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

SPECIAL USE PERMIT APPLICATION

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

☐ **Specific use**

☐ **Section 18.B**

APPLICANT	PHONE
ADDRESS/CITY/ZIP	

AGENT (Include letter of Authorization)	PHONE
ADDRESS/CITY/ZIP	

SITE ADDRESS/DIRECTIONS

The County cannot be held responsible for an incorrect legal description or street address.
Legalmente el condado no puede ser responsible por descripciones legales de propiedad y direcciones que sean listada incorrectamente

LEGAL DESCRIPTION

UPC#																								PROPERTY SIZE IN ACRES
UPC#																								(LIST ALL ADDITIONAL UPC # IF NECESSARY)

A SPECIAL USE PERMIT IS REQUESTED FOR (Scope of Work):

CURRENT ZONE:

The owner may apply for a special use permit for a specific use (Section 18.B.32) only when the following current zoning exists on the property

Current Zoning: A-1, A-2, R-1, R-2, and M-H Apply for any of the specific uses set forth in: Section 12. O-1 Office & Institutional Section 13. C-N Neighborhood Commercial Section 14. C-1 Neighborhood Commercial Section 15. C-2 Community Commercial Section 15.5. C-LI Commercial/Light Industrial Zone	Current Zoning: C-1, C-2 Apply for any of the specific uses set forth in: Section 16. M-1 Light Industrial Section 17. M-2 Heavy Manufacturing

It is the burden of the applicant to prove:

1. Unique condition exist that justify the request; and,
2. There is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use

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.

_____	_____	_____
Print Name	Signature	Date

******OFFICE USE ONLY***OFFICE USE ONLY***OFFICE USE ONLY***OFFICE USE ONLY******

ZONE ATLAS PAGE	**HEARING DATE**
ZONE	**RECEIVED BY**

APPLICATION REQUIREMENTS FOR SPECIAL USE PERMIT & FOR SPECIAL USE PERMIT FOR SPECIFIC USE

GENERAL REQUIREMENTS

This portion of the application is to be completed by county staff.

- ❑ Name, address & telephone number of the applicant and/or agent.
- ❑ Original letter from owner, authorizing agent to request special use permit.
- ❑ Application signed by applicant and/or agent.
- ❑ Site plan prepared to acceptable standards (drawn to scale; includes “north” arrow; plan shows building location; delineates parking; indicates landscaping types & areas).
- ❑ Written response to Resolution 116-86.
  (Applicant must justify the request based on the resolution).
- ❑ Proof of neighborhood notification by certified mail, a copy of the letter to the neighborhood association(s), and the form from the Neighborhood Program Coordinator.
- ❑ Street address, legal description & Uniform Property Code number(s).
  List all applicable UPC numbers.
- ❑ 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).

SITE PLAN REQUIREMENTS FOR SPECIAL USE PERMIT

Checklist

- ☐ 5 Copies of the site plan. Copies must be folded into 8 ½" x 11", 8 ½" x 14", or 11" x 17" or similar size.
- ☐ Make sure plan is drawn to scale.
- ☐ Include a North arrow on the plan.
- ☐ Boundaries of the property to be developed are indicated.
- ☐ Show number of parking spaces required & provided, including handicapped parking location (s), arrangement, dimensions, aisles, bicycle racks, parking lot lighting & points of ingress & egress. (refer to Bernalillo County Zoning Code for more information)
- ☐ Show existing & proposed signage as regulated in the C-1 zone.
- ☐ Show existing & proposed structures on site, including square footages & use of each structure, dimensions, and loading & unloading areas. Indicate existing structures within 50 feet of property lines of subject site.
- ☐ Show existing and proposed water, sewer, fire hydrant, and solid waste container locations.
- ☐ Specify existing storm drainage flow patterns on the lot and storm drainage facilities. ***A conceptual grading & drainage plan may also be required by the Bernalillo County Public Works Division.***
- ☐ Indicate existing and proposed public/private streets, alleys & easements. Proper names and dimensions of these features must also be noted on the plan.
- ☐ Indicate fire lanes & emergency vehicle parking.
- ☐ Provide a landscape & buffer landscaping plan identifying the type and location of all trees, shrubs, & ground cover. A statement of responsibility for maintenance must be included. (refer to Sec 19. in the Bernalillo County Zoning Code)
- ☐ Provide a brief description of how the application will meet the Water Conservation Ordinance. (see attached document)

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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

_____.

BERNALILLO COUNTY
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. A notification form will be issued by the Neighborhood Program Coordinator. This form, along with the notification requirements, must be submitted with your application.

BERNALILLO COUNTY
PLANNING & DEVELOPMENT SERVICES DEPARTMENT

Neighborhood Association Notification

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:

_____

_____

_____

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.

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PERMITTING CENTER

FEE SCHEDULE

Board of County commissioners Administrative Resolution 25-2009. A resolution establishing the permit fee schedules required by the uniform administrative code. ***Fees are subject to change**

Administrative Amendments:	$75.00
Accessory Building	
Total Floor Area of more than 200sft:	*Building Permits Fee*
Appeals to county Commission:	
Lot of one acre or less:	$75.00
All other appeals:	$100.00
Inspection Fees	
Inspections outside of normal business (minimum charge of two (2) hours)	$47.00 per hour
Re-inspection fees assessed under provisions of section 305.5.7	$47.00 each
Inspections for which no fee is specifically indicated (minimum charge of two (2) hours)	$47.00 per hour
Additional plan review required for changes additions or revisions to plans (minimum charge of one hour)	$47.00 per hour
Additional plan review required for rechecking lost or worn-out plans	½ plan check fee
Preliminary and integrated plan review	$75.00 per hour
For use of outside consultants	Actual Cost to Jurisdiction
Inspections outside normal business hours (minimum charge: weekdays- two (2) hours Weekends and observed holidays- four (4) hours)	$75.00 per hour
Building Permits	
Electrical Permit Fees	*Building Permits Fee*
Mechanical Permits Fees	*Building Permits Fee*
Plumbing Fees	*Building Permits Fee*
Fire Safety Inspection, Permits and Plan Review	*Building Permits Fee*
Demolition Permit Fees	
For wrecking and demolition up to and including 1500 sf. of floor area including all floors and basements	$47.00
Each additional 500 sq. ft. or fraction thereof	$10.00

Business Registration Fees

Administrative fee:	$ 15.00 – *charged only at initial application*
Yearly Fee:	$ 35.00

Conditional Use

Conditional Use:	$ 75.00
Conditional Use for more than one dwelling:	$ 100.00
Appeals: on lots of one (1) acre or less	$ 75.00
All other appeals:	$ 100.00

County Developments Review Authority (Subdivision)

Appeals:	$ 250.00
Claims of exemption:	$ 250.00
Final Plat:	$ 200.00
Preliminary:	$ 250.00 + $ 10.00 fee per proposed lot
Sketch Plat:	$ 25.00
Summary review Plat:	$ 100.00 + $ 10.00 for proposed lot
Vacation of Subdivision :	$ 250.00
Variance to subdivision standards:	$ 250.00

Impact Fee: These apply residential development contact

Fire/EMS Fee:	$ 353.20
Roads Fee:	$ 1,309.20
Open Space fee:	$ 117.29
Park Fee	$ 1,048.00
Drainage fee:	$ 204.80 – 1,137.20 based upon BLDG footprint
up to 6,499sq. ft.	

Manufactured Home: *Built to HUD standards and Zone code*

Heated floor area of at least 864 sq. ft. 36' x 24'	$ 70.00

Mobile Home

Total floor area of 500 sq. ft. or less:	$ 50.00
Total floor area of more than 500 sq. ft. – 1,200 sq. ft.	$ 65.00
Total floor area of more than 1,200 sq. ft.	$ 65.00 + $ 2.00 for each 500sq.ft

Nonconforming Use Permits:	$ 45.00
Appeal	$ 75.00

Signs: on-premise wall and free-standing less than 32sq.ft.

1 – 39sq.ft in area	$ 45.00
40 – 59sq.ft in area	$ 50.00
60 – 79sq.ft in area	$ 55.00
80 – 99sq.ft in area	$ 65.00
100 – 119sq.ft in area	$ 75.00
120 – 139sq.ft in area	$ 80.00
140 – 159sq.ft in area	$ 90.00
160 – 199sq.ft in area	$ 100.00

On-premise free-standing signs exceeding 32-sq.ft and off-premise signs SEE BLGD PERMIT FEE

Special Use Permits: *permits fee apply to entire parcel*

1.0 – 4.9 acres	$ 400.00 for the first acre + $ 25.00 for each additional acre
5.0 – 19.9 acres	$ 500.00 for the first 5 acres + $15.00 for each additional acre
20.0 – 59.9 acres	$ 725.00 for the first 20 acres + $10.00 for each additional acre
60.0 or more acres	$ 1,125.00 for the first 60 acres + $ 5.00 for each additional acre
Appeal	$ 75.00
Amendment to a special use Permit affecting use	$ 300.00

These fees also apply to amendments to a special use permit that expends the acreage of the permit

Text Amendments

A request to change the text of the zoning ordinance	$ 200.00

Variance	$75.00
Appeals: on lots of one (1) acre or less	$ 75.00
All other appeals:	$100.00

Zone Change

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

Special Project Review

Master Plan	$200.00
Sector Plan	$200.00

Annexation	$ 200.00

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PLANNING SECTION

County Planning Commission Schedule 2015

HEARING DATE*	APPLICATION DEADLINE	REQUEST FOR COMMENT	COMMENT DEADLINE	APPEAL DEADLINE
Weds., December 3, 2014	10/27/14	10/28/14	11/10/14	**
Weds ., January 7, 2015	11/24/14	11/25/14	12/08/14	**
Weds ., February 4, 2015	12/15/14	12/16/14	01/12/15	**
Weds ., March 4, 2015	01/26/15	01/27/15	02/09/15	**
Weds ., April 1, 2015	02/23/15	02/24/15	03/09/15	**
Weds ., May 6, 2015	03/23/15	03/24/15	04/13/15	**
Weds ., June 3, 2015	04/27/15	04/28/15	05/11/15	**
Weds ., July 1, 2015	05/26/15	05/26/15	06/08/15	**
Weds ., August 5, 2015	06/22/15	06/23/15	07/13/15	**
Weds ., September 2, 2015	07/27/15	07/28/15	08/10/15	**
Weds ., October 7, 2015	08/24/15	08/25/15	09/14/15	**
Weds ., November 4, 2015	09/28/15	09/29/15	10/12/15	**
Weds., December 2, 2015	10/26/15	10/27/15	11/09/15	**

NOTE: Applications and appeals are accepted until 12:00 noon on the deadline day.

County Planning Commission hearings begin at 9:00 a.m. at the City/County Building, Vincent E. Griego Chambers, Concourse Level Two, located at One Civic Plaza NW.

*Wednesday, 9:00a.m
**Appeal deadline is fifteen (15) days from the date of the Notice of Decision letter.

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PUBLIC WORKS DIVISION
NATURAL RESOURCES
2400 BROADWAY SE, BUILDING N
ALBUQUERQUE, NM 87102
(505) 848-1500

NEW COMMERCIAL WATER CONSERVATION REQUIREMENTS

Effective October 1st 2010

The Bernalillo County Commission adopted revisions to the Water Conservation Ordinance on May 25, 2010 which become effective October 1, 2010. The ordinance now requires that all new construction in the unincorporated area of Bernalillo County meet the following specifications:

For New Commercial, Institutional and Multifamily greater than 8 Units (Large Multi Family) Construction

- All New Commercial, Institutional and Large Multifamily development must reduce their indoor water use by 20% by using plumbing fixture more efficient than those required by the 2006 Uniform Plumbing Code.

- All New Commercial, Institutional and Large Multifamily development greater than one acre shall submit a water conservation plan for outdoor use. The water conservation plan shall include at least three of the following seven water conservation measures, with at least one selected from the first three options. After January, 1st 2016, four of the following seven options shall be completed.

    1. 25% of Landscape Area shall be Precipitation Only Plants.
    2. Water Harvesting shall occur on 25% of the Landscape Area.
    3. Utility provided non-potable water source shall be used for all irrigation.
    4. A Smart Irrigation Controller shall be used.
    5. A Soil Amendment Program shall be included.
    6. Non-Potable Water shall be stored for irrigation (cistern for rainwater or graywater)
    7. An Exterior Management Plan shall be developed.

- All New Commercial, Institutional, and Large Multifamily development less than one acre shall follow the options for larger commercial above <u>or</u> shall have all low-water use plants, have no spray irrigation and use a Smart Irrigation Controller.

- All non-residential remodels and additions shall use EPA water sense labeled fixtures for any new plumbing fixture installed. Any remodel which would affect more than 50% of the existing plumbing fixtures or increase the floor area of the existing building by more than 50% of the existing square footage shall use EPA water sense labeled plumbing fixtures for all new fixtures installed and shall replace any existing fixtures using EPA Watersense labeled fixtures.

Restrictions on Landscape Planting

- Commercial development is limited to 10% high water use plants in the landscape area.

For more information visit www.bernco.gov/water or call Dan McGregor 848-1500.

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NEW RESIDENTIAL WATER CONSERVATION REQUIREMENTS

Effective October 1st 2010

The Bernalillo County Commission adopted revisions to the Water Conservation Ordinance on May 25, 2010 which become effective October 1, 2010. The ordinance now requires that all new construction in the unincorporated area of Bernalillo County meet the following specifications:

For New Single Family Residential and Multifamily up to 8 Units (Small Multi Family) Construction

- Applicants for Single Family Residential and Small Multi Family building permits shall now choose between three options.
    - Option 1. Bernalillo County Water Conservation Worksheet. If this option is chosen, applicants shall complete a worksheet verifying that the water fixtures and appliances installed during construction will reduce water use by 20% compared to the 2006 Uniform Plumbing Code.
    - Option 2. Bronze Level Certification by Build Green New Mexico (BGNM). New residential development must achieve a minimum of Bronze Level Certification by Build Green New Mexico and submit the BGNM certification application and verifications.
    - Option 3. Requires that all plumbing fixtures installed are labeled EPA Watersense, and if the appliances are installed by the contractor they must be Energy Star rated.
- All new remodels and additions shall now use EPA water sense labeled fixtures for any new plumbing fixture installed.

Restrictions on Landscape Planting

- Residential development is limited to 10% high water use plants in the landscape area.

For more information visit www.bernco.gov/water or call Dan McGregor 848-1500.

The Process for Special Use Permit Application

Applicant's Responsibilities

- Pre-Application *(Meet with Planning Staff, call 314-0350, ask for a planner)*
- File Application *(See General Requirements)*
- Sign Posting 15 Days Prior to and 15 Days After Public Hearing
- Neighborhood Association Notification *(see attachment)*

↓

County Planning Commission (CPC)*

- Public Hearing on Application
- Recommendation Made to the Board of County Commissioners (BCC)*

→

- If the Application is DENIED by the CPC and there is ***No Appeal*** filed then:
- Must Wait 1 year to Re-Apply

↓

Board of County Commissioners **(BCC) Hearing

If **APPROVAL** was recommended by CPC →

- Consent Agenda
- No testimony taken at Public Hearing

If **APPEAL** was filed on CPC recommendation
(CPC recommendation was to Approve or Deny and appeal was filed within 15 days of Notice of Decision letter) →

- Public Hearing
- BCC decision will be either:
  - Approved
  - Approved with Revisions
  - Denied
  - Remanded (back to CPC)

**** BCC Decision is FINAL and subject to Judicial Review (30 day)**