

City of Rio Communities, New Mexico

2015-38

Ordinance No: ~~2016-45~~

**TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2015-38, DATED:
SEPTEMBER 8, 2015. CHAPTER 4: THE ZONING CODE**

**PLEASE SEE ORDINANCE NO. 2016-45
Chapter 4 The Zoning Code**

For the current document

City of Rio Communities, New Mexico

Ordinance No: 2015-38

AMENDMENTS

TITLE: AN ORDINANCE AMENDING OR ADDING TO MUNICIPAL ORDINANCE NO. 2014-20 (CHAPTER 4, THE ZONING CODE)

AMENDMENT 1: Article 4-14-1(C)(3.)

- A. Delete C 3 in its entirety and replace with:
- B. "Pursuant to NMSA 1978, §3-7-17, a petition signed by the owners of a majority of the number of acres in the contiguous territory for annexation shall be presented to the governing body for approval or rejection." (Add quotation marks as this is a direct quote from NM Statutory language.)

AMENDMENT 2: Article 4-6-2(A): Table of Standard Setbacks

- A. R-1, Minimum Rear Offset of 30 feet is amended to read:
- B. R-1, Minimum Rear Offset of 10 feet

AMENDMENT 3: Article 4-3-2 (A) (Add 5.)

- A. Existing subsections B through F are sequentially mislabel.
- B. Should read: A through E.

AMENDMENT 4: Article 4-3-2 (A)

- A. Add a numbered paragraph designated as 5 following numbered paragraph 4 that reads:
- B. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of Sewage Treatment must be obtained, if not connected to public sewage and water.

AMENDMENT 5: Article 4-3-6 (A)

- A. Add a numbered paragraph designated as 3 following numbered paragraph 2 that reads:
- B. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

AMENDMENT 6: Article 4-3-7 (A)

- A. Add a numbered paragraph designated as 3 following numbered paragraph 2 that reads:
- B. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

AMENDMENT 7: Article 4-3-8 (A)

- A. Add a numbered paragraph designated as 5 following numbered paragraph 4 that reads:
- B. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

AMENDMENT 8: Article 4-3-9 (A)

- A. Add a numbered paragraph designated as 5 following numbered paragraph 4 that reads:
- B. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

AMENDMENT 9: Article 4-13-8 (A)


- A. Add the following notation verbatim at the end of paragraph A.
- B. Note: Refer to CID rules on building codes. A building permit is required for fences or walls more than 6 feet in height.

AMENDMENT 10: Appendix A

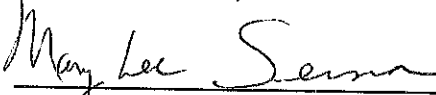
- A. Add "Inoperative Motor Vehicle" to the definition section (new item number 115—accordingly, existing definitions that follow (starting with Intermediate Home Care are sequentially renumbered).
- B. Definition of Inoperative Motor Vehicle should read:
Any motorized vehicle that by reason of dismantling, disrepair, damage that causes or renders the vehicle incapable of being propelled or operated under its own power, or is in violation of New Mexico Uniform Traffic Ordinances, Codes or Statutes, or because of lack of insurance and registration, is not legal for public roadway use.

PASSED, ADOPTED AND APPROVED this 8th day of September, 2015 by the Governing Body of the City of Rio Communities.

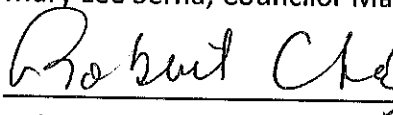
City of Rio Communities Governing Body



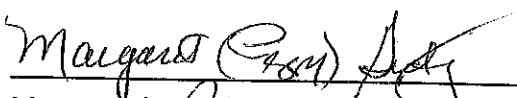
Mark Gwinn, Mayor



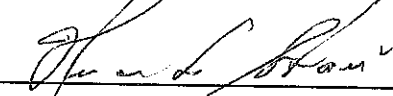
Mary Lee Serna, Councilor Mayor Pro-temp



Robert Chavez, Councilor




Margaret (Peggy) Gutjahr, Councilor



Frank Stasi, Councilor



ATTEST:



Elizabeth (Lisa) Adair, Municipal Clerk

Date: 06-10-2014

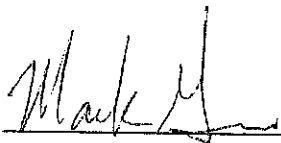
CITY OF RIO COMMUNITIES

ORDINANCE NO. 2014-20

THE ZONING CODE

APPROVED, ADOPTED AND SIGNED this 10th day of June 2014 by the Governing Body of the City of Rio Communities.

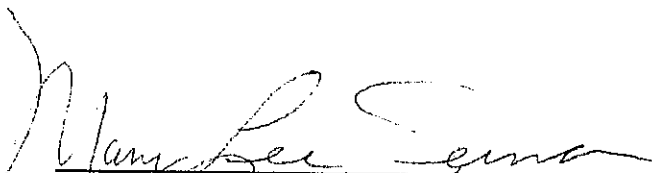
PASSED, APPROVED, AND ADOPTED 10TH DAY OF June 2014.



Mark Gwinn, Mayor

City of Rio Communities

ATTEST:



Mary Lee Serna, Mayor Pro Tem

City of Rio Communities

City Of Rio Communities, New Mexico

Chapter 4 of Municipal Ordinances
ZONING CODE

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City of Rio Communities, New Mexico

Ordinance No: 2015-38

Amended September 8, 2015

CHAPTER 4 THE ZONING CODE

ARTICLE 1 CODE OVERVIEW

- 4-1-7 TITLE
- 4-1-8 PURPOSE
- 4-1-9 STATUTORY AUTHORITY
- 4-1-10 JURISDICTION
- 4-1-11 PUBLIC ACCESS TO THE ZONING CODE
- 4-1-12 SUMMARY OF CODE

4-1-1 TITLE

This CODE, including all official maps, plats and charts, descriptive and explanatory matter shall be known as the "Zoning Code" of the City of Rio Communities.

4-1-2 PURPOSE

It is the intent and purpose of this Zoning Code to encourage the most appropriate use of land throughout the City of Rio Communities' jurisdiction by establishing conditions that stimulate a climate for balanced and harmonious development that best preserves the general health, welfare, safety and order and promotes prosperity that is efficient and economically viable to all residents. See NMSA 1978, § 3-21-16.

4-1-3 STATUTORY AUTHORITY

Authority is granted for the creation, adopted and implementation of this Zoning Code pursuant to New Mexico Statutes, Articles 3-21-1 through 3-21-26 as amended and shall be applicable to all lands and property within the corporate limits of the City of Rio Communities, New Mexico, hereafter referred to as the "the City."

4-1-4 JURISDICTION

This Zoning Code has jurisdictional authority within the City boundaries and concurrent authority for all or any portion of territory within its extraterritorial zoning jurisdiction pursuant to NMSA § 3-12-2(B)(C)(D).

as well as variances, enforcement and administrative processes for permits, appeals and forums for public hearings, complaints and suggestions.

D. Ultimately, in accordance with NMSA 1978, § 3-21-5, this Zoning Code shall strive to:

1. Prevent congestion in streets and other rights-of-way;
2. Secure the public safety from fire, panic and other dangers;
3. Promote health and general welfare;
4. Assure adequate light and air for all properties;
5. Prevent the overcrowding of land and undue concentration of population;
6. Facilitate adequate provisions for transportation, water, sewer, schools, parks, and other public facilities and reduce the effect of natural hazards;
7. Control and abate the unlawful use of structures, buildings, or land;
8. Encourage the conservation of energy in the use of structures, buildings and land in the City;
9. Provide a permanent public record of all proceedings and actions concerning the Code and its enforcement.

ARTICLE 3 ZONES

- 4-3-1 SINGLE FAMILY, LOW DENSITY RESIDENTIAL (R-1)
- 4-3-2 HIGH DENSITY RESIDENTIAL (R-2)
- 4-3-3 MANUFACTURED DOUBLE OR TRIPLE WIDE HOUSING SUBDIVISION (MH-1)
- 4-3-4 MANUFACTURED MOBILE HOME PARK (MH-2)
- 4-3-5 PARKS, RECREATION AND OPEN SPACE DISTRICT (PRO)
- 4-3-6 LIMITED RESIDENTIAL NEIGHBORHOOD RETAIL AND SERVICE (C-1)
- 4-3-7 COMMUNITY COMMERCIAL AND RETAIL USE (C-2)
- 4-3-8 HEAVY COMMUNITY COMMERCIAL AND RETAIL USE (C-3)
- 4-3-9 LIGHT INDUSTRIAL USE (I-1)
- 4-3-10 PLANNED DEVELOPMENT DISTRICT (PD)

4-3-1 SINGLE FAMILY, LOW DENSITY RESIDENTIAL (R-1)

A. Purpose

The R-1 Zone is intended to accommodate detached single-family dwelling units on parcels of less than 5 acres and small multi-family housing consisting of no more than 4 units that would maintain and protect a low to medium density residential character of development.

1. Accessory uses that are incidental to and customarily found with the R-1 District are also permitted.
2. Public sewer and water systems must be installed, when available.
3. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of Sewage Treatment must be obtained, if not connected to Public Sewage and Water.
4. Single section mobile manufactured housing is not permitted in the R-1 zone. NMSA 1978, § 3-21A-4.

B. R-1 Development Standards

Before the issuance of a building permit, evidence of compliance with Chapter 4 through 6 shall be provided to the Planning and Zoning Commission for review and approval. Any open space or park development mitigation shall be consistent with Chapter 6 and the City's Comprehensive Plan.

1. All detached single-family dwelling units to include multi-sectional manufactured and modular constructed units shall meet the applicable minimum construction standards as established in Title 14 (Housing and Construction) of the New Mexico Administrative Code (NMAC).

4. GREENHOUSE (NON-COMMERCIAL), GARDEN OR TOOLSHEDS
 - a. When detached from the main dwelling, each structure is subject to the provisions of Article 5 of the Accessory Building Code.
5. GROUP HOMES subject to requirements of NMSA 1978, § 3-21-1(C) as amended.
6. HOME OCCUPATION is subject to the provisions of Section 4-3-1(E).
7. PLAYGROUNDS, BALLFIELDS, AND COURTS AS SPACE PERMITS
8. HOBBY KENNEL (PRIVATE RESIDENTAL)
 - a. A residential hobby kennel must be compatible with the uses of property in the surrounding area that would not create a burdensome annoyance to those in the vicinity and would not cause a significant risk to health.
 - b. The kennel and surrounding land area must be regularly cleaned in a manner that produces no odor to neighbors and is consistent with all setbacks.
9. STORAGE (RECREATIONAL VEHICLES)
 - a. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard with no limit in the rear yard when separated by at least seven and one-half (7 1/2) feet from the property line.
 - b. Storage of personal recreation vehicles, boats, trailers or similar uses in the front yard setback of property shall not exceed ten (10) consecutive days in any year or collectively, more than ten (10) days in any year.
 - c. Total "open space" requirements shall be honored for the lot. See Article 6.
10. SWIMMING POOL (PRIVATE)
 - a. Permitted only when a protective barrier or fence five (5) feet in height is provided around the yard, lot or pool area. Uniform Swimming Pool, Spa and Hot Tub Code 17.46.050.
 - b. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure safety.

- b. Solid screening (minimum 4 feet high) shall be installed on all sides of property that border other neighbors or property or street.
- c. Line of Sight Rules shall be maintained. See Article 4-11-8.
- d. A multifamily dwelling shall not be constructed on a lot that is less than 1/2 (.5) acre or 21,780 Square Feet in area.
- e. A duplex unit shall only be constructed on a lot that is at least 1/2 (.5) acre.
- f. A quadraplex (4 units) shall only be constructed on a lot that is at least .9 of an acre (39,204 SF) or greater.

E. R-1 Special Use

- 1. R-1 zone uses require a public hearing and approval of the City Council after a recommendation by the Planning and Zoning Commission. See Article 1-7-4 for specific conditions and provisions related to Special Uses. Examples of Special Use are:
 - a. HAIR SALONS (Barber and Beauty Shops)
 - b. BED AND BREAKFAST INN
 - c. CHILD CARE CENTER (six or more children)
 - d. COMMUNITY BUILDING
 - e. CONVENIENCE STORE (three thousand (3,000) square feet (SF) or less
 - f. GROCERY STORE (three thousand (3,000) square feet (SF) or less
 - g. SCHOOLS (Public, Private, University, Junior College or Parochial)

4-3-2 HIGH DENSITY RESIDENTIAL (R-2)

A. R-2 Purpose

The R-2 Zone District is intended to accommodate multiple family dwelling units and accessory structures and uses that maintain and protect high density residential development characteristic of apartments, patio homes, cluster homes, condominiums and similar housing. This zone also permits one and two family homes.

4-7-4 SPECIAL USE PERMIT

A Special Use permit is required for a specific land use that is not permitted by right within the zone wherein it is requested. A special use permit may be authorized by the City Council after hearing the recommendation of the Commission.

A. Provision for a Special Use Permit

1. The proposed use must be unusual and unique and may be incompatible with planned property uses within the general area and zone in which the special use is proposed.
2. Special Use permits shall not be granted in such cases where it would adversely affect adjoining property values, or endanger public safety.
3. Special Use permits shall not be granted in such cases where the use is or will become detrimental to the character of the zone wherein it is located.

B. Application Requirements

The application format for a Special Use permit shall be in the format stipulated by the City. There shall be a comprehensive statement included with each application stating in detail, the reason for the request, the purpose and the use of the property, all improvements to be made and a site plan that includes the following:

1. Location of existing and proposed structures including the dimensions of setbacks;
2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas and major points of access, including street pavement width and right-of-ways;
3. Location and treatment of open spaces including landscaping plan and schedule;
4. Lighting and Appropriate Signage;
5. A drainage plan, site plan, landscaping plan and grading plan shall be required for all special use developments.

C. Public Hearing and Notice Procedure

The City Clerk shall notify by certified mail all property owners within one-hundred (100) feet of the proposed Special Use, excluding public right-of-ways. The current records of the County Assessor's Office shall be used to determine property ownership. The adjoining property owners shall have the opportunity to comment

- B. Projected traffic flows do not impact existing transportation systems beyond safe operational capacity;
- C. Existing infrastructure capacities are adequate to accommodate the new development, or provide the necessary infrastructure expansion to support the proposed development;
- D. The proposed development shall not significantly affect the environment (e.g. historical, archeological, ground and surface water, vegetation and air quality);
- E. The proposed development shall not adversely affect adjoining property values or endanger public safety.

F. Application Requirement

The application for a conditional use permit shall be in the format stipulated by the City and shall contain plans and other information as required by the City. After reviewing the application for completeness, the City Clerk shall place the completed application upon the agenda of the Commission.

G. Notification

The City Clerk shall notify by certified mail all property owners within one-hundred (100) feet of the proposed Conditional Use, excluding public right-of-ways. The current records of the County Assessor’s Office shall be used to determine property ownership. The adjoining property owners shall have the opportunity to comment upon the proposed Conditional Use permit before the Commission prior to any decision being made by the Commission.

H. Review

Each conditional use permit shall be subject to review annually by the Commission on the anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the conditional use permit may be revoked by the Commission.

I. Transferal

Conditional use permits shall not be transferable from location to location, building owner to building owner, or applicant to other party.

4-7-3 VARIANCE USE PERMIT

A variance may be authorized by the Commission for purposes that conform to the provisions of this Code. The variance may provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

- B. All residential radio, television antennas or towers and any other free standing tower shall meet all manufacture's specifications and be expressly designed and capable to withstand 90 M.P.H. wind speeds.
- C. All antennas, towers, belfries, spires and similar structures shall not exceed ten (10) feet above the ridgeline of any dwelling within a three-hundred (300) foot radius.

4-6-8 LANDSCAPING AND EROSION CONTROL

- A. Standards for Landscaping as stated in Article 11 shall apply for all zones.
- B. For any development outside the Scope of Article 11, the properties shall be maintained in a natural vegetation state (see Definition Section) or, if disturbed, shall be maintained in a manner that conserves water.
- C. Such properties must be kept in a clean state that shall also control water and wind erosion. Planting native grasses is recommended as an alternative.

4-6-9 GRADING, DRAINAGE AND SITE PLANS

- A. All developments over 1 acre in size or, as otherwise stated in this Code, shall specifically address grading and drainage on their site plans.
- B. A registered civil engineer may be requested to address these issues on the site plan. The City may require retention of any drainage water on site through the Planning and Zoning Commission.

- b. A building on the abutting side is at least five (5) feet from the property line; or
 - c. When abutting property is undeveloped, otherwise a five (5) foot setback shall be required.
3. There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential zoning district. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and commercial or industrial structure.

B. Minimum distance between structures

There shall be a minimum space of ten (10) feet between any structure or building that is located on the same lot, parcel or tract.

C. Private Streets

All private streets or drives (whether paved or unpaved) shall be a minimum of twenty four (24) feet wide.

4-6-5 MOBILE HOME SUBDIVISIONS (MH-1) AND PARKS (MH-2) PROVISIONS AND EXCEPTIONS

A. Development Standards

Zone Type	Minimum Development Area (Acres)	Minimum Space per Unit (SF)	Maximum Units per Acre	Maximum Building Height (FT)
MH-1	5	6,000	7	26
MH-2	2	3,000	10	26

Table 3

B. Lot Spacing

Zone Type	Minimum Width Each Lot (FT)	Minimum Distance Between Units (FT)	Minimum Distance to Main Building (FT)	Minimum Distance to Accessory Building (FT)
MH-1	50	20	20	10
MH-2	35	10	15	10

Table 4

B. Lot Sizes

Zone Type	Minimum Lot Area (SF)	Minimum Lot Width (FT)	Maximum Building Height (FT)
R-1: Single Family	8,000	70	30
R-1: Multi-Family	21,780 (.5 acre)	70	30
R-2: Multi-Family	21,780 (.5 acre)	50	30
C-1	5,000	50	35
C-2	5,000	60	40
C-3	5,000	60	50
I-1	5,000	80	100

Table 2

Note: Minimum of five (5) units or more, Environmental Department minimum lot requirements shall apply, if lot is not served by municipal sewage collection system.

4-6-3 RESIDENTIAL ZONES (R-1 AND R-2), EXCEPTIONS AND PROVISIONS

A. Exceptions to Setbacks

A zero (0) setback in an R-2 zone shall comply with the following provisions:

1. Not less than ten (10) feet, including roof overhang between structures shall be allowed, except for approved multi-family structures with a common wall.
2. Planning and Zoning Commission shall approve all setback exceptions as part of an approved development.
3. An addition to a main dwelling shall be permitted as an extension of existing building lines that have non-conforming setbacks.
4. Setbacks for any addition shall be the same as the main building.
5. A minimum setback of seven and one-half feet (7' 6") for a two or three story building shall be enforced.

3. Interfere with a clear line of sight throughout the neighborhood, and
 4. Be incompatible with the architecture of the adjacent house, and
 5. Have an area greater than fifteen percent (15%) of the front yard setback, or
 6. Exceed seven-hundred and fifty (750) square feet in area, and
 7. Be enclosed with three (3) or more opaque walls, or where seventy-five percent (75%) of the interior space is open, and
 8. Exceed the highest point of the adjoining or adjacent building's roofline, and
 9. Be used for storage of any kind.
- B. Any carport directly attached to any main dwelling structure is a Conditional Use that requires review and approval of the Commission; shall conform to the architecture of the dwelling and shall meet structural standards as outlined in Construction Industries General Provisions, Chapter 5 of the New Mexico Administrative Code.

4-5-5 WATER RUN-OFF (DRAINAGE)

Accessory Building structures shall not generate water run off onto adjacent property. The installation of side gutters may be necessary to keep such run-off from running onto adjacent property.

- B. Boundaries:** Lying along the far southeast boundaries of the City, this zone extends 1,000 feet from the limits of the City. Limits may be extended pending agreement from private owners of parcels selected for use.
- C. Permits:** A Special Use Building Permit request is required for this use.

4-4-6 DRAINAGE OVLAY ZONE

A. Intent

The regulations, restrictions and requirements of this section are intended to preserve the quality of life, mitigate the effects from flood and other dangers and conserve and stabilize the value of property. Accordingly, the preservation of natural drainage arroyos and ditches are of prime concern to prevent downstream flooding and resulting damage to property.

B. Boundaries

The boundary of this overlay zone is twenty-five (25) feet or more on each side of a defined drainage area. For any proposed structure within a defined drainage area, the petitioner shall include to the Commission for review and approval:

1. A comprehensive drainage and grading plan stamped and signed by a professional engineer, registered and licensed to practice in New Mexico.
2. All plans should be engineered to provide drainage for one-hundred percent (100%) of storm water generated by a one-hundred (100) year flood produced from a twenty four (24) hour storm.

C. Permits

A permit shall be required for all proposed construction within an identified overlay drainage area, pending review and approval of the Commission. A drainage grading plan shall be submitted with the request for building permit to prevent delay of the approval process.

D. Restrictions

No storm water shall be allowed to enter an arroyo or ditch that is a result of run-off created from any new construction. Storm water retention ponds are authorized as needed to obtain these results, however, no more than fifty percent (50%) of a front setback may be used for these retention ponds.

ARTICLE 4 OVERLAY ZONES

4-4-1 PURPOSE

4-4-2 FLOOD OVERLAY ZONE

4-4-3 SCHOOL OVERLAY ZONE

4-4-4 CELL TOWER COMMUNICATIONS OVERLAY ZONE

4-4-5 SOLAR COLLECTOR OVERLAY ZONE

4-4-6 DRAINAGE OVERLAY ZONE

4-4-1 PURPOSE

The purpose of Overlay Zones is to provide direction for areas that may have restricted or partial uses. Parcels in one of these zones may require specially defined actions in order to fully utilize the land. These zones are also created to allow special uses that are either not allowed elsewhere or the owner of the parcel must petition the Commission and/or City Council for permission to allow "Conditional Use" or "Special Use" of the land. The provision of one of these zones is in addition to those contained in the basic zone that the parcel is coded. Where provisions of these special zones may conflict with the provisions of another zone, the provisions of the overlay zone shall prevail

4-4-2 FLOOD OVERLAY ZONE

- A. Intent:** The Flood Overlay Zone provides special regulations designed to reduce flood damage to property and risk to human life.
- B. Boundaries:** The boundaries of the flood hazard overlay district shall be determined by the most recent Flood Insurance Rate Map maintained by FEMA and the Valencia County Floodplain Manager. All boundaries of this overlay zone shall substantially conform to the designated flood hazard areas identified under the National Flood Insurance Program.
- C. Permits:** In addition to review by the Planning and Zoning Commission, a review must be undertaken by the Valencia Flood Plain Manager. This review may also include a development as may be specified by any existing or subsequent flood damage protection ordinances of the City of Rio Communities.

4-4-3 SCHOOL OVERLAY ZONE

- A. Intent:** The School Overlay Zone provides special protection for all areas directly adjacent to schools. It is designed in enhance safety to children, educators and parents, and reduce traffic during school transport times. Businesses or residents in areas that are directly adjacent to schools shall not be of a type that poses any increased risk to safety or the educational experience.

The following I-1 uses are permitted in accordance with stated conditions and approval of the Planning and Zoning Commission:

1. **Open or Exterior Storage and Display:** Merchandise, material storage or display of materials on the exterior of a building shall be enclosed by a fence or wall of solid construction, no less than six (6) feet in height, except for mobile homes, cars, trucks or motorcycles.
2. **Paint shop:** Mixing, treatment and spraying. Building shall be located one-hundred (100) feet from any residential zoning district and shall have Fire Department Approval.

E. I-1 Special Use

The following uses require a Public Hearing and approval of the City Council after recommendation by the Commission:

1. ASPHALT MATERIAL PRODUCTION PLANT
2. COMMERCIAL SAND AND GRAVEL PLANT
3. CORRECTIONAL FACILITIES OR INSTITUTIONS
4. METAL OR OTHER USED/SCAPE MATERIALS (Sales, Recycling, or Purchase)
5. PETROLEUM OR LIQUEFIED PETROLEUM GAS BULK PLANTS
6. RACETRACKS
7. LIGHT MANUFACTURING
8. STORAGE OF WRECKED OR DISMANTLED VEHICLES AND PARTS (Accessory Use). The storage of wrecked and dismantled vehicles and parts shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop where:
 - a. Storage shall be within an enclosed building or within a site-obscuring fence of at least six (6) feet in height; or
 - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customers; or
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months; or

- 3) If the body art establishment fails to successfully pass a state board inspection, the body art establishment shall suspend body art activities until it passes a re-inspection.
- 4) Administering body art on any person eighteen (18) years of age or under is prohibited.
- 5) Proof of age will be shown by a government-issued photo identification accompanied by at least one other government-issued document showing proof of age, such as a birth certificate.

E. C-3 Special Use

1. FABRICATION SHOP
2. STORAGE OF PRODUCTS (e.g. Merchandise, Domestic Goods, or Raw Materials)
3. WAREHOUSING OR WHOLESALE DISTRIBUTION OF GOODS, METAL WORKS OR MACHINE PRODUCTS

4-3-9 LIGHT INDUSTRIAL (I-1)

A. I-1 Purpose

1. An I-1 District is intended to accommodate a wide variety of light manufacturing, commercial, processing, storage, packaging, compounding and wholesaling and distribution operations with no limit on size.
2. Such uses shall be constructed and operated to ensure that there is no excessive noise, vibration, smoke, dust or any particulate matter, toxin or noxious matter, humidity, heat or glare, at or beyond any lot line of the parcel on which it is located.
3. Excessive is defined as a degree exceeding that which causes in the customary manner of operation by users permitted in the I-1 District, a degree injurious to the public health, safety, welfare or to a degree in which it is a nuisance by reason of excessiveness.
4. Residential uses shall be prohibited except for a resident watchman, caretaker or proprietor of a commercial use.

1. A General Development Plan shall be submitted for review and approval by the Planning and Zoning Commission before any development within the Heavy Community Commercial area.
2. Provisions of this zone shall ensure compatibility of design with any adjacent residential development

C. C-3 Permitted Use

1. Permitted uses in the C-3 commercial district (store, shop, or facilities) for the conduct of a retail business or service similar in use and nature to the types of uses listed herein and specifically exempting those types of activities provided for in less restricted districts.
2. All C-3 Permitted Use businesses shall comply with all federal, state and local regulatory agencies and their policies and shall be approved by the Fire Department. All permitted uses listed under C-1 & C-2 zones, except nursery or child care facility are Permitted Uses under C-3.
3. Examples of Permitted C-3 businesses are:
 - a. Apartments
 - b. Auditoriums
 - c. Auto & Camper Sales, Service and Repair
 - d. Automotive Equipment and Rental
 - e. Automobile Body & Repair Shop (Not permitted within one-hundred (100) feet of any residential zone)
 - f. Bus or Motor Freight Terminals (Only when located on an arterial street or highway as designated on the City Street Plan)
 - g. Construction or Contractors Yard (Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above the street-curb within twenty five (25) feet of a street intersection)
 - h. Drive-in Theater
 - i. Dry Cleaning & Steam Cleaning Facility
 - j. Farm & Ranch Products & Supplies
 - k. Firewood sales (more than 5 cords on site)
 - l. Heavy Equipment Repair & Service
 - m. Insulation Shop
 - n. Kennel (Commercial)
 - o. Plumbing and Heating Shop
 - p. Roofing and Sheet Metal Shops
 - q. Smoke Shop
 - r. Taxicab Transportation

designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial street as shown on the City Street Plan.

4. **Bowling Alley:** Subject to approval of site and related plans. Bowling Alleys are prohibited within three-hundred (300) feet of any residential zoning district.
5. **Child Care Center, Nursery or Similar Use:** Play areas shall be in accord with state licensing requirements and enclosure by a solid wall or fence five (5) feet in height.
6. **Christmas Tree Sale:** Temporary use, not prior to November 15, provided lots are cleaned and unsold trees removed by December 31.
7. **Church:** Only when located on an arterial or collector street as designed on the City Street Plan.
8. **Drive-In Theater:** Subject to approval of site and related plans.
9. **FIREWORKS SALE** (See City Ordinance 2014-13 for restrictions).
10. **Firewood Sales:** No more than five (5) cords stored on site.
11. **Furniture assembly (Accessory Use):** Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three-thousand (3,000) square feet, not exceed thirty percent (30%) of the total gross floor area. Welding permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly. Fire Department approval is required for Welding.
12. **Miniature Golf Course:** Subject to approval of site and related plans. Not permitted within one-hundred (100) feet of any residential district.
13. **Mini Storage Units:** Units shall not be used for commercial sales of products, merchandise, service or repair.
14. **School, Public, Private or Trade:** Sites shall be located on an arterial or collector street as shown on the City Street Plan.
15. **Shopping Center:** Providing site, drainage and related plans for the entire development approved.

4. HALFWAY HOUSE AND QUASI-INSTITUTIONAL USES
5. HOSPITAL AND OVERNIGHT CLINIC
6. PUBLIC, EDUCATIONAL, RELIGIOUS OR PHILANTHROPIC INSTITUTION
7. PACKAGE LIQUOR
8. SCHOOL (Public, Private, or Parochial)
9. SHOPPING CENTER (limited to a maximum of five (5) acres)

4-3-7 COMMUNITY COMMERCIAL AND RETAIL USE (C-2)

A. C-2 Purpose

1. The C-2 District is intended to accommodate certain commercial/retail uses which serve both transient and local trade.
2. This district is intended for areas surrounding major arterial or collector streets where a wide range of automotive related service facilities, convenience goods and personal services are desirable and appropriate for this land use.
3. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

B. C-2 Development Standards (Special Use Permit)

1. Before the issuance of a building permit, evidence of compliance with Articles 6 and 7 shall be provided to the Planning and Zoning Commission for review and approval.

C. C-2 Permitted Use

All Permitted Use in Zone C-1 are also Permitted Use in Zone C-2, except Child Care Centers. Examples of C-2 Permitted use are:

- Animal Hospital & Clinic
- Apartments
- Automobile Parking Lot
- Banks & Financial Institutions
- Boat Storage, Sales & Service
- Building Contractor (office only)
- Clothing & Apparel Shop
- Microwave Radio Relay Structure
- Motion Picture Theater
- Motorcycle Sales & Service
- Newspaper including distribution office
- Nursing, Convalescent or Retirement Home
- Paint Sales
- Parking Garage

2. CONSTRUCTION "LAYDOWN" YARD OR STRUCTURE (TEMPORARY)

- a. Such yard or structure shall be removed upon completion of construction or within one (1) year from date of issued permit.
- b. Construction yards shall be maintained in a neat, safe and orderly manner and shall be enclosed by a fence five (5) feet in height.
- c. No fence or wall shall be more than three (3) feet in total height above street curb level when located within twenty-five (25) feet of a street intersection.

3. CHURCH

- a. Only when located on an arterial or collector street designated on the City street plan.

4. CHRISTMAS TREE SALES

- a. Lots are temporary and not be established before November 15.
- b. Lots shall be cleaned and all unsold trees removed by December 31.

5. FIREWORKS SALE (See City Ordinance 2014-13 for restrictions).

6. RETAIL SALES AND SPECIAL MERCHANDISE

- a. Retail sales, except as otherwise stated, shall be limited to stores that specialize in a particular type of merchandise such as clothing, records, shoes, home appliances, or other similar convenience goods that serve nearby residential neighborhoods.

7. SHOPPING CENTER LESS THAN TWO (2) ACRES

- a. Pending review and approval by the Commission of the proposed site plan and entire development.

8. STORAGE INCIDENTAL TO PRIMARY USE

- a. Storage shall be permitted only for merchandise incidental (support) to the primary use of the business.

3. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

B. C-1 Development Standards (Special Use Permit)

1. Commercial businesses that exceed three-thousand (3,000) square feet (SF) of gross floor area per business shall require a Special Use Permit.
2. A Special Use Permit shall be issued pending a public hearing and review and approval by the Commission. Before issuing a special use permit the following conditions are considered:
 - a. Size of business;
 - b. Nature of business;
 - c. Adequate space for parking;
 - d. Potential for traffic congestion;
 - e. Noise potential;
 - f. Other problems that could be detrimental to the character of the surrounding neighborhood.

C. C-1 Permitted Use

1. The following uses are permitted by right to a C-1 District, provided the gross floor area does not exceed three-thousand (3,000) square feet (SF).
2. Uses exceeding three-thousand (3,000) square feet (SF) may be considered for approval by the City Council as a Special Use Permit pending a public hearing and review and approval by the Commission in accordance with Chapter 7 of this Code.
3. This list is by no means exhaustive; rather, it is intended to give a “flavor” of the type uses intended for the C-1 Zone.
 - a. BAKERY, BUTCHER, MEAT OR SEAFOOD SHOP
 - b. BARBER, BEAUTY OR COSMETOLOGIST SHOP
 - c. BOOKSTORE OR STATIONARY SHOP

1. Single-family manufactured (mobile) homes, park models, travel trailers and recreational vehicles shall meet the specific standards as outlined in Article 4-6-5.
2. All manufactured mobile homes shall comply with New Mexico's Administrative Code for Housing and Construction of Manufactured Housing, 14.12.1 NMAC as amended.
3. Accessory structures are permitted as allowed in the R-1 zone; however, no accessory structure shall contain more square footage than the primary dwelling unit or rules of the park, whichever is more restrictive.

4-3-5 PARKS, RECREATION AND OPEN SPACE DISTRICT (PRO)

A. PRO Intent

1. The intent of the Parks, Recreation and Open Space District is to accommodate the immediate and foreseeable demand for public parks, recreation venues and open spaces in designated areas inside or outside suburban growth areas that shall serve local and regional resident's needs.
2. The size, character and intensity of development of parks, recreation areas or open spaces shall be commensurate with the capability of land and water areas that support the intended use and shall not result in any unusual service demands.

B. PRO Setbacks and Lot Size Requirements

1. Minimum lot size for this district shall be 1 acre, except that 50 acres shall be the minimum parcel size for a golf course.
2. The minimum setback shall be thirty (30) feet for all uses.

C. PRO Permissive Use

1. PARK OR RECREATION AREA (publicly or privately owned, operated and maintained)
2. PUBLIC CAMPGROUND OR PICNIC SITE
3. HISTORICAL, ARCHAEOLOGICAL, OR GEOLOGICAL SITE
4. PUBLIC BICYCLE AND PEDESTRIAN PATHS (not within county or public rights-of-way)

product will withstand maximum wind-gusts of 90 M.P.H.

- d. All towers and antennas shall be constructed to meet Uniform Building Code and New Mexico Consolidates Industries Division standards.
- e. The height of any towers and antennas shall not exceed ten (10) feet above the highest ridgeline of any structure within a 300 foot radius of the tower or antenna.

14. TENNIS COURTS (PRIVATE FOR RESIDENTIAL USE)

- a. Any exterior lighting shall not project onto neighbor's property.

E. MH-1 Manufactured Housing Special Uses

- 1. The following uses require a public hearing and approval of the City Council after a recommendation by the Planning and Zoning Commission. Provisions for special use permits are stated in Section 4-7-4 of this Code.

2. BARBER AND BEAUTY SHOPS

- a. A business permit shall be required. See Article 7 for specific requirements and procedures for granting of a business license.

3. CHILD CARE CENTER, NURSERY OR SIMILAR USE

- a. Play areas shall be in accordance with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
- b. There shall be no solid fence or wall more than three (3) feet above street-curb level located within twenty five (25) feet of a street intersection.

4. CONVENIENCE STORE

- a. Total square-footage shall not exceed three thousand (3,000) square feet.
- b. A business permit shall be required. See Article 7 for specific requirements and procedures for granting of a business license.

5. SCHOOLS. (PUBLIC, PRIVATE, PAROCHIAL UNIVERSITY OR JUNIOR COLLEGE)

6. Single Wide Manufactured (Mobile) Housing is not permitted in the MH-1 Zone.
7. A Mobile Home though technically “mobile” shall be securely moored upon a solid foundation or until such time, the home is moved.

C. MH-1 Development Standards

1. Before the issuance of a building permit, evidence of compliance with Article 6 of this Code shall be provided to the Planning and Zoning Commission for review and approval.
2. Any open space or park development mitigation shall be consistent with Article 6 and the City’s Comprehensive Plan.

D. MH-1 Permitted Uses Examples

1. ACCESSORY BUILDINGS are subject to provisions of Article 5 of this Code.
2. CHURCH (Occupancy of 10 or more)
3. DWELLINGS (Single -family units)
4. GARAGE OR YARD SALE OR SIMILAR USE
 - a. Four (4) separate garage or yard sales are permitted in a one (1) year period at a single address.
 - b. A garage or yard sale shall not exceed three (3) consecutive days.
5. GREENHOUSE (NON-COMMERCIAL), GARDEN OR TOOL SHED
 - a. When detached from the main dwelling the structure is subject to the provisions of Accessory Buildings in Article 5 of this code.
6. GROUP HOMES subject to requirements of NMSA 1978, § 3-21-1(C) as amended.
7. HOME OCCUPATIONS are subject to the provisions of Article 4-7-5 of this Code.
8. MANUFACTURED HOMES are subject to the provisions of Article 3.
9. HOBBY KENNEL (PRIVATE RESIDENTIAL)
 - a. A residential hobby kennel must be compatible with the uses of property in

the highest ridgeline of any structure within a 300 foot radius of the tower or antenna.

D. R-2 Conditional Use

1. PRIVATE CLUB OR LODGE

- a. Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks or Moose Lodge, and the like, and when the development meets the planning criteria of the Commission.
- b. Building(s) shall not be located within one-hundred (100) feet of an R-1 Zone.
- c. Private clubhouses and game rooms are also permitted when used as part of an apartment, condominium, or townhouse complex, provided such development meets the planning criteria of the Commission, and provided each building(s) shall not be located within fifty (50) feet of an R-1 Zone.

E. R-2 Special Use

The following uses require a public hearing and approval of the City Council after a recommendation by the Planning and Zoning Commission. Provisions for special use permits are stated in Section 1-7-4 of this Code.

- 1. ATHLETIC CLUBS OR BATHHOUSES
- 2. BARBER AND BEAUTY SHOPS
- 3. CHURCH (Occupancy of 10 or more)
- 4. COMMUNITY BUILDING (Public or Private)
- 5. CONVENIENCE STORE (Three thousand (3,000) square feet (SF) or less)
- 6. GAS PUMPS (Accessory to a grocery or convenience store)
- 7. GOLF COURSE OR COUNTRY CLUB
- 8. GROCERY STORE (Three thousand (3,000) square feet (SF) or less)
- 9. HALFWAY HOUSE OR QUASI-INSTITUTIONAL HOUSE

curb level located within twenty five (25) feet of a street intersection.

9. CONSTRUCTION, LAYDOWN YARD OR STRUCTURE (TEMPORARY).

- a. Such yard or structure shall be removed upon the completion of construction or within one (1) year from date of permit, whichever is sooner.
- b. Construction yards and structures shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence five (5) feet in height.
- c. There shall be no fence or wall more than three feet (3) in total height above street-curb located within twenty-five feet (25) of a street intersection.

10. DWELLINGS (Single or Multi-family Units, Apartments, Patio Homes or Condominiums)

11. GARAGE OR YARD SALE OR SIMILAR USE

- a. Four (4) garage or yard sales are permitted in a one (1) year period at a single address.
- b. A sale shall not exceed three (3) consecutive days.

12. GREENHOUSE (NON-COMMERCIAL), GARDEN OR TOOL SHED

- a. When detached from the main dwelling, each structure is subject to the provisions of Article 5 of the Accessory Buildings Code.

13. GROUP HOMES subject to requirements of NMSA 1978, § 3-21-1(C) as amended.

14. HOME OCCUPATION is subject to the provisions of Section 1-7-5.

15. HOBBY KENNEL (PRIVATE RESIDENTIAL)

- a. A residential hobby kennel must be compatible with the uses of other property in the surrounding area and shall not create a burdensome annoyance to those in the vicinity or cause a risk to health.
- b. The kennel and surrounding land area must be cleaned regularly in a manner that produces no odor to neighbors and is consistent with all setbacks.