said required improvements shall be completed in accordance with the requirements of this chapter within a period not to exceed one year from the date of posting said bond; provided, however, that the city may by proper application and for good cause shown extend the time of completion of all or a part of such improvements for such period of time as it deems is in the public interest; and

e. Run until and terminate ninety (90) days after filing certification of completion and acceptance as required in subsection (b) hereinabove, unless the commission or city determines that the requirements, standards and specifications of this chapter applicable to the construction,

installation and completion of said improvements have not been met and notified the applicant of such determination by certified mail in which event said bond shall continue to run until the filing of acceptable proof that said standards, requirements and specifications have been met.

- (3) In the event that any or all of the required improvements are not completed within the time specified in said bond, the city may let or re-let the contract and the sub-divider and performance bond shall be severally and jointly liable for the construction thereof to the amount specified for such improvement(s) in said bond.
- (d) *Prepayment.* In lieu of construction by the sub-divider of any or all required improvements, the sub-divider may make payment to the city of the full amount of said improvements in compliance with the requirements herein below:
- (1) The city shall have the right to refuse prepayment for any and/or all required improvements and require construction and installation thereof by the sub-divider.
 - (2) Where accepted by the city, prepayment shall be in an amount equal to 100 percent of the cost as established by the city of the required improvements which have not been either completed and certified and accepted as provided in subsection (b) hereinabove or covered by a performance bond as provided in subsection (c) hereinabove.
 - (3) Where prepayment is accepted by the city, the construction and installation of all improvements covered thereby shall be performed by the city. After completion of said improvements, any cost in excess of estimate shall be refunded to the developer, and any under payment shall be paid to the city.
- (e) *Bond funds.* Any funds received from the financial guarantees required by this chapter shall be used only for the purpose of making the improvements for which said guarantees were provided.
(Ord. No. 96-17, 12-30-96)

