

BERNALILLO COUNTY

Planning & Development Services
 111 Union Square SE, Suite 100
 Albuquerque, NM 87102
 (505) 314-0350 Fax: (505) 314-0480
 www.bernco.gov



PLANNING SECTION

ZONE CHANGE APPLICATION

PLEASE SCHEDULE A PREAPPLICATION MEETING WITH A PLANNER AT 314-0350 SO THAT WE MAY BETTER ASSIST YOU IN THE APPLICATION PROCESS.

- Must apply in person**
- Fee required at time of Submittal**

APPLICANT	PHONE
ADDRESS/CITY/ZIP	

AGENT (Include letter of Authorization)	PHONE
ADDRESS/CITY/ZIP	E-MAIL:
SITE ADDRESS/DIRECTIONS	

LEGAL DESCRIPTION:													
UPC#	█	█	█	█	█	█	█	█	█	█	█	█	PROPERTY SIZE IN ACRES
UPC#	█	█	█	█	█	█	█	█	█	█	█	█	(LIST ALL ADDITIONAL UPC # IF NECESSARY)

ZONE CHANGE FROM:	TO:
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See submittal requirements on the following page.

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

_____ Signature _____ Date _____
 Print Name

OFFICE USE ONLYOFFICE USE ONLY***OFFICE USE ONLY***OFFICE USE ONLY***	
ZONE ATLAS PAGE	HEARING DATE
ZONING	RECEIVED BY & DATE

APPLICATION REQUIREMENTS

Planner Confirmation Required – Complete application is due by 12:00 pm on the deadline day.

Zone Change

Include this
Checklist with your
application
submission.

- Planning Confirmation
- Pre-Application Meeting – Submittal Requirements
- Name, address & telephone number of the applicant and/or agent.
 - Original letter/form from owner, authorizing agent to request special use permit.
 - Application signed by applicant and/or agent.
 - Written response to Resolution 116-86. (Applicant must justify the request based on the Resolution; see attached Resolution 116-86).
 - Proof of neighborhood notification by certified mail, a copy of the letter sent to the neighborhood association(s), and the forms from the Neighborhood Program Coordinator.
 - Street address, legal description & all Uniform Property Code number(s). (List UPC numbers on separate page if necessary.)
 - Any application relating to unplatted land shall be accompanied by a plat delineating the area boundaries where amendment is requested.
 - Copy of sign posting instructions (signed by applicant).
 - Fee based on lot acreage (Check, Credit Card, Money Order, No Cash)

1.0 – 4.9 acres: \$200.00 first acre (or less) + \$25.00 for each additional acre or portion.
5.0 – 19.9 acres: \$300.00 the first 5 acres + \$15.00 for each additional acre or portion.
20.0 – 59.9 acres: \$875.00 the first 20 acres + \$10.00 for each additional acre or portion.
60.0 acres or more: \$975.00 the first 60 acres + \$25.00 for each additional acre or portion.

_____ Planner Confirmation (Initial) _____ Date

Office Use Only - Checklist

OFFICIAL USE ONLY

- Name, address & telephone number of the applicant and/or agent.
- Verify legally platted lots.
- Street address, legal description & Uniform Property Code number(s).
List all applicable UPC numbers.
- Original letter/form from owner, authorizing agent to request change of zone.
- Application signed by applicant or agent.
- Written response to Resolution 116-86.
- Proof of neighborhood notification by certified mail and a copy of the letter to the Neighborhood Associations and the forms from the Neighborhood Program Coordinator.
- Copy of sign posting instructions (signed by applicant).
- Location Map – Zone Atlas page.
- Fee.
- Receipt printed for customer.
- Cover pages printed for customer and department.

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SIGN POSTING INSTRUCTIONS

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

- a. A sign shall be placed on each street frontage abutting the subject property.
- b. 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.

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: Z-_____

SIGNS MUST BE POSTED FROM _____ TO _____.

THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

_____.

**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 Planning & Development Services 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 applicant/agent must notify (in writing) the affected neighborhood association(s) which covers, abuts, or is across public right-of-way from the proposal site. 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 (2)** designated neighborhood representatives on file with the Neighborhood Program Coordinator. 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 ____ for the purpose of establishing).
2. Zone Atlas Map page.
3. The legal description of the property along with actual street names, address(es) and intersections.
4. A copy of the site plan, if applicable, and any other relevant information (typical building elevations, location of proposed buildings, street layout, etc.). These materials are not required to be blueprint final; preliminary drawings may be appropriate.
5. The name, address, and phone number(s) (fax and/or email, if available) of the agent or applicant for the proposed request. If more than one agent/applicant is listed, information must be provided for all those listed.

Please contact Darrell Dady, Neighborhood Coordination Specialist, at 468-7364 or at ddady@bernco.gov for a list of the current county-recognized neighborhood association representatives. Notification forms with a list of applicable Neighborhood Associations and the representatives to be notified will be issued by the Neighborhood Program Coordinator. Please submit copies of these forms, copies of corresponding notification letters, and evidence of certified mail with your application.

BERNALILLO COUNTY
PLANNING & DEVELOPMENT SERVICES DEPARTMENT

Neighborhood Association Notification Confirmation

(To be completed by applicant)

This certifies that I, _____, have notified the designated neighborhood representatives via certified return receipt mail regarding our application for the property located at _____.

List Neighborhood Associations that were contacted:

*This form is not complete until copies of the Neighborhood Coordinator Forms (list of applicable Neighborhood Associations and Representatives) and copies of the corresponding notification letters and receipts with names of association representatives have been attached.

Attach certified mail receipts 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 un-programmed 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.

Zone Change Application Process

Applicant's Responsibilities

- Schedule a Pre-Application Meeting (to meet with Planning Staff, call 314-0350 and ask for a Planner)
- File Application (see Application Requirements)
- Post Sign (15 days Prior to 15 days After Public Hearing)
- Neighborhood Association Notification (see Attachment)
- Attend CPC hearing (recommended)

County departments and other agencies review the application. Planning staff prepares a report for the CPC.

County Planning Commission (CPC)

- Conducts a Public Hearing on the application
- Recommends approval or denial to the BCC

If the CPC recommends DENIAL and there is NO APPEAL FILED then the application does not proceed.

The applicant must wait 1 year to re-apply.

If the CPC recommends APPROVAL and no appeal is filed, then the application is placed on a Board of County Commissioners (BCC) consent agenda for final approval. The zone is changed and there is no further action required.

If the CPC recommends APPROVAL or DENIAL and an APPEAL IS FILED then the application is placed on a Board of County Commissioners (BCC) agenda and the BCC conducts a Public Hearing for the Appeal.

Board of County Commissioners (BCC)

Conducts a Public Hearing and considers the Appeal based on the CPC recommendation, transcript, and record and new testimony.

The BCC will:

- Grant the appeal (the zone is changed); or
- Deny the appeal (the zone is not changed); or
- Remand the case/application back to the CPC for further review.

The BCC decision is FINAL and may be subject to Judicial Review (30-day)

County Planning Commission SCHEDULE 2019

CPC HEARING DATE *	APPLICATION DEADLINE	REQUEST FOR COMMENT	COMMENT DEADLINE	APPEAL DEADLINE
12-05-18	10-22-18	10-23-18	11-12-18	**
01-02-19	11-26-18	11-27-18	12-10-18	**
02-06-19	12-17-19	12-18-18	01-14-19	**
03-06-19	01-28-19	01-29-19	02-11-19	**
04-03-19	02-25-19	02-26-19	03-11-19	**
05-01-19	03-25-19	03-26-19	04-08-19	**
06-05-19	04-22-19	04-23-19	05-13-19	**
07-03-19	05-28-19	05-29-19	06-10-19	**
08-07-19	06-24-19	06-25-19	07-08-19	**
09-04-19	07-22-19	07-23-19	08-12-19	**
10-02-19	08-26-19	08-27-19	09-09-19	**
11-06-19	09-23-19	09-24-19	10-14-19	**
12-04-19	10-28-19	10-22-19	11-11-19	**

Revised: August, 2018

Applications & appeals will be accepted until 12:00 noon on deadline day.

*Wednesday, 9:00 a.m.

** Appeal deadline is fifteen (15) days from the date of the Notice of Decision letter.