



Agenda Item Number: 2008-3-7A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: March 25, 2008

Department: Zoning, Building, Planning & Environmental Health **Staff Contact:** Brennon Williams, Zoning Administrator
Julie M. Baca, Deputy County Manager
Community Services Division

TITLE: Text Amendments to the Bernalillo County Code, Appendix A, Zoning Ordinance # 213, regarding clarification of existing adult amusement establishment regulations, the addition of a preamble to the ordinance addressing those regulations, and the creation of a specified section of the ordinance to regulate adult amusement establishments, as well as specification of a seven (7) day deadline submittal for appellants wishing to invoke the extraordinary majority clause

ACTION: Convene a Public Hearing:
Motion to adopt **Ordinance 2008-_____** amending Bernalillo County Code, Appendix A, Ordinance #213.

SUMMARY:

The attached ordinance proposal revises the Zoning Ordinance clarify the county's existing adult amusement establishment regulations, add a preamble to the ordinance to specifically address those regulations, and create a separate section of the ordinance to regulate adult amusement establishments.

The County Planning Commission reviewed the proposed changes to the adult amusement matters at their December 5, 2007, meeting and, with minor changes, voted to recommend approval. Additionally, the county is proposing changes to the ordinance regarding the 20% rule to clarify procedures for submittal and review of documents by County staff prior to action by the Board.

Based on discussion and instruction from the BCC at their January 22, 2008, zoning meeting, the additional language establishes a specified submittal deadline of seven (7) days prior to the scheduled public hearing if an appellant wishes to invoke the extraordinary majority clause.

ATTACHMENTS:

1. Proposed Code Amendments
2. Comments received to date

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

The proposed amendments will clarify the County's existing adult amusement establishment regulations and provide clear submittal requirements for the 20% rule. I recommend Board approval. TL 2/4/08

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

The proposed amendments will regulate adult amusement establishments by controlling through zoning regulations certain land uses that have a direct and detrimental affect on the health, safety and general welfare of the citizens residing in the unincorporated areas of Bernalillo County. Recommend the Board approve the proposed amendments. JMB 2/6/08

LEGAL

The proposed amendments to the zoning code will contribute to the County's compliance with applicable state and federal laws governing its regulation of adult amusement establishments. It is our opinion that the amendments proposed by the County Planning Commission will not affect the constitutionality of the zoning code. – PFT 01/08/08

FINANCE

Budget There is no fiscal impact with the approval of publication of proposed code amendments. Emily B. Hernandez, Financial Services Administrator, 12/21/2007