



CITY OF CARLSBAD

Licensing and Permits Department

Phone (575) 887-1191

Fax (575) 885-9871

Application Packet for **SPECIAL PROPERTY USE**

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Special Property Use, etc.) from the City of Carlsbad, Licensing and Permits Office.
2. **Applicant must submit a completed Application to the Licensing and Permits Office on, or before, the SECOND FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. If desired, a letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
3. The Licensing and Permits Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of four months from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.

City of Carlsbad
PO Box 1569
Carlsbad NM 88221-1569

SPECIAL USE APPLICATION

Licensing and Permits Dept.
(575) 887-1191, Ext. 260
Fax (575) 885-9871

Date: _____

Fee: _____

Current Zone: _____

Address of Special Use: _____

Purpose of Special Use: _____

Name: _____

Home Address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

FOR OFFICIAL USE ONLY:

Required prior to Submission to P & Z

Site Plan Parking is Adequate Petition Letter of Explanation

Staff Recommendation:

Building Utilities Engineering Legal Police Fire Code Enforcement

Planning and Zoning Commission Recommendation:

Date of Planning and Zoning Meeting: _____ Approved Denied

Conditions: _____

Public Hearing and Council Action:

Date of Hearing: _____ Council Action: Approved Denied

Publication Date: _____

Conditions: _____



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Receipt Date Stamp

AFFIDAVIT BY PROPERTY OWNER
Application for Special Use Permit by Occupant of Property

NAME OF OCCUPANT(S): _____
(PLEASE PRINT)

ADDRESS OF PROPERTY: _____
STREET ADDRESS

LEGAL DESCRIPTION OF PROPERTY: _____
SUBDIVISION, BLOCK AND LOT OR DESCRIPTION OF TRACT

- PROPOSED SPECIAL USE:**
- CHILD DAYCARE FACILITY.
 - HOME-BASED BUSINESS: _____
TYPE OF BUSINESS
 - OTHER: _____
DESCRIPTION OF PROPOSED SPECIAL USE

I (we) hereby certify to the City Council of the City of Carlsbad, New Mexico, that I am (we are) the owners and record title holder(s) of the property described above and understand, concur, and affirm:

1. That this property constitutes the property for which a request is being made to the City of Carlsbad to allow a Special Use of the property which is not currently permitted under the Zoning Regulations (Chapter 56 of the Carlsbad Code of Ordinances) and as may be permitted under Section 56-316 (Section 56-543 for property located in the extraterritorial area) of the Carlsbad Code of Ordinances.
2. That the proposed Special Use of the property, if approved, will encumber the property with a series of Standard Property Use Restrictions for the life of the Special Use Permit. These Standard Property Use Restrictions are detailed on the reverse side of this form.
3. That the proposed Standard Property Use Restrictions may be modified during the approval process by action of the City Council and, once approved, shall be equally binding on both the applicant and the owner of the property.
4. That the proposed Special Use of the property, if approved, may require certain physical modification or change to accommodate the requirements specified for approval of the Special Use Permit.

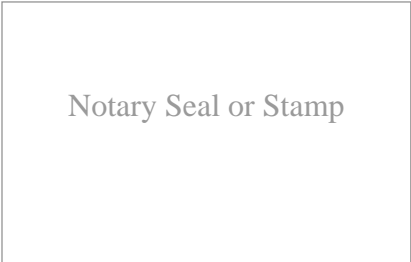
I (we) hereby execute this AFFIDAVIT in support of the proposed Special Use of my (our) property and to induce the City of Carlsbad to consider and act favorably on the application for approval of the above described proposed Special Use:

OWNER 1: _____ OWNER 2: _____
SIGNATURE SIGNATURE

STATE OF NEW MEXICO

COUNTY OF EDDY

Signed and affirmed before me on this _____ day of _____, 2008,
by _____ and _____.



NOTARY SIGNATURE

My commission expires: _____

STANDARD PROPERTY USE RESTRICTIONS

- 1) Applicant must reside at the residence at all times that the business is operated from the property approved for the Special Use Permit.
- 2) This Special Use Permit shall expire should the business for which it was granted be terminated, abandoned, or otherwise become inactive for a period of six (6) months or greater.
- 3) This Special Use Permit shall not be transferable to another person or location.
- 4) The hours of operation shall not exceed those approved for the commercial enterprise. Unless otherwise approved, these hours shall not begin before 7:00 AM or end after 5:00 PM.
- 5) There shall be no more than one employee of the business, other than Applicant.
- 6) Applicants must obtain and maintain at all times any and all required licenses, permits, and certifications.
- 7) There shall be no parking on the street. All parking areas shall be properly surfaced and maintained dust-free.
- 8) Any renovations or remodeling shall be done to meet commercial code requirements.
- 9) All materials and supplies related to the business shall be stored inside. There shall be no outside storage.
- 10) The property shall be properly maintained, including (but not limited to) the removal of weeds, trash, debris, and any other fire hazard, nuisance, or unsanitary or unsightly condition.
- 11) The only sign that may be placed on the property shall be a one-square-foot, non-illuminated sign constructed, placed, and maintained in compliance with all applicable laws, rules, and regulations.
- 12) Any and all hazardous, explosive, toxic, flammable, or corrosive substances shall be properly stored, used, and disposed of. Such substances shall not be stored on a City right-of-way, spilled on or soaked into the ground, nor shall they be deposited or rinsed into a sanitary or storm sewer. Items having or containing such substances shall not be placed in City solid waste receptacles.
- 13) Garbage and scrap materials shall be disposed of properly. Metal items shall not be placed in City solid waste receptacles.
- 14) There shall be no offensive noise, fumes, or odors, electrical interference, dust, or hazardous materials generated by the use.
- 15) Applicants shall comply with all applicable ordinances, laws, rules, and regulations.

CITY OF CARLSBAD
APPLICATION PROCEDURE
FOR SPECIAL PROPERTY USE

- 1) **MEETING TIME AND DATE:** Zoning requests are presented to the Planning and Zoning Commission the first Monday of each month at 5:00 p.m. in the Planning Room, Municipal Building, 101 N. Halagueno, Carlsbad.
- 2) **DEADLINE:** The deadline for submitting applications for regularly scheduled Planning and Zoning Commission meetings is 5:00 p.m. on the second Friday of each month.
- 3) **APPLICATION FEE:** Fee is due upon approval of City Staff Review. The Fee is nonrefundable and is currently set at \$10.00.
- 4) **SITE PLAN:** Site plan is required with all Special Use requests and must be submitted with the application. (*See attached site plan requirements form.*)
- 5) **PURPOSE OF APPLICATION:** A letter must be submitted with the application, explaining the reason for making this request and the proposed land use. (*Letter must be typed and addressed to the Carlsbad Planning and Zoning Commission.*)
- 6) **PETITION:** A petition signed by property owners must be submitted with the application: five (5) lots on each side of the property applying for special use, five (5) lots directly across the street, and five (5) lots directly across the alley from the property applying for special use.
- 7) **SUBMIT TO CITY OF CARLSBAD:** Please submit your application, fee, and site plans to:

City of Carlsbad
Licensing and Permits Department
101 N. Halagueno, PO Box 1569
Carlsbad, NM 88221-1569
- 8) **PRESENCE AT MEETING:** The Planning and Zoning Commission will vote to recommend to the City Council approval or denial of request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have.
- 9) **CITY COUNCIL SETS A HEARING DATE:** After the Planning and Zoning Commission has made a recommendation on the request, the City Council (at their next regular meeting) will set a date for a public hearing. The date will be set for the regular scheduled City Council meeting a minimum of 30 days from that date.
- 10) **PUBLIC HEARING:** The Public Hearing will be held during a regular scheduled City Council meeting, and the applicant or his/her representative **MUST BE PRESENT** to address any questions that the Mayor or Council members may have.

SPECIAL PROPERTY USE
SITE PLAN REQUIREMENTS
(Must be included with APPLICATION)

Your site plan must be submitted along with your application and ten dollars (\$10.00) filing fee by the second Friday of the month prior to the next scheduled Planning and Zoning Commission meeting. (The City Planning and Zoning Commission is scheduled to meet the first Monday of each month.) Be sure that your site plan meets all of the requirements listed below.

- 1) Drawn to scale with scale shown.
- 2) Show boundaries of property.
- 3) Show any existing adjacent streets.
- 4) Show all existing buildings, parking, and ingress/egress points on property.
- 5) Show any new or existing buildings (with square footage).
- 6) Show any new or existing parking areas (with spaces outlined), driveways, and ingress/egress points, lighting, and landscaping.
- 7) Show any proposed fences, landscaping, and signs.
- 8) Show location of proposed trash receptacle(s).
- 9) Legal description of property must be on the site plan.



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PETITION OF NEIGHBORHOOD RESIDENTS

Part 1 Description of Request: The following applicant is in the process of requesting City Council approval to undertake the action described below:

NAME OF APPLICANT	TELEPHONE NUMBER	ADDRESS SUBJECT TO REQUEST
↳ _____	↳ _____	↳ _____
REQUESTED ACTION (CHECK ONLY <u>ONE</u>)	DESCRIPTION OF PROPOSAL BY APPLICANT (DESCRIBE PROPOSED CHANGES: Change in use of property; off-street parking; truck deliveries; hours of operation, etc.)	
<input type="checkbox"/> Special Property Use <input type="checkbox"/> Variance from Subdivision Regulations <input type="checkbox"/> Change in Zoning District <input type="checkbox"/> Vacation of Public Right-of-Way <input type="checkbox"/> Zoning District Variance	↳ _____ _____ _____	

Part 2 Residents Note: The applicant is required to circulate this petition throughout your neighborhood and request your opinion. You are under no obligation to provide that opinion, favorable or otherwise, but any information you provide will assist in making the best decision possible regarding this proposal. In either case, should you wish to discuss this matter in private with the Planning Department, please check the "PLEASE CALL" box.

NAME (Signature)	ADDRESS	OWN	RENT	TELEPHONE	PLEASE CALL	OPINION		
						Support	Oppose	No Opinion
1		○	○		○	○	○	○
2		○	○		○	○	○	○
3		○	○		○	○	○	○
4		○	○		○	○	○	○
5		○	○		○	○	○	○
6		○	○		○	○	○	○

Applicants are required to obtain the signatures of property owners within, as a **MINIMUM**, 150' of the property subject to the request.

CONTINUED ON NEXT PAGE

PETITION OF NEIGHBORHOOD RESIDENTS (page 2)

NAME (Signature)	ADDRESS	OWN	RENT	TELEPHONE	PLEASE CALL	OPINION		
						Support	Oppose	No Opinion
7		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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25		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
28		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
29		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
30		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>