

Your Jemez Springs Planning and Zoning Commission

Answers Your

Frequently Asked Questions

By Betsy Daub on behalf of the Jemez Springs Planning and Zoning Commission

Most of us who live within the limits of the Village of Jemez Springs occasionally want to do new things to our property. We might want to add a building, turn a casita into a short-term rental, add chickens to the backyard. It can be confusing to know what is allowed, what is the proper process, how to start. The Jemez Springs Planning and Zoning Commission is a volunteer-staffed commission of the Village that oversees just these kinds of matters. This FAQ is to help you understand the answers to many of these often-asked questions. If the answer to your question isn't below, please check out the information on the Village website: <https://www.jemezsprings-nm.gov/planning-zoning/>

1. I want to add a building to my property – what do I need to do?

All new building projects, including mobile home installations, require first obtaining a building permit from the Village. The application forms can be found at:

<https://www.jemezsprings-nm.gov/planning-zoning/#>

What about adding a carport? You will need a building permit.

What about adding a shed? If it is over 200 square feet, you will need a building permit.

What about putting in a fence? No – a building permit is not required. But...many properties have portions that are within a floodplain. If you intend to place a new structure in an area that might be a floodplain, you are required to check with Planning and Zoning – which may then request a floodplain assessment from Sandoval County. The intent of this is to ensure if a flood happens, structural debris is not washed away that could impact other properties and contribute to erosion or create other harmful impacts. You can get a sense of where the floodplains are for the Village at: <https://www.jemezsprings-nm.gov/wp-content/uploads/files/pz/Flood%20Hazard%20Overlay%20Zone%20Map.pdf>

or

<https://sandovalgis.maps.arcgis.com/apps/webappviewer/index.html?id=a5fa35b023bb4440a42b5021f64ed8a8>

2. I want to add a structure to my property – and I live within the Rural Development District. Does that matter?

The Village has three districts: Village Center, Neighborhood Residential District and Rural Development District. Each district has its own unique requirements when it comes to zoning. Properties within the RDD have a requirement to maintain 60% open space. This needs to be considered when planning to add a new structure. Some properties in this district do not presently comply – due to adding structures prior to the existing Village code. They are “grandfathered” in. But should these properties seek to add or replace structures, existing code language applies, and they will be expected to comply with the open space regulation. More about all the districts and their zoning requirements can be found in the Village Code, Chapter 130, <https://www.jemezsprings-nm.gov/village-code/>

3. I want to start a Short-term Occupancy Rental (aka Airbnb, VRBO). What do I need to do?

Short-term Occupancy Rentals require the completion of a Conditional Use Permit application that can be found here: <https://www.jemezsprings-nm.gov/planning-zoning/#>

Conditional Use Permits require all neighboring properties within 100 feet to be notified by certified mail. The Village will send the letters, but the applicant needs to pay the cost, plus other application fees. If approved, the property owner must pay a monthly Lodger’s Tax to the Village equal to 0.05 times the gross receipts from that rental for the month.

4. I want to do something to my property, but the Village Code says it isn’t allowed in my district in the Village. Is there a way I can still do it?

It depends. The Village Code lays out what are permissive uses and what are conditional uses for each district. Permissive uses are allowed. Conditional uses are allowed only when a Conditional Use Permit has been submitted and approved by the Planning and Zoning Commission. Any use not mentioned is not allowed. A property owner may seek an “exemption” for an otherwise prohibited use, which

must be approved by the Planning and Zoning Commission as well as the Village Council. In addition, one can seek permission for something not allowed – if that something is unrelated to how the property will be used (e.g. height of a building, signage, etc.) - through the request of a “variance.” The Commission can offer a variance to the rules if it finds “the strict application of the requirements of this chapter would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building...” (Chapter 130-33.D). To review what is allowed in each district, look at the Village Code, Chapter 130 at this site: <https://www.jemezsprings-nm.gov/village-code/>

5. I want to have a horse and some chickens on my property. Can I do this?

Yes! All districts in the Village allow livestock and fowl – providing certain requirements are met. Chapter 14 of the Village Code outlines what is required for having domestic livestock and fowl in the Village limits. To keep 1 horse, 1 cow, 2 goats, 4 sheep, or 2 hogs – or any combination of these – the animal must be provided with a minimum of 1/3 acre. They must also be provided with proper shelter, medical care and exercise, and cared for “according to accepted livestock and fowl management practice...” (Chapter 14). New Mexico State Cooperative Extension Service recommends 2.5 to 3 square feet of floor space for each laying chicken/turkey. Many equine-care sources strongly discourage keeping a single horse, as horses have evolved as pack animals and rely on one another for protection and social interaction. More information can be found at: <https://pubs.nmsu.edu/index.html>