

5-4 SUBDIVISION OF LAND

5-4(A) PURPOSE

This Section 14-16-5-4 is intended to promote the public health, safety, and general welfare of the current and future inhabitants of the City by ensuring that development sites:

- 5-4(A)(1) Are consistent with the land use planning objectives of the adopted ABC Comp Plan, as amended, and other plans, policies, and ordinances adopted by the City Council.
- 5-4(A)(2) Are appropriately sized and shaped to meet the intended use of land consistent with the zoning provisions and Development Standards in this IDO.
- 5-4(A)(3) Accurately document the boundaries of each lot in the subdivision.
- 5-4(A)(4) Avoid development of sensitive lands.
- 5-4(A)(5) Are adequately served by a safe street and trail network that is consistent with the City's adopted transportation plans, with convenient access for motor vehicles, bicycles, and pedestrians.
- 5-4(A)(6) Require the timely installation and dedication of public improvements and utilities necessary to serve the development, while providing economy for governmental purposes and efficiency in governmental operations.

5-4(B) APPLICABILITY

- 5-4(B)(1) The standards in this Section 14-16-5-4 apply to all subdivisions of land into 2 or more lots, building sites, or tracts, or when 2 or more platted lots are consolidated into a larger lot for development or redevelopment, unless expressly exempted elsewhere in this IDO, in a development agreement, an approved Site Plan within the NR-SU or PD zone districts, an approved Framework Plan within the PC zone district, or an approved annexation plan.
- 5-4(B)(2) The subdivision standards apply to all areas within the city unless specifically exempted.
- 5-4(B)(3) Land shall be subdivided only in accordance with the subdivision approval procedures in Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L) (Subdivision of Land – Major).

5-4(C) COMPLIANCE WITH ZONING REQUIREMENTS

- 5-4(C)(1) All lots created by a subdivision shall comply with applicable standards in Part 14-16-3 (Overlay Zones); Section 14-16-5-1 (Dimensional Standards), particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency); Section 14-16-5-3 (Access and Connectivity); and this Section 14-16-5-4.
 - 5-4(C)(1)(a) The City shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

- 5-4(C)(1)(b) Nonconforming lots may be replatted without requiring Variance to lot size if the replat meaningfully decreases the degree of already existing nonconformity.
- 5-4(C)(2) No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the City. The Development Hearing Officer (DHO) is responsible for making determinations regarding unsuitability of land for subdivision.
- 5-4(C)(3) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public infrastructure or private facilities, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.
- 5-4(C)(4) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands) unless encroachment into those sensitive lands is corrected or mitigated to the satisfaction of the City.
- 5-4(C)(5) The general layout of lots, roads, driveways, drive aisles, utilities, drainage facilities, and other services within proposed subdivisions shall be designed to avoid making compliance with the standards of the applicable zone district difficult or infeasible.
- 5-4(C)(6) In the PD and NR-SU zone districts, and for development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action. In the PC zone district, an approved Framework Plan is required prior to any platting action. Subsequent platting must conform to the approved plans.
- 5-4(C)(7) In the NR-BP zone district, a Master Development Plan is required for lots 20 acres or more prior to platting action. For lots less than 20 acres zoned NR-BP, a Site Plan is required prior to development, but the property may be subdivided before or after a Site Plan is approved. Once a Master Development Plan or Site Plan is approved, subsequent platting must conform to the approved plan.

5-4(D) EXISTING AGREEMENTS AND COVENANTS

Subdivision regulations do not repeal, annul, or in any way interfere with existing private agreements or restrictive covenants applicable to a property. However, subdivision approvals are not required to be consistent with those private agreements or restrictive covenants. Where the standards in this Section 14-16-5-4 impose a different standard than those imposed by a private agreement or restrictive covenants, the standards in this Section 14-16-5-4 shall apply for purposes of City development approval and enforcement. Enforcement of any private agreements or restrictive covenants applicable to a property is the responsibility of the parties to that agreement, and not the City. See Section 14-16-1-9 (Relationship to Private Agreements and Covenants).

5-4(E) BLOCK DESIGN AND LAYOUT**5-4(E)(1) Connectivity, Streets, and Alleys**

- 5-4(E)(1)(a) Street connectivity patterns shall comply with the provisions of Section 14-16-5-3 (Access and Connectivity).
- 5-4(E)(1)(b) Medians and pedestrian refuges shall be designed to the specifications in the DPM. Medians and pedestrian refuges shall be designed to integrate stormwater infiltration areas to the maximum extent practicable.
- 5-4(E)(1)(c) In Areas of Consistency, alleys shall be included in subdivision design in those areas of the city where surrounding areas are platted with alleys and shall continue the alignments of those alleys.
- 5-4(E)(1)(d) Construction of all streets and alleys shall comply with all applicable standards in the DPM.

5-4(E)(2) General Block Layout

- 5-4(E)(2)(a) Blocks shall generally be square or rectangular but may vary in shape to protect natural features or respond to site constraints.
- 5-4(E)(2)(b) To the maximum extent practicable, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west access to facilitate solar access.

5-4(E)(3) Block Dimensions

- 5-4(E)(3)(a) **Block Lengths**
Block lengths shall meet the requirements and comply with standards in the DPM associated with each Center and Corridor area and each street classification. Table 5-4-1 is provided as a summary for reference only. In the case of conflict, requirements in the DPM shall prevail.
- 5-4(E)(3)(b) **Pedestrian Crossings**
Pedestrian crossings shall be provided and designed per the requirements in the DPM, summarized in Table 5-4-1.

Table 5-4-1: Summary of Block Lengths in the DPM			
Location	Block Length (ft.)	Signalized Pedestrian Crossing (ft.)	Designated Pedestrian Crossing (ft.)
Streets in Center & Corridor Areas			
Downtown	200-400	≤660	≤400
Urban Center	300-400	≤660	≤400
Main Street Area	300-400	≤660	≤400
Activity Center	400-600	≤1,320	≤600
Employment Center	≤800	≤2,640	As appropriate
Village Center	400-600	≤1,320	≤600
Streets in Other Areas			
Collector, Arterial, or Interstate Highway	Per DPM	Per DPM	Per DPM
Local Street	≤600	≤2,640	As appropriate

5-4(F) LOT DESIGN AND LAYOUT**5-4(F)(1) Avoidance of Sensitive Lands**

- 5-4(F)(1)(a) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands).
- 5-4(F)(1)(b) Lots within floodplains or Special Flood Hazard Areas shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA). Grading in a Special Flood Hazard Area (i.e. flood zones or FEMA's Zone A designation) requires an approved grading and drainage plan, a Floodplain Development Permit, and applicable financial guarantees for permanent public improvements, pursuant to the DPM.

5-4(F)(2) Access to Public Streets

- 5-4(F)(2)(a) All lots shall have frontage on a street unless deemed impracticable due to topography or other constraints and a Waiver – DHO for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(P).
- 5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to a collector or arterial street. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.
- 5-4(F)(2)(c) In the case of cluster or cottage development or manufactured home communities in zone districts where those uses are allowed, the provisions in Subsections (a) and (b) above apply to the entire project site, not to individual lots within the project site.

5-4(F)(3) Lot Dimensions

- 5-4(F)(3)(a) Lot sizes shall comply with all applicable standards in this IDO, including but not limited to Section 14-16-5-1 (Dimensional Standards).
- 5-4(F)(3)(b) The Planning Director is authorized to make those adjustments to required lot dimensions shown in Subsection 14-16-5-2(C) (Site Design to Avoid Sensitive Lands).
- 5-4(F)(3)(c) Cluster developments shall be subdivided pursuant to the standards in Section 14-16-5-1 (Dimensional Standards) and Subsection 14-16-4-3(B)(2) (Dwelling, Cluster Development) and the approval procedures in Subsections 14-16-6-6(K) (Subdivision of Land – Minor) and 14-16-6-6(L) (Subdivision of Land – Major), as applicable.
- 5-4(F)(3)(d) Tracts for open space, drainage, landscaping, or other communal purposes shall have their use, beneficiaries, and maintenance responsibilities clearly noted on the subdivision plat.

5-4(F)(4) Remainder Lots Prohibited

No subdivision shall result in any remainder lot that does not meet the standards of this IDO.

5-4(G) WATER AND SANITARY SEWER SYSTEMS

- 5-4(G)(1) The applicant shall install, at his/her own expense, necessary infrastructure to connect all lots within a proposed subdivision to the Albuquerque Bernalillo County Water Utility Authority's (ABCWUA's) water supply and sanitary sewer systems.
- 5-4(G)(2) Public water and sanitary sewer systems shall meet the standards of the DPM and conform to any adopted facility plans and Section 7 of the ABCWUA Legislation and Ordinances (Water and Wastewater System Expansion).
- 5-4(G)(3) The ABCWUA determines whether water and sanitary sewer infrastructure improvements are to be publicly or privately owned and maintained, based on considerations of system capacity and public health, safety, and welfare.

5-4(H) STORMWATER MANAGEMENT

- 5-4(H)(1) The applicant shall install, at his/her own expense, all site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not result in surface flooding or unnecessary burden on the City's infrastructure. Stormwater management for all subdivisions shall comply with all of the following:
 - 5-4(H)(1)(a) Applicable standards in the DPM.
 - 5-4(H)(1)(b) Applicable standards in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control).
 - 5-4(H)(1)(c) The requirements of AMAFCA.

- 5-4(H)(2) The developer shall incorporate best management practices for low-impact development stormwater management to minimize stormwater runoff and increase on-site infiltration as described in the DPM.

5-4(I) ELECTRICAL AND COMMUNICATION LINES

5-4(I)(1) Distribution Lines 12 Kilovolts or Less

New communications lines, new single-phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this IDO.

5-4(I)(2) Distribution Lines between 12 Kilovolts and 40 Kilovolts

New electrical 3-phase distribution lines carrying above 12 kV, but less than 40 kV, shall be installed underground.

5-4(I)(3) Distribution Lines Over 40 Kilovolts

Electrical lines that carry 40 kV or more are not regulated by this IDO. See the Facility Plan for Electric System Transmission and Generation, as amended.

5-4(I)(4) Safety Clearances from Buildings and Other Structures

Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. Greater setbacks and/or reduced heights may be required for compliance with the National Electrical Safety Code (NESC) along lot lines that abut, are adjacent to, or within properties that contain overhead power lines and/or electric utility easements. Electric service provision from the Public Service Company of New Mexico (PNM) will also depend on adequate structure clearance requirements as outlined in the PNM Electric Service Guide.

5-4(J) GRADING AND EROSION CONTROL

5-4(J)(1) General

- 5-4(J)(1)(a) Grading and erosion control practices shall comply with the DPM.
- 5-4(J)(1)(b) New subdivisions shall blend development into the adjacent environment with a minimum of grade change. Extensive fill that raises the grade for proposed lots at the edge of a proposed subdivision above the grade of nearby property shall be avoided. Significant cuts near the edges of a proposed subdivision to lower the grade within the development shall be avoided.

5-4(J)(2) Slope Criteria

All final slopes shall comply with all applicable standards in the DPM.

5-4(J)(3) Grading near the Property Line

Particular care shall be taken to ensure that existing foundations, retaining walls, stable slopes, or other structures are not compromised and that the adjacent property is not damaged or its use constrained due to grading at or near the property line.

5-4(J)(4) Grading in Floodplains

Grading in a Special Flood Hazard Area without an approved drainage report and financial guarantees for the permanent improvements is prohibited.

5-4(K) DEDICATION OF LAND FOR PUBLIC PURPOSES**5-4(K)(1) General**

Dedication of land for the following public uses may be required in accordance with any of the following City policies or regulations:

- 5-4(K)(1)(a) Streets and other access pursuant to the Metropolitan Transportation Plan and DPM.
- 5-4(K)(1)(b) Drainage facilities pursuant to the IDO, the DPM, or AMAFCA standards.
- 5-4(K)(1)(c) Other public facilities required in accordance with the DPM.

5-4(K)(2) Dedication of Public Areas Designated in Adopted Plans

If a proposed public area shown on an adopted City or County plan is located in whole or in part in the area being subdivided, an appropriate tract shall be shown as reserved, deed restricted, or dedicated for public use on the plat unless, after a written request from the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within 3 years from the date of the inquiry.

5-4(K)(3) Acceptance of Dedications

The procedure for accepting dedications of public lands and improvements is specified in Section 14-16-6-6(K) (Subdivision of Land – Minor) or Section 14-16-6-6(L) (Subdivision of Land – Major).

5-4(K)(4) Drainage, Flood Control, or Erosion Control Facilities

- 5-4(K)(4)(a) Whenever no beneficial use can be derived by an owner from continued retention of land necessary for permanent drainage, flood control, or erosion control facilities or when the facilities involve a major arroyo, the land required for the operation and maintenance of the facilities must be dedicated to AMAFCA or the City.
- 5-4(K)(4)(b) Unless subject to Subsection (a) above, easements for drainage, flood control, and erosion control facilities are acceptable as long as a written agreement between the owner and the City exists that specifies uses allowed on the lands covered by the easement, and as long as no permanent facilities are constructed on those lands (including masonry fences and retaining walls but excluding pavement).
- 5-4(K)(4)(c) Rights-of-way and easements required for drainage, flood control, and erosion control shall conform to the standards in the DPM.

5-4(K)(5) Limits on Dedication

The City shall not require the dedication of land or payment of fees-in-lieu of dedication of land in an amount beyond that necessary to serve the needs of the proposed development or in an amount that is not roughly proportionate to the impacts of that development on those public facilities listed in Subsection 14-16-5-4(K)(1) above.

5-4(L) EASEMENTS OR RIGHTS-OF-WAY

- 5-4(L)(1) The DHO may require easements public rights-of-way for public infrastructure or private facilities. Public rights-of-way and easements shall conform to the standards in the DPM.
- 5-4(L)(2) Easements or public rights-of-way for public infrastructure shall be granted or dedicated, respectively, in accordance with the minimum standards and requirements set forth in the DPM.
- 5-4(L)(2)(a) All easements or rights-of-way designated for public infrastructure shall be granted or dedicated, respectively, for a specific purpose.
- 5-4(L)(2)(b) ABCWUA easements shall exclude other underground utilities, unless specifically allowed and approved on a case-by-case basis by the ABCWUA.
- 5-4(L)(3) Utility easements may be required along any lot line, with some exceptions for water and sanitary sewer easements, or as specified in the DPM.
- 5-4(L)(4) Development adjacent to electric utility easements and/or distribution facilities must comply with safety clearance requirements in Section 14-16-5-4(I)(4) (Safety Clearances from Buildings and Other Structures).
- 5-4(L)(5) Easements may be jointly used for private facilities with approval from the DHO as specified in the DPM and in Subsection 14-16-6-6(K) (Subdivision of Land – Minor) or Subsection 14-16-6-6(L) (Subdivision of Land – Major).

5-4(M) MONUMENTATION

All subdivisions shall provide monumentation of survey points as required by the DPM.

5-4(N) IMPROVEMENTS REQUIRED

- 5-4(N)(1) The subdivider shall install and construct all improvements required by this Subsection 14-16-5-4(N), Subsection 14-16-1-7(B)(2), and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and/or as specified in an Infrastructure Improvements Agreement (IIA) between the subdivider and the City. The City may accept commitments to provide improvements or services by the County and/or by franchised and/or private utility systems where the City Engineer determines that acceptance of such commitments will result in timely provisions of required improvements or services needed to serve the subdivision imposing burdens on surrounding properties or the city as a whole and will adequately protect the public health, safety, and welfare.
- 5-4(N)(2) The City Engineer determines the timing of construction of some or all infrastructure for Bulk Land Subdivisions, where further subdivision or Site Plan approval is required or expected and the required infrastructure will be provided at that time.

5-4(O) INFRASTRUCTURE IMPROVEMENTS AGREEMENT

Upon approval of a plat and/or Site Plan and prior to recording, the subdivider shall execute an Infrastructure Improvements Agreement (IIA) to guarantee completion of required improvements. The timing, format, and required contents of the IIA shall comply with

Subsection 14-16-6-4(P), Subsection 14-16-6-6(K) (Subdivision of Land – Minor), and Subsection 14-16-6-6(L) (Subdivision of Land – Major), as applicable, and the DPM.

5-4(P) ADDITIONAL DESIGN CRITERIA AND CONSTRUCTION STANDARDS

In addition to the standards set forth in this Section 14-16-5-4, the City shall maintain technical standards for infrastructure improvements in the DPM, pursuant to Subsection 14-16-1-7(A)(4). Such technical standards for infrastructure improvements shall contain the minimum acceptable design criteria and specifications for the construction of such improvements. Such technical standards may be updated periodically and may vary for improvements based on the classification of streets or other improvements and the extent and characteristics of the area to be served by the improvements. All subdivisions shall comply with additional design criteria and construction standards applicable to the proposed development.