I.6 ZONING – DETERMINING LAND USE

Zoning divides the City of Rio Rancho into zone districts and specifies different sets of rules or development standards for each district, although some requirements will be common to all districts. Zoning district regulations address three basic sets of issues:

1. The permitted use of land and buildings.

2. The intensity of the use expressed as density. In the City's single-family residential districts, density is expressed indirectly through minimum lot sizes.

3. Height, bulk, and other dimensional standards. These standards define, in three dimensions, what portion of a lot can be occupied by buildings.

Through the zoning process, the City ensures compatible land use patterns, minimizes conflicts between uses, protects property values, and enhances the urban environment. The zoning ordinance defines the geographic area contained within the boundaries of zoning districts in the city, regulates the allowable uses within each zoning district, and defines characteristics of the sites (e.g., residential, non-residential, mixed use) designated for those uses.

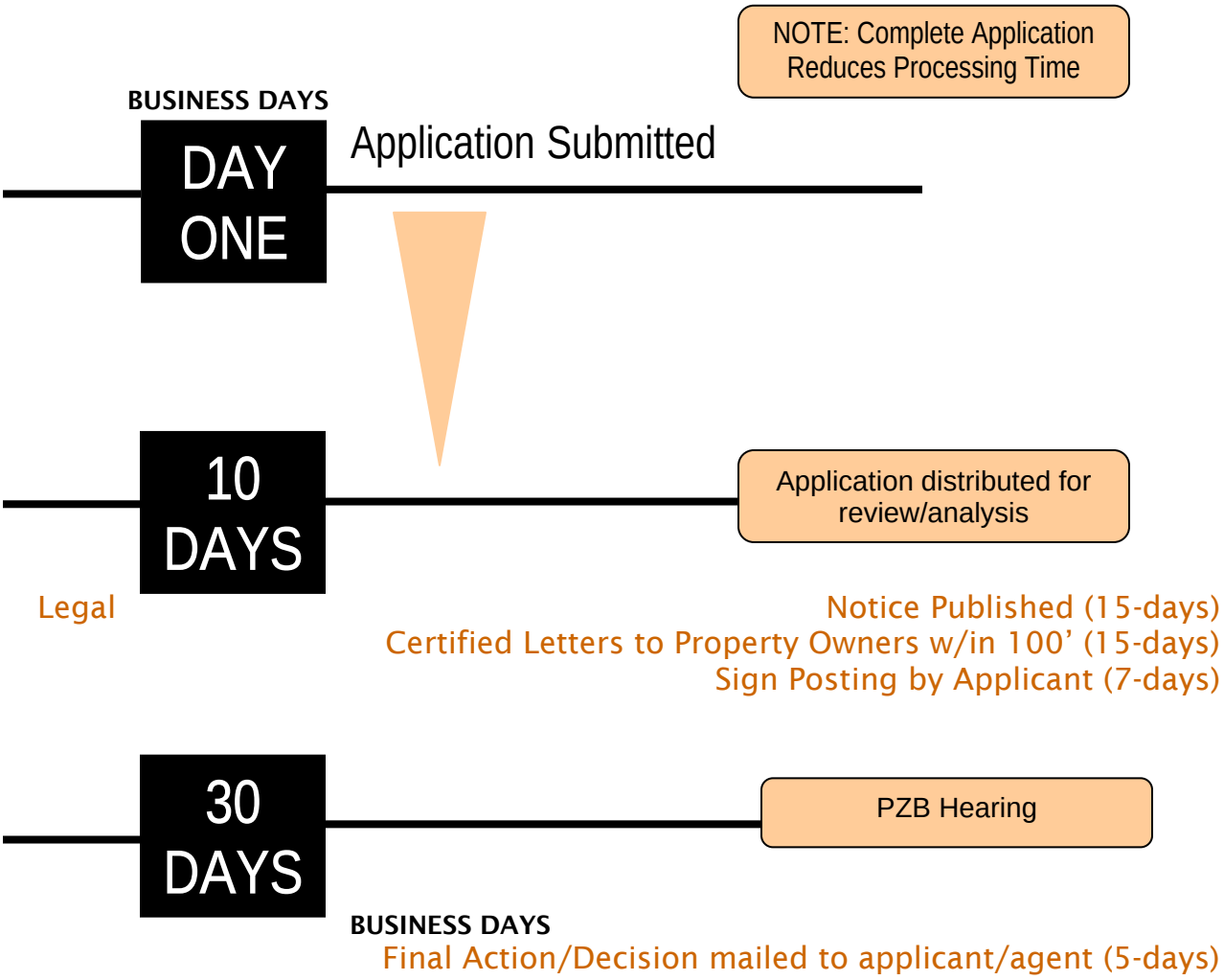
Allowed Uses

When considering the future use of a lot/property, consult the Zoning Map/Atlas either available on line at the City's website or in the DSD. With assistance at the counter, locate the subject property within the pertinent district, consult the "Permissive Uses" section of the Planning and Zoning Code to determine whether your proposed use is allowed within that district. Alternatively, "Conditional Uses" are those uses permitted only after a discretionary review by the Planning and Zoning Board at a public hearing.

Should a proposed use require a conditional use permit, the process on the following page shall apply.

CITY OF RIO RANCHO NEW MEXICO – DEVELOPMENT SERVICES DEPARTMENT

Conditional Use Permit Flow Chart



Conditional Use Permit Application and Checklist

The Conditional Use Permit Application & Checklist may be obtained either from the DSD or on line at http://www.ci.rio-rancho.nm.us.

- ☑ Provide 20 copies of the Completed Application Form, supporting documentation and applicable fee (fewer copies if in digital format).
- ☑ Site Plan must be provided on 11" x 17", at a minimum, for legibility purposes.
- ☑ Site Plan shall include the following information:
  - Location of building(s) in relation to property lines (provide dimensions).
  - Identify adjoining property, abutting streets and north arrow.
  - Graphic illustration to reflect any dimension restrictions, (height and setback).
- ☑ Provide any additional illustrations to detail specifics related to the Conditional Use Permit request.
- ☑ Provide Owner Verification Letter, if applicable.

NOTE: This list is not meant to cover all items but to provide a list of major items required to begin the Conditional Use permitting process.

Zone Change Request

If it is determined that your project or proposed use conflicts with the allowable uses within the existing zoning district, you may apply for a request to change the current zoning of your site to one that will accommodate your use. This change is referred to as a Zone Map Amendment and must be justified as follows [Title XV – Land Usage, Chapter 150 General Provisions]:

1. A rezoning must be consistent with the health, safety, morals, and general welfare of the City.
2. The applicant for a rezoning must provide a sound justification for the rezoning, with the burden of proof being on the applicant to show why the rezoning should be made.
3. The proposal shall generally be consistent with a city's master plan.
4. The applicant must demonstrate that the existing zoning is inappropriate because:
   A. There is an error or mistake or it is necessary to correct an injustice that occurred when the existing zoning map pattern was created.
   B. Changed neighborhood or community conditions justify a rezoning.
   C. A different zoning district is more advantageous to the community.
5. The cost of land or other economic conditions shall not be a determining factor for approval of a rezoning.

6. Location of collector and arterial streets isn't sufficient justification for a rezoning.
7. Spot zoning (the rezoning of one parcel) may be approved when:
   A. The rezoning will clearly facilitate the master plan.
   B. The parcel being rezoned is different from surrounding land because it could function as a transition zone.

Zone Map Amendment Process

Your first step in the zone map amendment process (which is an amendment to the Zoning Ordinance) will be to contact DSD to discuss the nature of your zoning. They will help you explore the feasibility of your request. Your request will be reviewed for its compatibility with the existing land uses, land use plans, zoning patterns, Vision 2020-Integrated Comprehensive Plan & written justification.

Submission of Zone Map Amendment or Special Use Zone Map Amendment (follows same process) application. Certain zone change requests require the submission of a site plan (e.g., Special Use zoning districts) to accompany the Zone Map Amendment. City staff will advise you as to the appropriate submittal requirements to facilitate your request.

Following a review and analysis by City staff and reviewing agencies, a Department recommendation will be prepared in preparation of a Planning and Zoning Board public hearing. Your case will be heard by the Planning and Zoning Board, which will make a recommendation regarding your request to the Governing Body. The Governing Body will decide the final disposition of your zoning request at one of its regularly schedule meetings.

CITY OF RIO RANCHO NEW MEXICO – DEVELOPMENT SERVICES DEPARTMENT

Zone Map Amendment Flow Chart

DRC Meeting Recommended if SU

NOTE: Complete Application Reduces Processing Time. Timeline begins after DRC meeting & comments have been addressed

BUSINESS DAYS

DAY ONE — Application Submitted

Staff has 10 days to determine application is complete

10 DAYS

Applicant has up to 180 days to provide needed information or application will be voided and no fees returned.

Application distributed for review/analysis (15-days)
Publish Legal Notice (15-days)
Certified Letters to Property Owners w/in 100' (15-days)

Site Signage Posting by Applicant (7-days)

PZB Hearing & Recommendation to GB

30 DAYS — GB Hearing

BUSINESS DAYS

Once Zoning has been approved, an ordinance is adopted by the Governing Body.

Zone Map Amendment Application and Checklist

The Zone Map Amendment Application & Checklist may be obtained either from the DSD or on line at http://www.ci.rio-rancho.nm.us.

- ☑ Provide 20 copies of the Completed Application Form, supporting documentation and applicable fee (fewer copies necessary if available in digital format).
- ☑ Location map from the City's Zone Atlas with the current zoning of the property.
- ☑ Site Plan must be provided on 11" x 17", at a minimum, for legibility purposes, if a Special Use zone is being requested.
- ☑ Site Plan shall include the following information [Title XV – Land Usage, Chapter 154 Planning and Zoning]:
    - Scale and north arrow.
    - Lot boundaries and easements.
    - Existing and proposed utilities.
    - Existing and proposed rights-of-way.
    - Proposed structures with uses dimensions, and setbacks.
    - Proposed ingress, egress, parking and circulation.
    - Landscaping and landscape buffers.
    - Elevations.
    - Adjacent property characteristics.
    - Preliminary drainage plan.
- ☑ Provide Owner Verification Letter, if applicable.
- ☑ Provide Water and Wastewater Availability Letter, if applicable.
- ☑ Provide written statement of justification [Title XV – Land Usage, Chapter 150 General Provisions].

NOTE: This list is not meant to cover all items but to provide a list of major items required to begin the zone map amendment process.