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

ZONING SECTION

CONDITIONAL USE

Application Date:_____
Application Number:_____
Hearing Date:_____

OWNER		PHONE
MAILING ADDRESS	CITY	ZIP

APPLICANT/AGENT		PHONE
MAILING ADDRESS	CITY	ZIP

SITE ADDRESS		
DIRECTIONS		
LEGAL DESCRIPTION		
ZONE #	CURRENT ZONE(S)	PROPERTY SIZE IN ACREAGE
UPC #		SUBDIVISION NAME
EXISTING STRUCTURE & USE		
PROPOSED STRUCTURE & USE		

Conditional Use Criteria

IT IS THE BURDEN OF THE APPLICANT TO PROVE:

- the site for the proposed use is adequate in size and shape to accommodate such use;
- the site for the proposed use can be developed in such a manner that undue traffic congestion and hazards will not be created; and
- the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.

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.

_____ _____ _____
Printed Name Signature Date

Discussion with County staff members regarding your request is strongly recommended prior to filling an application. The discussion will help to advise you of the relevant facts and criteria concerning the request. The Zoning Administrator cannot comment on the merits of the request prior to the hearing.

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ZONING SECTION

CONDITIONAL USE APPLICATION REQUIREMENTS

Conditional use permits are based upon requests for specific activities in certain locations. These activities are specifically listed in the corresponding zone, and often include conditions and standards of approval. These conditions make possible the development of Bernalillo County in an orderly, efficient manner, and in conformity with the intended purpose of the Zoning Ordinance. Conditions may include the addition of landscaping, walls, parking areas, or other requirements to avoid noise, vibration, odor, and health hazards. Applicants are required to meet the approved conditions. Failure to do so will result in enforcement action and the possible revocation of the approval.

It is the burden of the applicant to prove:

1. The site for the proposed use is adequate in size and shape to accommodate the proposed use.
2. The site for the proposed use can be developed in such a manner that excessive traffic congestion or similar hazards will not be created.
3. The proposed use will have no adverse effect on the neighborhood nor seriously conflict with the character of the area.

Applications for conditional use approval must include the following:

_____ **1** copy of an accurate site plan indicating ALL existing and proposed buildings, structures, property dimensions and site conditions. The plans are to be DRAWN TO SCALE and of SUFFICIENT CLARITY to convey the scope of the proposal. (See attached sample)

_____ Corresponding zone atlas page indicating the location of the subject property.

_____ Completed application signed by the applicant or their designated agent.

Applications must contain:

_____ Owner's name and address

_____ Agent's name and address (if applicable), accompanied by a letter of authorization signed by the property owner

_____ Site address and Uniform Property Code number

_____ Written statement justifying the scope of the request and addressing the criteria for decision

_____ Complete and understandable directions to the property

*** Medical hardship requests must include the original letter written on the doctor's letterhead and signature outlining the specific disabilities of the patient ***

CONDITIONAL USE CHECK LIST - RESIDENTIAL ZONES

Proposed Use	Zone
Indicate request	
_____ Accessory building or structure in excess of 600 square feet in area	R-1, R-2, M-H
_____ Amateur radio antenna/tower (more than 65', less than 100')	A-1, A-2, R-1, R-1, M-H
_____ Bed & breakfast house	A-1, A-2
_____ Boardinghouse	R-2
_____ Carport (In the required front or side yard setback) *No part is within three feet of a property line.* *No building wall is ever built within a required setback area.* *The distance between support columns that are located within a required setback area must remain open and free of obstructions.* *Water run-off from the carport must not adversely affect adjacent property or the public right-of-way.*	A-1, A-2, R-1
_____ Church & incidental facilities	A-1, A-2, R-1, R-2, M-H
_____ Commercial animal establishment (*kennel, grooming parlor, pet shop, animal hospital, breeder*)	A-1, A-2
_____ Commercial stables, rodeo arena, polo grounds, or riding academy	A-1, A-2
_____ Day Care Center *A facility that provides care, services and supervision to seven or more children for a period of less than 24 hours of any day.* ***Please fill out the supplemental form regarding building occupancy***	A-1, A-2, R-1, R-2, M-H
_____ Family Day Care Home *An occupied dwelling in which a person provides care, services and supervision for at least three but not more than six children for a period less than 24 hours of any day.* ***Please fill out the supplemental form regarding building occupancy***	A-1, A-2, R-1, R-2, M-H
_____ Fraternity or sorority house	R-2
_____ Guest ranch & incidental facilities	A-1, A-2
_____ Home occupation with clients, customers, patrons and/or 1 employee	A-1, A-2, R-1, R-2, M-H
_____ Kennels, animal hospital, or breeding, boarding or sale of dogs, cats and birds	A-1, A-2
_____ Mobile home used as a single-family dwelling	A-1
_____ Mobile Home Agricultural Assistant	A-1, A-2
_____ Mobile home as second dwelling for medical hardship ***Please fill out the attached form for a medical hardship request***	A-1, A-2, R-1, R-2, M-H
_____ Second kitchen within a single-family dwelling, provided: *The kitchen is incidental to occupancy of the entire dwelling in common by members of one family.* *Approval will not result in two separate and distinct dwelling units, each exclusively occupied by only certain family members and separated by a solid wall without a doorway.* *If authorized, the Zoning Administrator shall record the terms of the action with the County Clerk, together with a signed acceptance of such terms by the owners.* *The terms of the county action shall run with the land.*	A-1, A-2, R-1
_____ Mobile Home or RV used as a dwelling during construction	A-1, A-2, R-1, R-2, M-H
_____ Nonprofit animal facility	A-1, A-2, R-1, R-2, M-H

_____	Park	A-1, A-2, R-1, R-2, M-H
_____	Real estate office in connection with a specific development	A-1, A-2, R-1, R-2, M-H
_____	Recreational camp, lake, swimming pool or tennis court	A-1, A-2
_____	Recreational (nonprofit) camp, lake, swimming pool or tennis court	R-1, R-2, M-H
_____	Resort; hunting, fishing, or skiing & incidental facilities	A-1, A-2
_____	School	A-1, A-2, R-1, R-2, M-H
_____	Temporary festival, circus, carnival, or activities in a tent	A-1, A-2, R-1, R-2, M-H
_____	Temporary sawmill or logging camp	A-1, A-2
_____	Temporary storage building/yard for a specific construction project	A-1, A-2, R-1, R-2, M-H

CONDITIONAL USE CHECK LIST – OFFICE, COMMERCIAL, INDUSTRIAL ZONES

O-1

_____ Amateur radio antenna/tower (more than 65’, less than 100’)
_____ Dwelling units greater than 25% of the gross floor area of a premises
_____ Hospital for human beings or sanatorium
_____ Parking lot fence height
_____ Temporary storage building or yard for specific construction project
_____ Roof-mounted wireless telecommunications facility
_____ Medical clinic
_____ School and related facilities

C-N

_____ Amateur radio antenna/tower (more than 65’, less than 100’)
_____ Cleaning (clothes) agency or clothes pressing establishment
_____ Clothing or shoe store, dry goods store, tailor, custom dressmaking or millinery shop
_____ Drive-in/Drive-thru establishment
_____ Florist
_____ Garage for automotive repair
_____ Commercial animal establishment and nonprofit animal facility
_____ Hospital for animals, kennels
_____ Interior decorating shop
_____ Jewelry store
_____ Notions store
_____ Paint store
_____ Pet shop, bird store, taxidermist
_____ Photography studio
_____ Shoe repair shop, shoeshine stand
_____ Mobile home for watchman/caretaker
_____ Studio for instruction in music or dance
_____ Mixed use development (live/work)

C-1

_____ Amateur radio antenna/tower (more than 65’, less than 100’)
_____ School and related facilities
_____ Hospital for human beings or sanatorium
_____ Mortuary
_____ Mobile home for watchman/caretaker
_____ Stand for sale or fruit, vegetables, or nursery stock
_____ Temporary storage building or yard for specific construction project
_____ Roof-mounted wireless telecommunications facility

_____ Parking lot fence height
_____ Mixed use development (live/work)
_____ Apartments or townhouses

C-2

_____ Adult amusement establishment
_____ Amusement enterprise
_____ Auction yard or structure or flea market
_____ Firewood sales
_____ Blood bank, plasma center
_____ Bar and lounge
_____ Parking lot fence height
_____ Apartments
_____ Multiple single-family dwellings

C-LI

_____ Amateur radio antenna/tower (more than 65', less than 100')
_____ Mixed use development (live/work)

M-1

_____ Asphalt batching plant
_____ Parking lot fence height

M-2

_____ Distillation of bones
_____ Fat rendering
_____ Manufacturing of various items, chemicals, and products – *see ordinance*
_____ Stockyard, feeding pen
_____ Slaughter of animals
_____ Tannery, curing of raw hides
_____ Wool pulling or scouring
_____ Parking lot fence height

WRITTEN STATEMENT

Please complete the following information as it relates to your request. Use separate sheets if necessary. If your request is to allow a mobile home for a medical hardship or a day care center/family day care home/school, also fill out the related supplemental form.

Explain how the site for the proposed use is adequate in size and shape:

_____

_____

Explain how the site for the proposed use can be developed so that undue traffic congestion or hazards will not be created:

_____

_____

Explain how the proposed use will not have an adverse effect on the neighborhood or seriously conflict with the character of the area:

_____

_____

_____

_____

_____

_____

Explain the specific details concerning your proposal (hours of operation, size of buildings, numbers of clients, etc.):

_____

_____

_____

_____

_____

_____

Discussion with County staff members regarding your request is strongly recommended prior to filing an application. The discussion will help to advise you of the relevant facts and criteria concerning the request. The Zoning Administrator cannot comment on the merits of the request prior to the hearing.

FILING FEES
$100.00 for conditional use requests for more than one dwelling unit or mobile home per lot
$75.00 for all other conditional use requests

_____

EMPLOYEE REVIEWING APPLICATION

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ZONING SECTION

MEDICAL HARDSHIP FOR CONDITIONAL USE

***PLEASE TYPE OR PRINT - THIS FORM IS TO BE FILLED OUT ONLY IF YOU ARE REQUESTING A MOBILE HOME TO BE USED FOR A MEDICAL HARDSHIP**

Name of individual(s) in need of assistance:

_____

_____

Name of individual(s) providing care:

_____

_____

Relationship:

_____

Documented disabilities:

_____

_____

Physician attesting to need for assistance:

Name: _____

Address: _____

(Check one)
This is _____ the first request for this approval.
_____ a request for renewal of previous approval (case number # _____).

Who will be living in the mobile home?

_____

Who will be living in the existing single-family dwelling unit?

_____

All requests for a mobile home to be used as a second dwelling for a medical hardship must include a statement of need and necessity from a licensed physician attesting to the disabilities of the individual(s) requiring assistance. The statement must be written on the doctor's letterhead, signed by the doctor, list the patient's disabilities, and provide other pertinent details.

As required by ordinance, the mobile home is to be removed from the property when the medical hardship no longer exists. **The use of the mobile home as a rental unit is strictly prohibited.**

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ZONING SECTION

CONDITIONAL USE REQUEST TO ALLOW A DAY CARE CENTER, FAMILY DAY CARE HOME, OR SCHOOL

Based on the number of children, a day care center, family day care home, and/or school conducted or operated from an existing residence is subject to the following standards:

☐ For a facility providing care for six (6) or more children *younger* than 2½ years of age, compliance with "Group I-4 occupancy standards" will be required (Section 308.5, 2009 IBC).

☐ For a facility providing care for six (6) or more children *older* than 2½ years of age, compliance with "Group E occupancy standards" will be required (Section 305.2, 2009 IBC).

Occupancy changes to an existing residence may include:
- Installation of fire extinguishers, smoke detectors and carbon dioxide monitors
- Limitations of the interior areas of the house that can be used in connection with the activity; construction of solid walls to separate residential areas from day care/school activities
- Addition of fire-prevention sprinklers for the entire building; placement of emergency exit lights and back-up power sources
- Changes to existing bathroom fixtures or creation of completely new bathrooms to adequately serve all individuals
- Upgrades to the existing kitchen and appliances
- Compliance with various ADA standards related to access, safety, and ease-of-use features

Related improvements, modifications, and upgrades to an existing house in order to meet minimum occupancy requirements for a day care center, family day care home, and/or school can sometimes be costly and time-consuming. Please make sure you understand the procedures and fees associated with making these necessary changes ***BEFORE*** you continue.

☐ I have met with the Bernalillo County Building Department to discuss the occupancy requirements for my proposed day care center, family day care home, and/or school. I understand that if I obtain future approval from the Zoning Administrator for a conditional use request, I will be required to make all necessary changes and improvements to all buildings and structures used in connection with my activity.

_____ _____
Property Owner's Signature Date

_____ _____
County Building Representative Date

OR

☐ I am adequately familiar with the occupancy standards for "I-4" and "E" groups (Sections 305.2 and 308.5) of the 2009 IBC. I understand that if I obtain future approval from the Zoning Administrator for a conditional use request, I will be required to make all necessary changes and improvements to all buildings and structures used in connection with my activity.

_____ _____
Property Owner's Signature Date

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ZONING SECTION

ISSUING A SIGN FOR POSTING

When an application has been submitted and preceded, the applicant is given a required orange sign to post at the site. The sign helps to notify surrounding property owners and neighbors that the County has received a request that may affect their property, and provides information relative to the request. The sign also assists staff members in locating the property during the site visit to verify that the sign has been posted. Signs that aren't posted or aren't posted the correctly will cause the request to be deferred or denied by the Zoning Administrator.

Equally important is the County's responsibility to properly indicate the request on the sign. Because the sign helps to advertise and convey necessary information about the request, detailed attention should be given when preparing a sign to be issued to an applicant. The description of the requested activity can be written one of two ways; generally or specifically.

What does my sign state?

General written description

- The "FOR" space only indicates the type of special exception requested.
- Conditional use requests are simply listed as "conditional use approval".
- Variance requests only reference the type of request and the applicable standard. For example, an application for a variance to allow a 34' high house in the R-1 zone would be listed as "variance to height limitation".

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

FOR _____CONDITIONAL USE APPROVAL_____
CURRENTLY ZONED _____R-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___OCT. 12th___, 20 04, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __SEP. 27, 2004____ to _OCT 27, 2004_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

Specific written description

- The "FOR" space references the type of special exception and the specific regulation.

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

FOR ___CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL___
CURRENTLY ZONED _____A-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___DEC. 9th___, 20 03, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __NOV. 31, 2003____ to _DEC. 24, 2003_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

FOR A VARIANCE OF 10' TO THE REQUIRED LANDSCAPING SETBACK
CURRENTLY ZONED _____C-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___JAN 8th___, 20 03, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __DEC. 24, 2002____ to _JAN. 23, 2003_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

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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

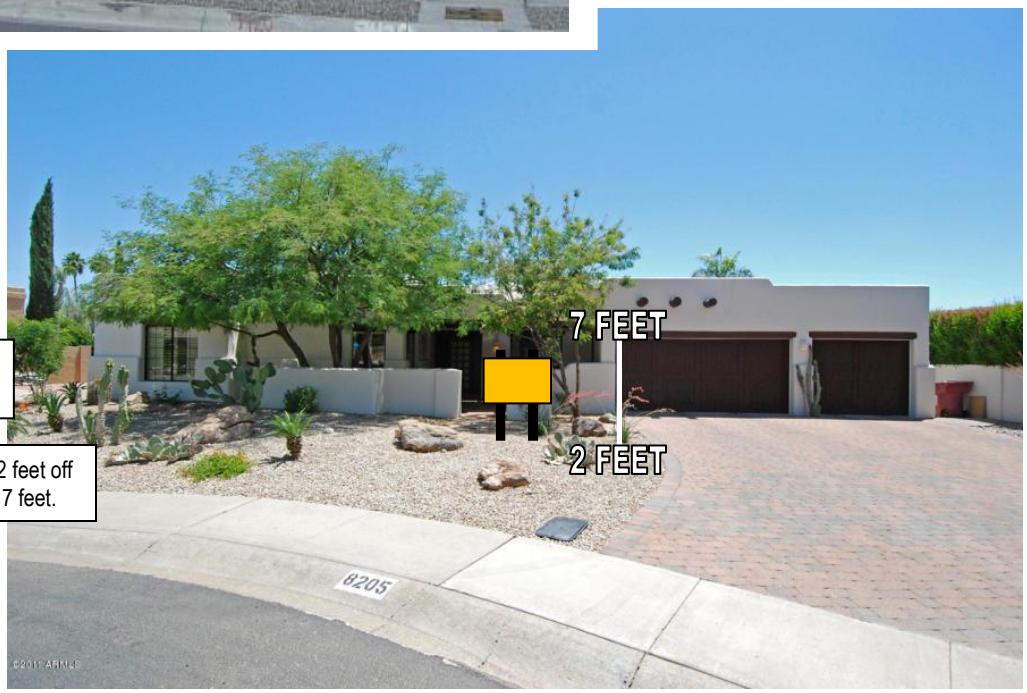
_____.

Sign Posting Examples

Signs are required to be conspicuously located on the property. People should be able to easily read the sign from the street.

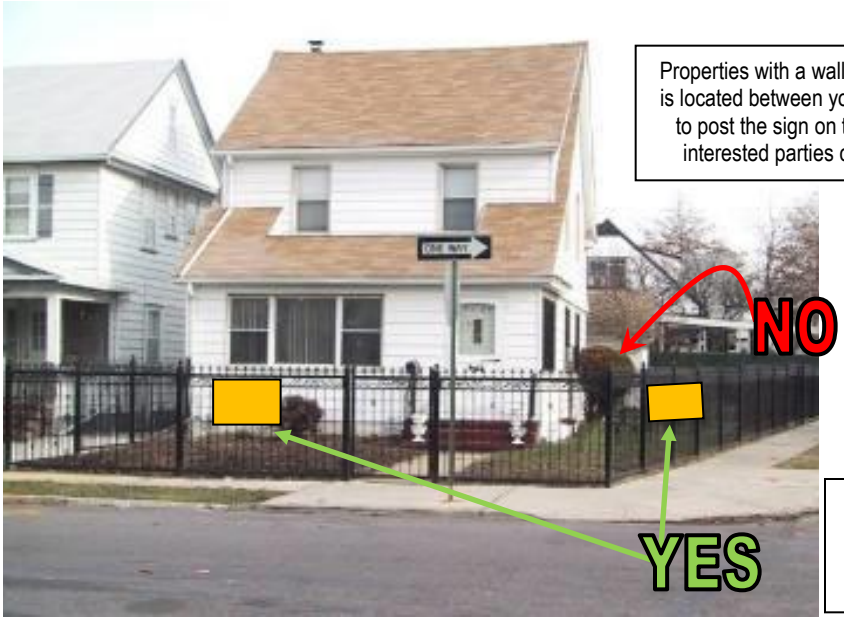
Don't post the sign in a window or on the front porch. Make sure the sign is easily noticed to properly advertise the request.

Signs are required to be within 20 feet of the property line.



Signs are required to face the street (be parallel to the road).

Signs should be posted at least 2 feet off the ground, but no higher than 7 feet.



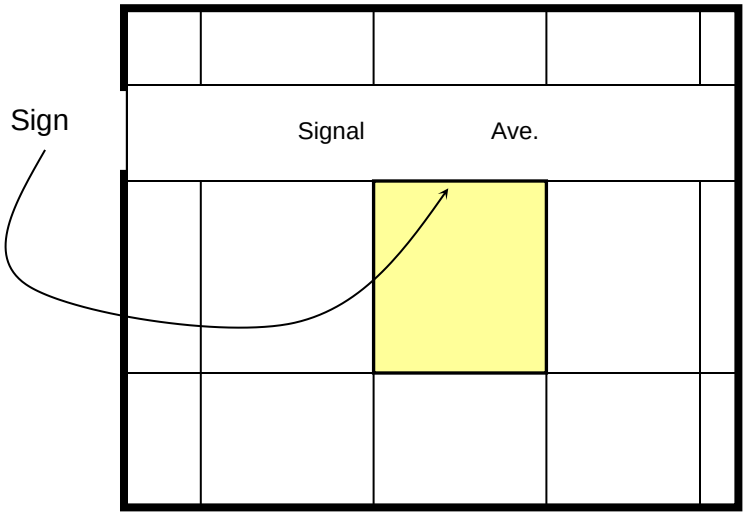
Properties with a wall, fence, hedge, or other feature which is located between your property line and the sign, it's best to post the sign on the outside of the feature so that all interested parties can easily notice and read the sign.

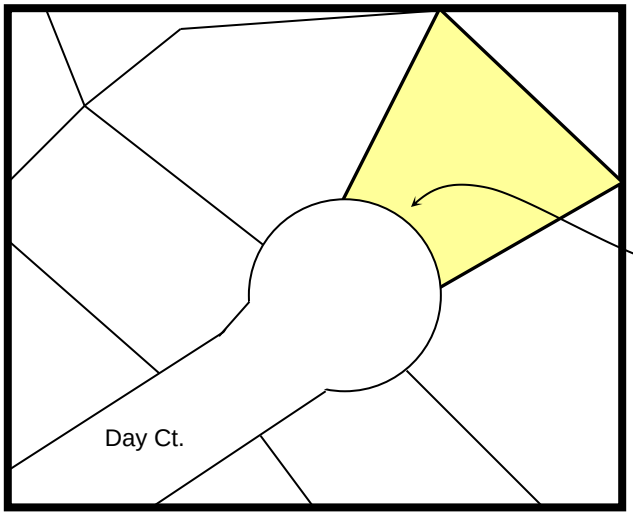
No barrier can be located between the sign and the property line which would prevent a person from coming within 5 feet of the sign.

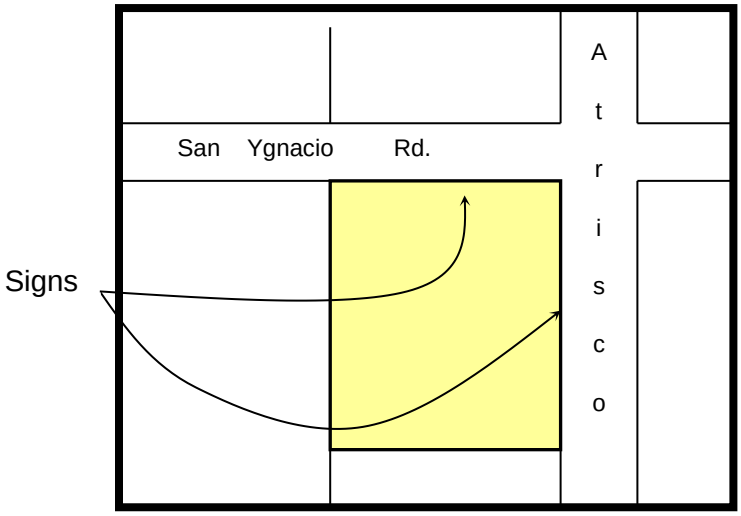
Properties facing with more than one street (including private drives, access easements and public rights-of way) are required to have at least one sign along each street frontage.

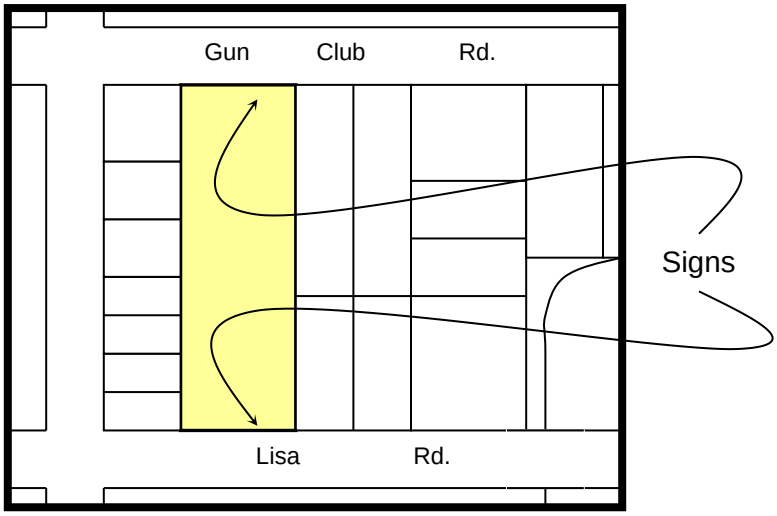
Sign Posting Examples

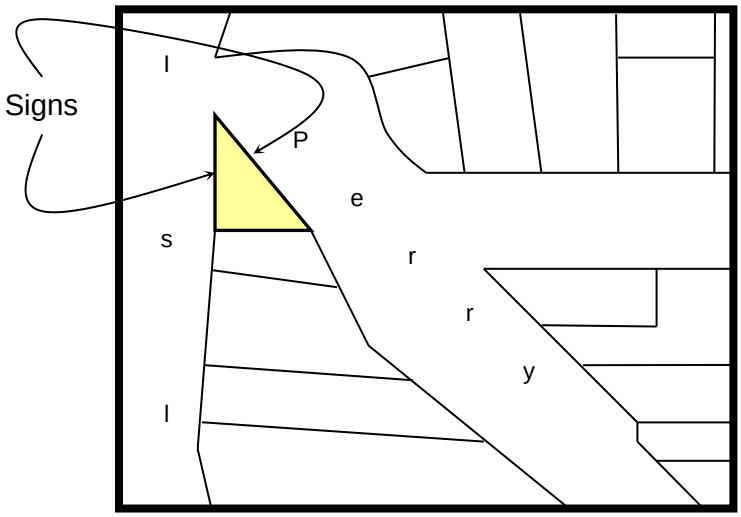
At least one sign should be issued for each public right-of-way
or private drive that abuts the property.

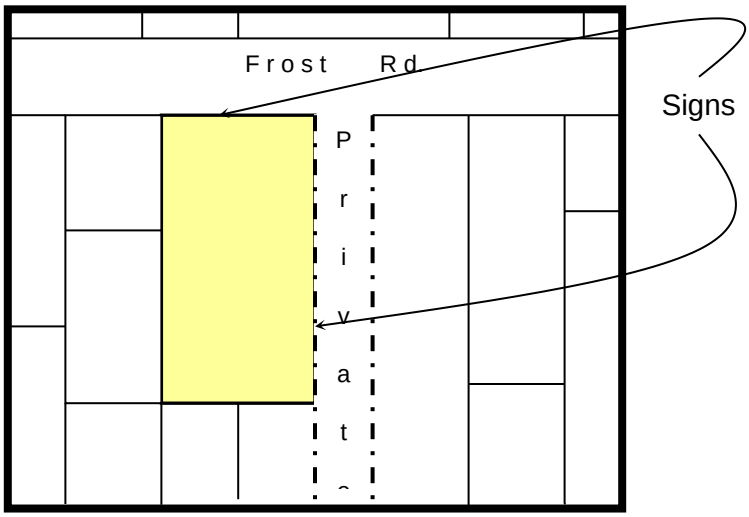




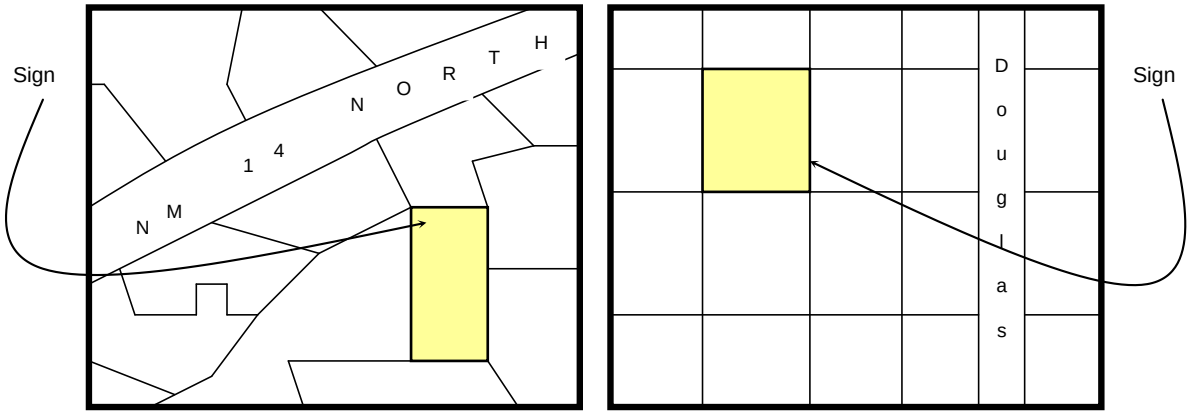




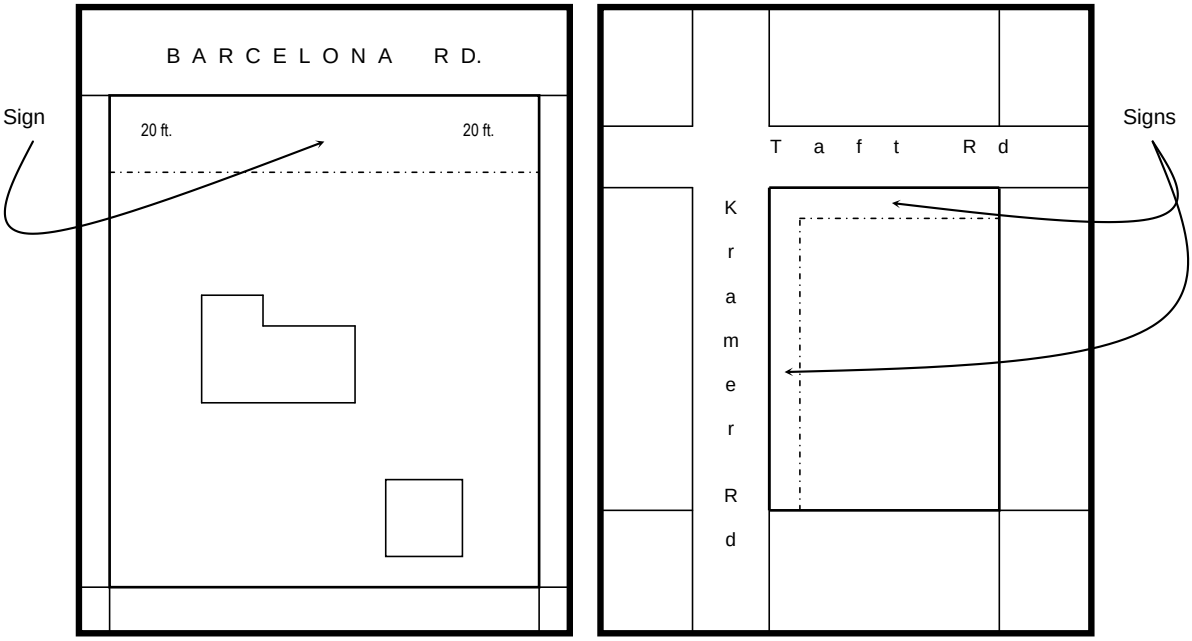




For properties not abutting a street, signs need to be posted
at the edge of the property nearest a right-of-way.



Signs need to be conspicuously posted within twenty (20) feet of the adjacent property line(s).



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. Usually, it's not a good idea for an applicant to post their sign in the window of a structure on the property, as they are often difficult to read or see clearly. Again, the reason signs are posted on the site is to notify surrounding neighbors. The applicant should be instructed to make every effort to help make the sign easy to read from the sidewalk or street.

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ZONING SECTION

THE ZONING ADMINISTRATION PROCESS

Zoning regulations for Bernalillo County are established to allow for the safe, healthy development of the community while protecting the property rights of its citizens. In certain cases, exceptions to these regulations may be granted.

The purpose of this document is to explain the procedures involved in seeking approval for your request. Material contained in this document was taken from the Comprehensive Zoning Ordinance of Bernalillo County. Please refer to the ordinance for specific information or contact our department for a scheduled consultation.

Applicants are strongly encouraged to meet with County staff members before submitting an application

Representation

You may choose to represent yourself or have an agent represent you at any stage in this process. Agents include development professionals, attorneys, family members, or any other knowledgeable individual familiar with your request. Prior to submitting an application, agents must have a signed letter from you stating that you have authorized them to act on your behalf.

Pre-Application Discussion

All applicants are **strongly encouraged** to meet with County staff members before submitting an application. The purpose of this meeting is to make you aware of all aspects of your request. Applicants are able to meet with County inspectors, planners, or the Case Review Committee (CRC) to discuss your pending application and ask questions about the process. Please bring a detailed site plan of your property and contact our department to determine the availability of staff members.

Submitting the Application

Because confusing or incomplete information may result in the delay or denial of your request, please take your time in completing the application. Be sure to include the following items:

- Completed application form.
- 1 copy of an accurate site plan of the property, drawn to scale and indicating all necessary dimensions.
- Written explanation of the request, including all pertinent information and facts.
- Letter of authorization from the property owner, if an agent is to present the request.
- Filing fee.

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PLANNING SECTION

Zoning Administrator Schedule 2016

HEARING DATE	APPLICATION DEADLINE	SIGN POSTING BEGINS	SIGN POSTING ENDS	LEGAL AD TO PAPER	LEGAL AD PUBLISHED	APPEAL DEADLINE
Wed., January 13, 2016	December 8, 2015	12/29/15	01/28/16	12/23/15	12/27/15	February 4, 2016
Wed., February 10, 2016	January 12, 2016	01/26/16	02/25/16	01/21/16	01/24/16	March 3, 2016
Wed., March 9, 2016	February 9, 2016	02/23/16	03/24/16	02/18/16	02/21/16	March 31, 2016
Wed., April 13, 2016	March 8, 2016	03/29/16	04/28/16	03/24/16	03/27/16	May 5, 2016
Wed., May 11, 2016	April 12, 2016	04/26/16	05/26/16	04/21/16	04/24/16	June 2, 2016
Thur., June 9, 2016	May 10, 2016	05/25/16	06/24/16	05/19/16	05/22/16	July 1, 2016
Wed., July 13, 2016	June 8, 2016	06/28/16	07/28/16	06/23/16	06/26/16	August 4, 2016
Wed., August 10, 2016	July 12, 2016	07/26/16	08/25/16	07/21/16	07/24/16	September 1, 2016
Wed., September 14, 2016	August 9, 2016	08/30/16	09/29/16	08/25/16	08/28/16	October 6, 2016
Wed., October 12, 2016	September 13, 2016	09/27/16	10/27/16	09/22/16	09/25/16	November 3, 2016
Thur., November 10, 2016	October 11, 2016	10/26/16	11/25/16	10/20/16	10/23/16	December 2, 2016
Wed., December 14, 2016	November 8, 2016	11/29/16	12/29/16	11/23/16	11/27/16	January 5, 2017

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

Zoning Administration 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.

Discussion with County staff members concerning your request is strongly recommended prior to filing an application. The discussion will help to advise you of the relevant regulations and criteria concerning your request.

The Zoning Administrator cannot comment on the merits of the request prior to the hearing.

Processing the Application

When your application is accepted, you will be assigned a case number and a hearing date. You will also receive one or more signs to be posted on the property 15 days before and after the scheduled hearing. You are responsible for posting and maintaining the signs. Failure to do so may delay your hearing.

Other County agencies will be given a copy of your request. If they have comments on you case, those comments will be come a part of your application. You will be given a copy of the comments at the scheduled hearing and will be given the opportunity to ask questions about them. Our department will advertise your request in the newspaper and send notification of your request to your neighbors.

The Hearing

Prior to the hearing, you will be mailed a copy of the agenda. The date, time, and location of the hearing will be stated on the notice. Typically, hearings conducted by the Zoning Administrator are held in the Council/Commission Chambers in the basement of the City/County Government Building. Please be on time for the hearing. If you are not present when your case is called, your request will be deferred or possibly denied.

When the Zoning Administrator calls your case number, you will be asked to come forward, state your name and address, and will be sworn in. You will be given enough time to explain why your request should be granted and answer any questions from the Zoning Administrator**. It is your responsibility to fully explain why your request should be granted.** Failure to do so will result in the denial of your request.

Decisions

The Zoning Administrator will make a decision for your request in writing within seven days after the hearing. Conditions are established for all approved requests, some of which are generated from the comments from other County agencies. It is your responsibility to meet the conditions of approval. Failure to meet the conditions may result in enforcement action against you and the loss of your approval.

Time Limits

Approval of a variance or conditional use request does not become effective until after the appeal period has expired. Any approval that is not exercised within six months from the date of the approval becomes null and void. Applications affecting the same property cannot be filed within 12 months from the date of advertisement of the original request.

Appeals

You or any interested party may file an appeal for a decision of the Zoning Administrator. Appeals must be field in writing within 15 days after the date of the decision. The Board of Adjustment hears the appeals. Information needed for filing an appeal can be obtained from our department. The Zoning Administrator cannot discuss the case until after the appeal period has expired.

If you are requesting **CONDITIONAL USE** approval, it is your burden to prove:

- The site for the proposed use is adequate in size and shape to accommodate the proposed use, including all yards, open spaces, walls and fences, parking areas, loading and unloading areas, landscaping and other features required by the ordinance.
- The site for the proposed use can be developed in such a manner that excessive traffic congestion and hazards will not be created.
- The proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.

If you are requesting a **VARIANCE**, it is your burden to prove:

- There are peculiar, exceptional and unusual circumstances in connection with your land that are not generally found within the area or neighborhood concerned.

If you are requesting an **ADMINISTRATIVE AMENDMENT**, it is your burden to prove:

- The proposed amendment will result in an equal or less intense use of the land as first approved by the Board of County Commissioners
- The proposed amendment will not modify any requirement that has been imposed on the development plan.

BERNALILLO COUNTY

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

ZONING SECTION

HOW TO PREPARE A SITE PLAN

A site plan, also called a plot plan, is a drawing that shows a bird's-eye-view of your property.

1. The drawing includes the exact size and shape of your property, all existing buildings and structures placed on the property, and any proposed construction or additions.
2. The plan must be legible.
3. Drawn to scale.
4. Enough detail to clearly outline the scope of your proposal.

STEP 1:

Determine your property boundaries.

There are several ways to determine where your property lines are located. Please be aware that the edge of the sidewalk, street, alley, irrigation ditch, fence, etc., **MAY NOT** be the location of your property line.

Method #1:

Refer to the surveyor's map that often accompanies your real estate deed or the title to your property. This document shows the dimensions and configuration of your property, its relationship to abutting streets and sidewalks, the location of any easements, and other similar restrictions on the site.

Method #2:

If available, obtain a copy of the recorded plat of your property from the Bernalillo County Clerk's Office. The information you obtain will show you the shape and dimensions of your property. The Clerk's Office is located on the 6th floor of the Albuquerque/Bernalillo County Government Building, One Civic Plaza NW (SE corner of 5th & Marquette).

STEP 2:

Determine location of all structures, setback and separation distances.

You will need to measure the size of the buildings and structures on your property, including all houses, mobile homes, garages, sheds, porches, carports, and decks. You will also need to determine the distances between the structures, as well as the distances between the structures and your property lines. In order to measure these distances, you will need to accurately locate your property lines on the ground.

After all of the structures and distances are measured, the information can be transferred to the final scaled drawing.

STEP 3:

Draw the plan.

First, plans should be drawn on a single piece of paper large enough to show the entire property, but should not be drawn on anything smaller than 8½" by 11".

Next, determine the scale of the drawing that will be used. "Scale" is a word used to denote how many inches on the plan will be equal to a given length on the actual property. For example, if the plan is drawn to a 1" = 20' scale, one inch on the plan equals 20 feet on the property. Using this scale, a 100' x 150' lot will be drawn as a 5" x 7½" rectangle on the plan.

Be sure to select a scale that will allow you to draw the site plan so that the information is not crowded together, but is large enough to easily be read by someone who is not familiar with your property. For most requests, you may be able to use a standard ruler to prepare your plan. One inch on your site plan would therefore equal 2, 4, 8, or 16 feet on your property. It may also be useful to use a tool called an "architect's scale" or "engineer's scale".

The final task is to draw the plan. Begin by drawing the property lines. Be sure to include all of the existing buildings and structures, as well as any proposed or future buildings or structures. Finally, add the measurement dimensions and any clarification notes or additional details.

STEP 4:

Check the drawings and make copies.

Double-checking the site plan and measurement to reduce the likelihood of your request being deferred.

Check if:

- You have included all of the measurements and dimensions?
- Is your plan neat and accurate?
- Are all of the buildings and structures on your property shown on the drawing, including any proposed buildings or structures?

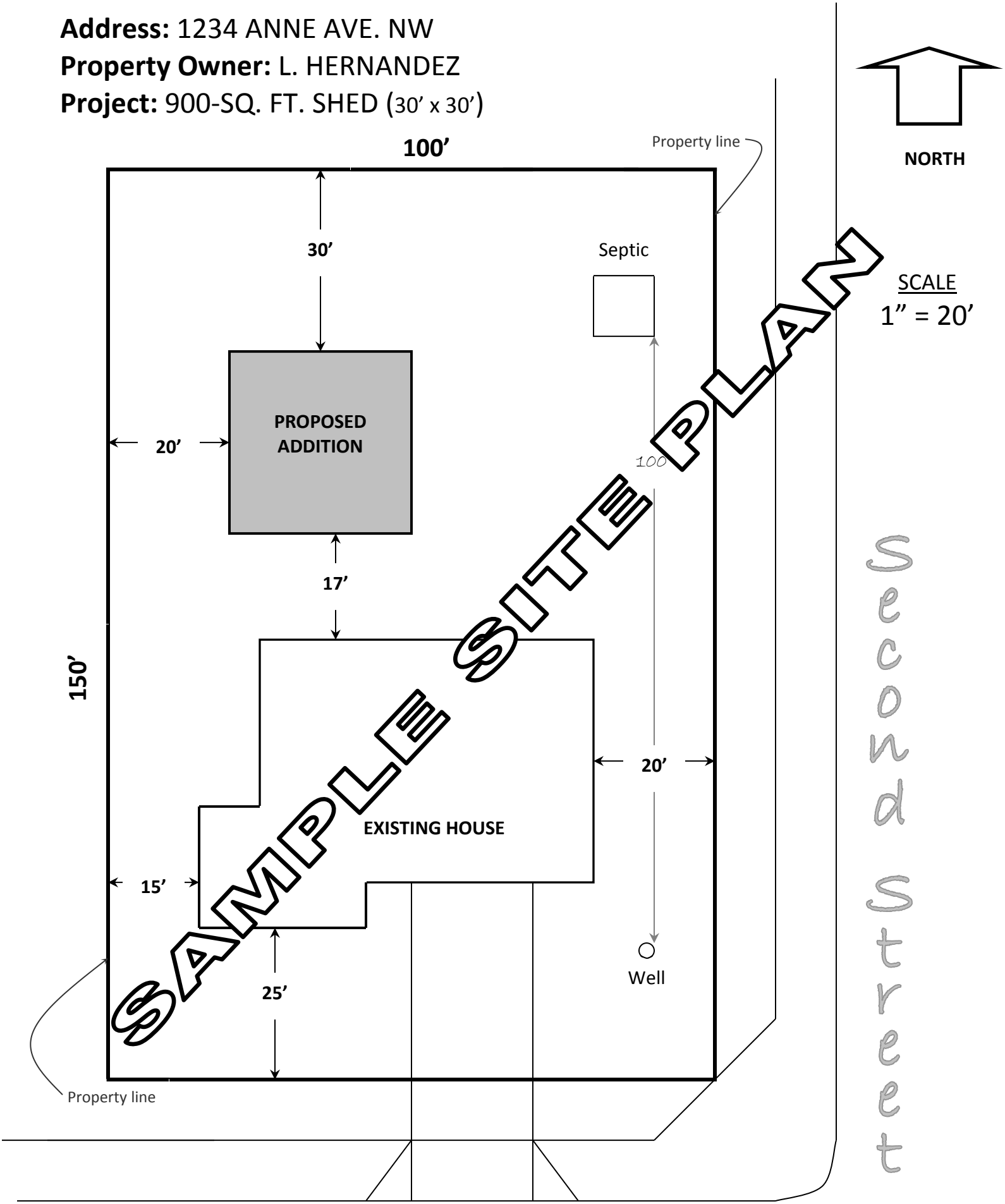
You will need to provide a copy of your site plan when you submit your information to the County. It is recommended that you keep your original drawing so that you have a record of what you have submitted.

Questions?

Do not hesitate to contact Bernalillo County if you have questions concerning this information. You may contact our department at 314-0350, or visit us in person at 111 Union Square SE, Suite 100.

***(Applicants are responsible for supplying all necessary materials, as Bernalillo County staff members are not available to prepare drawings for your request.)**

Address: 1234 ANNE AVE. NW
Property Owner: L. HERNANDEZ
Project: 900-SQ. FT. SHED (30’ x 30’)



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