ZONING VARIANCE APPLICATION

ALAMOGORDO PLANNING AND ZONING

EG271

pnz@ci.alamogordo.nm.us
1376 E. 9th Street
Alamogordo, NM 88310
575-439-4220

Case #: V - _____ Date Received: _____

Fee: $_____ Receipt #: _____

A. Property address (or location if no address): _____
_____
_____

B. Applicant's name: _____

C. Complete the following table indicating the specific sections of the Zoning Ordinance to which you are seeking variations, what the Zoning Ordinance section requires, and what exception to this regulation you are requesting the City to grant.

Zoning Section	This section requires the following:	I request a variation to allow the following:
_____	_____	_____
_____	_____	_____

D. Municipal Code Section 29-01-070 defines "variance" as "a dispensation permitted by the City of Alamogordo of the dimensional regulations of the Code of Ordinances" provided the City finds that the proposal meets certain circumstance. Please, explain how your variance request meets the following standards.

1. Construction or other activity authorized by the requested variance will not be materially detrimental to the public interest. _____
_____
_____

2. Construction or other activity authorized by the requested variance will not grant a discriminatory benefit to the landowner and/or harm neighboring properties. _____
_____
_____

3. This variance request is owing to conditions peculiar to the property or the neighborhood and is not the result of actions or the situation of the applicant. This is true because of the following. _____
_____
_____

ZONING VARIANCE APPLICATION

4. Owing to the above conditions peculiar to the property or the neighborhood a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico would result in practical difficulties or unnecessary hardship. This is true because of the following. _____
_____
_____

5. I affirm that to the best of my knowledge that construction or other activity authorized by the requested variance will not conflict with any other adopted code, ordinance, statute, regulation, or other restrictions, including covenants or deed restrictions that may limit my use of the subject property. _____
_____
_____

6. The City, after public notice and hearing, may approve variances and may require conditions as will secure substantially the objectives of the regulations varied. Please indicate conditions, if any, that you can suggest that would allow the City to grant your requested variance while at the same time securing substantially the objectives of the regulations. _____
_____
_____

I certify that all the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance are true to the best of my knowledge.

_____ _____
Applicant's signature Date

_____ _____
Applicant's signature Date

GENERAL INFORMATION FORM

ALAMOGORDO PLANNING AND ZONING

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1376 E. 9th Street
Alamogordo, NM 88310
575-439-4220

Case #: _____ Date Received: _____

Property address (or location if no address): _____

_____

_____

Legal description of property: _____

_____

_____

Property ID or Property Code from real estate tax bill: _____

Map Code or Universal Property Code from real estate tax bill: _____

APPLICANT/PROFESSIONAL REPRESENTATIVE INFORMATION:

Applicant's Name /Organization: _____

Applicant's Address: _____

Applicant's City, State, Zip: _____

Applicant's phone: Work_____; Home/Cell: _____; Fax: _____

Applicant's E-mail: _____

What is the relationship of the applicant for zoning relief to the property owner?

❑ same	❑ beneficiary of trust	❑ lessee	❑ architect, engineer or surveyor of property owner
❑ co-owner	❑ officer of corporation	❑ potential lessee	❑ real estate agent of property owner
❑ trust officer	❑ contract purchaser	❑ attorney of property owner	❑ other: _____

PROPERTY OWNER INFORMATION:

Owner's Name/Organization: _____

Owner's Address: _____

Owner's City, State, Zip: _____

Owner's phone: Work_____; Home/Cell: _____; Fax: _____

Owner's E-mail: _____

- You will need to provide proof of ownership and standing, such as a title insurance policy or deed or lease, linking the applicant to the owner and the owner to the property.
- If the applicant is not the property owner, we require a consent statement from the property owner.

GENERAL INFORMATION FORM

I am requesting the following type of review:

❑ Map Amendment Unconditional (§29-01-020)	❑ Text Amendment (§29-01-020)	❑ Appeal of Administrative Decision (§29-08)
❑ Variance P & Z hearing (§29-01-070)	❑ Special Event Permit (§29-01-090)	❑ Special Land Use Permit (§29-05-040)
❑ Temporary Structure Special Permit (§8-01-170)	❑ Preliminary Plat (§22-01-030)	❑ Final Plat (§22-01-050)
❑ Exempted Subdivision (§22-01-180)	❑ Mobile Home Park Development Plan (§25-02)	❑ other: _____ _____

Describe below, or on an attachment, the development, use, or project that is the subject of your request.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance are true to the best of my knowledge.

_____
Applicant's signature Date

_____
Applicant's signature Date

_____
Applicant's signature Date

PROPERTY OWNERSHIP DATA/AFFIDAVIT

ALAMOGORDO PLANNING AND ZONING
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Case #: _____ Date Received: _____

The Alamogordo Municipal Code allows real property owners or their agents to apply for authorization for certain activities that require extraordinary approval. This form is a self-certification that the applicant has the standing to apply for the following specific applications. Please, reference the Municipal Code section numbers indicated for further information regarding the type of extraordinary approval.

1. Zoning Amendment (§29-01-020) - The owners of a tract of land or the agent of the owners may petition for an amendment to the zoning map or text.

2. Variances (§29-01-070) - The owners of a majority of a tract of land or the agent of these owners may petition for a variance to the requirements of Municipal Code, Chapter 29, Zoning.

3. Special event permit (§29-01-090) - All owners of a subject property must sign an application for the temporary location of a land use at a location otherwise prohibited by Municipal Code, Chapter 29, Zoning.

4. Special land use permit (§29-05-040) - The owners of a tract of land or the agent of the owners may petition for authorization to locate any of the buildings or uses listed in §29-05-040 in a district from which they are otherwise prohibited.

5. Annexation (§2-07-010) - The owners of the majority of an area considered for annexation must sign an annexation petition.

6. Special permit for temporary structures (§8-01-170) - The owners of a tract of land or the agent of the owners may petition for a special permit for certain temporary structures.

Please, check the boxes that apply.

❑ Title is held in one person's name.	❑ Title is held by one or more persons.	❑ Title is held by a married person as a separate property.	❑ Title is held by married persons in common or jointly.

PROPERTY OWNERSHIP DATA/AFFIDAVIT

❑ Title is held by a corporation.	❑ Title is held by a partnership.	❑ Title is held by some other type of business entity, described as follows _____ _____ _____
❑ Title is held by another party. I am the agent of that party. I have provided an acknowledged power of attorney from the owner.		

Property address (or location if no address): _____

_____

Property ID or Property Code from real estate tax bill: _____

Map Code or Universal Property Code from real estate tax bill: _____

CERTIFICATION

Legal description of property: (Use an attached sheet if needed and check, ☐ See Attachment.)

_____

_____

I certify that I am the owner of the above legally described property.

Owner's Signature:			
Owner's Name (print):			
Date:			

OWNERSHIP BY INDIVIDUAL(S)

State of New Mexico)

) ss.

County of Otero)

PROPERTY OWNERSHIP DATA/AFFIDAVIT

The foregoing document was subscribed and sworn to before me this ____ day of _____ 20___ , by (Owner/s) , _____, _____, who stated that the information contained therein is true and correct to the best of the Owner's knowledge.

My commission Expires: Notary Public:

_____ _____

OWNERSHIP BY CORPORATION

State of New Mexico)

) ss.

County of Otero)

The foregoing document was subscribed and sworn to before me this ____ day of _____ 20____, by (Name) , who stated that s/he is the (Title) _____ of the (Owner) _____ and that s/he is authorized to sign this document on Owner's behalf and who further states that the information contained in the foregoing document is true and correct to the best of the Owner's knowledge.

My commission Expires: Notary Public:

_____ _____

- ☞ You will need to provide proof of ownership and standing, such as a title insurance policy or deed or lease, linking the applicant to the owner and the owner to the property.
- ☞ If the applicant is not the property owner, we require a consent statement from the property owner.

LAND USE FEE SCHEDULE

(Effective January 1, 2019)

ALAMOGORDO PLANNING AND ZONING

ANNEXATION: At the time of filing a petition for annexation to the City of Alamogordo, the petitioner shall pay the City a non-refundable filing fee of $600.00 to cover the costs of publication, recordation, and other expenses. [Sec. 2-01-030(a) & Sec. 2-01-030(a) (2), Code of Ordinances].

CERTIFICATE OF ZONING: At the time of filing a request for a certificate of zoning classification (include the full legal description and street address of the property plus any special circumstances), the applicant shall pay the City a non-refundable fee of $50.00 for each parcel being certified to cover the cost of reproduction, mailing, and other expenses. [Sec. 2-01-030(j), Code of Ordinances].

CHANGE OF STREET NAME: At the time of filing an application to change the name of a street, the applicant shall pay the City a non-refundable filing fee of $150.00 to cover the costs of publication, administration, and other expenses. If the application is approved by the City Commission, the applicant shall pay an additional non-refundable fee of fifty dollars ($50.00) for each intersection of the street, the name of which is changed, within thirty (30) days after approval. Failure to pay the additional fee will result in the automatic revocation of approval by the City Commission. [Sec. 2-01-030(b), Code of Ordinances].

DEDICATION: At the time of filing any application for acceptance of any dedication of any utility or other public easement, the applicant shall pay the City a non-refundable filing fee of $300.00 for each easement dedicated to cover the costs of publication, recordation, and other expenses. Street dedications shall be processed as subdivisions and fees paid as noted in Section 2-01-030(f). [Sec. 25-15(a), Code of Ordinances].

MOBILE HOME/MANUFACTURED/PARK MODEL/RECREATION PARK – DEVELOPMENT PLAN: Before any mobile home park or recreational park is established and at least 30 days before the Planning and Zoning Commission meeting at which the plan is to be considered, the applicant shall pay the City a non-refundable filing fee of $600.00 to cover the costs of administration and other expenses. [Sec. 25-15(a), Code of Ordinances, Ordinance 1164, 11-12-02].

PUBLIC HEARING DEFERMENT: When an applicant requests a postponement of a public hearing for which publication has already been completed, the applicant shall reimburse the City for actual costs incurred for re-notification and/or publication. City Commission action on any public hearing item shall not be final until payment in full has been made to the City. Non-payment will result in a lien being filed against the property by the City. [Sec. 2-01-030(k), Code of Ordinances].

SPECIAL EVENT PERMIT: At the time of filing an application for a special event permit, within a zone district that does not allow the proposed use, the applicant shall pay the City a non-refundable filing fee of $250.00 to cover the costs of publication, administration, and other expenses. [Sec. 2-01-030(i), Code of Ordinances].

SUBDIVISIONS: Applicants for approval of subdivisions shall pay a non-refundable filing fee to the City to cover the costs of publication, administration, and other expenses in the following amounts:

Type of Procedure	Amount
Final/re-plat/re-subdivision review	$250.00 plus $5.00 per lot
Certificate of survey	$ 25.00

LAND USE FEE SCHEDULE

(Effective January 1, 2019)

Summary subdivision.....$ 200.00 plus $5.00 per lot

(Existing or resulting lot, whichever is greater)

[Sec. 2-01-030(f) & Chapter 22, Code of Ordinances].

VACATION: At the time of filing an application to vacate any plat or easement in whole or in part, the applicant shall pay the City a non-refundable filing fee of $250.00 to cover the costs of publication, administration, and other expenses. [Sec. 2-01-030(g), Code of Ordinances].

VARIANCE: At the time of filing an application for a variance from the strict application of the zoning regulations, the applicant shall pay the City a non-refundable filing fee of $300.00 to cover administration and other expenses and a deposit of $50.00 to cover the costs of publication. [Sec. 2-01-030(h) & Sec. 21-02-130(c), Sec. 29-01-070, & Sec. 29-01-080, Code of Ordinances].

VIOLATION CORRECTION FEE: At the time of filing an application to correct a situation where work began before an approved permit was issued or for any work altered contrary to adopted code after a permit was legally issued (to include but not limited to special land use, temporary structure, variance, and/or rezoning cases) a non-refundable fee in the amount of ten (10) times the standard for the type of case will be due and payable to the City at the time that a corrective application is submitted. [Sec. 2-01-030(l), Code of Ordinances].

ZONING/REZONING: At the time of filing an application for zoning, the applicant shall pay the City a non-refundable filing fee for each district change requested to cover the costs of administration and other expenses, as follows:

Less than ½ acre: $500.00

½ acre to less than five acres: $515.00 for the first acre, plus $5.00 for each additional acre or portion

5 acres to less than 20 acres: $575.00 for the first 5 acres, plus $10.00 for each additional acre or portion

20 acres or more: $825.00 for the first 20 acres, plus $5.00 for each additional acre or portion.

And a $200.00 Deposit to cover the cost of publication.

[Sec. 2-01-030(c) & Sec. 29-01-020, Code of Ordinances].

For more information or questions regarding Land Use fees, please contact the Planning & Zoning Department at (575)439-4220.