

## APPLICATION REQUIREMENTS FOR ZONE CHANGE

OFFICIAL USE ONLY	<b>GENERAL REQUIREMENTS</b>
<input type="checkbox"/>	<input type="checkbox"/> Name, address & telephone number of the applicant and/or agent.
<input type="checkbox"/>	<input type="checkbox"/> Letter from owner, authorizing agent to request change of zone
<input type="checkbox"/>	<input type="checkbox"/> Application signed by applicant or agent.
<input type="checkbox"/>	<input type="checkbox"/> Written response to Resolution 116-86. (Applicant must justify the request based on the resolution).
<input type="checkbox"/>	<input type="checkbox"/> Proof of neighborhood notification by certified mail and a copy of the letter to the Neighborhood Association.
<input type="checkbox"/>	<input type="checkbox"/> Street address, legal description & Uniform Property Code number(s). List all applicable UPC numbers.
<input type="checkbox"/>	<input type="checkbox"/> Any application relating to unplatted land shall be accompanied by a plat delineating the area boundaries where amendment is requested.
<input type="checkbox"/>	<input type="checkbox"/> Copy of sign posting instructions (signed by applicant).
<input type="checkbox"/>	<input type="checkbox"/> Location Map

SIGN POSTING INSTRUCTIONS

As required by the Comprehensive Zoning Ordinance of Bernalillo County, persons scheduled for hearing are required to post and maintain one or more signs on their property to assist in advertising the application and describing its purpose. Applicants, or their agents, will receive their signs at the time their application is filed.

1. LOCATION

- a. Signs shall be conspicuously located on the property and within twenty (20) feet of any property line that abuts a street. Signs must be placed at the edge of the property closest to the street if the property does not abut a street.
- b. The face of the sign shall be parallel to the street. The bottom of edge of the sign shall be at least two (2) feet, but not more than seven (7) feet, above grade.
- c. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.

2. NUMBER

- d. A sign shall be placed on each street frontage abutting the subject property.
- e. If the property does not abut a street, a sign must be placed at the edge of the property nearest the public street.

3. DURATION OF POSTING

- a. Signs are to be posted 15 days before and after the hearing date.
- b. Failure to properly post and maintain the sign(s) is grounds for deferral or denial of the request.
- c. Replacement signs for those lost or damaged are available from the Department at a charge of \$5.00 each.

*Posting Suggestions:*

*Heavy stakes with crossbar supports or plywood backing typically works best to keep the sign in place, especially during high winds. Signs will tear less easily if they are attached to the support system with large-headed nails or staples.*

I acknowledge that I have read and understand the "Sign Posting Instructions". I also understand my obligation to post the provided signs for the required period of time, as well as their proper posting location(s).

\_\_\_\_\_  
Signature of applicant / agent

\_\_\_\_\_  
Date

APPLICANTS / AGENTS WILL RECEIVE A COPY OF THIS DOCUMENT

Staff: \_\_\_\_\_

Number of signs issued: \_\_\_\_\_

Case number: \_\_\_\_\_

SIGNS MUST BE POSTED FROM \_\_\_\_\_ TO \_\_\_\_\_.

THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

\_\_\_\_\_.

**BERNALILLO COUNTY  
ZONING, BUILDING, PLANNING & ENVIRONMENTAL HEALTH DEPARTMENT**

**NEIGHBORHOOD ASSOCIATION NOTIFICATION  
AND RECOGNITION ORDINANCE NO. 94-4**

**PURPOSE OF ORDINANCE.** The purpose of this ordinance is to provide the Neighborhood Associations, in the unincorporated area of Bernalillo County, with an early notification process for all public hearings held by the Bernalillo County Zoning, Building and Planning Department, and any major County projects affecting neighborhoods. Early notifications will help identify and possibly resolve potential conflicts involving neighborhoods, the private sector, and Bernalillo County, prior to the public hearing.

**NOTIFICATION PROCESS.** Prior to filing an application concerning a matter to be heard by the Bernalillo County Planning Commission, the developer/agent must notify (in writing) the affected neighborhood association(s) which covers, abuts, or is across public right-of-way, from the site of their proposal. A notified association representative must respond back to the applicant within two weeks (14 days) from receiving the written notice.

Written notice must be through certified letter (containing information outlined below), return receipt requested, mailed to **two** designated neighborhood representatives on file at the County Zoning, Building and Planning Department. Failure to submit notification to the association representatives, shall be grounds for the neighborhood to request deferral of a hearing.

Certified letters must include the following information:

- 1. Brief description of proposal including any justification deemed appropriate (i.e. requesting a zone change from A-1 to C-1 on property located at \_\_\_\_\_street, for the purpose of establishing \_\_\_\_\_).**
2. Zone Atlas Map page.
3. Legal Description along with actual street names, addresses and intersections.
4. Site plan-when applicable- (should include typical building elevations, location of proposed buildings, street layout and any other relevant information). Site plans do not have to be blue print final and could be preliminary drawings.
5. Agent/applicants name, address, phone number, (and fax if available). If more than one agent/applicant is listed, information must be provided for all those listed.

**COPIES OF THE CERTIFIED LETTER AND “RETURN RECEIPT REQUESTED” MUST ACCOMPANY THE APPLICATION. FAILURE TO PROVIDE THIS INFORMATION WILL DELAY THE APPLICATION PROCESS.**

If you have any questions or need additional information, please contact Nano Chavez at 314-0384.

**BERNALILLO COUNTY, NEW MEXICO  
ZONING, BUILDING & PLANNING DEPARTMENT**

**NEIGHBORHOOD ASSOCIATION NOTIFICATION AND RECOGNITION**

This certifies that I, \_\_\_\_\_ have notified via certified mail, return receipt, representatives of a Bernalillo County recognized Neighborhood Association, as furnished by the Zoning, Building and Planning Department regarding our application for property located at \_\_\_\_\_

**List Neighborhood Associations that were contacted:**

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**ATTACH RECEIPTS FOR CERTIFIED MAIL HERE**

## **RESOLUTION 116-86**

ADOPTING POLICIES FOR CONSIDERING ZONE MAP CHANGES SPECIAL USE PERMIT APPLICATIONS AND APPEALS OF COUNTY DECISIONS.

WHEREAS, the usefulness of the Comprehensive County Zoning Code in implementing the City/County Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in the physical, economic, and sociological aspects of the County; and

WHEREAS, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

BE IT RESOLVED BY BERNALILLO COUNTY COMMISSION. THE GOVERNING BODY OF THE COUNTY OF BERNALILLO:

Section 1. [Adoption of policies for Zone Map changes and Special Use Permit applications]

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the Comprehensive County Zoning Code are hereby adopted:

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - (1) there was an error when the existing zone map pattern was created; or
  - (2) changed neighborhood or community conditions justify the land use change; or
  - (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, even though (1) or (2) above do not apply.

- F. A land use change of zone shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
- (1) denied due to lack of capital funds; or
  - (2) granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone difference from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area of development plan; or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.