

VILLAGE OF CORRALES

ORDINANCE NO. 07-010

AN ORDINANCE AMENDING SECTION 18-79 “GENERAL PROCEDURES” AND SECTION 18-86 “PRELIMINARY PLAT” OF THE VILLAGE’S CODE OF ORDINANCES, RELATING TO THE PLANNING AND PLATTING OF SUBDIVISIONS, BEING SECTIONS 3 AND 8 OF ORDINANCE NO. 63, PASSED AND ADOPTED JANUARY 13, 1976, AND AS SUBSEQUENTLY AMENDED; AMENDING PROCEDURES RELATED TO PRELIMINARY PLAT SUBMISSION AND APPROVAL; PROVIDING FOR EXPIRATION OF PRELIMINARY PLAT APPROVAL AFTER ONE YEAR; PROVIDING THAT, PRIOR TO EXPIRATION OF THE PRELIMINARY PLAT, APPLICANT MAY RELY ON STANDARDS APPLICABLE AT TIME OF ITS APPROVAL.

WHEREAS, the Village Council, the Governing Body of the Village of Corrales (the “Governing Body”), finds that applicants for approval of subdivisions within the Village of Corrales (the “Village”) should be afforded a reasonable time after preliminary plat approval to submit a final plat for consideration and approval by the Village; and

WHEREAS, the Governing Body further finds that applicants for subdivision approval should, during such reasonable period after preliminary plat approval, be permitted to rely on the ordinances, rules, regulations, policies and procedures in effect at the time of preliminary plat approval, and should not be required to amend the final plat to reflect ordinances, rules, regulations, policies or procedures that may be adopted during such period.

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

1. Subsection 18-79(c) of the Code of Ordinances of the Village of Corrales (the “Code”) is amended to read as follows:

(c) ***Preliminary plat submission and approval required.*** Following the sketch ~~plat~~ plan review, the subdivider shall complete and submit a preliminary plat application and 13 sets of all application materials as required in section 18-86 for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission.

- (1) The applicant must address all of the preliminary plat application requirements or request a waiver of conditions pursuant to section 18-90 at the time of the plat application and submittal. The preliminary plat application shall detail how and when the subdivider intends to construct all public and private infrastructure improvements.
- (2) The commission shall hold a hearing at which the applicant shall present the proposed development as shown on the preliminary plat application and submittal. After the hearing, the findings of the commission shall be made and the commission shall note on the preliminary plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended preliminary

plat application for the purpose of demonstrating that the applicant has complied with the orders of the commission.

- (3) Within one (1) year following approval of the preliminary plat by the commission, the applicant shall submit a final plat for consideration by the commission as provided in section 18-87. If a final plat is not timely submitted, approval of the preliminary plat shall be deemed to have expired as provided in section 18-86(f).

2. Section 18-86 of the Code is amended by the addition of the following subsections following subsection 18-86(d) thereof:

(e) *Reliance on existing regulations.* Unless the preliminary plat expires before submittal of a final plat based upon it, the applicant may rely on the ordinances, rules, regulations, plans, policies and procedures of the village that were in effect on the date of preliminary plat approval, and consideration of the final plat shall be based upon such ordinances, rules, regulations, plans, policies and procedures as of the date of preliminary plat approval, regardless of any subsequent amendment, repeal, reinstatement, or other action of the village which could affect the terms and conditions under which the preliminary plat was approved.

(f) *Expiration of preliminary plat approval.*

- (1) Approval of a preliminary plat shall expire one (1) year following the date of such approval by the commission, unless within that period a final plat is submitted for consideration and approval by the commission, or the applicant is granted an extension of time for submittal of the final plat as provided herein.
- (2) Upon timely application to the commission, the commission may for good cause shown, and in the commission's sole and absolute discretion, grant an extension or extensions of time for submittal of the final plat, provided that such extension or extensions shall not exceed a total of one (1) additional year beyond original expiration date of the preliminary plat. Such extension may be granted only if the commission finds that:
- a. The extension of time is not detrimental to the public interest; and
- b. The preliminary plat, as approved, is not in conflict with current village ordinances, rules, regulations, plans, policies or procedures.
- (3) The commission may, as a condition of granting any extension of time for final plat submittal following approval of the preliminary plat, require the subdivider to complete any or all subdivision improvements, public or private, that are shown in the preliminary plat, in a fully satisfactory manner, before a date certain set by the commission.
- (4) Preliminary plat approval shall be null and void unless a complete final plat application, including all materials required to be submitted therewith, is submitted and accepted by the village before the expiration date of such approval, including any extensions granted in accordance with this section 18-86(f). The village and its officers and employees shall have no liability whatever for failure of an applicant to complete all required submittals in a timely manner, including but not limited to a complete and satisfactory final plat and accompanying materials, and the completion of any subdivision improvements that may be required by the commission.

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

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

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

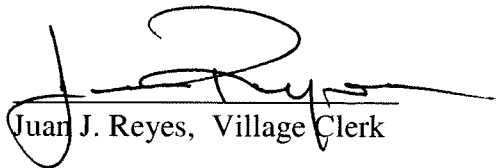
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 26th day of June, 2007.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan J. Reyes, Village Clerk