

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING AGENDA****Wednesday, August 1st, 2018, 6:00 p.m.
City Hall Council Chambers**

*** Call to Order / Roll Call

PUBLIC HEARINGS

ITEM ONE: The City of Gallup Planning and Zoning Commission will hold a work session in order to review the final version of the update to the Gallup Land Development Standards. The meeting will focus on reviewing the thresholds pertaining to pedestrian infrastructure. The general public is encouraged to attend.

INFORMATION ITEMS

*** Open Floor

*** Adjourn

Updated

Land Development Standards

Section 10-5-B-c-i Building Permits

- k. Appeals from the council decision may be taken to district court as provided in New Mexico Statutes Annotated section 3-21-9, 1978, as amended, or successor legislation. (Ord. C99-5, 9-28-1999)

10-5-B-b-iv Reapplications

- 1. Once an application for an amendment to this title has been duly advertised for a public hearing and has been withdrawn by the applicant or has been disapproved by the Planning and Zoning Commission or the City Council, another application with essentially the same request shall not be heard until one year has elapsed from the date of the initial advertised public hearing or the date of final action by the Planning and Zoning Commission or the council.
- 2. In the case of applications which are withdrawn prior to general advertising or the sending out of individual due public notice, such an application shall not prejudice the filing of another application with the same request.

10-5-B-c Administrative Procedures

10-5-B-c-i Building Permits

- 1. **Applicability:** Building Permits are required for all new construction, additions or improvements of residential and non-residential structures.
- 2. **Exceptions:** No building permit shall be required for construction of any nonstructural remodel with a building project valuation less than seven thousand two hundred dollars (\$7,200.00) subject to the following limitations:
 - a. Homeowners must complete waiver forms provided by the city planning department which contain the following information:
 - i. *Name and address of property owner.*
 - ii. *Brief description of scope of work.*
 - iii. *Valuation of improvements.*
 - iv. *Acknowledgement by the homeowner that no inspections or acceptance of work will be conducted by the city.*

- b. If persons are hired, the homeowner shall be required to furnish a list of all employees, subcontractors, laborers, etc., and furnish proof of workers' compensation insurance.
- c. All nonresidential remodels shall be performed by a New Mexico licensed contractor.
- d. No element that is considered to be a health or safety concern shall be eligible for the herein described building permit waiver, such determination to be made by the building and zoning official.

3. Building Permit Procedures Applications

- a. Applications for building or grading permits shall be filed with the planning department along with the payment of necessary charges as fixed from time to time by the City Council through resolution with due public notice.
- b. The application for a permit shall include any information listed below which is relevant to the type and scope of the development and any other information required to ascertain compliance with other applicable sections of this chapter, subdivision regulations as well as the municipal building code³⁷⁵.
 - i. *Statement of ownership of the subject property and the names and addresses of the applicant, owner of the property, any architects, professional engineers or prime building contractors working on the proposed development.*
 - ii. *Address of the subject property.*
 - iii. *Current zoning designation of the subject property.*
 - iv. *Legal description of the subject property accompanied by a property survey, or a site plan for a single--family residence, drawn to scale, which shows the actual shape and dimensions of the property, any existing street rights of way and easements, buildings and any water impacted areas such as river or stream channels, lakes, ponds, wetlands, floodways, arroyos and the 100-year floodplain.*

- v. *A site or plot plan containing the title of the project, its date and scale, a north arrow, and illustrating the location of all proposed buildings and structures, access and traffic flow, off street parking and off street loading areas, recreational facilities, landscaped buffers and screening, refuse collection areas, proposed utilities, and existing and proposed topography at five (5) foot contour intervals, except that in cases where the slope is less than two (2) feet in twenty (20) feet, a two(2) foot contour interval shall be used. All areas with a slope of more than thirty (30) percent and all water impacted areas shall be clearly identified on the site plan.*
- vi. *Figures on total site acreage, the acreage of the site lying within resource protection areas or right of way easements, project residential density based upon the gross developable area of the site, the total acreage devoted to each permitted use and the percentage of building lot coverage, when applicable.*
- vii. *The intended use(s) for each proposed building or structure. Also, the number and types of dwelling units for proposed residential buildings and the gross floor area or gross leasable floor area, and the number of employees and other similar information for proposed nonresidential buildings which is needed for determining the required number of off street parking spaces.*
- viii. *The minimum number of off street parking and loading spaces required by this title, and how that number was calculated, as well as the actual number of off street parking and loading spaces being proposed.*
- ix. *Proposed arrangements for the maintenance of common open space areas and facilities, if these are to be provided. (Ord. C99-5, 9-28-1999)*
- x. *"Pedestrian infrastructure" shall be defined as concrete curb and gutter, sidewalks, drive pads and handicap ramps constructed within public rights of way.*
 - 1) *Guidelines: These guidelines are the minimum acceptable standards and shall apply to all public and private property in the following circumstances:*
 - (a) *All new construction within residential and all other nonresidential zoning districts shall require pedestrian infrastructure along the entire frontage to be installed prior to issuance of a certificate of occupancy. (Ord. C2004-17, 12-14-2004)*
 - (b) *On vacant lots where there is existing non-compliant pedestrian infrastructure and new construction takes place, the non-compliant pedestrian infrastructure shall be removed and replaced with compliant pedestrian infrastructure. The engineering department shall make the determination whether the existing pedestrian infrastructure is compliant or non-compliant.*
 - (c) *Additions, renovations or aboveground structural modifications to existing buildings with project valuation less than fifty thousand dollars (\$50,000.00) shall be exempt from installation of pedestrian infrastructure.*
 - (d) *Additions, renovations or aboveground structural modifications to existing buildings with a project valuation equal to or greater than fifty thousand dollars (\$50,000.00), up to twenty (20) percent of the project valuation, is required for improving pedestrian infrastructure. Cost of pedestrian infrastructure shall be excluded when calculating the project valuation. When determining installation of pedestrian infrastructure, the following priority ranking shall be utilized until the twenty percent (20%) project valuation has been met:*
 - (e) *Handicap ramps.*
 - (f) *Deteriorated curb and gutter. (For those geographic areas where curb and gutter does not exist, pedestrian improvements are deferred until city reconstruction of the roadway. Then the property owner will be financially responsible for the prorated cost of the pedestrian improvements.)*
 - (g) *Sidewalk gaps.*

- (h) *Tripping hazards.*
 - (i) *Surface spalling.*
 - (j) *Driveway intersection setback. (Ord. 2012-11, 11-27-2012)*
 - (k) *Public and private obstructions and appurtenances, i.e., fire hydrants, power and light poles, mailboxes, etc., shall be maintained outside the pedestrian infrastructure.*
 - (l) *Administration and enforcement of above shall be delegated to the city engineer with appeal to the Planning and Zoning Commission in accordance with section 10-4L-2 of this chapter.*
 - (m) *Where it can be shown that strict compliance with the requirements of these regulations cannot be met due to unavailability of sufficient land, a variance may be sought in accordance to Section 10-5-B-d-ii Variance Procedures of this chapter. (Ord. C2004-17, 12-14-2004; amd. Ord. 2014-3, 9-23-2014)*
- xi. *Building floor areas and elevations drawn to scale.*
 - xii. *Plans for signs, if applicable.*
 - xiii. *A screening and/or landscaped buffer plan meeting the requirements of Section 10-4-C-d-vii of this chapter, if so required by this title.*
 - xiv. *Any additional information deemed necessary by any reviewing official or deemed appropriate by the applicant.*
- c. In instances where some of the above items are not relevant to a particular permit application, the item may be waived by the reviewing official. Topographic surveys will not be required for permit applications involving a single lot intended for the use of a single family, two family or mobile home dwelling.
 - d. Additional approvals which may be required for development, improvement or maintenance of property include, but are not limited to, Paving or Right-of-Way Permits.
- e. Permit applications along with the accompanying documentation shall be reviewed by the appropriate city staff and such review shall be concluded within thirty (30) days of the filing of the permit application.
 - i. *If the permit application is denied, the applicant shall be given written notice, with the reasons stated for the denial, and such notification shall be signed and dated by the notifying official.*
 - ii. *A record of all building or grading permit applications and their accompanying documentation shall be kept in the office of the planning department. Issued permits shall be posted by the applicant or his agent in a conspicuous place while construction or grading activities are going on.*
 - f. Every building or grading permit issued shall become invalid unless work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) consecutive months after the work is commenced; provided, for cause, one or more extensions of time not to exceed ninety (90) days each may be allowed, and such extensions shall be in writing by the planning department.
 - g. It shall be unlawful to use or occupy, permit the use or occupancy, or change the use of any premises until a certificate of occupancy has been issued by the planning department. A record of all certificates of occupancy shall be kept on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.
 - h. Permits or certificates of occupancy issued on the basis of applications approved by the building inspector authorizing only the use, arrangement or construction set forth in them and permit no other use, arrangement or construction. Any use, arrangement or construction varying from the approved application shall be deemed a violation of this title and shall give rise to the remedies provided herein. (Ord. C99-5, 9-28-1999).

Current

Land Development Standards

Section 10-4M-1 Administrative Authority & Enforcement
&
Section 10-4M-2 Permit Administration

10-4M-1: ADMINISTRATIVE AUTHORITY AND ENFORCEMENT

- A. **General Authority And Duties:** The planning department shall have the authority and duty of interpreting, administering and enforcing this title. The planning department is authorized to obtain assistance in the performance of these duties from other city departments, in accordance with the wishes of the city manager.
- B. **Zoning Compliance And Issuance Of Permits:** No building permit, certificate of occupancy, grading permit, business license permit or other permit shall be issued by the city unless the provisions of this title have been met.
1. In order to ensure such compliance, the planning department shall review all applications for such city permits or certificates to ascertain their compliance with this title and shall so certify, in writing, with a dated signature on the permit or with other accompanying documents.
 2. If certification of zoning compliance is denied, the official making such a determination shall state, in writing, the reasons for the denial and shall sign and date such a denial.
 3. Any permit or certificate issued by the city in conflict with the provisions of this title shall be null and void.
- C. **Authority To Inspect Premises:** Whenever necessary to make an inspection to enforce any of the provisions of this title, the planning department may enter such buildings or premises at all reasonable times to inspect the same or to perform any duty imposed upon the city by this title; provided, that if such building or premises be occupied, the inspector shall first present proper credentials and demand entry; and, if such building or premises be occupied, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.
1. If entry is refused, the city manager shall proceed to obtain a search warrant by filing a complaint made before the magistrate court or district court upon oath or affirmation.
 2. The complaint shall:
 - a. Set forth the particular building, premises, or portion thereof sought to be inspected;
 - b. State that the owner or occupant of the building, premises or portion thereof has refused entry;
 - c. State that the inspection of the building, premises, or portion thereof is necessary to determine whether it complies with the requirements of this title;
 - d. Set forth the particular provisions of this title sought to be enforced;
 - e. Set forth any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the building, premises or portion thereof which constitutes a violation of this title; and

f. State that the city manager or assisting city staff is authorized by the city to make the inspection.

3. Each inspector shall be furnished with an identification card signed by the city manager and mayor indicating his authority and must present same to the magistrate court and district court for the purpose of this subsection and to other persons when requested to do so during the performance of his duty.

4. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the city manager or assisting city staff for the purpose of inspection and examination pursuant to this title.

D. Administrative Adjustments And Interpretations: The planning department shall, at the request of any property owner and upon the applicant's payment of applicable charges, if any, provide written interpretation of ordinance provisions and consider minor adjustments to zoning requirements.

1. Interpretation: The applicant shall indicate, in writing, the specific provision or provisions of these land development standards for which clarification is sought. The department shall, within thirty (30) days, respond with a policy memorandum addressing the specified provision(s).

2. Administrative Adjustment: The department may grant relief from otherwise applicable standards of measurement required by these land development standards to an extent not exceeding ten percent (10%) of the requirement. Such adjustment shall in no case allow increases in development density or intensity by way of affecting lot area. The department shall respond with a written decision within thirty (30) days of the applicant's filing of adjustment request.

3. Appeals: The provisions of section [10-4L-2](#) of this chapter shall apply to any appeal from decisions rendered under these procedures. (Ord. C99-5, 9-28-1999)

10-4M-2: PERMIT ADMINISTRATION:

A. Permits Required For Development: No building or structure shall be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a building permit issued by the building inspector; except however, mobile homes, mobile offices and portable storage structures accessory to residential dwellings shall not require a building permit but shall require compliance with all applicable provisions of this title. No land shall be graded or excavated in preparation for development (but excluding preparation of surface soil for farming, gardening or finished landscaping) without a grading permit issued by the planning department.

B. Building Permit Applications: Applications for building or grading permits shall be filed with the planning department along with the payment of necessary charges as fixed from time to time by the city council through resolution with due public notice.

1. The application for a permit shall include any information listed below which is relevant to the type and scope of the development and any other information required to ascertain compliance with other applicable sections of this chapter, subdivision regulations as well as the municipal building code.

a. Statement of ownership of the subject property and the names and addresses of the applicant, owner of the property, any architects, professional engineers or prime building contractors working on the proposed development.

b. Address of the subject property.

c. Current zoning designation of the subject property.

d. Legal description of the subject property accompanied by a property survey, or a site plan for a single-family residence, drawn to scale, which shows the actual shape and dimensions of the property, any existing street rights of way and easements, buildings and any water impacted areas such as river or stream channels, lakes, ponds, wetlands, floodways, arroyos and the 100-year floodplain.

e. A site or plot plan containing the title of the project, its date and scale, a north arrow, and illustrating the location of all proposed buildings and structures, access and traffic flow, off street parking and off street loading areas, recreational facilities, landscaped buffers and screening, refuse collection areas, proposed utilities, and existing and proposed topography at five foot (5') contour intervals, except that in cases where the slope is less than two feet (2') in twenty feet (20'), a two foot (2') contour interval shall be used. All areas with a slope of more than thirty percent (30%) and all water impacted areas shall be clearly identified on the site plan.

f. Figures on total site acreage, the acreage of the site lying within resource protection areas or right of way easements, project residential density based upon the gross developable area of the site, the total acreage devoted to each permitted use and the percentage of building lot coverage, when applicable.

g. The intended use(s) for each proposed building or structure. Also, the number and types of dwelling units for proposed residential buildings and the gross floor area or gross leasable floor area, and the number of employees and other similar information for proposed nonresidential buildings which is needed for determining the required number of off street parking spaces.

h. The minimum number of off street parking and loading spaces required by this title, and how that number was calculated, as well as the actual number of off street parking and loading spaces being proposed.

i. Proposed arrangements for the maintenance of common open space areas and facilities, if these are to be provided. (Ord. C99-5, 9-28-1999)

j. "Pedestrian infrastructure" shall be defined as concrete curb and gutter, sidewalks, drive pads and handicap ramps constructed within public rights of way.

Guidelines: These guidelines are the minimum acceptable standards and shall apply to all public and private property in the following circumstances:

(1) All new construction within residential and all other nonresidential zoning districts shall require pedestrian infrastructure along the entire frontage to be installed prior to issuance of a certificate of occupancy. (Ord. C2004-17, 12-14-2004)

(2) Additions, renovations or aboveground structural modifications to existing buildings with a project valuation less than fifty thousand dollars (\$50,000.00) shall be exempt from installation of pedestrian infrastructure.

(3) Additions, renovations or aboveground structural modifications to existing buildings with a project valuation equal to or greater than fifty thousand dollars (\$50,000.00), up to twenty percent (20%) of the project valuation, is required for improving pedestrian infrastructure. Cost of pedestrian infrastructure shall be excluded when calculating the project valuation. When determining installation of pedestrian infrastructure, the following priority ranking shall be utilized until the twenty percent (20%) project valuation has been met:

(A) Handicap ramps.

(B) Deteriorated curb and gutter. (For those geographic areas where curb and gutter does not exist, pedestrian improvements are deferred until city reconstruction of the roadway. Then the property owner will be financially responsible for the prorated cost of the pedestrian improvements.)

(C) Sidewalk gaps.

(D) Tripping hazards.

(E) Surface spalling.

(F) Driveway intersection setback. (Ord. 2012-11, 11-27-2012)

(4) Public and private obstructions and appurtenances, i.e., fire hydrants, power and light poles, mailboxes, etc., shall be maintained outside the pedestrian infrastructure.

(5) Administration and enforcement of above shall be delegated to the city engineer with appeal to the planning and zoning commission in accordance with section [10-4L-2](#) of this chapter.

(6) Where it can be shown that strict compliance with the requirements of these regulations cannot be met due to unavailability of sufficient land, a variance may be sought in accordance to section [10-4L-3](#) of this chapter. (Ord. C2004-17, 12-14-2004; amd. Ord. 2014-3, 9-23-2014)

k. Building floor areas and elevations drawn to scale.

l. Plans for signs, if applicable.

m. A screening and/or landscaped buffer plan meeting the requirements of subsection [10-4C-2G](#) of this chapter, if so required by this title.

n. Any additional information deemed necessary by any reviewing official or deemed appropriate by the applicant.

Subsections B1d, e, i, j and k of this section shall be prepared by a registered surveyor, professional engineer, architect, practicing attorney or land planner, as may be appropriate to the particular item.

2. In instances where some of the above items are not relevant to a particular permit application, the item may be waived by the reviewing official. Topographic surveys will not be required for permit applications involving a single lot intended for the use of a single-family, two-family or mobile home dwelling.

3. Permit applications along with the accompanying documentation shall be reviewed by the appropriate city staff and such review shall be concluded within thirty (30) days of the filing of the permit application.

a. If the permit application is denied, the applicant shall be given written notice, with the reasons stated for the denial, and such notification shall be signed and dated by the notifying official.

b. A record of all building or grading permit applications and their accompanying documentation shall be kept in the office of the planning department. Issued permits shall be posted by the applicant or his agent in a conspicuous place while construction or grading activities are going on.

C. Expiration Of Building And Grading Permits: Every building or grading permit issued shall become invalid unless work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) consecutive months after the work is commenced; provided, for cause, one or more extensions of time not to exceed ninety (90) days each may be allowed, and such extensions shall be in writing by the planning department.

D. Certificates Of Occupancy: It shall be unlawful to use or occupy, permit the use or occupancy, or change the use of any premises until a certificate of occupancy has been issued by the planning department. A record of all certificates of occupancy shall be kept on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.