



City of Albuquerque  
Code Enforcement Division  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87102

## **SPECIAL EXCEPTION CONDITIONAL USE**

The Comprehensive City Zoning Code defines **CONDITIONAL USE** as:

“One of those uses enumerated as conditional uses in a given zone. Such uses require individual approval on a given lot.”

It is the burden of the applicant to ensure that there is such evidence in the record. The city can approve a conditional use only if the evidence presented to the record shows that the proposed use meets the following criteria:

- (a) Will not be injurious to the adjacent property, the neighborhood, or the community;
- (b) Will not be significantly damaged by surrounding structures or activities.

### **Voiding of Special Exceptions**

- (1) An approved special exception shall be void one year after the date approval vested if the rights and privileges granted thereby have not been utilized.
- (2) An approved special exception shall be void if it is utilized in a way materially in violation of the terms of approval for a continuous period of one year or more. Such voidance is in addition to and not instead of other remedies available to the city at any time for violation of this Zoning Code.
- (3) An approved conditional use shall be void if, after the use has begun, it ceases on the approved site for a continuous period of one year or more.

### **Responsibility of Property Owners**

A person who acquires a property interest in a site which was previously granted a special exception has the responsibility to learn the terms of such approval. The existence of an activity or structure which is not in compliance with regular zoning provisions constitutes constructive notice that there may be a special exception, the terms of which must be met.