

## SECTION 7: ZONING AND SUBDIVISION APPROVALS

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- A. Related Approvals:** Because master plan approval does not assign zoning or create lots, the applicant is required to obtain approval for a zone change or special use permit for Planned Development Area, if applicable, per the requirements found in the Bernalillo County Zoning Code, and approval for subdivision per the requirements found in the Bernalillo County Subdivision Ordinance, before development can proceed. Application for Preliminary Plat may take place only after the appropriate zoning or special use permit is in place.
- B. Consistency with Master Plan:** Approval of zone change, special use permit for Planned Development Area, and subdivision will be contingent upon consistency with the approved master plan.
- C. Multi-Phased Developments:** Each phase of a multi-phase, approved master plan will require that the appropriate zoning or special use permit be in place and that subdivision approval is obtained before development of that phase can be initiated.
- D. Concurrent Applications:** An applicant may simultaneously submit an application for master plan approval and application for zone change or special use permit for Planned Development. Two (2) separate applications must be submitted, pursuant to the respective submittal requirements and

procedures for each request. The Bernalillo County Planning Commission and the Bernalillo County Commission will consider each application separately on its own merits.

**E. Development Agreement:** After approval of zoning or special use permit for Planned Development Area is obtained; or after master plan approval, in cases where a zone change or special use permit is not required, Bernalillo County and the developer shall finalize an agreement which establishes the conditions under which development may proceed. The development agreement must be signed before recording of the final plat and shall be effective and enforceable only for the phases of the master plan for which subdivision approval has been obtained. The development agreement shall include:

1. Jurisdiction, oversight and maintenance responsibilities for transportation, water, wastewater, drainage, solid waste, communications, electric and gas infrastructure, as well as parks, open space, trails and public facilities, specifying maintenance responsibilities and duties of any neighborhood or homeowners association;
2. Description, timing, cost and funding source/s for improvements and new infrastructure to be provided by the developer for each phase. Building permits for that phase will not be issued until the improvements and new infrastructure are completed or guaranteed;
3. Land dedications required to accommodate and support the development, including land dedications for transportation, water, wastewater, drainage, solid waste, communications, electric and gas infrastructure, as well as parks, open space, trails and public facilities; and
4. Bonds and other financial commitments required to support the development, including funding for transportation, water, wastewater, drainage, solid waste, communications, electric and gas infrastructure, as well as parks, open space, trails and public facilities, including schools.