

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 139**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
AMENDING SECTION 151.11 OF THE ELEPHANT BUTTE CODE OF ORDINANCES,
SIMPLIFYING THE PROCEDURE FOR APPROVING THE SUBDIVISION AND
RESUBDIVISION OF CERTAIN PARCELS OF LAND, AND REPEALING SECTIONS
151.09 and 151.12.**

WHEREAS, the Code of Ordinances contains provisions at sections 151.11 and 151.12 for the subdivision and resubdivision of property by means of an Alternate Summary Procedure; and

WHEREAS, the current requirements are burdensome, redundant and lack clarity; and

WHEREAS, the governing body wishes to clarify and simplify the procedure for approval of subdivisions and resubdivisions by the Alternate Summary Procedure; and

WHEREAS, state law provides at NMSA 1978, § 3-20-8 that a municipality may establish an Alternate Summary Procedure for certain types of subdivision; and

WHEREAS, state law provides at NMSA 1978, § 3-20-2 for resubdivision by description; and

WHEREAS, the current code of ordinances provides for said procedure of resubdivision by description at section 151.09; and

WHEREAS, the governing body wishes to consolidate the procedures of section 151.09 into the provisions of the Alternate Summary Procedure; and

WHEREAS, the governing body wishes to standardize the provisions for approval of both the Alternate Summary Procedure and the resubdivision by description.

NOW THEREFORE, BE IT ORDAINED By the Governing Body of The City of Elephant Butte, that sections 151.09, 151.11 and 151.12 of the Code of Ordinances of the City of Elephant Butte be amended as follows:

Section one. Section 151.09 is amended by deleting the section in its entirety as follows:

§ 151.09 RESUBDIVISION BY DESCRIPTION.

Section two. Section 151.11 is amended by deleting the section in its entirety and replacing it with new material as follows:

§ 151.11. ALTERNATE SUMMARY PROCEDURE.

- (A) *Summary procedure authorized.* An applicant may apply for subdivision approval by the alternate summary procedure for:
- (1) A subdivision of property that does not result in more than two parcels of land; or
 - (2) A re-subdivision, where the combination or recombination of portions of previously platted lots will not increase the total number of lots.
- (B) *Limitations on use.*
- (1) The alternate summary procedure shall not be available for a submittal of a series of two-lot subdivisions in a given tract or block.
 - (2) Lots resulting from a subdivision by the alternate summary procedure shall not thereafter be approved for additional subdivision by such procedure.
- (C) *Procedure.*
- (1) *Standard for plans.* An application for subdivision or re-subdivision by alternate summary procedure shall contain a plat or survey prepared by a licensed New Mexico surveyor that is in substantial conformity with the requirements of this chapter. The planning official shall review the plat to determine whether all requirements of this code applicable to individual lots have been met, and whether the proposed subdivision alters the


granting or reservation of easements, dedications and other conditions of the original plat.

- (2) *Format.* The form and number of copies of the plat and related materials shall be as determined by the planning official for adequate review and filing. The plat shall identify the name of the subdivision, and shall identify the resulting properties by lot and block number, using the larger lot number together with a letter designation. Example: Lot 21 and 22 after combination would be identified as Lot 22A.
- (3) *Review and approval.*
 - (a) The completed application shall be presented to the Chair of the Planning and Zoning Commission or a member of the Commission designated by the Chair, and by the city manager or a staff member designated by the manager, who may act to approve or deny the application, or may refer it to the full Commission.
 - (b) A summary plat application that requests a variance or waiver from the requirements of this chapter shall be referred to the Planning and Zoning Commission.
 - (c) A denial of a summary plat application by the persons designated herein may be appealed as provided herein.
- (4) *Resubdivision by description.* The resubdivision of already platted tracts that are less than one (1) acre and which are contiguous with each other, for the purpose of increasing or reducing the size of the contiguous tracts, but not less than the minimum standard size required by the city, shall not require a plat of the resubdivision, provided that a certificate of survey setting forth the legal description of tracts resulting from the resubdivision shall be filed with the Commission, the County Clerk and the County Assessor of Sierra County and the filing shall be considered as a rededication of the described lots in all respects. The certificate of survey shall be submitted for approval and signature by the Chair of the Planning and Zoning Commission or a member of the Commission designated by the Chair, and by the city manager or a staff member designated by the manager.

Section three. Section 151.12 is amended by deleting the section in its entirety as follows:

Section four. Effective date. This ordinance shall become effective five days following publication.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this _____ day of _____, 2013.



Eunice Kent, Mayor

Attest:



Rose Garretson, City Clerk