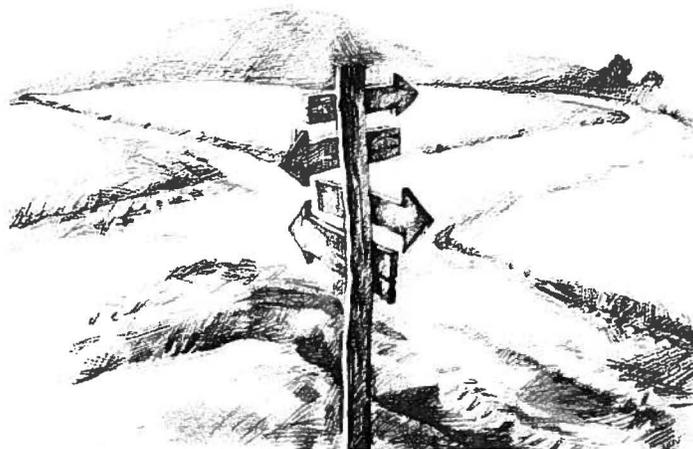


REZONING



OR

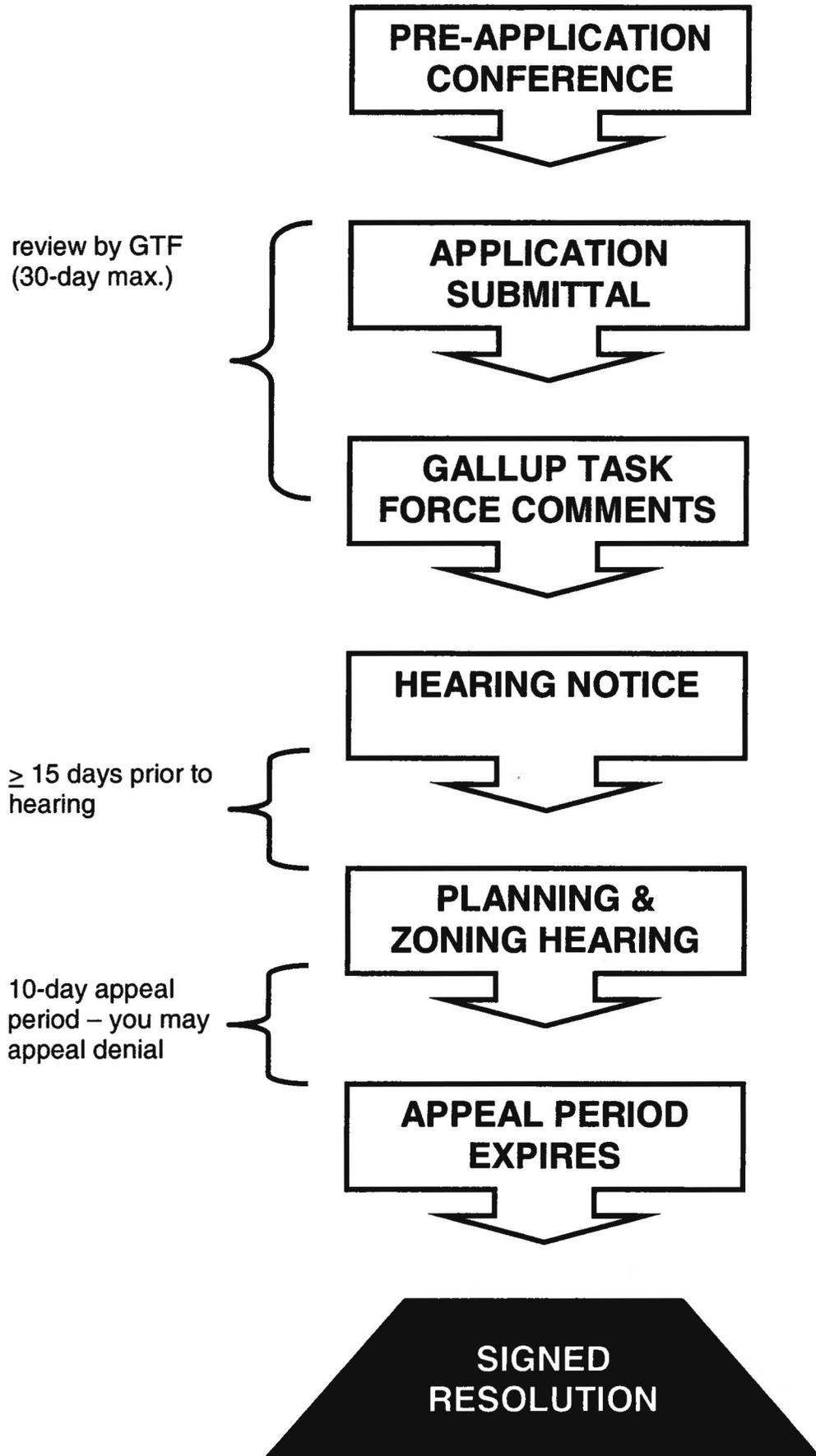
**Changing Which Uses and Specific Requirements
May be Placed on Your Land**



CITY OF GALLUP, NEW MEXICO

March 2011

THE REZONING PROCESS



INTRODUCTION –REZONING

Rezoning requests are a process whereby the zoning designation of land may be changed by the Planning & Zoning Commission. For example, property zoned residential may be changed to a commercial zoning district (“upzoning”). The opposite (“downzoning”) may also occur.

Rezoning of land in Gallup must be done by Resolution, approved by the Planning & Zoning Commission. The Planning Department makes a recommendation to the Planning & Zoning Commission. The Planning & Zoning Commission decides what action should be taken on a rezoning request.

GROUND FOR REZONING (§ 10-4K-2(A))

1. There was a mistake in the original mapping of the district for a particular area and the proposed amendment would correct this mistake. In most instances, a mistake would imply that the zoning district which was applied originally did not correspond well to the character of the existing land use in the area.
2. The exact location of a particular zoning district boundary is obscure or irrational or severs a lot area into two (2) or more zoning districts so that it is difficult to develop the lot area properly.
3. Due to changing circumstances of land use in the area, the proposed zoning district would be better suited to the area than the existing zoning district.
4. The land area within a rural holding zone designation has become appropriate for urban development as a result of availability of public utilities and services as well as the needs of the public.
5. The social, economic or environmental interests of the general public good would be better served by the proposed zoning district than the existing one.
6. The proposed change in zoning district boundaries is needed to bring the official zoning map into conformance with changes in the text of this title or with the city master plan.

THE REZONING PROCESS

First: Meet with the Planning Department. Share the merits of your proposed rezoning.

Second: Prepare the rezoning request application. Submit the application by the second Friday of the month. Include the following:

1. Your name, address, telephone number, signature and date. (also for property owner if different)
2. The legal description of the property involved in the request.
3. The current zoning designation of the property and requested zoning designation for the property.
4. A written statement indicating upon which of the acceptable grounds the rezoning request is based.
5. Any additional information deemed necessary.
6. Pay your processing fee at this time. The fee is \$150.00 for an acre or less, plus \$25.00 for each additional acre.

Third: the Planning Department notifies adjacent property owners and gives notice of a public hearing in the newspaper. It also prepares a recommendation for the Planning & Zoning Commission.

Fourth: the Planning & Zoning Commission conducts a public hearing on the request and makes a decision.

Fifth: should the Planning & Zoning Commission deny your request, you have ten (10) days from the date of the Planning & Zoning Commission decision to file your Notice of Appeal with the City Clerk for City Council consideration.

IMPORTANT POINTS TO REMEMBER:

1. A rezoning request has a fee for processing. The fee is \$150.00 for one (1) acre or less plus \$25.00 for each additional acre. This fee must be paid as part of the application.
2. There is one (1) public hearing: before the Planning & Zoning Commission. If you want your request to be heard, **you must be present.** If you or your representative(s) are not present, the request will not be heard.
3. Rezoning your property to Planned Mixed-Use (PMU) may require an accompanying Master Plan (depending on acreage) and a separate Regulating Plan submittal. (§ 10-4B-6(B))
4. Once a rezoning request has been advertised for public hearing, if it is withdrawn or denied, **you may not reapply for essentially the same request for a period of one year** from the original hearing date or the Board's final decision. (§ 10-4K-2(H))

COMMON PROBLEMS WITH REZONING REQUESTS AND HOW TO AVOID THEM:

Neighborhood Opposition: Talk with your neighbors about your rezoning request. Keep them informed.

Payment of Fee: Payment only guarantees that the request will be processed, it does not mean approval.

Lack of Information: If you have any questions or concerns, please express them.

Submittal Deadline: **There is a deadline on the second Friday of each month** to accept rezoning requests for the Planning & Zoning Commission meeting the following month. Be sure to have your request in early.

USEFUL CONTACT INFORMATION:

**Planning Department
P.O. Box 1270
Gallup, New Mexico 87305
863-1240**

TO OBTAIN THE LEGAL DESCRIPTION AND OWNER OF RECORD:

**McKinley County Assessor's Office
P.O. Box 70 / 201 W. Hill Avenue
Gallup, New Mexico 87301
863-3032**

**APPLICATION FOR REZONING
(ZONE CHANGE)**

AMENDMENTS TO THE OFFICIAL ZONING MAP OR TEXT OF THE ZONING ORDINANCE ARE INITIATED BY APPLICATION TO THE CITY ON PRESCRIBED FORMS. EACH APPLICATION FOR ANY AMENDMENT TO THE OFFICIAL ZONING MAP MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN, SITE PLAN, BUILDING DEVELOPMENT PLAN, SKETCH PLAN, PROGRAM OR DEVELOPMENT, OR OTHER RELATED MATERIAL AND INFORMATION AS REQUIRED BY THE CITY. AFTER AN APPLICATION FOR AN AMENDMENT IS ADVERTISED FOR PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION, ANOTHER APPLICATION FOR A CHANGE FOR THE SAME PROPERTY OF THE TEXT MAY NOT BE FILED WITHIN TWELVE (12) MONTHS FROM THE DATE OF FINAL ACTION BY THE GOVERNING BODY ON THE APPLICATION.

PROPERTY OWNER INFORMATION:

Name: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Telephone: _____ Fax: _____

APPLICANT INFORMATION:

Name: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Telephone: _____ Fax: _____

SITE ADDRESS: _____ **LEGAL DESCRIPTION:** Lot: _____ Block: _____ Subdivision: _____

Other (if not lot and block): _____

TOTAL SITE ACREAGE: _____ **DESCRIPTION OF REQUESTED USE:** _____

PRESENT ZONING DESIGNATION OF THE LAND: _____ **REQUESTED ZONE CHANGE*:** _____

**PMU District may require submittal of a Master Plan. Check here if Master Plan is included.*

REASON(S) FOR THE REQUESTED CHANGE: _____

****ATTACH A SITE PLAN OF THE PROPOSED DEVELOPMENT / PROJECT ****

Print Property Owner's Name

Signature

Date

Print Applicant's Name

Signature

Date

- - - - -
O F F I C E U S E O N L Y

Pre-App. Confr. _____ Application & Fee Accepted by: _____

Fee Paid: \$ _____ Method of Payment: _____

Hearing Date: _____ Case #: _____

[DATE STAMP]