

# DEVELOPMENT CODE UPDATE

Module 3 Administration and Enforcement

Joint Council Planning and Zoning Commission Workshop October 2022



# Workshop Agenda

- **Module 3: Administration and Enforcement**  
Including new procedures related to WTFs
- **Module 1: Zone Districts and Use Regulation,**  
Including dimensional standards and district standards from M2, and new content like WTFs, ADUs
- **Module 2: Development Standards**

# Module 3 Session Agenda

- Overview of code language in Module 3
- Open Conversation – ask questions when they arise
- Remain on mute when not speaking

Goal of today's session is to determine:

- Sections that don't warrant changes
- Allow tabling discussions on content that may warrant changes or elimination for later through a Parking Lot

# Module 3 Table of Contents

## Review and Decision-Making Bodies

Defines the authority and responsibility of each body.

## Procedures

Outlines general procedures and provides a guide to the development process in the Procedures Summary Table

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## Specific Development Procedures

Describes the applicability, procedures, and decision criteria for each type of development application.

## Nonconformities

Outlines the applicability and procedures for nonconforming uses, lots, structures, and site features

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## Construction Improvements

Describes processes and requirements for public and private construction improvements

## Violations, Enforcement, and Penalties

Describes the County’s authority to enforce and enforcement procedures

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# Crosswalk

Existing Code Section	Corresponding Revised Code Section
<b>ARTICLE I. - IN GENERAL</b>	<b>PART 16-1 GOVERNING PROVISIONS</b>
Sec 16-1. - Title.	Section 16-1-1 Title
Sec. 16-2. - Authority.	Section 16-1-2 Authority
Sec. 16-3. - Jurisdiction.	Section 16-1-3 Applicability and Jurisdiction
Sec. 16-4. - Purpose and scope.	Section 16-1-4 Purpose
Sec. 16-5. - Comprehensive or master plan.	Section 16-1-5 Relation to Comprehensive Plan
Sec. 16-6. - Zoning and subdivision purpose and authority.	Section 16-1-6 Zoning and Subdivision Purpose and Authority
Sec. 16-7. - Application of provisions.	Section 16-1-3 Applicability and Jurisdiction
Sec. 16-8. - Construction approved prior to chapter adoption.	Section 16-1-10 Transitions from Previous Regulations
Sec. 16-9. - Definitions and rules.	Part 16-6 Definitions
<b>ARTICLE II. - ADMINISTRATION AND ENFORCEMENT</b>	<b>PART 16-5 ADMINISTRATION AND ENFORCEMENT</b>
Sec. 16-51. - Community development director.	5-1(A) Community Development Department / Community Development Director
Sec. 16-52. - Board of adjustment.	Removed
Sec. 16-53. - Planning and zoning commission.	5-1(B) Planning and Zoning Commission
Sec. 16-54. - Interdepartmental review committee (IDRC).	Removed
<b>DIVISION 3. - ENFORCEMENT</b>	<b>PART 16-5 ADMINISTRATION AND ENFORCEMENT</b>
Sec. 16-81. - Purpose of division.	Part 16-5 Administration and Enforcement
Sec. 16-82. - Responsibilities of community development director.	5-1(A)(II) Responsibilities
Sec. 16-83. - Review of zoning compliance.	
Sec. 16-84. - Filing of complaints.	5-6(D) Enforcement Procedures
Sec. 16-85. - Penalty for violation of chapter	5-6(E) Penalty for Violation Of Code
ARTICLE III. - General Application Requirements	5-2(B)(IV) Application Submittal Requirements
Sec. 16-121. - Purpose of article.	
Sec. 16-122. - Application requirements.	5-2(B)(IV) Application Submittal Requirements and Section 16-5-3 Specific Development Procedures
ARTICLE IV. - REVIEW CRITERIA	Section 16-5-3 Specific Development Procedures
Sec. 16-151. - Purpose of article.	
Sec. 16-152. - Site plan required.	5-3(B)(VI)(1) Applicability [for site plans]
Sec. 16-152A. - Site plan review criteria.	5-3(B)(VI)(4) Decision Criteria [for site plans]
Sec. 16-153. - Subdivision review criteria.	5-3(B)(I)(3) Decision Criteria [for subdivisions]
Sec. 16-154. - Summary plat review criteria.	5-3(A)(X)(3) Decision Criteria [for subdivisions]
Sec. 16-155. - Amendment to the official zoning map review criteria.	5-3(C)(IV)(3) Decision Criteria [for minor zone amendments] and 5-3(B)(V)(3) Decision Criteria [for major zone amendments]
Sec. 16-156. - Special use permit review criteria.	5-3(B)(III)(3) Decision Criteria [for conditional use permits]
Sec. 16-157. - Waiver review criteria.	5-3(B)(IV)(3) Decision Criteria [for text variances]
Sec. 16-158. - Amendment to text.	5-3(C)(III)(3) Decision Criteria [for text amendments]
Sec. 16-159. - Special plan (SP) district review criteria.	5-3(C)(IV)(3) Decision Criteria [for planned development overlay]
Sec. 16-160. - Development plan and development plan amendment review criteria.	5-3(B)(VII)(3) Decision Criteria [for development plans amendments or adoption]
Sec. 16-161. - Comprehensive plan amendment review criteria.	5-3(C)(I)(3) Decision Criteria [for comp plan amendments or adoption]
ARTICLE V. - PUBLIC NOTICE	5-2(B)(III) Notifications
Sec. 16-191. - Purpose.	5-2(B)(III)(1) Purpose
Sec. 16-192. - Planning and zoning commission public hearing requirements.	5-2(B)(III)(2) Required Notice and 5-2(B)(V) Public Hearing Procedures
Sec. 16-193. - Board of adjustment public hearing requirements.	Removed
Sec. 16-194. - Community development director public hearing requirements.	5-2(B)(III)(2) Required Notice and 5-2(B)(V) Public Hearing Procedures
Sec. 16-195. - County council public hearing requirements.	5-2(B)(V) Public Hearing Procedures
<b>ARTICLE VI. - CONSTRUCTION IMPROVEMENTS</b>	<b>SECTION 16-5-5 CONSTRUCTION IMPROVEMENTS</b>
Sec. 16-231. - Construction phasing plan.	5-5(A) CONSTRUCTION PHASING PLAN
Sec. 16-232. - Notification.	5-5(B) NOTIFICATION

# Procedures Summary Table

TABLE 43: PROCEDURES SUMMARY TABLE

X = Required  
R = Review and Recommend  
D = Review and Decide  
AD = Appeal Review and Decision

APPLICATION TYPE	NOTICE		MEETINGS		REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES	
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION		COUNTY COUNCIL
<b>Quasi-Judicial Decisions</b>									
Preliminary Plats	X	X	X	X			D	AD	<a href="#">5-3(B)(I)</a>
Final Plats	X	X	X	X			D	AD	<a href="#">5-3(B)(I)</a>
Conditional Use Permits	X	X	X				D	AD	<a href="#">5-3(B)(II)</a>
Major Historic Property Alteration Certificate	X	X	X	X					<a href="#">5-3(B)(III)</a>
Variances	X	X	X						<a href="#">5-3(B)(IV)</a>
Minor Zone Map Amendments	X	X	X	X	X		D	AD	<a href="#">5-3(B)(V)</a>
Site Plan Adoption / Major Amendments	X	X	X	X			D	AD	<a href="#">5-3(B)(VI)</a>
Development Plan Adoption / Major Amendments	X	X					D	AD	<a href="#">5-3(B)(VII)</a>

Application Type

Review and Decision Authority

Meeting Requirements

Notice Requirements

Specific Procedure Link

R = Recommendation

D = Decision

AD = Appeal Decision



# Procedures

## No substantial changes

- Notice
- Meeting
- Review / approval authority

## Changes

- Codified encroachment permits
- Added WTF procedures

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	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Administrative Decisions									
Accessory Structure Permits						D	AD		<u>5-3(A)(III)</u>
Administrative Deviations/ Waivers						D	AD		<u>5-3(A)(I)</u>
Encroachment Permits						D	AD		<u>5-3(A)(III)</u>
Fence/ Wall Permits						D	AD		<u>5-3(A)(IV)</u>
Minor Historic Property Alteration Certificate						D	AD		<u>5-3(A)(V)</u>
Minor Development Plan Amendments						D	AD		<u>5-3(A)(VI)</u>
Minor Site Plan Amendments						D	AD		<u>5-3(A)(VII)</u>
Sign Permits						D	AD		<u>5-3(A)(VIII)</u>
Special Event Permits						D	AD		<u>5-3(A)(IX)</u>
Summary Plats						D	AD		<u>5-3(A)(X)</u>
Temporary Use Permits						D	AD		<u>5-3(A)(XI)</u>
Small Wireless Facilities Permit						D	AD		<u>5-3(A)(XII)</u>
Administrative Wireless Telecommunications Facilities Permit						D	AD		<u>5-3(A)(XIII)</u>

New

New

# Procedures

## No substantial changes

- Notice
- Review / approval authority

## Changes

- Added posted signs
- Added neighborhood meetings for zone changes
- Differentiated minor vs. major zone changes
- Added WTF procedures
- Add Historic Landmark / District designation

TABLE 43: PROCEDURES SUMMARY TABLE

X = Required  
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 AD = Appeal Review and Decision

APPLICATION TYPE	NOTICE		MEETINGS			REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
<b>Quasi-Judicial Decisions</b>									
Preliminary Plats	X	X	X	X			D	AD	5-3(B)(I)
Final Plats	X	X	X	X			D	AD	5-3(B)(I)
Conditional Use Permits	X	X	X				D	AD	5-3(B)(II)
Major Historic Property Alteration Certificate	X	X	X	X			D	AD	5-3(B)(III)
Variations	X	X	X				D	AD	5-3(B)(IV)
Minor Zone Map Amendments	X	X	X	X	X		D	AD	5-3(B)(V)
Site Plan Adoption / Major Amendments	X	X	X	X			D	AD	5-3(B)(VI)
Development Plan Adoption / Major Amendments	X	X	X	X	X		D	AD	5-3(B)(VII)
Discretionary Wireless Telecommunication Facility Permit	X	X	X	X			D	AD	5-3(B)(VII)
<b>Legislative Decisions</b>									
Major Zone Map Amendments	X	X	X	X	X		R	D	5-3(C)(IV)
Master Plans	X	X	X	X			R	D	5-3(C)(I)
Comprehensive Plan Adoption or Amendments	X			X			R	D	5-3(C)(I)
Major Zone Map Amendments	X	X	X	X	X		R	D	5-3(C)(IV)
Text Amendments	X			X			R	D	5-3(C)(III)

Change

New

Change

# Review and Decision-Making Bodies

## Section 16-5-1 Review and Decision-Making Bodies .....

- 5-1(A) Community development department / Community Development Director.....
  - 5-1(A)(I) Authority.....
  - 5-1(A)(II) Responsibilities .....
- 5-1(B) Planning and Zoning Commission .....
- 5-1(B)(I) Authority .....
- 5-1(B)(II) Responsibilities .....
- 5-1(C) County Council .....
- 5-1(C)(I) Authority .....
- 5-1(C)(II) Responsibilities .....

### No substantial changes

- Authority
- Membership
- Responsibilities

### Changes

- Removed Board of Adjustment
- Moved variance decisions to purview of the Planning and Zoning Commission
- Removed Interdepartmental Review Committee

# Common Procedures

## No Substantial Changes

- Code interpretation (Sec. 16-51e)
- Application submittals requirements (Sec. 16-121)
- Calculation of Time Periods

## Changes

- Administrative deviations
- Notifications
- Neighborhood Meetings
- Public Hearing Procedures
- Expanded Appeals
- Permit and Approval Expirations
- Extensions of Period of Validity

5-2(B) Common Procedures.....

5-2(B)(I) Code Interpretations .....

5-2(B)(II) Meeting Requirements .....

5-2(B)(III) Notifications .....

5-2(B)(IV) Application Submittal Requirements .....

5-2(B)(V) Public Hearing Procedures.....

5-2(B)(VI) Appeals .....

5-2(B)(VII) Calculation of Time Periods .....

5-2(B)(VIII) Permit and Approval Expirations .....

5-2(B)(IX) Extensions of Period of Validity.....

# Administrative Deviations

## Notable Changes:

- Updates allowable modifications per National Best Practice where strict application of the Code would result in practical difficulty or undue hardship
- Clarified procedures for obtaining / granting
- **Can not** be applied to neighborhood protection standards
- Deviations beyond these thresholds will be reviewed and decided as Variances

TABLE 45: ALLOWABLE ADMINISTRATIVE DEVIATIONS

CODE STANDARD	ALLOWABLE MODIFICATION (MAXIMUM PERCENTAGE)
Lot area, minimum	10
Lot coverage, minimum	10
Setbacks, minimum	15
Building height, maximum	10
Off-street parking spaces, minimum	10
Wall and fence height, maximum	1' maximum
Landscape coverage, minimum	10
Any other numeric standard	10

*Modified / clarified from Sec. 16-51.C.6 which allows minor dimensional deviations of 12 inches or less from the provisions of this chapter or a deviation in the number of required off-street parking spaces amounting to one percent or less of the spaces otherwise required.*

# Notifications

## No Substantial Changes

- Notice content
- Published notice requirements
- Mailed notice requirements

## Notable Changes

- New requirement for sign posting on subject site



Article V. - Public notice

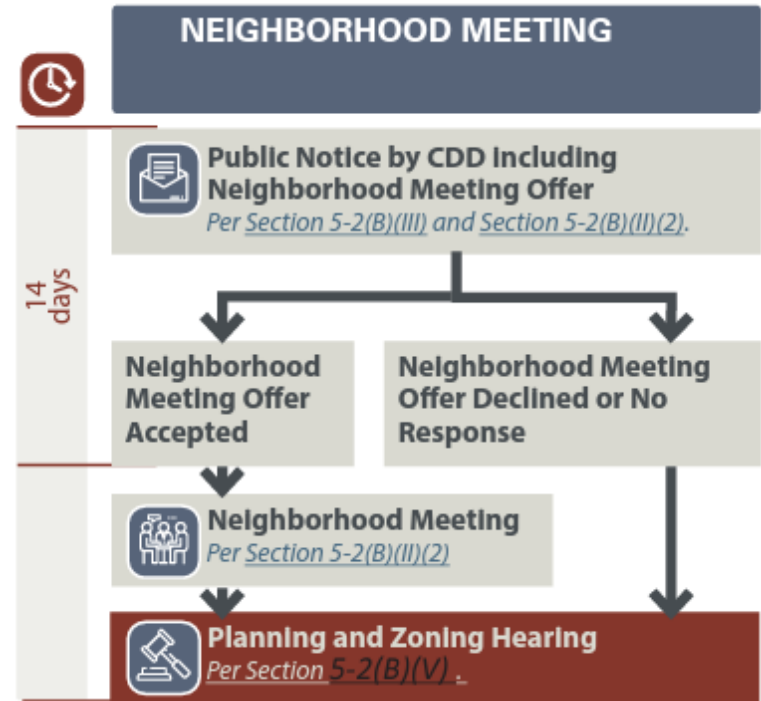
# Neighborhood Meetings

## New requirements

- Neighborhood Meetings required for Zone Map Amendments and Development Plan Adoptions/Major Amendments
- Offered to all property owners within 300 ft of the subject property

### Comp Plan

Neighborhood Land Use Policy 2. Encourage developers to notify and conduct meetings early in the development review process with the neighborhood and to respond to neighborhood concerns



# Public Hearings

## Notable Changes

- Re-organization by legislative vs. quasi-judicial
- Establishes Hearing Officer position to assist in the adjudication of quasi-judicial hearings, if necessary

*Legislative Hearing Requirements including rules for procedures, Planning and Zoning Commission Recommendations, and Council Actions*

*Quasi-Judicial Hearing Requirements including conduct of quasi-judicial hearings, proceedings of hearings, decisions, and rules regarding ex-parte communication*

**Article III - General Application Requirements**



# Hearing Officer

## New requirements

- Allows P&Z or Council the ability to utilize a lawyer to conduct public hearings and make recommendations based on findings of fact and conclusion of law
- Similar bodies are utilized by Santa Fe and Albuquerque

# Public Hearings

## No Substantial Changes

- Clarified hearing proceedings

## Notable Changes

- Requiring written cross-examination questions during quasi-judicial hearings

### QUASI-JUDICIAL PUBLIC HEARINGS

1. Presiding Officer calls meeting to order



2. CDD presents case facts, relevant Code, and answers questions from Hearing Body



3. Applicant presents their case



4. Public comment and questions



5. Cross examination of applicant and staff by anyone with standing via questions provided in writing



6. Written cross examination questions read by Presiding Officer



7. CDD and applicant answer questions read by Presiding Officer



8. Hearing Body closes public input portion of hearing



9. Hearing Body deliberates



10. Motion and Vote



11. Written recommendation or final decision with findings of fact and conclusion of law

### LEGISLATIVE PUBLIC HEARINGS

1. Presiding Officer calls meeting to order



2. CDD presents case facts, relevant Code, and answers questions from Hearing Body



3. Applicant presents their case



4. Public comment



8. Hearing Body closes public input portion of hearing



9. Hearing Body deliberates



10. Motion and Vote



11. Written recommendation or final decision with findings of fact and conclusion of law

# Appeals

## No Substantial Changes

- Who hears what appeals
- Time for filing, effect, and notice

## Changes

- Clarified standing
- New requirement for sign posting on subject site
- Clarified appeal criteria

### 5-2(B)(VI)(4) STANDING REQUIRED TO APPEAL

1. Appeals of final actions may be filed by the following persons:
  - A. The owner of the property listed in the application.
  - B. All persons that were required to be mailed notice for the application giving rise to the final action being appealed.
  - C. Any County official acting in their official capacity whose services, properties, facilities, interest, or operations may be adversely affected by the application; or
  - D. Any person who has a recognized legal interest under New Mexico law.
2. For Discretionary Decision and Policy Decisions, as provided in [Table 43 Procedures Summary Table](#), the appellant must have made an appearance of record to have standing to appeal, except in cases where the appellant alleges improper notice.
3. An appearance of record can be made through any of the following:
  - A. The initial submittal of the application which is the subject of the appeal.
  - B. The submittal of written comments by the eventual appellant about the subject case submitted to the relevant decision-making body within the deadline for written comments prior to the decision.
  - C. Verbal comments made by the eventual appellant provided at a public hearing about the subject case during the review process before the relevant decision-making body.

# Permit Approval and Expiration

## Changes

- Clearly defines period of validity for all development applications
- Procedures for extending approvals

**TABLE 44: PERMIT AND APPROVAL EXPIRATIONS**

TYPE OF APPROVAL	PERIOD OF VALIDITY
<b>Administrative Decisions</b>	
Accessory Structure Permit	1 year
Administrative Deviations/ Waivers	2 years
Declaratory Rulings	Does not expire, unless the section(s) of the LAC to which the ruling relates is amended
Encroachment Permits	2 years
Fence/ Wall Permits	1 year
Hillside Development Plans	As stated in development agreement
Landscape Plans	1 year
Lighting Plans	1 year
Minor Development Plan Amendments	2 years
Minor Site Plan Amendments	2 years
Sign Permits	1 year
Special Event Permits	As stated in the Special Event Permit
Summary Plats	2 years
Temporary Use Permits	As stated in the Temporary Use Permit
Wireless Telecommunications Facilities	2 years
<b>Decisions Requiring a Public Hearing*</b>	
Preliminary Plats	1 year
Final Plats	Does not expire once timely recorded
Conditional Use Permits	2 years
Site Plans	3 years
Development Plans	3 years
Major Site Plan Amendments	1 Year or Until Preliminary Plat is approved
Major Development Plan Amendments	1 Year or Until Preliminary Plat is approved
Variances	Expires with associated site plan
Minor Master Plan Approval	3 years
<b>Policy Decisions</b>	
Major Master Plan Approval	Do not expire
Comprehensive Plan Adoption and Amendments	
Zone Map Amendments	
Text Amendments	
*A 1 year extension may be granted by the appropriate approver if requested by an applicant	

Aside from site plans, new content

# Discussion around common procedures

# Specific Development Procedures

## Changes

- Clarified procedures
- Updated decision criteria

## Applicability

*Applicability defines when the procedure is required*

## Procedures

*Procedures describes the review and approval process and includes a flowchart of the process*

## Decision Criteria

*Decision Criteria provides the criteria for approval and reference to the applicable Development Standards*

### 5-3(A)(VIII) SIGN PERMIT

#### 5-3(A)(VIII)(1) APPLICABILITY

This Section applies to any sign that requires a Sign Permit pursuant to [Section 16-5-8](#).

#### 5-3(A)(VIII)(2) PROCEDURES

- A. Applications for Sign Permits may be made by the owner or agent of any parcel of property to be affected.
- B. Sign Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Sign Permit Plan Application, including:
- I. Proof of property ownership.
  - II. A scaled and dimensioned color drawing of all proposed signs that indicates how it will be constructed.
  - III. A scaled site plan which shall indicate the location of any proposed Permanent Freestanding Signs. Sufficient documentation of compliance with all applicable development standards of [Section 16-5-8 Signage](#) is required as well as documentation from a New Mexico Registered Structural Engineer verifying all proposed Permanent Freestanding Signs are designed to withstand 90 mph wind, 30 psf snow, and seismic design D loads.
  - IV. Building elevations showing the locations and dimensions of any proposed Wall Signs.
  - V. Electrical plan for any proposed Electronic Message Center, which includes compliance with Sign Illumination standards of [Section 5-8\(F\)\(III\)](#).
- C. The Community Development Department shall intake the application pursuant to the requirements of [Section 5-2\(B\)\(IV\)](#).
- D. The Community Development Director, or their designee, shall review the Sign Permit application based on its conformity with the Decision Criteria of [Section 5-3\(A\)\(VIII\)\(3\)](#).
- E. If the application complies with the provisions of [Section 5-3\(A\)\(VIII\)\(3\)](#), the Community Development Director, or their designee, shall issue a Sign Permit.



#### 5-3(A)(VIII)(3) DECISION CRITERIA

An application for a Sign Permit shall be approved if it complies with all applicable standards in this Code, in particular [Section 16-5-8 Signage](#) and other adopted County regulations.

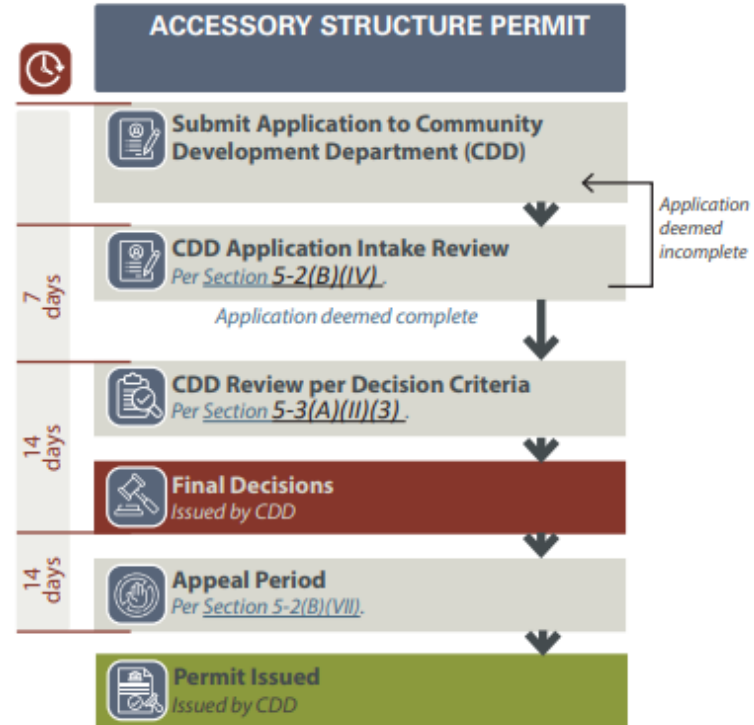
# Types of Procedures

- **Legislative Decisions** involve a change in land-use policy by the decision-making body that does not concern a single tract – require a public hearing
- **Quasi-judicial Decisions** involves the use of a discretionary standard, as specified in the Development Code, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership – require a public hearing
- **Administrative Decisions** involve interpretation and application of nondiscretionary standards of the Development Code to an application – do not require a public hearing

# General Administrative Procedures

- Pre-application meeting
- Do not require a public meeting

Administrative Decisions
Accessory Structure Permits
Administrative Deviations/ Waivers
Encroachment Permits
Fence/ Wall Permits
Minor Historic Property Alteration Certificate
Minor Development Plan Amendments
Minor Site Plan Amendments
Sign Permits
Special Event Permits
Summary Plats
Temporary Use Permits
Wireless Telecommunications Facility

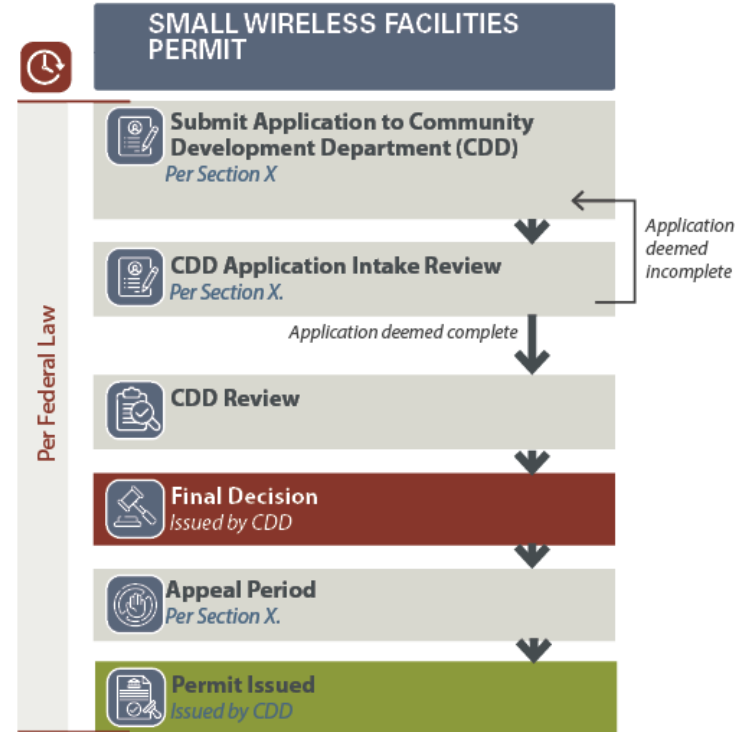


Article III - General Application Requirements / Article IV - Review Criteria



# Small Wireless Facility Permit

1. This section applies to any application for a Small Wireless Facilities Permit for placement of a small wireless facility in any right-of-way. An applicant may submit a consolidated application for up to 25 small wireless facilities so long as they are all of substantially the same type, and on substantially the same types of structures, however no more than one such consolidated application may be filed within any five business-day period.
2. An application is not required for:
  - a. Routine maintenance that does not involve the addition of transmission or related equipment; and
  - b. The replacement of a small wireless facility with another small wireless facility that is substantially similar to or the same number, size or smaller in size, and weight and height as long as the wireless provider that owns the wireless facility notifies the County and provides details of the proposed replacement demonstrating the substantial similarity of the replacement at least ten days before the replacement is made.

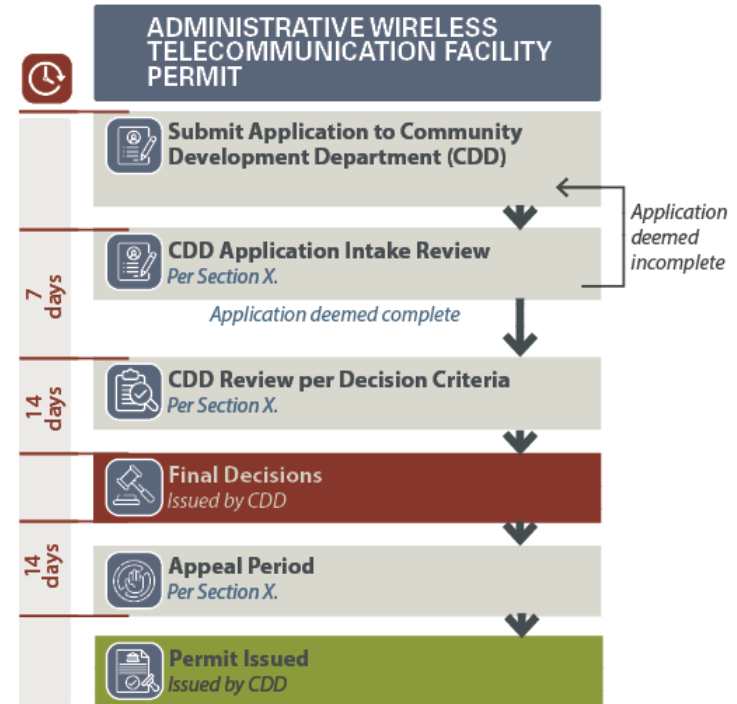


New content

# Administrative Wireless Telecommunication Facility Permit

This section applies to any of the following:

1. Collocations on public utility poles
2. Collocations on concealed WTFs
3. Like-for-like antenna swap outs, back-up generators, and other minor site modifications to existing WTFs
4. New towers or antennas in non-residential zone districts

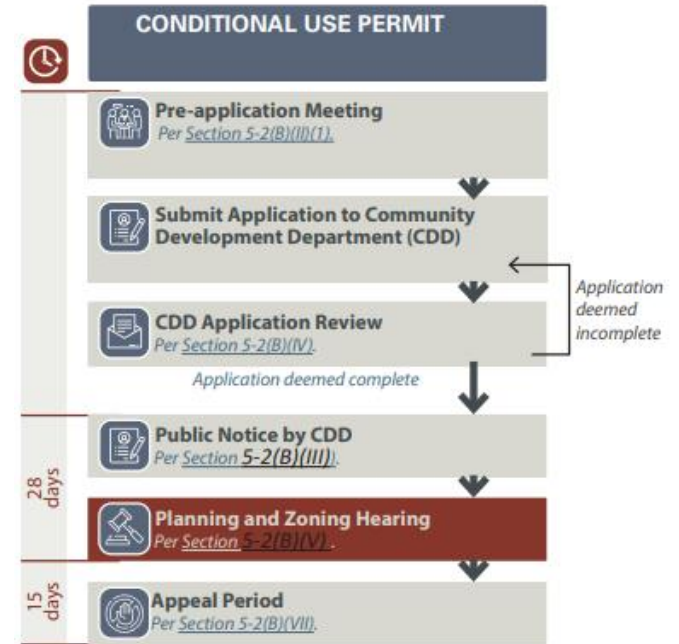


New content

# Quasi-Judicial Procedures

- Pre-application meeting
- May require a neighborhood meeting; minor Zone Map Amendment
- Recommendation from CDD
- Require 1 public hearings at P&Z for final decision
- Appeals to Council

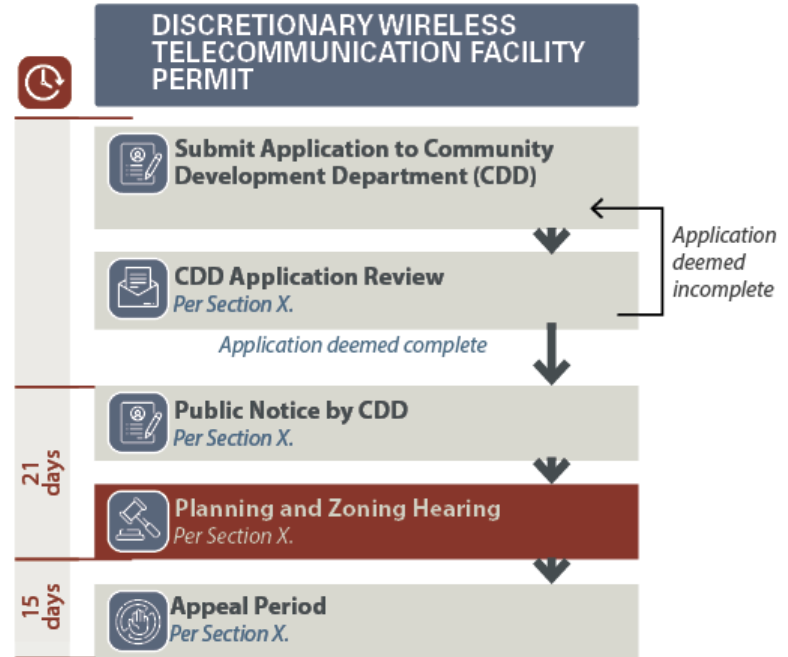
Quasi-Judicial Decisions
Preliminary Plats
Final Plats
Conditional Use Permits
Major Historic Property Alteration Certificate
Variances
Minor Zone Map Amendments
Site Plan Adoption / Major Amendments
Development Plan Adoption / Major Amendments



Article III - General Application Requirements / Article IV - Review Criteria

# Discretionary Wireless Telecommunication Facility Permit

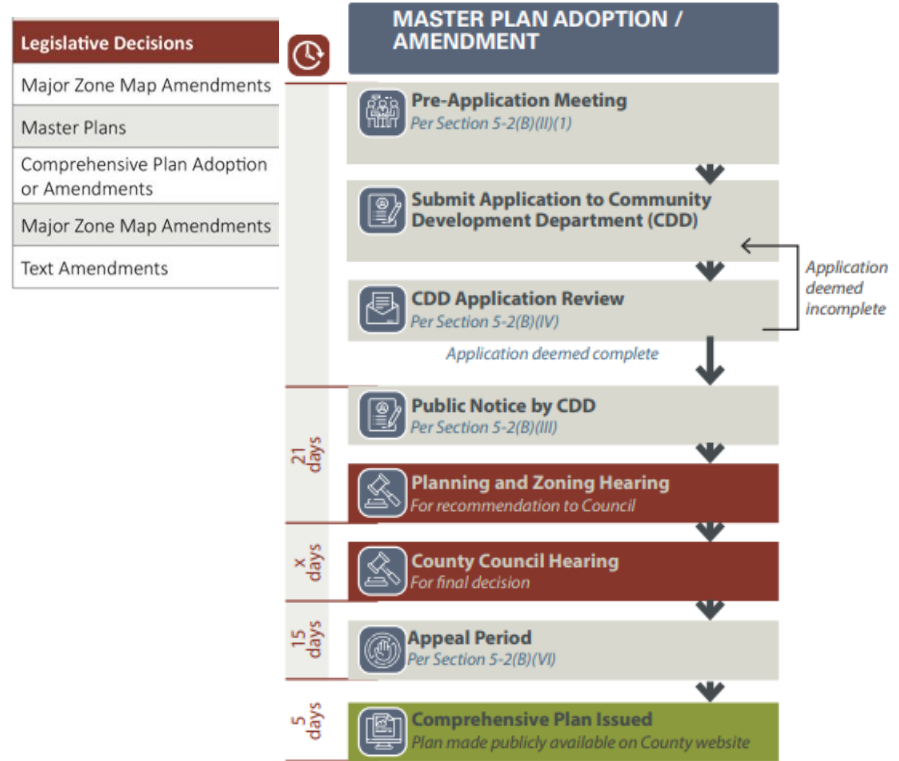
Applicability: A tower or antenna that is not otherwise permitted or administratively approved shall be reviewed by the Planning and Zoning Commission



New content

# Legislative Procedures

- Pre-application meeting
- May require a neighborhood meeting
- Require 2 public hearings; one at P&Z for recommendation and another at Council for final decision
- Appeals to District Court



Article III - General Application Requirements / Article IV - Review Criteria

# Specific Development Procedures Discussion

# Nonconformities

Buildings or activities that were legal when they were built, but that will not comply with the Development Code

## Different Types of “Nonconforming”

1. Lots
2. Use
3. Structure
4. Site features (e.g. parking, landscaping, etc.)

Article VIII - Nonconforming Uses

# Nonconformities

## No Substantial Changes

- Non-conforming lot standards
- Non-conforming use standards
- Non-conforming structure standards

## Changes

- Clarified maintenance and repair
- Added standards for site features such as landscaping, lighting, triggered at 25% increase of GFA



# Construction Improvements

## No substantial changes

- All sections listed to the right

<b>Section 16-5-5 Construction Improvements .....</b>	
5-5(A) Construction Phasing Plan .....	
5-5(B) Notification.....	
5-5(C) Beginning of Construction.....	
5-5(D) Developments with Public Improvements.....	
5-5(E) Developments with Private Improvements.....	
5-5(F) Escrow Agreement.....	
5-5(G) Responsibility for Maintenance .....	
5-5(H) Acceptance.....	
5-5(I) Monuments.....	
5-5(J) General Construction Standards .....	

# Violations, Enforcement, & Penalties

## No substantial changes

- Authority
- Membership
- Responsibilities
- Filing of complaints

## Changes

- Clarified enforcement procedures

**Section 16-5-6 Violations, Enforcement, and Penalties .....**

- 5-6(A) Purpose .....
- 5-6(B) Authority to Enforce .....
- 5-6(C) Review of Zoning Compliance .....
- 5-6(D) Enforcement Procedures .....
- 5-6(E) Penalty For Violation Of Code .....

# Improvement, Violations, Enforcement, & Penalties Discussion