

SPECIAL EXCEPTION PROCEDURE

APPLICATION

A. Pre-Application Discussion

While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. Criteria For Decision

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

C. Drawings & Photos

1. Submit three (3) copies of an accurate site plan, building development plan, sketch drawing of other related information on reproducible paper no smaller than 8 ½ inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
 - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
 - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces
 - c. A “north” directional arrow and scale.
3. Applicant is strongly encouraged to provide photos of the site and any existing structures. Failure to supply appropriate drawings & photos could result in deferral or denial.

D. Public Hearing Schedule

Contact the Zoning Hearing Examiner's office at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website www.cabq.gov. Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

SIGN POSTING

- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.

- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

ZONING HEARING EXAMINER'S PUBLIC HEARING

- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. **Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.**
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, defer, continue or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

CONSTRUCTION PERMIT

- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.