

**BERNALILLO COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. 2016-13**

1 An ordinance amending ordinance #213, Bernalillo County Code, Appendix A, to clarify  
2 existing language within the zoning ordinance, and offer administrative relief opportunities for  
3 certain types of activities in residential zones.  
4

5 **Section 5. Definitions**

6 **RESTAURANT.** An establishment that prepares food in a kitchen and serves food and  
7 beverages which are consumed on its premises by customers seated at tables and/or counters  
8 either inside or outside the building thereon, and which may be engaged in providing customers  
9 with take-out service of food and/or non-alcoholic beverages for off-site consumption. A snack  
10 bar is not considered to be a restaurant. Sale of alcoholic drink is controlled by other provisions  
11 in this code and the New Mexico State statutes regarding alcoholic drink sales.  
12

13 **SNACK BAR.** An establishment that provides a snack where no food is prepared or cooked on  
14 the premises within a kitchen.  
15

16 **Section 14. - C-1 Neighborhood Commercial Zone.**

17 A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when  
18 referred to in this section, are the regulations in the C-1 Neighborhood Commercial Zone. The  
19 purpose of this zone is to provide suitable sites for office, service, institutional, and limited  
20 commercial uses to satisfy the day-to-day needs of nearby residential areas and to minimize any  
21 adverse effect on nearby residential development.

22 B. Use Regulations. A building or premises shall be used only for the following purposes.  
23 All uses customarily incidental to the building or premises shall be maintained on site.

24 1. *Prohibited Uses.*

25 a. Any use not designated a permissive use or conditional use in this zone, unless  
26 otherwise authorized by this Code; or

27 b. Any use not recognized as customarily incidental to a permitted use in the zone.

28 2. *Permissive Uses:*

29 a. Any permissive use allowed and as regulated in the O-1 Office and Institutional  
30 Zone and the following:

31 (14) Restaurant provided:

32 (a) There shall be no drive-in restaurant; and  
33

1 (b) The sale of beer and/or wine may be sold under a Restaurant  
2 Liquor License, Small Brewers Liquor License or a Winegrowers Liquor  
3 License (Without a vineyard), including manufacturing of beer or wine for  
4 on-site consumption or package sale, as provided by NMSA 1978 60-6A-  
5 4.

6  
7 **3. Conditional Uses:**

8 a. (13) Restaurant serving liquor.

9  
10 (14) The retail sale of beer or/and wine, without a restaurant, with a Small  
11 Brewers Liquor License, including manufacturing of beer for on-site consumption  
12 or sale and a Winegrowers Liquor License, including manufacturing (excluding  
13 vineyard) of wine on site for on-site consumption or sale.

14  
15 (15) Drive-In Restaurant or refreshment stand provided the site is enclosed by a  
16 solid wall or fence six feet high on all sides abutting or contiguous to A-1, A-2, R-  
17 1, R-2, or M-H property, provided there are no audible devices.

18  
19 **Section 15.5 - CLI Commercial/Light Industrial Zone.**

20 **B. Use Regulations:**

21  
22 **2. Permissive Uses.** A building or premises shall be used only for the following purposes.  
23 All uses customarily incidental to the building or premises shall be maintained on site.

24  
25 hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be  
26 sold as regulated under permissive uses within the C-1 zone. Sale of beer and wine is not limited  
27 to retail sales only.

28  
29 **Section 18. – Special Use Permit Regulations.**

30 **K. Text amendments.** Text amendments to the Zoning Code to incorporate uses related to  
31 alcohol are not automatically allowed on sites that contain a Special Use Permit. A new Special  
32 Use Permit will be required to activate this type of use.

33

34

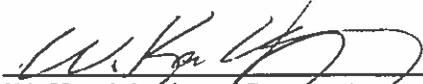
35

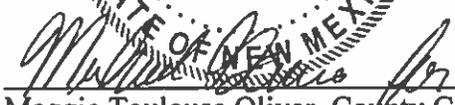
36

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

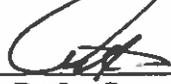
**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
BERNALILLO COUNTY, NEW MEXICO** this 12<sup>th</sup> day of April, 2016.

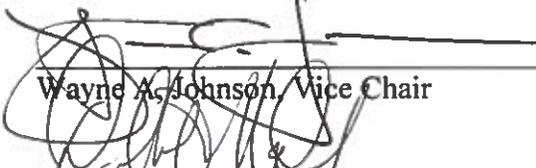
**APPROVED AS TO FORM**

  
\_\_\_\_\_  
W. Ken Martínez, County Attorney

  
The seal is circular with the text "BERNALILLO COUNTY" at the top, "COUNTY CLERK" at the bottom, and "SEAL" in the center. Below the seal, it says "STATE OF NEW MEXICO".  
ATTEST:  
  
\_\_\_\_\_  
Maggie Toulouse Oliver, County Clerk

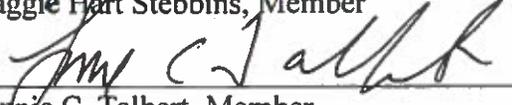
**BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Art De La Cruz, Chair

  
\_\_\_\_\_  
Wayne A. Johnson, Vice Chair

\_\_\_\_\_  
Debbie O'Malley, Member

  
\_\_\_\_\_  
Maggie Hart Stebbins, Member

  
\_\_\_\_\_  
Lonnie C. Talbert, Member