

City of Rio Communities, New Mexico

Ordinance No: 2017-57

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2017-52, DATED: JANUARY 10, 2017. CHAPTER 4: THE ZONING CODE

AMENDMENT 1: Table of Contents

Statement: Table of Contents
4-3-3 MANUFACTURED DOUBLE/TRIPLE WIDE HOUSING
SUBDIVISION (MH-1)

Remove: DOUBLE/TRIPLE WIDE

AMENDMENT 2: Section 4-3-3

Statement: MANUFACTURED DOUBLE/TRIPLE WIDE HOUSING SUBDIVISIONS (MH-1)

Remove: DOUBLE/TRIPLE WIDE

AMENDMENT 3: Section 4-3-3 (A)

Statement: Authority is granted pursuant to NMSA 1978, Section 3-21A-4 as amended that reads in part: “[a] zoning agency... may regulate the occupancy or location of dwelling units in such a way as to effect the reasonable regulation of mobile homes. Such regulation may exclude mobile homes from residential-use districts and restrict them to mobile home parks or mobile home subdivisions.

Change to: Authority is granted pursuant to NMSA 1978, Section 3-21A-4 as amended that reads in part: “[a] zoning agency... may regulate the occupancy or location of dwelling units in such a way as to affect the reasonable regulation of mobile homes (manufactured housing units produced prior to 1976). Such regulation may exclude mobile homes from residential-use districts and restrict them to mobile home parks or mobile home subdivisions.

AMENDMENT 4: Section 4-3-1- (B)(2)(a)

Statement: a. No more than eight (8) inches of perimeter skirting wall shall be visible from the street frontage of the property; and

Remove: entire (a)

Renumber: b-e as a-d.

AMENDMENT 5: Section 4-3-3 (B)(6)

Statement: 6. Single Wide Manufactured (Mobile) Housing is not permitted in the MH-1 Zone

Remove: 6.

Move: #7 to position 6.

AMENDMENT 6: Section 4-3-3-(B)(7)

Statement: 7. A Mobile Home though technically “mobile” shall be securely moored upon a solid foundation or until such time, the home is moved.

Change: A Manufactured Home though technically “mobile” shall be securely moored upon a solid foundation or until such time, the home is moved.

Move: Move #7 to #6

AMENDMENT 7: Definitions

Statement: Definitions #135.

Manufactured Housing: A multi-sectional mobile home dwelling manufactured after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development that has external dimensions of at least twenty-four (24) feet by forty (40) feet and is installed on a permanent foundation. A manufactured housing unit is considered equivalent to a single-family dwelling. A wall shall be installed continuously, except for ventilation and access, along the entire perimeter of the unit between the unit and the ground to give it the appearance of a site-built house. The wall shall be of masonry construction or similar material. The tongue, axles, transporting lights, and towing apparatus shall be removed before occupancy.

City Of Rio Communities, New Mexico

Chapter 4 of Municipal Ordinances
ZONING CODE

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APPENDIX A ZONING CODE DEFINITIONS

APPENDIX B LIST OF SCHEDULED FEES (Contact Municipal Clerk’s Office for current fee schedule)

APPENDIX C LIST OF CITY FORMS (Contact the Municipal Clerk’s Office for the list of city forms)

APPENDIX D AMENDMENTS (This section will contain a listing of all amendments added to the ordinance.)

City of Rio Communities, New Mexico

CHAPTER 4 THE ZONING CODE

ARTICLE 1 CODE OVERVIEW

- 4-1-1 TITLE
- 4-1-2 PURPOSE
- 4-1-3 STATUTORY AUTHORITY
- 4-1-4 JURISDICTION
- 4-1-5 PUBLIC ACCESS TO THE ZONING CODE
- 4-1-6 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).

4-1-5 PUBLIC ACCESS TO THE ZONING CODE
The Zoning Code for the City of Rio Communities shall be filed with the City Clerk and shall be made available for public inspection and review by any person. Copies of the Zoning Code can be purchase upon request or accessed through the City's website at riocommunities.net.

4-1-6 SUMMARY

In accordance with Chapter 3, Article 21, Articles 1 -26 of New Mexico State Statutes (NMSA 1978, § § 3-21-1 to -26), the following Zoning Codes set forth policies and regulations for land use within the incorporated areas of the City of Rio Communities, New Mexico.

A. To preserve the character, stability, orderly growth and development and the general welfare for all residents within the City of Rio Communities, all property located within the legal boundaries of the City shall be divided into zoned districts in accordance with their construction, fitness, nature, and intended use. Pursuant to NMSA 1978, § 3-21-1, this Zoning Code may regulate and restrict within its jurisdiction the:

1. Height, number of stories and size of buildings and other structures;
2. Percentage of a lot that may be occupied;
3. Size of yards, courts and other open space;
4. Density of population; and
5. Location and use of buildings, structures and land for trade, industry, residence or other purposes.

B. Specifically, these general zoning districts are:

1. Residential (R-1 & R-2)
2. Manufactured Double/Triple Wide Subdivision (MH-1)
3. Manufactured Mobile Home Park (MH-2)
4. Commercial (C-1, C-2 & C-3)
5. Industrial (I-1/I-2 & I-3)

C. Appropriately, this Zoning Code shall describe in detail the standards for permitted, conditional and special land use accorded within each of these districts, 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.
- E. Questions concerning placement of property borders are the responsibility of the parcel owners.

ARTICLE 2 TYPES OF USES FOR EACH ZONE

- 4-2-1 PURPOSE**
- 4-2-2 PERMITTED USE DEFINED**
- 4-2-3 CONDITIONAL USE DEFINED**
- 4-2-4 SPECIAL USE DEFINED**

4-2-1 PURPOSE
This Article describes the intended purpose, permitted, conditional and special use for residential, modular, manufactured and mobile homes, commercial, light industrial and recreational parks zoned districts in the City.

4-2-2 PERMITTED USE DEFINED
A permitted use is the use of land within a defined zoned district that is specific and allowable by right within a zoning district, except as otherwise restricted in this code.

4-2-3 CONDITIONAL USE DEFINED
A conditional use is the use of land within a defined zoned district that is provisional when compatible to the conditions of the land and that specific zoning district.

- A. A conditional use permit shall only be issued upon review and approval of the Commission. The Commission shall determine if a conditional use is compatible and necessary to the general welfare, safety, health or convenience to residents residing in that zone. The City may impose standards for the development of a conditional use to insure the conditional use will not adversely affect the public or surrounding property owners. See Article 1-7-1, provisions and procedures governing a Conditional Use Permit.

4-2-4 SPECIAL USE DEFINED
A special use is the use of land within a defined zoned district, where the proposed use of that land is of an unusual or unique character that may be unforeseen, offensive or incompatible with that defined zoned district.

- A. A special use permit shall only be issued upon review and approval of the Commission. The Commission shall determine if a special use is compatible and necessary to the general welfare, safety, health or convenience to residents residing with that zone. The City may impose standards for the development of a special use to insure the special use will not adversely affect the public or surrounding property owners. See Article 1-7-4 for provisions and procedures governing a Special Use Permit.

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 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/MEDIUM INDUSTRIAL USE (I-1/I-2)
- 4-3-10 HEAVY INDUSTRIAL (I-3)
- 4-3-11 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).

2. Though multi-sectional and modular homes are permitted in an R-1 residential zone, such homes shall be compatible with the character and aesthetic standards of the surrounding neighborhood. NMSA 1978, § 3-21A-3. The minimum charter and aesthetic standards shall be:
 - a. The skirting wall shall match the exterior color of the home; and
 - b. The exterior siding materials are to be either hardboard, vinyl, or stucco; and
 - c. Concrete or masonry steps are to be provided for the entry on the street side of the home;
 - d. The roofing style and materials may be flat roof (Pueblo style), metal rib roof or a shingle or tile roof. All roofs other than a flat roof shall have a minimum pitch of 3:12. All pitched roofs other than a roof behind a parapet shall have a minimum six (6) inch eave on all sides of the home.

C. R-1 Permitted Use Examples

1. ACCESSORY BUILDING is subject to provisions of Article 5 of this Code.
2. CONSTRUCTION, LAYDOWN YARD OR STRUCTURE (TEMPORARY)
 - a. Such yard or structure shall be removed upon the completion of construction or within three (3) years from date of permit, or 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 any street-curb located within twenty-five feet (25) of a street intersection.
3. 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 and each sale shall not exceed three (3) consecutive days.
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 RESIDENTIAL)
 - 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.
11. TELEVISION AND RADIO TOWERS AND ALL OTHER FREE-STANDING TOWERS (PUBLIC AND PRIVATE USE)

- a. All towers and antennas erected for the reception of satellite or radio signals shall be obtained from an approved manufacturer. Home-made towers or antennas are prohibited.
- b. Such towers and antennas for the reception of satellite or radio signals shall be permitted and erected only in rear yards or securely mounted on roof.
- c. The manufacturer of any tower or antenna shall expressly specify that their product will withstand maximum wind-gusts of 90 M.P.H.
- d. All towers and antennas shall be constructed in accordance with the state or local governing authority for the proposed site; shall comply with the National Environmental Policy Act (NEPA); the National Historic Preservation Act (NHPA); and shall require notification to the Federal Aviation Administration (FAA); and Antenna Structure Registration (ASR) with the FCC.
- e. The height of any tower and antenna shall not exceed ten (10) feet above the highest ridgeline of any structure within a 300 foot radius of the tower or antenna (see section 4-16-3a for further information); and
- f. The roofing style and materials can be flat roof (Pueblo style), metal rib roof or a shingle or tile roof. All roofs other than the flat roof shall have a minimum pitch of 3:12 and all pitched roofs other than a roof behind a parapet shall have a minimum six (6) inch eave on all sides of the home.

12. EXTERIOR LIGHTING (PRIVATE OR RESIDENTIAL USE)

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

D. R-1 Conditional Use

- 1. MULTI-FAMILY HOUSING DUPLEX, TRIPLEX CONDOMINIUMS OR CLUSTER HOMES (4 UNITS OF LESS)
 - a. Off street paved parking shall be provided at the rate of 2 spaces per living unit.
 - 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.

- 1. Trade services and other uses characteristic of a neighborhood are permitted only as a special use.
- 2. Single family dwellings to include multi-sectional manufactured and modular homes shall comply with Sections 4-3-1(B)(1) and 4-3-1(2) of this Code.

3. Single section mobile manufactured housing is not permitted in the R-2 zone. NMSA 1978, § 3-21A-4.
4. All high density residential homes in the R-2 district shall comply with the 2009 New Mexico Residential Building Code, 14.7.3 NMAC.
5. 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. R-2 Development Standards

Before the issuance of a building permit, evidence of compliance with Articles 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.

C. R-2 Permitted Uses Examples

1. ACCESSORY BUILDING is subject to provisions of Article 5.
2. APARTMENTS
3. BED AND BREAKFAST INN
4. BOARDING HOUSE
5. CHURCH (occupancy of ten (10) or more)
6. CLUSTER HOMES (maximum of sixteen (16) units)
7. CONDOMINIUMS (Residential or Professional, maximum of sixteen (16) units)
8. 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.
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.

16. PLAYGROUNDS, BALLFIELDS OR COURTS AS SPACE PERMITS

17. 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 five (5) 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.

18. SWIMMING POOL (PRIVATE)

- a. A private swimming is 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 applicable utility companies is required to insure overhead and underground safety.

19. TELEVISION, RADIO AND ALL OTHER FREE-STANDING TOWERS OR ANTENNAS (PUBLIC AND PRIVATE USE)

- a. All towers and antennas erected for the reception of satellite or radio signals shall be obtained from an approved manufacturer. Home-made towers or antennas are prohibited.
- b. Such towers and antennas for the reception of satellite or radio signals shall be permitted and erected only in rear yards or securely mounted on roof.
- c. The manufacturer of any tower or antenna shall expressly specify that their 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 Construction 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.

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
- 10. HOSPITAL OR OVERNIGHT CLINIC
- 11. NURSING HOME, CONVALESCENT CENTER, REHABILITATION OR RETIREMENT HOME
- 12. PROFESSIONAL OFFICES

13. PROFESSIONAL OFFICES (Offices that provide health services such as medical, chiropractic or dental and certain professional offices that have a low traffic volume such as attorneys or accountants, provided such offices maintain the residential character of the neighborhood and zoning where they are located)
14. SCHOOL (Public, Private, or Parochial)
15. SWIMMING POOL (Public, Commercial or Private)

4-3-3 MANUFACTURED DOUBLE/TRIPLE WIDE HOUSING SUBDIVISIONS (MH-1)

A. Authority is granted pursuant to NMSA 1978, Section 3-21A-4 as amended that reads in part: “[a] zoning agency... may regulate the occupancy or location of dwelling units in such a way as to affect the reasonable regulation of mobile homes (manufactured housing units produced prior to 1976). Such regulation may exclude mobile homes from residential-use districts and restrict them to mobile home parks or mobile home subdivisions.

B. MH-1 Purpose

1. The MH-1 Zone is intended to accommodate detached single-family manufactured dwelling units on parcels of less than five (5) acres that would protect a low to medium density residential character of development.
2. No other type of dwelling, except as stated above in 4-3-3(A)(1), is permitted in the MH-1 Zone.
3. Accessory uses that are incidental to and customarily found with the MH-1 Zone are also permitted.
4. Public sewer and water systems must be installed, when available.
5. 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.
6. A Manufactured 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 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.
10. PLAYGROUNDS, BALLFIELDS OR TENNIS AND BASKETBALL COURTS AS SPACE PERMITS
11. 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 five (5) 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.

12. 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 overhead and underground safety.

13. TELEVISION, RADIO TOWERS AND ALL OTHER FREE-STANDING TOWERS (PUBLIC AND PRIVATE USE)

- a. All towers and antennas erected for the reception of satellite or radio signals shall be obtained from an approved manufacturer. Home-made towers or antennas are prohibited.
- b. Such towers and antennas for the reception of satellite or radio signals shall be permitted and erected only in rear yards or securely mounted on roof.
- c. The manufacturer of any tower or antenna shall expressly specify that their 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)

4-3-4 MANUFACTURED MOBILE HOME PARK (MH-2)

A. Authority is granted pursuant to NMSA 1978, Section 3-21A-4 as amended that reads in part: “[a] zoning agency... may regulate the occupancy or location of dwelling units in such a way as to effect the reasonable regulation of mobile homes. Such regulation may exclude mobile homes from residential-use districts and restrict them to mobile home parks or mobile home subdivisions.

B. MH-2 Purpose

1. The MH-2 Zone is intended to accommodate single or double wide manufactured mobile housing (to include “Park Model” mobile homes, “Travel

Trailers” or “Recreational Vehicles”) in a park setting. These parks carry a moderate to high density area.

2. All proposed park designs shall be submitted for review and approval by the Planning and Zoning Commission.
3. All dwellings shall be connected, either temporarily or permanent to Public sewer and water supplies, when available.
4. Should sewer and water not be available, the park must have a water system approved by the State of New Mexico Engineering Department and a sewage system approved by the New Mexico Environmental Department.
5. If temporary hookups are not required, the park shall have appropriate dumping/filling stations available within the park.
6. Habitation within any single wide manufactured mobile home to include a “Park Model” mobile home, “Travel Trailer” or “Recreational Vehicle” outside a designated MH-2 park is prohibited except for an emergency; in which case, habitation shall not exceed ten (10) consecutive days in any one (1) year period.

C. MH-2 Development Standards

1. Before the issuance of a building permit for a park, evidence of compliance with Articles 4 through 6 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 5 and the City’s Comprehensive Plan.

D. MH-2 Permitted Use

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)
5. TRAILS SYSTEMS
6. PUBLIC PLAYGROUND OR PLAY FIELD (includes game court, ball diamond, swimming pool and similar uses)
7. GOLF COURSE (excludes miniature golf)

- 8. DRIVING RANGE (in conjunction with a golf course)
- 9. TEMPORARY STRUCTURES as may be required during construction of an authorized permanent structure.
 - a. The temporary structure shall be removed upon final inspection of the permanent structure by a certified building inspector;
- 10. PUBLIC FACILITIES
- 11. DRAINAGE AND GREEN BELTS

D. Conditional Use

- 1. Conditional uses shall be permanent or renewable as outlined in this Code, pending review and approval by the Planning & Zoning Commission.
- 2. Utility facilities are permitted (e.g. structures that house support equipment for electric, gas, water and sewer), except energy generation facilities.

E. Prohibited Use

- 1. Use of land and water not specified in this Section are prohibited.

4-3-6 LIMITED RESIDENTIAL NEIGHBORHOOD RETAIL AND SERVICE (C-1)

A. C-1 Purpose

- 1. The C-1 District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods.
- 2. Commercial businesses in this zone shall be designed to be compatible and consistent with the needs and character of the surrounding neighborhood in which it is located.
- 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
 - d. CATERING
 - e. CIGARETTE AND CIGAR SHOP
 - f. CLINICS (Dental, Medical or Chiropractic)
 - g. COMMUNITY CENTER (Public or Private)
 - h. CONVENIENCE STORE

- i. FOOD SERVICE (e.g. Coffee, Snack, Delicatessen or Restaurant)
- j. GENERAL BUSINESS OFFICE (e.g. Accounting, Advertising, or Professional Service)
- k. GENERAL SERVICE SHOPS (e.g. Arts and Craft; Art, Dance, Music or similar Lessons; Bicycle Sales and Service; Dress; Dry-cleaning; Firewood Sales; Florist; Gift and Hobby; Small Appliance Repair; Knit and Yarn; Self-service Laundry; Photography, Shoe Repair; Tailoring; Video and Music)
- l. LIBRARY
- m. NEWSPAPER (to include distribution)
- n. POST OFFICE
- o. PHARMACY
- p. PRIVATE CLUB OR LODGE
- q. REAL ESTATE

D. C-1 Conditional Use

- 1. CHILDCARE, NURSERY OR SIMILAR USE
 - a. Play area shall be in accordance with New Mexico State Licensing requirements; enclosed by a solid wall or fence five (5) feet in height.
 - b. Adequate parking shall be provided in compliance with Article 10 of this Code.
- 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.
- b. Such storage shall be totally enclosed within the building of primary use and at least ten-percent (10%) of the gross floor area shall be used for retail sales or service.
- c. Open storage is prohibited.
- d. All exterior storage requires issuance of a Special Use Permit.

9. SWIMMING POOLS: PUBLIC OR PRIVATE

- a. Swimming pools are permitted only when a protective barrier five (5) feet in height is provided around the pool, pool deck, and adjoining area. Uniform Swimming Pool, Spa and Hot Tub Code 17.46.050.
- b. Barrier here means a wall, fence or any combination thereof to control access to the pool, pool deck, adjoining areas, and the enclosure. See Rule 7-18-2(L) NMRA.
- c. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.
- d. Pool setbacks shall be:
 - 1) 20 feet from any front yard
 - 2) 10 feet from any street side yard
 - 3) 5 Feet from any interior side yard
 - 4) 5 feet from any rear yard
 - 5) 5 feet from any building

E. C-1 Special Use

The following uses require approve by the City Council as a Special Use Permit pending a public hearing and review and approval by the Commission in accordance with Article 1-7-4 of this Code.

- 1. AUTO WASHING ESTABLISHMENT
- 2. GAS PUMPS (accessory to a grocery or convenience store)
- 3. ANY PERMITTED BUSINESS with a gross floor area exceeding three-thousand (3,000) square feet (SF).
- 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
- Columbarium (Urn storage)
- Convention or Exhibition Hall
- Dance Hall or Music Academy
- Department Shop
- Electrical Shop & Electricians
- Fast Food & Drive-ins
- Frozen Food Locker
- Funeral Home or Mortuary
- Furniture & Home Furnishing
- Microwave Radio Relay Structure
- Motion Picture Theater
- Motorcycle Sales & Service
- Newspaper including distribution office
- Nursing, Convalescent or Retirement Home
- Paint Sales
- Parking Garage
- Pet Shop or Grooming
- Pharmacy
- Photographic Studio
- Physician's Office
- Playground & Recreation
- Pool & Billiard Room
- Printing & Publishing
- Radio & Television Broadcasting Studio
- Recycling Center

- Gas Stations
- Glass Cutting & Finishing
- Gymnasium
- Hospital or Overnight Clinic
- Hotel or Motel
- Home Appliance Sales & Service
- Home Appliance Repair
- Insurance Services
- Institutions (Public/Quasi-Public)
- Jewelry, Light Manufacturing
- Jewelry Store
- Laboratory (Medical, Dental, Research or Engineering)
- Law Office
- Lessons (art, music, dance, etc.)
- Liquor Store (Tavern/Package)
- Lumber & Construction
- Medical Center
- Retail Sales
- Roofing & Sheet Metal Shop (office only)
- Show & Sales Room for Business Products
- Skating Rink
- Spa
- Sporting Goods Store
- Steam Cleaning Establishment
- Tailoring
- Taverns & Cocktail Lounges
- Telephone Exchange Station
- Telegraph & Messenger Service
- Tire Sales & Service
- Title & Abstracting Services
- Travel Agency
- Upholstery Shop
- Variety Store
- Warehouse & Storage
- Watch & Clock Sales & Service

D. C-2 Conditional Use

The following C-2 uses are permitted in accordance with stated conditions and upon approval by the Commission:

1. **Amusement Park or Enterprise:** Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three-hundred (300) feet of any residential zoning district. Permanent amusement enterprises are prohibited within five-hundred (500) feet of any residential zoning district.
2. **Automobile Washing Establishment:** Subject to approval of site and related plans provided for each stall.
3. **Bank Drive-up Windows:** Stacking lane(s) of length for maximum projected traffic with a width of twelve (12) feet for each drive-up must be provided and 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.
16. **Swimming Pools:** Permitted only when a protective fence or barrier five (5) feet in height is provided around the yard, lot or pool area. See Uniform Swimming Pool, Spa and Hot Tub Code 17.46.050. Approval from all utilities is required to insure overhead safety.
17. **Welding (Accessory Use):** Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-2 zone. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.

E. C-2 Special Use

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

1. Apartments (10 unit maximum) & Townhouses (R-2 Zone development standards apply)
2. Temporary (Flea Markets) or Seasonal (Fireworks) Sales

4-3-8 HEAVY COMMUNITY COMMERCIAL AND RETAIL USE (C-3)

A. C-3 Purpose

1. The C-3 Zone shall provide for the development of commercial services designed to serve community wide needs.
2. Accordingly, the C-3 heavy commercial district is intended for the conduct of business activity that is located at the edge of residential areas but serves a larger trade area than the immediately surrounding residential neighborhoods.
3. The C-3 heavy commercial district shall provide more intensive retail trade and commercial services, such as the outside sales of vehicles, motorcycles, boats, recreational vehicles or heavy and light machinery.
4. Such areas shall provide for uses that, because of size, operating characteristics or need for major street accessibility may not be suitable in the central business district or local commercial areas.
5. 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-3 Development Standards (Special Use Permit)

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
 - s. Welding: Welding shall be permitted in the C-3 zone. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.

D. C-3 Conditional Use

1. Conditional use for those businesses that are similar in character, scale and performance or with similar noise, odor, traffic, air and water quality impacts on neighboring properties.
2. All C-3 Conditional Use businesses shall comply with all federal, state and local regulatory agencies and their policies and shall be approved by the Fire Department.
3. The following C-3 uses are permitted in accordance with stated conditions and upon approval by the Commission:
 - a. **Adult Entertainment Use:** Uses such as adult bookstores, adult movie theaters, adult magazine racks (no public display of adult pictures or materials that are visible outside the building is permitted) and other adult entertainment as defined in Article 4-19-2 of this Code shall be permitted provided such use is located at least three-hundred (300) feet from a property line of any:
 - 1) School; or
 - 2) Church; or
 - 3) Public park or recreation facility; or
 - 4) Residential zoning district.
 - b. **Body Art/Modification Establishment:** Uses include but not limited to tattoo shop or parlor, scarification shop or parlor and body piercing shop or parlor.
 - 1) Prior to receiving initial and annual renewal of business license for a Body Art/Modification Establishment, each business owner must provide evidence to the Planning and Zoning Commission that the body art establishment successfully passed a state inspection pursuant to the Body Art Safe Practices Act during the preceding calendar year.
 - 2) In the event that the body art establishment has not been inspected by the state through no fault of the business owner, the owner may apply to the City for a thirty (30) day extension of time allowing the business to operate temporarily until an inspection can be performed.
 - 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.