CHAPTER 154: PLANNING AND ZONING

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§ 154.01 PURPOSE.

(A) This is a chapter on zoning to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, the density of
population, and the location and use of buildings; dividing the municipality into districts and regulating within such districts the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or lands; adopting a zone map of the city; providing for the administration of zoning, the interpretation of this chapter and the zone map, providing for appeals, applications, fees, and administration hereof; providing for amendments, enforcement, penalties for violation; and separability of provisions.

(B) It is intended by this chapter to promote the general health, safety, morals, convenience, and welfare of the people of the city. These regulations are required to provide adequate space for light and air; to avoid undue concentration of population; to secure safety from fire, panic, and other dangers; to control congestion on the streets and public ways; to control and abate the unsightly use of buildings or land; to facilitate provisions for community services and public utilities, including transportation, water sewers, schools, parks, and other public requirements; to encourage the most appropriate use of land; and to conserve and stabilize the value of property.

(Ord. 02-004, § 9-1-1)

§ 154.02 ADOPTION OF ZONE MAP AND APPLICATION OF THE ZONING CHAPTER.

(A) The zones and boundaries of zones as established and shown on the official zone map on file within the Department of City Development, and all amendments thereto, are incorporated herein and designated as the official zone map of the city. Any use not designated a permissive or conditional use in a zone is specifically prohibited in that zone except as otherwise provided herein.

(B) Zoning boundaries indicated as approximately following right-of-way lines of streets, alleys, city limits, irrigation, or drainage ways shall be construed as following such lines.

(C) Abutting zoning along frontage on public rights-of-way shall automatically extend to the centerline upon vacation from public use of said rights-of-way.

(D) An application for change of zone of unplatted land must be accompanied by a plan delineating the boundaries of each tract requested to be rezoned.

(E) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered above, the Planning and Zoning Commission shall interpret the district boundaries.

(F) In creating certain districts and allowing certain uses the city refers to the Standard Industrial Classification Manual of 1987, the North American Industry Classification System, United States, 1997, and any supplements thereto. Those portions of the manual or its amendments which are referenced in any law or regulation creating or modifying zone districts or allowed uses, are intended to be adopted or incorporated herein by reference, but only to the extent that they are consistent with other provisions of the city relating to such zones, districts, or uses. The city reserves the right to modify within its laws or regulations any of the selected provisions within the manual or its amendments that the city might adopt.

(Ord. 02-004, § 9-1-2)

§ 154.03 DEFINITIONS.

For the purpose of this chapter, the following definitions will apply unless the context clearly indicates or requires a
different meaning.

**ABUT/ABUTTING.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESS** or **ACCESS WAY.** The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by city ordinance.

**ACCESSORY BUILDING OR USE.** A building or use which is subordinate to and serves the principal building or principal use; is subordinate in area, extent, and purpose to the principal building and principal use served; contributes to the comfort, convenience, necessity of occupants of the principal building or principal use served; and, is located on the same site as the principal building or principal use served.

**ACCESSORY LIVING QUARTERS.** Living quarters that do not contain a kitchen located within an accessory building.

**ACRE.** An area unit of measurement consisting of 43,560 square feet.

**ACTIVITY CENTER.** A collection of land uses that attracts residents and visitors for multiple purposes that may include: shopping, employment, culture, education, housing, government services, recreation, and entertainment.

**AGRICULTURAL USE.** The use of land where such land is devoted to the production of plants, animals or horticultural products, including but not limited to forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use shall not include use of land for recreational purposes.

**ALLEY.** A public thoroughfare, which affords only a secondary means of access to abutting property.

**ANNEXATION.** To add additional territory into Rio Rancho’s jurisdiction thereby changing the boundaries of the community.

**APARTMENT HOUSE.** A building arranged, intended, or designed to be occupied by three or more families living independently of each other and having separate cooking facilities in each dwelling unit.

**ARTERIAL STREET.** A street having the primary purpose of carrying large volumes of traffic and does not usually provide direct access to individual properties. Arterials are designed to provide cross-city travel.

**BALCONY.** A small outdoor area, raised above the ground, directly accessible from within the building and open except for a balustrade on at least one side.

**BASEMENT (OR CELLAR).** A story of a building, which has at least one-half of its height below grade.

**BAY WINDOW.** A projection from the wall of a building that contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor area.

**BOARDING HOUSE (BOARDING, LODGING HOUSE, OR BED AND BREAKFAST).** A dwelling containing one or more, but not more than five, guest rooms where lodging is provided with or without meals for compensation.

**BOARDING KENNEL.** Any facility where dogs or cats are housed for the general public for a profit with the
exception of state-inspected veterinarian hospitals, pet shops, animal grooming parlors and pet shelters.

**BUFFER WALL.** A stone, concrete, or masonry wall that is located on or near the property line between nonresidential zoned and residential property, is a part of a buffer zone and, is intended to provide a buffer for the residential zone.

**BUFFER ZONE.** A strip of property located between commercially and residentially zoned property, where property lines abut, and intended to provide a buffer for the residential zone.

**BUILD.** To erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

**BUILDING.** Any structure built for use of persons or animals.

**BUILDING ENVELOPE.** Refers to an area on a developable lot that delineates the maximum area of disturbance in which any building and associated structures may be located, exclusive of the driveway, underground utilities, irrigation, landscaping and natural material retaining walls (not to exceed four feet in height). The intent of this delineation is to preserve pre-existing grade and native vegetation outside of the building envelope.

**BUILDING HEIGHT.**

(1) For buildings approved and permitted prior to February 1, 2002, **BUILDING HEIGHT** means the vertical distance from the curb grade to:

(a) The highest point of a flat roof;

(b) The deck line of a mansard roof;

(c) The average height between eaves and ridge for gable, hip, and gambrel roofs.

(2) For buildings approved and permitted on or after February 1, 2002, **BUILDING HEIGHT** means the following:

(a) For buildings constructed on prepared pads or on pads in over-lot-graded subdivisions, lots of one level, building height is the distance measured from the city-approved pad elevation along the building facade to the highest point on the building (not including chimneys and other appurtenances). Lots with stepped pads are measured from the lowest city-approved pad elevation to the highest point on the building (not including chimneys and other appurtenances).

(b) For buildings constructed on undeveloped or sloping lots, building height is the distance measured from the lowest natural grade adjacent to the structure (including garages and the like) to the highest point on the building (not including chimneys and other appurtenances).

**BUILDING, PRINCIPAL.** A building which occupies the major or central portion of a lot, is the chief or main building on a lot, or constitutes by reason of its use, the primary purpose for which the lot is used.

**BUILDING, TEMPORARY.** A building or structure intended for removal or demolition within a prescribed time not exceeding two years or as set out in a building permit.

**CALIPER.** A measurement of thickness or diameter of new landscape plantings measured six inches above ground.

**CARPORT.** A structure not completely enclosed by walls for use to shelter automobiles.
CELLAR. A story of a building which has more than one-half its height below grade.

CENTER LINE. The line which bisects any right-of-way.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections between 30 inches and 7 feet above the gutter line and is a triangular area at the street corner. The area of the clear sight triangle for any given street corner shall be defined by three points and the corresponding lines which connect those three points.

(1) Point A shall be the intersection of the two center lines of the two intersecting rights-of-way (the middle of the intersection in most cases).

(2) Points B and C shall be measured the appropriate distance along the centerline of each of the intersecting rights-of-way.

(3) Appropriate distance is determined by street classification as follows:
   
   (a) Local street: appropriate distance is 75 feet;
   
   (b) Collector street: appropriate distance is 100 feet;
   
   (c) Arterial street: appropriate distance is 150 feet.

(4) When extraordinary conditions exist as determined by the Traffic Safety Advisory Committee, the City Engineer has the authority to determine the clear sight triangle area.

CLINIC. An establishment occupied by one or more members of the medical profession for the purpose of providing medical services.

CLUB. Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and/or recreation uses, and further whose activities are not conducted for monetary gain; including but not limited to civic, fraternal, charitable, religious, social, and patriotic organizations.

COLLECTOR STREET. A street that collects traffic from local streets and provides connections to arterial streets.

COMMERCIAL VEHICLE/EQUIPMENT. Any vehicle and/or equipment which has a gross vehicle weight rating that exceeds 10,000 lbs. that is used or designed for a commercial or industrial function. This term includes any vehicle/equipment that is not a noncommercial or a recreational vehicle.

COMMISSION. The Planning and Zoning Commission of the City of Rio Rancho.

COMMUNITY RESIDENTIAL CARE FACILITY. Any congregate residence, maternity shelter, or building for persons, which provides and whose primary purpose is to provide to the residents, within the facility, either directly or through contract services, programmatic services, room, board, assistance with the activities of daily living, in accordance with the program narrative, and/or general supervision of two or more adults who have difficulty living independently or managing their own affairs. COMMUNITY RESIDENTIAL CARE FACILITY does not include facilities for persons currently in custody of, or recently released by, correctional authorities that are designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life, nor does it include facilities for persons who require such services by reason of the effects of alcohol or drug abuse. COMMUNITY RESIDENTIAL CARE FACILITY does include facilities for recovering alcohol or drug abusers.
CONDITIONAL USE. A use allowed with conditions in the applicable zoning district as determined by the Planning and Zoning Commission.

CONIFER. Any tree with needle leaves and a woody cone fruit.

CONSTRUCTION TRAILER. Is a movable structure, which may be a mobile home, that is:

(1) Located on a construction site and occupied by persons having construction or security responsibilities over such construction site; or

(2) Located on a construction site in order to provide storage for tools and materials.

CONVERSION. Changing the original purpose of a building to a different use with or without structural alteration requiring a building permit.

COURT. An open space that is more than half surrounded by a single building or buildings.

CURB CUT. Depressing the curb to the adjacent level.

DECIDUOUS TREE. A tree that drops its foliage annually before becoming dormant.

DENSITY. The measure of families, individuals, dwelling units, household or housing structures per unit of land, i.e., number of dwelling units per acre.

DENSITY, GROSS RESIDENTIAL. The ratio between the number of dwelling units located or proposed to be located on a lot and the area of the lot where the area to be measured includes all lands within the lot used or proposed to be used for roads or any other purpose other than an industrial use, and may be determined by dividing the lot area by the number of dwelling units.

DESIGNATED DISABLED PARKING SPACE. Any space marked and reserved for the parking of a passenger vehicle which carries registration plates or a placard indicating disability in accordance with state statute. Such a place shall be designated by a conspicuously posted sign bearing the international disabled symbol of a wheelchair or by a clearly visible depiction of this symbol painted on the pavement of the space.

DEVELOPMENT. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures, any use or change in use of any buildings or land, any extension of any use of land, mining, dredging, filling grading, paving, excavation or drilling operations or, the storage deposition or extraction of materials; public or private sewage disposal systems or water supply facilities; for which permission may be required pursuant to city ordinances.

DUPLEX. A building arranged, intended, or designed to be occupied by two families living independently of each other and having separate cooking facilities in each dwelling unit.

DWELLING GROUP. When planned for two or more buildings used for dwelling purposes, to be located on one lot and not subdivided into the customary street and lot.

DWELLING, MULTIPLE-FAMILY. A building arranged or designed to be occupied by two or more families living independently of each other and having separate cooking facilities in each dwelling unit.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one family, the structure having
only one dwelling unit but not including a mobile home.

**DWELLING UNIT.** One or more connected rooms and a single kitchen designed as a unit for occupancy by one family for living and sleeping purposes, but not including a recreation vehicle or travel trailer, permanently installed on a permanent foundation which has received a permit from the city pursuant to R.O. 1987 or another permitting agency with jurisdiction, and the structure is either:

1. Constructed to the standards adopted by the city and other technical codes, as of the date of the unit’s construction; or

2. A single-family detached dwelling with a heated area at least 36 by 24 feet and 864 square feet, constructed in a factory to the standards of the U.S. Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., HUD Zone Code II, as amended to the date of the unit’s construction, and installed consistent with the Manufactured Housing Act (NMSA Chapter 60, Article 14), and with the regulations made pursuant thereto relating to ground level installation and ground anchors.

**EVERGREEN.** Those trees, including broad-leaved and conifer evergreens, that maintain their leaves year-round.

**FAMILY.** One or more persons who are related by blood or marriage, and including any foster children or a group of not more than five persons living together as a housekeeping unit by joint agreement on a non-profit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with a single kitchen facility. In addition, up to ten persons with a disability or handicap, including any staff residents residing in a dwelling shall be considered a family.

**FAMILY CHILD CARE HOME FACILITY.** A private residence in which care, services, and supervision is provided to a maximum of 12 children for a period of less than 24 hours of any given day. The licensee will reside in the home and be the primary caregiver.

**FENCING.** A masonry, metal, or wood wall, or plantings such as hedges, forming a boundary to and enclosing same area.

**FLOOR AREA.** The area included within the surrounding walls of a building measured from outside to outside, excluding vents, shafts, and courts.

**FLOOR AREA, GROSS.** For the purpose of this chapter, the sum of all the floor areas of a building or buildings, measured from the exterior of the supporting walls or supporting devices, including all accessory buildings on the same lot.

**FLOOR AREA RATIO.** The ratio of floor space to the total buildable area of a commercial property that can be developed under its zoning classification, which takes into consideration the amount of property that must be set aside for easements, right-of-way, landscaping, and parking.

**FRONTAGE.** The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead end street. Lot frontage is the width of a lot measured along a street.

**GALLERY.** A room or rooms for the exhibition and/or sale of works of art. Collections of paintings, pictures, photographs, and other works of art which may or may not be produced on the premises, offered for exhibition or sale.

**GARAGE APARTMENT.** A dwelling unit for not more than one family erected above garage, adjacent to a garage, or
converted from a garage.

**GARAGE COMMERCIAL.** Any building or structure where automobiles, trucks, tractors, or other vehicles are stored, painted, repaired, or equipped for a charge, and where the service and sale of gasoline and oil are incidental to the principal building use.

**GARAGE, PRIVATE.** A detached accessory building or, a portion of a dwelling unit, which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and, excludes a carport or other open shelter.

**GASOLINE SERVICE STATION.** Any building or premises used principally for the storing, dispensing, sale, or offering for sale at retail, of gasoline, oil, and/or other fuels.

**GOLF COURSE or CLUB.** Nine- or 18-hole course, which may or may not be associated with a club house, but not including miniature course or golf driving range.

**GRADE.** The average of the finished ground level at the center of all walls of a structure.

**GUEST HOUSE.** Living quarters, which may have kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guests or persons permanently employed on the premises.

**HANDICAP RAMP.** An inclined surface for handicap movement in lieu of steps.

**HOBBY BREEDER.** Any person that occasionally breeds and raises animals on their property as defined in Chapter 116 of this code.

**HOME OCCUPATION.** An occupation conducted within a dwelling unit provided that all requirements of Chapter 121 of this code are met.

**HOTEL/MOTEL.** An establishment or building providing lodging, food, and the like to travelers and long-term residents.

**LANDFILL.** A waste disposal site where waste is deposited with cover material being applied at regular intervals.

**LANDSCAPING.** To improve or ornament through the arrangement and/or modification of the effects of natural scenery over a tract of land for aesthetic effect.

**LOT.** Any parcel of land platted and placed on record in accordance with laws and ordinances; a parcel described by metes and bounds and having frontage on a public right-of-way.

**LOT WIDTH.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

**MANUFACTURED/MOBILE HOME PARK.** A unified development that provides space and facilities for manufactured/mobile homes.

**MASTER PLAN.** A comprehensive plan of development for a large tract of land (such as a growth node, or activity center that may include intended land use, street patterns, development timing and functional plans for open space, utilities, drainage and the interrelationship between the development and the city’s comprehensive plan).
MINING. For the purposes of this chapter, means the removal of sand, gravel, earth, rock, stone or mineral bearing substance from the ground for the purpose of obtaining any mineral therefrom.

MIXED USE. A combination of integrated, complimentary uses such as, but not limited to, residential, public facilities, shopping, employment, entertainment, educational institutions and open space.

MOBILE HOME. A movable or portable housing structure larger than 40 feet in body length, 8 feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

MODEL HOME. Any furnished dwelling, which is primarily used as a marketing tool to show prospective homebuyers a particular plan, type of construction, accoutrements or floor plan and which is not a residence at the same time. A sales office need not be physically located in the dwelling.

MULTI-SECTION MANUFACTURED HOME. A manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

NONCOMMERCIAL VEHICLE/EQUIPMENT. A motor vehicle/equipment used in the conduct of normal daily activities which has a gross vehicle weight rating of not more than 14,000 pounds which can be lawfully parked in a 9-foot x 22-foot parking space. This term includes motor vehicles commonly called motorcycles, automobiles, vans, sport utility vehicles, light trucks or pickups.

NONCONFORMING USE. Lots, structures, and uses which may have been lawful prior to adoption of the zoning code and subsequent amendments but which would now be prohibited or do not conform to one or more of the regulations in the zoning code or future amendments thereto.

NORTH PROPERTY LINE. Any lot line which is positioned at an angle of 45 degrees or less in relation to a line drawn due east/west. Measurement of an angle shall occur in the interior of the lot under review.

NURSING HOME. An institution, building or place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care and includes a rest home, or convalescent home.

OFFICE BUILDING. A building designed for or used as the offices of professional, commercial, industrial, religious, public or semipublic persons or organizations.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

OVERHANG. The part of a roof or wall that extends beyond the facade of a lower wall or, the portion of a vehicle extending beyond the wheel stops or curb.
PARAPET. The extension of the main walls of a building above the roof level.

PARK. An open space reserved in the public domain where appropriate development may take place and which is intended primarily for passive activity.

PARKS, RECREATIONAL. An area developed and maintained primarily for active recreation.

PARKING AREA, PRIVATE. An open off-street area of land used for the parking of more than five motor vehicles used by occupants including employees of a building to which such area is appurtenant.

PARKING AREA, PUBLIC. An open area other than a street, used for public use or including customer use, and for which use a charge may not be made.

PARKING LOT. An area provided for the free use of patrons or employees of any office or state or local government or of any public accommodation, or retail or commercial establishment.

PARKING SPACE. An area on a lot sufficient in size to store one automobile (not less than 9 feet wide and 20 feet long) connected to a public street or alley by a driveway not less than 10 feet wide and so arranged as to permit ingress and egress of the automobile at all times without moving any other automobile parked adjacent to the parking space.

PARKING STRUCTURE. Includes a partially open and/or an enclosed area other than a street or lane used for the parking of motor vehicles. A parking structure generally includes three or more parking spaces together with aisles and has a principal access from a driveway to a street and may constitute the main use of the lot.

PERMISSIVE USE. A use allowed by right in a particular zoning district.

PET SHELTER. Any establishment owned and operated by a not-for-profit organization, licensed to do business in the State of New Mexico, whose sole function is to bring aid and comfort to animals.

PET SHOP. Any commercial establishment or premises or part thereof, maintained for the purchase, sale, exchange, or hire of animals of any type; except that the term shall not include livestock auctions.

PICKUP CAMPER. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel and recreation use.

PLAT. A map showing the location, boundaries and ownership of individual properties, planned and developed as a single project.

PREMISES. Land together with any buildings or structures occupying it; however, each individual business shall be considered a premise.

PUBLIC FACILITIES. Facilities operated by a municipality including parks, trails, paths, and other recreational areas and open spaces, public schools and other public buildings, including fire stations and police substations, and places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC UTILITY. An office, pumping station, communication center, distribution, or transfer facility, or other management or operation need for electricity, communication, gas, water, transportation, sewage, but exclusive of production or disposal plants, storage yards, or supply base, unless otherwise provided for by this chapter.

RECREATIONAL VEHICLE. A vehicular unit primarily designed as a temporary living quarters for recreational,
camping, or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor home, boat, truck camper travel trailer, and camping trailer.

**RECYCLING COLLECTION CENTER.** A temporary site/facility which is an accessory use to an existing site/facility and serves as a “drop off” location for household recyclables such as paper, glass, plastics, and aluminum, but not to include refuse.

**SALES OFFICE.** An office accessory use to a dwelling unit being used as a model home or, a freestanding building usually located in a residential area, used specifically for the purpose of conducting business transactions associated with the sale of residential dwelling units.

**SCHOOL.** A public school, a separate school, a university, a college or a private school authorized by the authority having jurisdiction.

**SECOND KITCHEN.** A second culinary facility which is located within a dwelling and may include a stove, oven, sink, cabinets and/or other related storage areas, refrigerator or any combination of these, in addition to the primary culinary facilities located in the kitchen of the dwelling. Such space shall be located within the living space of a person or persons who shall be related by blood or marriage to the occupant of the primary structure.

**SETBACK.** The shortest distance between a structure and the present or future street line or property line. Placement of the following structures is allowed in this area: structures of less than 120 square feet. The placement of paved concrete, blacktop, brick and wood decking, pads, poured slabs, driveways, walkways, and ornamental landscaping accoutrements. These structures are permitted but may not exceed 12 inches in height. It is the responsibility of the property owner to secure permission, in writing, from any and all franchised utilities upon whose easements the property owner wishes to place any of the above structures.

**SHOPPING CENTER.** A structure or structures used for commercial purposes on a single parcel of at least five acres and under a single ownership and/or management.

**SITE PLAN.** A scale drawing or plan showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

**SPEC HOME.** Any dwelling constructed by a developer for sale but is not used as a sales office and need not meet landscaping requirements of a model home and may be used as a residence.

**SPECIAL EVENT.** An event, the duration of which is temporary in nature.

**STUDIO.** The workspace of a painter, sculptor, or other artist, limited to the production and sale of the works of said artist and to one occupational employee.

**STREET.** A thoroughfare which has been dedicated to the public or which has been made public by right-of-use and which affords the principal means of access to abutting property.

**STRUCTURE.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including a tent or vehicle.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.

**SWIMMING POOL.** A deep body of usually fresh water, suitable for swimming, built into the ground, or situated
above the ground, made of concrete or plastic, but exceeding 36 inches in depth.

**SWIMMING POOL, PRIVATE.** A swimming pool to which admission is limited by ownership or membership.

**SWIMMING POOL, PUBLIC.** A swimming pool to which admission may be gained by the general public with or without payment of a fee.

**TEMPORARY, EMERGENCY, CONSTRUCTION, OR REPAIR RESIDENCE.** Which may be a mobile home, is:

1. Located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster; or

2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

**TOWNHOUSE.** A residential dwelling unit which is connected by one or more walls to a series of similar units, usually sharing the same street frontage.

**TRACT, SEPARATE.** A parcel of land or a group of continuous parcels of land under one ownership on the effective date of this chapter.

**TRAVEL TRAILER or RECREATIONAL VEHICLE.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and not permanently connected to utilities.

**TRAVEL TRAILER OR RECREATIONAL VEHICLE PARK OR CAMPGROUND.** A tract of land with spaces or stands provided for temporary use of travel trailers, pickup campers, or recreational vehicles. The parking area for two or more vehicles of this type will be considered a trailer park or campground.

**USABLE OPEN SPACE.** An area, uncovered and open, or covered and open to light and air on at least one of its sides and available to some or all of the occupants of the structure for private or public recreation or leisure time activities; it does not include driveways or parking areas.

**YARD.** An open space on the same lot as a building; except as provided herein, it is unoccupied and unobstructed by a structure. Yard width or depth is the shortest horizontal distance from a lot line to the main building.

**YARD, FRONT.** The area from one side lot line to the other side lot line and between the main building and the street. A front yard line is a line parallel to the street and as far from the street as required in this chapter. On corner lots (lots abutting on two or more streets at their intersection), the front yard may face either street.

**YARD, REAR.** The area from one side lot line to the other side lot line and from the main building to the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.

**YARD, SIDE.** The area from the front building line to the rear building line and from the main building to the side lot line.

**ZERO LOT LINE HOME.** A structure of two or more dwelling units with common walls at the lot lines between adjoining units.

**ZONING DISTRICT.** Any section of the City of Rio Rancho where regulations governing the use of buildings and premises or the height and area of buildings and lot size are uniform.
§ 154.04 ESTABLISHMENT OF DISTRICTS.

There are 22 zoning districts established for use in the city as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>R-2</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>R-3</td>
<td>Multi-Family Residential</td>
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(Ord. 02-004, § 9-1-4) (Am. Ord. 05-33; Am. Ord. 05-38)

§ 154.05 R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a low density of population in which the principal land use is single-family dwelling units.
(B) **Permissive uses.**

(1) One single-family dwelling unit per lot; provided such dwelling unit meets the following design standards:

(a) All dwelling units shall be permanently affixed to a permanent foundation. No dwelling unit shall be temporary in nature. Permanent foundations for dwelling units that are not site built shall comply with New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.

(b) Each dwelling unit must have either an attached or detached private garage structurally affixed to a permanent foundation which interior dimension shall measure not less than 20 feet by 22 feet. The garage shall have an external appearance and finish-treatment similar to and consistent with the dwelling unit and shall be completed and issued a certificate of occupancy no later than 12 months after occupation of the dwelling unit.

(c) Each dwelling unit shall have a roof meeting the following minimum criteria: (i) a pitched roof with a minimum slope of 2-1/2 inches in every 12 inches and no less than 6-inch overhangs or (ii) a flat roof with parapets at least 6 inches in height above the finished roof.

(d) These overhang, roof pitch and private garage requirements shall not apply to any dwelling unit, building or structure constructed or installed prior to December 23, 1999. Notwithstanding the above, conversions of pre-existing or post December 23, 1999, private garages are prohibited unless another private garage is constructed to replace the converted private garage.

(e) Each single-family dwelling unit shall have exterior siding and roofing which, in color, materials and appearance, is comparable to the predominant materials in use on surrounding dwelling units, or if there is no predominance, is similar to the exterior siding and roofing material commonly in use on residential dwelling units in the community as a whole.

(f) All dwelling units must face the address street or create a presence on the address street. Street presence can be created by including elements such as windows, site walls, gates, portals, courtyards and landscaping in the architectural design or site plan.

(g) All front steps necessary for access due to a difference in grade between the front door and/or the floor of the dwelling unit and finished grade shall be permanently installed and shall be constructed of stone, concrete or masonry materials.

(h) An all-weather driveway shall be constructed from the property line to the private garage or carport, or to any other area designated for off-street parking.

(i) All utility installations shall be placed underground. All liquid propane installations shall be either behind the primary structure from the address street or placed underground.

(j) Sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the dwelling unit as per state regulations.

(k) Landscaping. All single-family residential development shall include the installation and maintenance of landscaping in the front yard, and when an unscreened side yard abuts a street right-of-way, in that side yard as well. A minimum of two trees, each of a minimum 1½ inches in caliper, (deciduous trees) or 8-foot high conifers (evergreen trees) and three 5-gallon shrubs or, the equivalent thereof in accordance with a written plan submitted to and approved by the Director of City Development, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed 120 days.
(1) With the exception of division (b) above, all requirements of this division shall be completed within a reasonable time after occupation of the dwelling unit not to exceed 120 days;

(2) Accessory buildings or structures, but not to include structures for livestock or fowl; provided such accessory buildings or structures meet the following design standards:

   (a) Accessory buildings and structures shall not in the aggregate encompass a greater total square foot area than the primary structure.

   (b) The exterior of any accessory building and structure encompassing more than 250 square feet shall be constructed of materials similar in color and appearance to those used in the primary structure or has a facade similar to that of the primary structure. Accessory structures greater than 500 square feet shall be constructed of the same materials or have the same facade as the primary structure.

   (c) By definition, an accessory building may not be constructed without the existence of the primary structure; the dwelling unit;

(3) Accessory living quarters;

(4) Noncommercial gardens, swimming pools, tennis courts;

(5) Parks, open spaces, recreational parks, public utilities and public facilities;

(6) Home occupations;

(7) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 12 months and no more than 14 days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to 120 days. Construction trailers will be allowed in R-1, R-2, R-3, R-4, R-5, M-H, and E-1 zones only where five or more contiguous lots are being developed at the same time, by an individual developer, and the trailer is not to be used for residence;

(8) Temporary, emergency, construction, and repair residences for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and not later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days. Lot size of a minimum of ½ acre or larger is required. The dwelling shall be connected to utilities or self-contained and shall not be located in the front setback;

(9) Family day care home with a capacity of six or less;

(10) A second kitchen may be allowed in a single-family dwelling provided that the kitchen is incidental to occupancy of the entire house in common by members of one family. There shall not be two separate and distinct dwelling units, each exclusively occupied by some family members. A permit may be granted only after submission to the Department of City Development of the plans for the dwelling or addition, along with a statement as to who the occupants shall be and their relationship. The permit shall be valid only as long as the situation as described in the application actually exists. The conditions for which the permit was granted shall be reaffirmed on an annual basis. Any additional modification to the dwelling or change in occupants shall be cause for reconsideration of the existing permit and may be cause for revocation of that permit;
(11) A single-family dwelling unit or a manufactured/modular unit may be used as a model home or sales office with these conditions:

(a) The number of model homes or sales offices allowed, based on the number of lots owned by the developer, within a one-mile radius of the proposed location of any given model or sales office, will be:

| 1 to 5 lots | = | 1 model/sales office |
| 6 to 10 lots | = | 2 models/sales offices |
| 11 to 20 lots | = | 3 models/sales offices |
| 21 to 30 lots | = | 4 models/sales offices |
| 31 to 40 lots | = | 5 models/sales offices |
| More than 40 lots | = | 6 models/sales offices |

Lots need not be contiguous

(b) Hours of operation will be 8:00 a.m. to 7:00 p.m., or as otherwise determined by the Department of City Development.

(c) Signage shall not exceed 16 square feet for any single premise.

(d) All freestanding sales offices shall have a minimum of eight parking spaces, which shall include off-street handicapped parking. All parking areas shall consist of a gravel surface. The parking requirement for model homes shall be as per the requirement for single-family dwelling units.

(e) The time limit for a model home or sales office is one year. The Department of City Development may approve time extensions.

(f) Ten percent of the lot on which each model home or sales office is located shall be landscaped with sod, shrubs and trees or as per an approved xeriscape landscape plan.

(g) Each model home or sales office shall have exterior siding and roofing which, in color, materials and appearance, is comparable to the predominant materials in use on surrounding dwelling units. The minimum pitch shall be 2/12.

(h) All setback and area requirements of the R-1 zoning district apply.

(i) All modular or manufactured models or sales offices shall be ADA compliant and meet all applicable, building, plumbing, mechanical, and electrical code requirements; and

(12) Community residential care facility up to ten persons, including any staff residents providing all city regulations are met as set forth in Chapter 120 of this code.

(C) Conditional uses (requiring use permit).

(1) Churches and other places of worship, Sunday school buildings, and parish houses;

(2) Hospitals and private institutions of an educational nature, provided that such buildings shall not be located
upon sites containing an area of less than 2-1/2 acres, may not occupy over 10% of the total area of the lot, or is designed in such a manner that the scale and placement of the building is found to be appropriate to the context upon application to the Director of City Development, and that the building shall be set back from all yard lines a distance of not less than one foot for each foot of building height;

(3) Family day care home with a capacity of seven or more;

(4) Hobby breeders, provided the lot has an area appropriate to the type and size of the animals being bred:

(a) Applicants shall provide site plans which show lot dimensions, location and dimensions of all structures, landscaping and buffers, and if applicable, information with regard to the nature of the business for review and approval by the Planning and Zoning Commission.

(b) The applicant shall provide an inspection report approved by the Department of Public Safety's Animal Control Division.

(c) The number of animals shall be as per § 116.08.

(d) The applicant shall obtain all necessary permits as may be required in this chapter and Title XI of this code of ordinances.

(c) Grounds for revocation of the permit shall be as per § 116.09. Further grounds for revocation of this permit may be the violation of any conditions attached to the use permit.

(D) Area.

(1) Every lot must have an area of not less than 7,000 square feet and a width of not less than 60 feet along the front yard setback line. This minimum lot area assumes that the lot is serviced by community utilities. If on-site water and/or sewer are used, then lot sizes required by the New Mexico Environmental Improvement Division shall apply.

(2) Setbacks. Front--20 feet minimum; front garage--25 feet minimum; 50 feet maximum on lots less than 1/2 acre; side--5 feet; rear--15 feet. Setbacks shall not apply to storage sheds of less than 120 square feet, provided that the structure is located behind the required front setback line and on a corner lot, is not located in a side yard that is visible from the street.

(3) Projections into setback area. The following structures are permitted to project into the established setback area for the lot or parcel as indicated.

(a) Patio covers. A patio cover may encroach to within five feet from the side property lines and ten feet from the rear property line, provided the property owner secures the signatures of all immediately adjacent property owners verifying that they are not opposed to the encroachment.

1. The setback shall be measured from the supporting posts, however, the overhang of a patio cover may not extend closer than three feet from a property line.

2. Any patio cover extending into the established setback area for the lot or parcel may not be enclosed with any materials, including wood, metal, canvas, plastic, glass or any other screening material. An enclosed patio cover must conform to the setback standards applicable to the main dwelling.

3. The height of the patio cover shall not exceed 12 feet.
(b) Architectural features. Bay windows, fireplaces, roof eaves, cabinets designed to screen utility meters and similar architectural features may encroach no more than two feet into any required setback area, provided the encroachments:

1. Remain at least three feet from the property line; and
2. Do not increase the living space of the structure at the floor level.

(c) Carports may be located in the front yard provided that no carport exceeds 26 feet wide by 20 feet deep, the carport shall not be located closer than 10 feet from the front property line and, the carport is not enclosed on any side, and the carport may be located in the side yard up to the side property line provided that no carport overhangs or drains onto the adjacent property.

(d) Lots adjacent to open space. On any lot which adjoins a golf course, park area, common open space or similar open space, open balconies or open decks may extend up to ten feet into the required setback from the dwelling and toward the open space; provided, however that the projection extends no closer than five feet from the property line.

(e) Unenclosed decks with floor surfaces no more than 30 inches above grade and, unenclosed porches and balconies may extend into the rear yard a distance of up to one-half of the required rear yard.

(f) Fireproof outside stairways projecting into a minimum yard not more than 3-1/2 feet may be permitted where same are placed so as to not obstruct light and ventilation.

(g) Mechanical equipment. Mechanical equipment such as air-conditioning units, pool filtering and heating equipment, water softeners, and similar mechanical equipment may occupy the required rear and side yard setback areas if screened from abutting lots and streets by fences, walls or landscaping, and if such mechanical equipment does not restrict the required access through such setback areas as determined by the Department of City Development.

(4) Building envelopes. If a building envelope is included at the time of plat, appropriate placement of the building envelope within the setback area will be allowed. Envelopes may be placed within the setback area for the following reasons:

(a) To preserve open space;
(b) To preserve native plant material on the site;
(c) To preserve natural drainage courses; and
(d) To preserve views of nearby lots.

(E) Off-street parking. Off-street parking must be provided as set forth in § 154.20.

(1) One commercial vehicle/equipment may be parked only on a developed residential property provided;

(a) It is parked in a parking space; maximum size of 9 feet x 22 feet, and
(b) It is designed as a van, pickup truck or similar vehicle, and
(c) It is not more than 22 feet in length or no more than 7 feet in height.
(2) (a) One commercial vehicle/equipment not meeting the requirement of division (E)(1) above, may only be parked on a developed residential property if such is parked beyond the profile of the home with lawfully permitted physical blinding to provide visual abatement from the street and the properties adjacent to the subject property.

(b) A lawfully permitted physical blinding means a structure, screening or structure that is in accordance with all existing applicable codes including but not limited to building codes, fire codes, and zoning codes.

(3) A vehicle that is engaged in the expeditious process of loading or unloading passengers or freight is permitted to be parked for a reasonable time period to permit the loading or unloading.

(F) *Height restrictions.*

(1) No building or structure shall exceed 32 feet in height.

(2) No accessory building shall exceed the height of the primary building.

(3) Antennas, chimneys, flues, vents, or similar structures, shall not exceed over ten feet above the specified maximum height limit.

(4) Water towers and mechanical equipment shall not extend over five feet above the specified maximum height limit.

(5) Church spires, bell towers and like architectural projections, as well as flag poles, may extend over the maximum height limit.

(6) Satellite dishes may not exceed the permissible height of the building they are attached to, and may not have a dish diameter that exceeds 18 inches.

(7) Ground-mounted antennas shall not exceed 12 feet in height and shall be screened from view from public rights-of-way by structures or landscaping.

(Ord. 02-004, § 9-1-5; Am. Ord. 02-036; Am. Ord. 05-33; Am. Ord. 03-004; Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.06 R-2: SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* This district permits a moderate density of population in which the principal use is single-family dwelling units.

(B) *Permissive uses.*

(1) Same as those for the R-1 zone; R-1 design standards apply.

(C) *Conditional uses (requiring use permit).*

(1) Same as those for the R-1 zone.

(D) *Area.*
(1) Every lot must have an area of not less than 5,000 square feet and a minimum lot width of 50 feet along the front yard setback line.

(2) Setbacks.

(a) Front - 20 feet, except for lots with a garage facing a street; a minimum 25-feet setback is required for the garage portion of the front facade.

(b) Rear - not less than 15 feet. Reduced setbacks are allowed only when specified on a plat or upon approval of a variance.

(c) Side - there shall be a five-foot setback from a side lot line. There shall be a ten-foot setback on the street side of corner lots.

(d) There shall be no projections into the side setback with the exception of the roof eave (maximum two-foot eave).

(E) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(F) Height restrictions. Same as R-1 zone.

(G) Landscaping. Same as R-1 zone.

(Ord. 02-004, § 9-1-6) (Am. Ord. 05-33; Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.07 R-3: MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a moderate density of population in which the principal use is multi-family dwelling units.

(B) Permissive uses.

(1) Single-family dwelling units; design standards as specified in the R-1 district apply;

(2) Multi-family dwellings, provided there are not more than six units per lot;

(3) Boarding and lodging houses;

(4) Garage apartment;

(5) Community residential care facility up to ten persons, including any staff residents;

(6) Town-home development provided all city regulations are met.

(7) Parks, open spaces, recreational parks, public utilities and public facilities.
(C) Conditional uses (requiring use permit).

(1) Same as those in R-1 zone.

(2) Community residential care facility up to 18 persons, including any staff residents, providing all city regulations are met

(D) Area.

(1) Where multiple-family dwellings exist, every lot must have an area of not less than 10,000 square feet and a width of not less than 70 feet along the front yard setback line. Where single-family dwellings exist, every lot must have an area of not less than 4,000 square feet with a minimum width of 40 feet along the front yard setback line.

(2) Where town-homes exist, the minimum lot size shall be 1,200 square feet with a minimum front width of 32 feet.

(3) Setbacks.

(a) Multi-family dwelling units - Front-20 feet; side-7-1/2 feet; rear-15 feet;

(b) Single-family dwelling units - Front-20 feet; side-5 feet; rear-15 feet, except for zero lot line single-family dwelling units where the side yard requirement shall be only on the end where there is no connecting unit;

(c) Garage front yard setbacks for single- and multi-family dwellings to be a minimum of 25 feet.

(d) Setbacks shall not apply to storage sheds of less than 120 square feet, provided that the structure is located behind the required front setback line and on a corner lot, is not located in a side yard visible from the street.

(E) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(F) Height restrictions. 32 feet.

(G) Landscaping.

(1) Multi-family dwellings. All multi-family residential development shall include the installation and maintenance of landscaping throughout the site. A minimum of two trees, each of a minimum 1-1/2 inches in caliper (deciduous trees) or 8 feet high (evergreen trees), and three 5-gallon shrubs or the equivalent thereof per dwelling unit in accordance with a written plan submitted to and approved by the Director of Development Services, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed 120 days.

(2) Single-family dwellings. Same as R-1 zoning district.

(Ord. 02-004, § 9-1-7) (Am. Ord. 05-33; Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.08 M-H: MOBILE HOME RESIDENTIAL DISTRICT.
(A) Purpose. This district permits a low density of population in which the primary use is mobile home dwelling.

(B) Permissive uses.

1. One mobile home per lot;
2. Accessory buildings or structures but not to include structures for domestic livestock or fowl;
3. Noncommercial gardens, swimming pools, and tennis courts; and
4. Parks, open spaces, and public utilities.

(C) Conditional uses (requiring use permit). Same as those in the R-1 zone.

(D) Area.

1. Every lot must have an area of not less than 5,000 square feet and a width of not less than 50 feet along the front yard setback line. This lot size assumes community utilities, otherwise New Mexico Environmental Industries Division standards apply.

2. Setbacks. Front–20 feet; side–5 feet; rear–15 feet. Setback shall not apply to storage sheds of less than 120 square feet provided that the structure is located behind the required front setback line, and on a corner lot, is not located in a side yard visible from the street.

(E) Off-street parking. Off-street parking space must be provided as set forth in § 154.20.

1. The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(F) Height restrictions. One story but not more than 22 feet total height.

(Ord. 02-004, § 9-1-8; Am. Ord. 08-15)

§ 154.09 C-1: RETAIL COMMERCIAL.

(A) Purpose. This district permits limited commercial uses such as those pertaining to the day-to-day needs of the residential populace.

(B) Permissive uses.

1. Stores for the sale of retail goods and products;
2. Restaurants, bars, and lounges which exclude drive up liquor dispensing windows;
3. Repair shops—electrical, radio, and television appliances, keys, and similar articles;
4. Shops—dressmaking, tailoring, laundry, dry cleaning, photo, pet, and similar trades;
(5) Banks, theaters, and office buildings;
(6) Churches and other places of worship, Sunday school buildings, and parish houses;
(7) Bakeries and confectioneries where goods are sold at retail prices;
(8) Parks, recreational parks, open spaces, and public utilities;
(9) Nursery schools and daycare facilities;
(10) Undertaking establishments;
(11) Club houses, buildings for fraternal organizations, nonprofit public service organizations;
(12) Medical complexes, professional offices associated with medical complexes, and veterinarians;
(13) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 6 months and no more than 30 days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to 120 days;
(14) Photocopying and blueprinting;
(15) Public facilities;
(16) Hospitals;
(17) Nursing homes and similar institutions;
(18) Temporary structures and enclosures used in construction of a building and used for storage of equipment and material. Such structure must be removed after the specific construction project is completed and not to remain on the premises for more than one month after completion. Temporary commercial structures used for seasonal purposes may be erected for a period of not more than 90 days. But, in no case shall the structure or enclosure be present for longer than one week after the ending of the season for which it was intended;
(19) Drive-in or drive-up window restaurants, and/or convenience stores, provided drive up liquor dispensing windows are excluded at such establishments; bowling alleys and other indoor recreational uses;
(20) Residential uses within the structures; and
(21) Offset press printing:
(a) Maximum of two offset printers;
(b) Maximum size of offset duplicator machines shall not exceed 20 inches each.
(22) Adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, and saunas provided that such uses meet the requirements and/or restrictions set forth in Chapter 111 of this code of ordinances.
(C) Conditional uses (requiring use permit).

   (1) From Division G of the S.I.C. (Retail Trade) the following major group number: Major Group 55: automotive dealers and gasoline services stations, provided that:

      (a) Lubricating, minor repairs, and associated activities are conducted within a completely enclosed building; or

      (b) A solid masonry wall at least six feet high is erected between the activity and any abutting or contiguous residential zone;

      (c) Applicants shall provide site plans which show lot dimensions, location and dimensions of proposed structures/facilities, parking, proposed signage, landscaping and buffers; if applicable, information with regard to the nature of the operation as well as hours of operation, for review and approval by the Planning and Zoning Commission.

   (2) Private schools;

   (3) Temporary model home/sales office:

      (a) Setbacks shall be as per standard C-1 requirements or as approved by the Planning and Zoning Board; whichever is greater.

      (b) Landscaping shall be as per standard C-1 requirements.

      (c) Signage shall be as per standard trade sign requirements.

      (d) The time limit for a model home is two years. The Planning and Zoning Commission may approve time extensions through the conditional use process.

      (e) Applicants shall submit a site plan which shows lot dimensions, location and dimensions of all proposed structures, proposed signage, landscaping and landscape buffers; if applicable, for review and approval by the Planning and Zoning Commission.

      (f) Sanitary facilities must be provided for during hours of operation.

      (g) All nonconformities on the site shall be brought into compliance before a certificate of occupancy is issued.

      (h) The model home/sales office is not to be used for residential purposes.

      (i) Parking shall be as per standard C-1 requirements.

      (j) Restoration of the model home site shall be accomplished within 30 days after the removal of the model home.

   (4) Recycling collection centers provided that:

      (a) Applicants provide site plans which show lot dimensions, location and dimensions of proposed structures/facilities, parking, proposed signage, landscaping and buffers; if applicable, information with regard to the nature of the operation, duration of the proposed use, and hours of operation, for review and approval by the Planning and
Zoning Commission.

(b) Applicants shall provide a statement of responsibility which verifies that as the host of the operation, the applicant shall be responsible for site maintenance in that it shall be free of litter, refuse, and recyclables.

(c) The applicant shall include plans with regard to the number and type of collection bins to be used. No open type bins will be allowed.

(d) Collection centers shall be located at minimum 100 feet from residential property.

(e) The applicant shall furnish information with regard to the disposal of the collected recyclable ensuring that they will not be disposed of at landfills.

(5) Self storage facilities. Applicants shall provide a site plan which includes at minimum the following information: lot dimensions, location and dimensions of proposed structures/facilities, parking, proposed signage, landscaping and landscape buffers and, if applicable, information with regard to the nature of the operation as well as hours of operation, for review and approval by the Planning and Zoning Board.

(D) Area. Minimum 1/2 acre (21,780 square feet).

(E) Height. Same restrictions as in R-1.

(F) Setback. Thirty-five-foot front setback only except where the parcel is adjacent to residential property in which case front, rear, and side setback adjacent to the residential property shall be equal to those in the residential zone.

(G) Off-street parking. Off-street parking shall be provided as set forth in § 154.20.

(H) Landscaping. Appropriate landscaping shall be provided for visual relief along the frontage of the parcel provided that no less than 10% of the lot shall be landscaped, and no less than one-fourth of the 10% shall be located on the front.

(I) Buffer zone.

(1) Buffer wall. The buffer wall shall be a minimum of six feet in height and shall be constructed of masonry, sealed adobe, brick or other solid material.

(a) Where nonresidential property abuts residential property, the wall shall abut the property line;

(b) Where the nonresidential district is adjacent to the residential district and a public thoroughfare separates them, the wall shall be located ten feet inside the property line on the nonresidential property. The nonresidential structure may be used in lieu of a wall if it is solid (non-openings), and if it connects to the remainder of the buffer wall to form a continuous buffer for the nonresidential site.

(2) Buffer landscaping.

(a) Landscaped buffer areas shall be a minimum of ten feet in width measured perpendicular to the buffer wall.

(b) The landscaped buffer areas shall include a minimum of one buffer tree per 25 feet, or an approved equivalent screening density. Minimum tree sizes at the time of planting shall be 3-inch caliper, 30-inch boxed variety or...
30-gallon container, or at least 10 feet in height.

(c) Where nonresidential property abuts residential property, the landscaped buffer shall be located inside the buffer wall.

(d) Where the nonresidential district is adjacent to the residential district and is separated by a public thoroughfare, the landscape buffer shall be located outside the wall. In cases where the building is acting as a partial wall buffer, the landscape buffer may be more than ten feet in width to allow for the appropriate building setbacks.

(e) Buffer trees may be a mix of conifers and deciduous trees; however, the emphasis shall be placed on conifers.

(3) If the buffer wall plus retaining wall have an effective height of over eight feet on the residential side, the city shall decide the required height.

(4) Metal buildings. Unless otherwise specified in an approved master plan, area plan or corridor plan, the front facade of a metal building shall have a stucco exterior.

(5) Any lighting shall comply with the Night Sky Protection Act and be placed so as to reflect the light away from adjacent residential districts.

(6) No unreasonable noise, odor, or vibration shall be emitted by uses outside the boundaries of the Commercial District. Such comparison shall be made at the boundary of the Commercial District.

(7) Parking will be permitted in side and rear yard setbacks, but no accessory buildings will be permitted in that area.

(Ord. 02-004, §9-1-9; Am. Ord. 04-042)

§ 154.10 C-2: WHOLESALE AND WAREHOUSING COMMERCIAL DISTRICT.

(A) Purpose. This district permits heavier commercial activities.

(B) Permissive uses.

(1) Retail stores, see § 154.09(B)(1);

(2) Repair shops, see § 154.09(B)(3);

(3) Shops, see § 154.09(B)(4);

(4) Lumber yards;

(5) Machinery, farm sales, repairing and overhauling, provided that concealed storage and repair area is utilized;

(6) Food sales;
(7) Sheet metal products;

(8) Wholesale commercial;

(9) Warehousing and storage;

(10) New and used car sales;

(11) Office buildings;

(12) Public utilities including production and disposal facilities and storage yard or supply base;

(13) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 6 months and no more than 30 days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to 120 days;

(14) Churches and other places of worship, Sunday school buildings, and parish houses;

(15) Public facilities and public utilities;

(16) Temporary structures used in the construction of a building, § 154.09(B)(18);

(17) Residential uses within the structure and mobile homes used for security purposes provided the mobile home is skirted.

(C) Conditional uses (requiring use permit).

(1) Light manufacturing or industrial;

(2) Research and development office;

(3) Auto wrecking, salvage, storage, and contractor's yards, garage for automotive repair and painting, provided:

(a) All activities are conducted in an enclosed building or are enclosed by a solid wall or solid fence at least six feet high.

(b) Inoperative automobile bodies or other material may be stacked to a height that does not exceed the height of the required fence or wall;

(4) Amusement enterprises:

(a) Indoor: Auditorium, billiard or pool hall, dance hall, theater, skating rink.

(b) Outdoor: circus, carnival, or similar activities, provided:

(i) Lighting is so located as not to reflect off the premises.
(ii) The site is located at least 300 feet from a dwelling that is a conforming use.

(iii) The use is permitted at the location for a period not to exceed five days.

(iv) Hours of operation to be from 7:00 a.m. to midnight. This is to include time for erection and dismantling of equipment.

(D) Area. Minimum ¼ acre.

(E) Height restrictions. Same restrictions as in R-1 zone.

(F) Setback. Same as C-1 zone.

(G) Off-street parking. Off-street parking shall be provided as set forth in this chapter.

(H) Landscaping. Appropriate landscaping shall be provided for visual relief along the frontage of the parcel, provided that no less than 10% of the lot shall be landscaped, and no less than one-fourth of the 10% shall be located on the front.

(I) Buffer zone. Same as in C-1 zone.

(Ord. 02-004, § 9-1-10)

§ 154.11 M-1: LIGHT INDUSTRIAL DISTRICT.

(A) Purpose. This district will permit heavy commercial and light manufacturing uses which do not create danger and which do not create offensive noise, vibration, smoke, dust, lint, odors, heat, or glare.

(B) Permissive uses.

(1) Laboratories, research, and experimental stations;

(2) Office and office buildings;

(3) Wholesale merchandising or storage warehouses;

(4) Manufacture or assembly of medical and dental equipment, drafting, optical, musical instruments, jewelry, toys, games, and electronic apparatus;

(5) Manufacture or assembly of hardware accessories, ornamental iron products, electrical appliances, and sheet metal products;

(6) Printing, publishing, lithographic, blueprinting, or photostatting establishment;

(7) Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, distilling of beverages, but not slaughtering of poultry or animals;
(8) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics and printing and finishing of textiles and fibers into fabric goods;

(9) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature;

(10) Automobile dismantling yard, provided:

(a) All activities are conducted in a completely enclosed building or are enclosed by a solid wall or solid fence at least six feet high;

(b) Inoperative automobile bodies or portions thereof may be stacked to a height that does not exceed the height of the required wall;

(11) Public utility including production and disposal facilities, storage yard, or supply base;

(12) Tire recapping or re-treading;

(13) Parks, open spaces, recreational parks, and public facilities;

(14) Residential uses within the structure and mobile homes used for security purposes, provided that the mobile home is skirted;

(15) Auto wrecking, salvage, storage, and contractors yards, garage for automotive repair and painting, provided:

(a) All activities are conducted in an enclosed building or are enclosed by a solid wall or solid fence at least six feet high;

(b) Inoperative automobiles or material may be stacked to a height that does not exceed the height of the required fence or wall;

(16) Concrete batching plants, concrete products companies and concrete contractors provided:

(a) Appropriate dust control devices be installed and operable;

(b) Appropriate screening be erected to avoid unsightly operations;

(17) New or used car lot for automobile sales;

(18) Motorcycle sales, parts, and service;

(19) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 6 months and no more than 30 days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction trailer either before or after the site development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to 121 days.

(20) Churches and other places of worship, Sunday school buildings, and parish houses;

(21) Clubhouses, buildings for fraternal organizations, nonprofit public service organizations.
(C) **Conditional uses.**

(1) Boarding kennels or pet shelters; and

(2) Flea markets.

(D) **Height restrictions.** Same restrictions as R-1.

(E) **Area.** Minimum ½ acre (21,780 square feet).

(F) **Setback.** Minimum 25 feet, front setback.

(G) **Off-street parking.** Off-street parking shall be provided as set forth in this chapter.

(H) **Landscaping.** Same as C-1 zone.

(I) **Buffer zone.** Same as C-1 zone.

(Ord. 02-004, § 9-1-11) (Am. Ord. 07-50)

§ 154.12 **H-1: HISTORICAL SITE DISTRICT.**

(A) **Purpose.** The purpose of this zone is to preserve, protect, and enhance those structures and areas of historic significance lying within the zoning jurisdiction of the city.

(B) **Special approval required.** Any erection, construction, modification, addition, alteration, moving, or destruction that would affect the exterior appearance of any structure, building, or significant object or artifact within this zone which is subject to public view will require review and approval by the Planning and Zoning Board.

(C) **Permissive uses.**

(1) Single-family dwellings;

(2) Lodging houses, duplexes, beauty, and barber shops;

(3) Antique shops;

(4) Arts and crafts shops, or galleries;

(5) Confectionery stores;

(6) Bar or lounge;

(7) Gift shop;

(8) Restaurant;

(9) Museum;
(10) Photographer's studio;

(11) Churches and other places of worship, Sunday school buildings, and parish houses.

(D) Conditional uses. None.

(Ord. 02-004, § 9-1-12)

§ 154.13 A-R: AGRICULTURAL RESIDENTIAL DISTRICT.

(A) Purpose. This district permits low-density uses and other uses customarily conducted in agricultural areas.

(B) Permissive uses.

(1) One single-family dwelling per lot or one mobile home per lot;

(2) Incidental structures such as private workshops, storage, recreation, hobby, greenhouses, accessory living quarters, or for the keeping or housing of domestic animals and/or agricultural products;

(3) Home occupations;

(4) Raising of nursery products;

(5) Parks, open spaces, recreational parks, public facilities, and public utilities;

(6) Agricultural activity, provided the lot has an area of at least one acre:

(a) Stand for display or sale of agricultural products provided the number of stands is limited to one for each lot and that the size of the stand does not exceed 400 square feet of floor area.

(b) Animals such as cattle, horses, pigs, sheep, and goats for commercial purposes provided that one head of cattle or horses does not exceed one for each 10,000 square feet of open lot area; one sheep or goat for each 4,000 square feet or equivalent combination. All livestock and poultry shall be kept in such a manner as not to constitute a nuisance, through violation of the following regulations:

1. Offensive noise, odor, or dust shall be effectively controlled;

2. Areas devoted to livestock and poultry, including accessory buildings or structure, shall be constructed and maintained to discourage concentration and breeding of insect pests;

3. All animals shall be confined within owner's property boundaries.

(7) Temporary, emergency, construction, and repair residences for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and not later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days. Lot size of a minimum of ½ acre or larger is required. The dwelling shall be connected to utilities or self-contained and shall not be located in the front setback;
(8) Community residential care facility up to ten persons, including any staff residents providing all city regulations are met;

(9) Family day care home with a capacity of six or less.

(C) **Conditional uses (requiring use permit).**

(1) Churches and other places of worship, Sunday school building, and parish house;

(2) Hospitals and institutions of an educational nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five acres, may occupy not over 10% of the total area of the lot and that the building shall be set back from all yard lines a distance of not less than one foot for each foot of building height;

(3) Nursery, pre-kindergarten, kindergarten, and other private or special schools where the site area is three acres plus one acre for each 100 pupils or part thereof enrolled in the school;

(4) Fur-bearing animal farm;

(5) Kennel, veterinary hospital;

(6) Family day care home with a capacity of seven or more;

(7) Hobby breeder as per conditions listed under the R-1 Single-family Residential District.

(D) **Height.** Same restrictions as R-1.

(E) **Area.** Every lot must have an area of at least one acre with a width of at least 100 feet along the front yard setback line; one front yard having a depth of at least 50 feet. Two side yards having widths of at least 25 feet; one rear yard having a depth of at least 50 feet. A lot or parcel of land that has less area or width than that herein required and which was held under separate ownership or was on record prior to the adoption date of this chapter, may be occupied by any use permitted in this district.

(F) **Off-street parking.** Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply except that one commercial vehicle/equipment may be parked on the property when such is used and is related to a permitted use being conducted on the property.

(Ord. 02-004, § 9-1-13) (Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.14 SU: SPECIAL USE DISTRICT.

(A) (1) This zoning district is suitable for property which is special because of its potential effect on surrounding property, or for other reasons in which the appropriateness is partially or entirely dependent on the character of the site. A special use zoning designation is also appropriately used to:

   (a) To restrict uses otherwise permitted in an underlying zoning district,

   (b) To allow a combination of uses not otherwise permitted in an underlying district,
(c) To establish a singular land use,

(d) To establish requirements or conditions that are unique to the property.

(2) An application for a change to SU zoning must state the proposed land use(s).

(3) All SU zoned property must have a site plan approved by the Governing Body. The site plan may accompany the application for a change in zoning designation or may be submitted for approval at a later date. Approval of the site plan must be obtained prior to any development of the property. The site plan at a minimum shall contain the following information:

(a) Scale and north arrow;
(b) Lot boundaries and easements;
(c) Existing and proposed utilities;
(d) Existing and proposed rights-of-way;
(e) Proposed structures with uses dimensions, and setbacks;
(f) Proposed ingress, egress, parking and circulation;
(g) Landscaping and landscape buffers;
(h) Elevations;
(i) Adjacent property characteristics;
(j) Preliminary drainage plan.

(4) The Director of Development Services may approve minor changes to an approved site plan if the change is consistent with the use and other written requirements and/or conditions of approval, if the buildings are of the same general configuration, if the total square footage is not greater than 10% than the approved plan, the site circulation is similar in its effect on adjacent property or streets, and the approving official finds that neither the city nor any person will be substantially aggrieved by the altered site plan. Notice of the proposed change shall be mailed to owners of adjacent property and to associations entitled to notice of the change. Substantial changes to an approved site plan must be approved by the Governing Body.

(B) Special uses include but are not limited to the following:

(1) Airport;
(2) Amusement park of a permanent character;
(3) Cemetery, including columbarium, mausoleum, or crematory;
(4) Resorts, spas;
(5) Race track;
(6) Stadium;

(7) Manufactured home/mobile home park;

(8) Recreational vehicle/travel trailer park or campground;

(9) Concrete batching plant;

(10) Outdoor theater;

(11) Community residential care facility provided all city regulations are met in addition to any conditions set forth via the SU/Special Use zoning hearing process;

(12) Landfill;

(13) Mining;

(14) Planned residential developments.

(a) Permitted uses include single-family homes, townhouses, and apartments, and associated accessory structures as regulated by an underlying zoning district or an approved site plan. Permissive commercial uses may be allowed, up to 25% of the gross floor area of the development.

(b) A site plan for a P.R.D. shall include information as to the maximum number of dwelling units and/or density; maximum and minimum lot sizes; maximum building height; minimum building setbacks; architectural design standards including but not limited to exterior wall materials and colors roof materials and colors; preliminary grading and drainage plan, landscaping design standards, parking, site lighting, design of walls and fences visible from public rights-of-way, and pedestrian amenities.

(15) Any use or combination of uses, not otherwise permitted under a specific zoning district.

(Ord. 02-004, § 9-1-14; Am. Ord. 08-15; Am. Ord. 08-18)

§ 154.15 E-1: ESTATE RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a very low density of population in which the principal land use is single-family dwellings.

(B) Permissive uses.

(1) One single-family dwelling per lot:

(a) All dwelling units shall be permanently affixed to a permanent foundation. No dwelling unit shall be temporary in nature. Permanent foundations for dwelling units that are not site built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations.

(b) Each dwelling unit must have either an attached or detached private garage permanently affixed to a permanent foundation. If the garage is attached to the dwelling unit, the garage must have an interior measurement of at least 11 feet by 24 feet in size. If the garage is detached from the dwelling unit, the garage must have an interior...
measurement of at least 20 feet by 24 feet in size. The garage shall have a similar external appearance and finish as the dwelling unit and shall be completed and issued a certificate of occupancy no later than 12 months after occupation of the dwelling.

(c) Each dwelling unit shall have a roof meeting the following minimum criteria:

1. A pitched roof with a minimum slope of 2 ½ inches in every 12 inches and no less than 6-inch overhangs; or

2. A flat roof with parapets at least 6 feet in height above the finished roof.

(d) These overhang, roof pitch and private garage requirements shall not apply to any dwelling unit, building or structure constructed or installed prior to December 23, 1999. Notwithstanding the above, conversions of pre-existing or post December 23, 1999 private garages are prohibited unless another private garage is constructed to replace the converted private garage.

(e) Each single-family dwelling unit shall have exterior siding and roofing which, in color, materials and appearance, is comparable to the predominant materials in use on surrounding dwelling units, or if there is no predominance, is similar to the exterior siding and roofing material commonly in use on residential dwelling units in the community as a whole.

(f) All front steps necessary for access due to a difference in grade between the front door and/or the floor of the dwelling unit and finished grade shall be permanently installed and shall be constructed of stone, concrete or masonry materials.

(g) An all-weather driveway shall be constructed from the property line to the private garage or carport, or to any other area designated for off-street parking in accordance with § 154.20.

(h) All utility installations shall be either behind the front of the primary structure from the address street or placed underground. All liquid propane installations shall be either behind the primary structure from the address street or placed underground.

(i) Sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the unit as per state regulations.

(j) Landscaping. All single-family residential development shall include the installation and maintenance of landscaping in the front yard, and when an un-walled side yard abuts a street right-of-way, in that side yard as well. A minimum of two trees, each of 1½ inches in diameter, and three 5-gallon shrubs or the equivalent thereof in accordance with a written plan submitted to and approved by the Director of City Development, or that person's official designee, shall be installed within a reasonable time after occupation of the dwelling unit not to exceed 120 days.

(k) With the exception of (B)(1)(b) above, all requirements of this division (B) shall be completed within a reasonable time after occupation of the dwelling unit not to exceed 120 days.

(2) Accessory buildings or structures as per R-1, including stable facilities for the housing and maintenance of horses but not to include structures for other types of domestic livestock or fowl;

(3) Horses are allowed by the following criteria:

(a) The minimum lot size required for the first horse is one acre;
(b) Thereafter, each additional horse shall require \(\frac{1}{2}\) acre per horse in addition to the minimum;

(c) Horses must be corralled in such a manner as to keep horses a minimum of ten feet away from any property line.

(4) Noncommercial gardens, swimming pools, tennis courts;

(5) Parks, open spaces, recreational parks, public facilities, and public utilities;

(6) Home occupations;

(7) Construction trailers with the same restrictions as R-1 zone district;

(8) Temporary, emergency, construction and repair dwelling units for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and not later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days. Lot size of a minimum of \(\frac{1}{2}\) acre or larger is required. The dwelling shall be connected to utilities or self-contained and shall not be located in the front setback;

(9) Family day care home with a capacity of six or less;

(10) A second kitchen may be allowed in a single-family dwelling provided that the second kitchen is incidental to occupancy of the entire house by members of one family;

(11) Guest house or servants quarters provided that such a structure;

(a) Will not be used for the purpose of rent or lease income;

(b) The minimum lot size required in order to add a guest house or servants quarters to a lot is \(1\frac{1}{2}\) acre; and

(c) The guest house or servants quarters shall be a maximum of 900 square feet;

(12) Community residential care facility up to ten persons, including any staff residents providing all city regulations are met;

(13) Accessory living quarters.

(C) Conditional uses (requiring use permit).

(1) Family day care home with a capacity of seven or more;

(2) Churches, Sunday school buildings, parish houses and other places of worship intended to house educational or religious functions provided that:

(a) Such building shall not be located on sites containing less than five acres;

(b) The buildings or structures shall not occupy more than 15% of the total lot area;

(c) The buildings or structures shall be set back from all lot lines a distance of not less than one foot for each foot of building height or the standard E-1 setback, whichever is greater;
(d) Appropriate landscaping, landscape buffering and parking shall be provided as per the site plan that will be approved by the Planning and Zoning Commission;

(e) The facility be located on an arterial or collector street; and

(f) Only those accessory uses directly affiliated with the principal land use shall be permitted.

(3) Hobby breeder as per conditions listed under the R-1 Single-family Residential District.

(D) Area.

(1) Every lot must have an area of not less than 21,780 square feet.

(2) Setbacks (minimum). Front–35 feet. Rear–25 feet. Sides–10 feet except in the case where the side setback requirement in total is greater than 20% of the lot frontage. In that case, side setbacks may be reduced to 5 feet.

(3) Building envelopes. If a building envelope is included at the time of plat, appropriate placement of the building envelope within the setback area will be allowed. Envelopes may be placed with the setback area for the following reasons:

(a) To preserve open space;

(b) To preserve native plant material on the site;

(c) To preserve natural drainage courses;

(d) To preserve views of nearby lots.

(E) Restrictions.

(1) Height. Same as R-1 zone.

(2) Grading and drainage. No grading of sites will be allowed until the City Engineer has approved both the grading and the drainage for the site.

(F) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply except that a commercial vehicle/equipment may be parked on the property when such is used and is related to a permitted use being conducted on the property.

(G) Landscaping. Same as R-1 zone.

(Ord. 02-004, § 9-1-15) (Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.16 O-1: OFFICE.

(A) Purpose. This district permits residentially scaled offices. This district is intended to act as a buffer between
residential property and more intensive nonresidential uses. No noise, odor or vibration shall be emitted which would cause a negative impact on the adjacent residential district. Such comparison shall be made at the property line. Permissive uses for the offices are listed by their Standard Industrial Classification (S.I.C.). For a more detailed description of each Division, major group and subsequent group and industry numbers, refer to the S.I.C. Manual 1987. Unless otherwise stated, all group and industry numbers within a given major group number will be included:

(B) Permissive uses.

(1) From Division H of the S.I.C. (Finance, Insurance and Real Estate) the following major group numbers:

<table>
<thead>
<tr>
<th>Major Group Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Group 60</td>
<td>Depository institutions</td>
</tr>
<tr>
<td>Major Group 61</td>
<td>Nondepository credit institutions</td>
</tr>
<tr>
<td>Major Group 62</td>
<td>Security and commodity brokers, dealers, exchanges and services</td>
</tr>
<tr>
<td>Major Group 63</td>
<td>Insurance carriers</td>
</tr>
<tr>
<td>Major Group 64</td>
<td>Insurance agents, brokers and service</td>
</tr>
<tr>
<td>Major Group 65</td>
<td>Real estate</td>
</tr>
<tr>
<td>Major Group 67</td>
<td>Holding and other investment offices</td>
</tr>
</tbody>
</table>

(2) From Division I of the S.I.C. (Services) the following major group numbers:

<table>
<thead>
<tr>
<th>Major Group Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Group 73</td>
<td>Business services</td>
</tr>
<tr>
<td>Major Group 80</td>
<td>Health services</td>
</tr>
<tr>
<td>Major Group 81</td>
<td>Legal services</td>
</tr>
<tr>
<td>Major Group 82</td>
<td>Educational services</td>
</tr>
<tr>
<td>Major Group 83</td>
<td>Social services</td>
</tr>
<tr>
<td>Major Group 86</td>
<td>Membership organizations</td>
</tr>
<tr>
<td>Major Group 89</td>
<td>Miscellaneous services with the exception of Group Number 899 (services not elsewhere classified)</td>
</tr>
</tbody>
</table>

(3) From Division J of the S.I.C. (Public Administration) the following major group numbers:

<table>
<thead>
<tr>
<th>Major Group Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Group 91</td>
<td>Executive, legislative and general government, except finance</td>
</tr>
<tr>
<td>Major Group 92</td>
<td>Justice, public order and safety</td>
</tr>
<tr>
<td>Major Group 93</td>
<td>Public finance, taxation and monetary policy</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Major Group 94</td>
<td>Administration of human resources programs</td>
</tr>
<tr>
<td>Major Group 95</td>
<td>Administration of environmental quality and housing programs</td>
</tr>
<tr>
<td>Major Group 96</td>
<td>Administration of economic programs</td>
</tr>
</tbody>
</table>

(4) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 180 days and no more than 30 days after construction has finished for a total of 231 consecutive days. If an extension is needed, application is necessary and may be granted for up to 120 days.

(C) Conditional uses: (requiring use permit).

(1) From Division I of S.I.C. (services) the following major group numbers: Major Group 89: Miscellaneous services of group number 899 (services not elsewhere classified);

(2) Division K of the S.I.C. (Nonclassifiable establishments);

(3) Residential uses within the structures;

(4) Private schools.

(D) Area. Minimum ¼ acre.

(E) Height. One story up to 20 feet unless otherwise stated on the zone map.

(F) Setbacks. Twenty-five-foot front setback. All side and rear setbacks shall be a minimum of one foot for each one foot of building height. No accessory structures will be allowed in the setback.

(G) Off-street parking. Off street parking shall be provided as set forth in § 154.20. Parking will not be allowed in the setback.

(H) Landscaping. Appropriate landscaping consisting of trees, shrubs and sod shall be provided for visual relief along the frontage of the parcel provided that no less than 15% of the lot shall be landscaped, and no less than half of the 15% shall be located on the front.

(I) Buffer zone. Same as C-1 zone district.

(Ord. 02-004, § 9-1-16)

§ 154.17 O-2: OFFICE.

(A) Purpose. This district permits offices. Permissive uses for the offices are listed by their Standard Industrial Classification (S.I.C.). No noise, odor or vibration shall be emitted which would cause a negative impact on the adjacent residential district. Such comparison shall be made at the property line. For a more detailed description of each division, major group and subsequent group and industry numbers, refer to the S.I.C. Manual 1987. Unless otherwise stated, all group and industry numbers within a given major group number will be included.
(B) **Permissive uses.**

(1) Same as O-1 zone except, no Major Group 65 Real Estate, plus;

(2) Temporary sales office for a period not to exceed 21 days before construction plus the entire period of construction up to 180 days and no more than 30 days after construction has finished for a total of 231 consecutive days. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days.

(C) **Conditional uses (requiring use permit).** Same as O-1 Zoning District.

(D) **Area.** Minimum ½ acre.

(E) **Height.** Same as R-1 unless otherwise stated on the zone map.

(F) **Setbacks.** Thirty-five-foot front setback. No accessory structures will be allowed in the setback.

(G) **Off-street parking.** Off street parking shall be provided as set forth in § 154.20. Parking will be allowed in the setback.

(H) **Landscaping.** Same as O-1 Zoning District.

(I) **Buffer zone.** Same as C-1 Zoning District.

(Ord. 02-004, § 9-1-17)

§ 154.18 T-Z: TRANSITIONAL ZONING DISTRICT.

(A) This zoning district permits low density residential uses on an interim basis for newly annexed areas in which the long term land uses and development policies consistent with the city’s comprehensive plan have not yet been determined.

(B) The T-Z Transitional Zoning District shall consist of territory annexed in which long-term land uses and development policies consistent with the city’s comprehensive plan have not yet been determined.

(C) The land area and boundaries of the Transitional Zoning District shall be determined by the City Development Department with the concurrence of the Planning and Zoning Commission and the approval of the governing body.

(D) The permissive uses in the T-Z Transitional Zoning District are:

(1) One single-family dwelling unit per lot as per the R-1 Zoning District (design standards apply);

(2) Accessory buildings or structures shall be permitted for storage and garage purposes, but shall not include stables for horses, or structures for other types of domestic livestock or fowl. All other criteria as per R-1 zoning district shall apply;

(3) Home occupations;

(4) Construction trailers for a period not to exceed 21 days before construction, plus the entire period of
construction up to 6 months, and no later than 30 days after construction has finished for a total of 231 consecutive days maximum. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days;

(5) Temporary, emergency construction and repair dwelling units for a period not to exceed 21 days before construction, plus the entire period of construction up to 180 days, and not later than 30 days after construction has finished for a total of 231 consecutive days. If an extension is needed, application to the administration is necessary and may be granted for up to 120 days. Lot size of a minimum of ½ acre or larger is required. The dwelling shall be connected to utilities or self-contained and shall not be located in the front setback;

(6) Community residential care facility up to ten persons, including any staff residents providing all city regulations are met;

(7) Family day care facility with a capacity of six or less.

(8) Parks, open spaces, recreational parks, public utilities and public facilities.

(E) The minimum setbacks for the transitional zoning district shall be 35 feet in the front, 25 feet in the rear, and 10 feet from the sides of each lot.

(F) Restrictions.

(1) Height. Same as R-1 zoning district.

(2) Grading and drainage. No grading of sites shall be allowed until the City Engineer has reviewed both the grading and the drainage of the site.

(G) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(H) No conditional uses shall be allowed in the Transitional Zoning District.

(I) No subdivision of property shall be permitted in the Transitional Zoning District, except for lot consolidation.

(J) A permanent zoning district for the annexed territory shall be adopted by the governing body when long-term land use and development policies consistent with the city comprehensive plan have been determined.

(K) Landscaping shall be required as per R-1 zoning district.

(Ord. 02-004, § 9-1-18) (Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.19 CMU: COMMERCIAL/MIXED USE DISTRICT.

(A) Purpose. This district permits limited commercial and residential uses such as those pertaining to the day-to-day needs of the residential populace.

(B) Permissive uses.
(1) Stores for the sale of retail goods and products; except gasoline stations are not permitted;

(2) Repair shops—electrical, radio, and television appliances, keys and similar articles;

(3) Shops—dressmaking, tailoring, laundry, dry cleaning, photo, pet, and similar trades;

(4) Banks, and office buildings;

(5) Churches and other places of worship, Sunday school buildings, and parish houses;

(6) Bakeries and confectionaries where goods are sold at retail prices;

(7) Parks, recreational parks, open spaces, public facilities, and public utilities;

(8) Nursery schools;

(9) Undertaking establishments;

(10) Club houses or buildings for fraternal organizations provided there is no liquor license, and nonprofit public service organizations;

(11) Medical complexes, professional offices associated with medical complexes, and veterinarians with overnight kenneling for medical purposes only (no boarding kennels);

(12) Construction trailers for a period not to exceed 21 days before construction plus the entire period of construction up to 6 months and no more than 30 days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction site before or after development is completed. If an extension is needed, application to and certification from the City Development Department is necessary and may be granted for up to 120 days;

(13) Photocopying and blueprinting businesses;

(14) Residential uses are permitted as a secondary use conducted in conjunction with a primary business use, provided the following conditions shall be met:

(a) The exterior of any residential building shall be constructed of materials similar in color and appearance to those used in the primary business structure.

(b) The residence shall be located either as part of the primary business structure or behind the primary business structure.

(c) The residence can be used as a residence but cannot be used in a business capacity.

(C) Conditional uses (requires use permit).

(1) Temporary structures and enclosures used in construction of a building and used for storage of equipment and material. Such structure must be removed after the specific construction project is completed and not to remain on the premises for more than one month after completion. Temporary commercial structures used for seasonal purposes may be erected for a period of not more than 90 days. But, in no case shall the structure or enclosure be present for longer than
one week after the ending of the season for which it was intended;

(2) Schools;

(3) Storage, limited to self-storage units and storage of vehicles which are behind a wall and not visible from the surrounding neighborhood;

(4) Research and development offices, excluding those that could be a nuisance or hazard to the surrounding neighborhood;

(D) Area. Minimum ¼ acre.

(E) Height. Same restrictions as R-1; 32 feet.

(F) Setback. Thirty-five-foot front setback only except where the parcel is adjacent to residential property in which case front, rear, and side setback adjacent to the residential property shall be equal to those in the residential zone.

(G) Off-street parking. Off-street parking shall be provided as set forth in this chapter.

(H) Landscaping. Appropriate landscaping shall be provided for visual relief along the frontage of the parcel provided that no less than 10% of the lot shall be landscaped, and no less than one-fourth of the 10% shall be located on the front. Landscaping requirements shall be established in accordance with any applicable land use plan.

(I) Buffer zone.

(1) Where the side and/or rear property lines of a commercial site are contiguous to a residential zoning district, or are separated there from only by an alley, there shall be a 6-foot high solid masonry wall adjacent to the property lines, and a 10-foot wide landscaped area adjacent to the wall on the commercial property. The landscaped area shall contain evergreen trees at least 3-inch caliper, spaced no further than 25 feet apart.

(2) If the masonry wall plus retaining wall have an effective height of over eight feet on the residential side, the city shall decide the required height. Any lighting shall be placed so as to reflect the light away from adjacent residential districts. No noise, odor, or vibration shall be emitted by uses outside the boundaries of the Commercial Mixed Use District.

(3) Parking will be permitted in side and rear yard setbacks, but no accessory buildings will be permitted in that area.

(Ord. 02-004, § 9-1-19) (Am. Ord. 07-50)

§ 154.20 OFF-STREET PARKING REQUIREMENTS.

(A) All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question, as per the following criteria:

(1) Single-family dwelling: Two parking spaces are required per dwelling unit. Parking spaces must be paved or all-weather in nature.

(2) Multi-family dwelling: One and one-half parking spaces per dwelling unit. Parking spaces for multi-family
dwellings shall not be in the required yards.

(3) Mobile home: One parking space per dwelling unit.

(4) Hotels and motels: One space for each unit; one space for each two employees, and appropriate space for any accessory use, such as a restaurant.

(5) Hospital, clinic, or convalescent or nursing home: One space for each bed.

(6) Medical or dental office: Five spaces for each doctor.

(7) Places of public assembly, including churches, community centers, auditoriums, theaters, gymnasiums, arenas, and mortuaries: One space for each four seats.

(8) Clubs, lodges, or fraternal organizations: One space for each 200 square feet of floor area.

(9) Dance hall, skating rink: One space for each 200 square feet of floor area.

(10) Office, professional, retail businesses, and public buildings: One space for each 300 square feet of gross floor area.

(11) Restaurant, bar: One space for each four seats.

(12) Bowling alley: Four spaces per alley.

(13) Industrial, manufacturing, and wholesale establishments: One space for each two employees on the largest shift.

(14) Shopping centers: Five spaces per 1,000 square feet of gross floor area.

(B) Mixed uses. For mixed uses, the total requirement for off-street parking spaces shall be the sum of the fractional requirements of the various uses computed separately.

(C) An applicant for a building permit must submit plans showing location, arrangement, and dimensions of the parking facilities, turning spaces, drives, aisles, and ingress and egress for approval by the Department of City Development.

(D) The number of required parking spaces must be provided on the same lot where the principal use associated with the parking spaces is located. Spaces may be provided on adjacent or nearby lots provided that the number of off-site parking spaces does not exceed 25% of the total number of required spaces. The off-site parking spaces must be located within 300 feet of a public entrance or a principal building housing the use associated with the parking. A developer wishing to take advantage of these provisions must present a legally recorded document indicating that he has the irrevocable permission of the owner or agent in charge of the area where the off-site parking will be located to use such spaces.

(E) Design standards.

(1) All facilities must provide appropriate access to a street, alley or public thoroughfare.

(2) Parking aisle widths shall conform to the following widths:
### Aisle Width

<table>
<thead>
<tr>
<th></th>
<th>0°</th>
<th>30°</th>
<th>45°</th>
<th>60°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Way Traffic</td>
<td>13</td>
<td>11</td>
<td>13</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>Two-Way Traffic</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>23</td>
<td>24</td>
</tr>
</tbody>
</table>

(3) Driveways shall not be less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when the driveway is not longer than 50 feet, it does not provide access for more than six spaces, and there is sufficient turning space so that vehicles do not need to back onto a public street. Each parking space shall consist of an area of not less than 9 feet in width by 20 feet in length exclusive of driveway area, except in the following situations:

(a) In parking areas containing ten or more parking spaces, up to 20% of the parking spaces may contain a rectangular area of 7¾ feet by 15 feet in length provided that such spaces are conspicuously designated as reserved for small or compact cars only.

(b) Wherever parking areas consist of parallel parking spaces, the dimensions of such parking spaces shall not be less than 9 feet by 22 feet.

(4) Vehicle accommodation areas shall be designed so that vehicles may exit parking areas without backing onto arterial streets and shall be designed so that sanitation, emergency, and other public service vehicles can serve the development without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(5) Parking areas shall be designed so that vehicles do not extend beyond the property lines.

(6) Parking areas shall be designed so that traffic circulation allows vehicles to proceed safely without posing a danger to pedestrians and other vehicles and without interfering with parking areas.

(7) Parking areas shall be properly maintained in all respects. In particular, parking area surfaces shall be kept in good condition and parking space lines or markings shall be kept clearly visible and distinct.

(8) Parking areas, loading and unloading areas, and the driveways constructed to service those areas shall be paved with asphalt paving or other suitable material as determined by the City Engineer.

(F) Designated disabled parking spaces.

(1) Handicapped parking space size. Each required handicapped space shall consist of an area of at least 9 feet wide and shall have an adjacent access aisle 5 feet wide, minimum. At least one of the required handicapped parking spaces shall be van accessible; a minimum of 9 feet wide with an adjacent access aisle a minimum of 8 feet wide. One of every eight handicapped parking spaces must be designated van accessible. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with this chapter and the American Disabilities Act (ADA). Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

(2) Every parking lot shall have a minimum number of designated disabled parking spaces as provided herein:

<table>
<thead>
<tr>
<th>Total Spaces in Parking Lot</th>
<th>Minimum Designated Disabled Parking Spaces</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Gross Leasable Area of Building</th>
<th>Number of Spaces*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 to 19,000</td>
<td>1</td>
</tr>
<tr>
<td>20,000 to 79,000</td>
<td>2</td>
</tr>
<tr>
<td>80,000 to 127,999</td>
<td>3</td>
</tr>
<tr>
<td>128,000 to 191,000</td>
<td>4</td>
</tr>
<tr>
<td>192,000 to 255,999</td>
<td>5</td>
</tr>
</tbody>
</table>

*The area shall be a minimum of 12 feet by 55 feet with an overhead clearance of 14 feet from grade.

(3) The designated disabled parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb cut or ramp and must be clearly designated as such as per ADA specifications.

(4) No building permit shall be issued for the construction or substantial renovation of a commercial building inviting public access, unless the parking lot has designated disabled parking spaces as delineated herein.

(G) Wherever the normal operation of a development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development a sufficient off-street loading and unloading area must be provided in accordance with the following:

(1) The area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area given the nature of the development.

(2) Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely without obstructing or interfering with any public right-of-way, parking space, or parking lot aisle.

(3) No area allocated to loading and unloading facilities may be used to satisfy the parking area requirements of the development or vice versa.

(H) Recognizing that the parking requirements set forth in this section cannot cover every possible situation, the Department of City Development is authorized to determine the parking requirements using this section as a guide.
(1) Whenever the department allows or requires a deviation from the parking requirements set forth herein, it shall record the parking requirement that it imposes and the reasons for allowing the deviation.

(2) If the department concludes, based upon information it receives in consideration of a specific development proposal, that the requirements for a particular use classification is in error, the department shall initiate a request for an amendment to the table of parking requirements as set forth herein.

(Ord. 02-004, § 9-1-20; Am. Ord. 05-33)

§ 154.21 FENCE REQUIREMENTS.

(A) For the purpose of administering and enforcing this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMON FENCE.** A fence that straddles a property line. For the purposes of this section, it is assumed that common fences are jointly owned in their entirety by each property owner and that initial construction of and any modifications that require city approval beyond typical maintenance requires the written permission of each property owner.

**ELECTRICAL FENCING.** A fence consisting of wires charged with electricity serving to confine domestic animals or livestock.

**FENCE.** A vertical structure taller than 1 foot, not more than 20 inches wide, which forms a barrier built for the purpose of protection, decoration, confinement, enhancement of privacy, and in some cases, built for safety.

**RETAINING WALL.** Any structure that is intended to retain more than 18 inches of soil or similar material.

**SWIMMING POOL FENCE.** A fence that is six feet in height that serves to limit access for safety purposes.

(B) Construction materials for fences include common construction materials such as wood, masonry, adobe, chain link, wire mesh, or other materials approved by the Department of City Development. Barbed wire, concertina wire, or similar material is only appropriate in the E-1/Estate Residential District where it may be used to confine horses or in M-1 and C-2 zones. Broken glass in/on fences is strictly prohibited.

(C) Fences may be placed anywhere within a lot, parcel, or tract of land within the city as specified herein. Fences may not be placed beyond property lines. Fences in the public right-of-way are strictly prohibited. Placement of a fence within an easement requires written permission of the grantee to which the easement is assigned. Fences on nonresidential properties may not be placed in the front setback area without an approved conditional use permit.

(D) Maximum fence height varies with the location of the fence on the property.

(1) Fences allowed in the front setback area can reach a maximum height of 4 feet, except that fence height on corner lots must conform to the specifications under clear sight triangle, as defined in § 154.03.

(2) Fences built within the side yard setback, behind the front setback to the rear setback can be a maximum of six feet.

(3) Fences built outside the setback area within the buildable area of a lot, parcel, or tract may reach a maximum height of eight feet.
(a) The maximum fence height on nonresidential property is six feet where it abuts residential property, along the rear or side property line. Fences may be built to a height of eight feet in this situation with an approved conditional use permit.

(E) (1) Fence height is measured from grade where the fence is located. It is considered a subterfuge of the ordinance to pile or berm dirt or other materials and attempt to measure a fence from the top of the berm or from the top of a “pseudo” retaining wall. It is however, allowed to fill in large areas of a lot, parcel, tract in order to achieve an overall or consistent grade, and then measure fence heights from that grade. A change in grade requires approval by the City Engineer.

(2) Fences may be placed on top of retaining walls and height will be measured from the grade level of the retained material behind the retaining wall or in other words, from the highest soil or similar material point.

(F) Special fences.

(1) Swimming pool. Fences are required around any swimming pool which is greater than 3 feet in depth or which exceeds 5,000 gallons. The pool must be enclosed on all sides by a fence or other barrier that provides an impediment of a least 6 feet thereby limiting access. In the event of a grade separation or the erection of an above ground swimming pool, the 6-foot minimum height is measured from outside the fence, while the pool is on the inside. Gates on pool fences are required to be 6 feet in height with a self-closing latch at least 4½ feet (54 inches) off the ground. In the case where a common fence cannot be used for a swimming pool fence, the swimming pool fence must be a minimum of 5 feet from the common property line fences.

(2) Corner lots. Fences in the clear sight triangle as defined in § 154.03 may not be greater than 30% solid when viewed along a line of sight which is parallel to the hypotenuse of the clear sight triangle.

(3) Residential fences that abut high intensity nonresidential or multi-family uses may be erected as follows: where a residential lot, parcel or tract abuts an arterial or collector street as defined in the comprehensive plan, multi-family or nonresidential zoned property, a fence may be a maximum of eight feet in height along the abutting side or rear property line, behind the front house line.

(4) Buffer walls. Fences that are required with multi-family or nonresidential development must be erected and continuously maintained so that a six-foot opaque fence exists along the property lines that abut the residentially zoned property.

(5) Electrical fencing may be placed only on the inside of a fence so that it is not accessible to adjacent property and requires a conditional use permit.

(G) Approval process. All fences require a zoning plan review. If the fence is a part of a larger submittal, for example new home construction, the fencing plan review will occur at that time and is inclusive in the plan review fee. If the fence is an improvement to a developed site, a fencing plan review is required.

(1) Fencing plan review submittal should include the following:

(a) Application;

(b) Lot dimensions (sketch);

(c) Location of existing structures, including retaining walls;
(d) Location of proposed fence, proposed height, and construction materials (cross-section).

(H) Exemptions. This section does not apply to fences in existence before the effective date of Ordinance 93-006, except that on sale or transfer of the property on which a non-conforming fence is located, or except when the fence is declared a nuisance or hazard as determined by the Department of City Development or the Traffic Safety Advisory Committee, such fence may be made to conform with the requirements of this chapter, or removed within 30 days of the closing or transfer or declaration of the fence as a nuisance or hazard.

(Ord. 02-004, § 9-1-21)

§ 154.22 NONCONFORMING USES.

(A) When, within the various districts established by this chapter or amendments that may be later adopted, there exist lots, structures, and uses that were lawful before this chapter was passed or amended but which would be prohibited under the terms of this chapter or future amendment, it is the intent of this chapter to:

(1) Allow these nonconforming uses to continue until they are removed;

(2) Not encourage their survival or perpetuation;

(3) Insure that the nonconformities shall not be enlarged upon, expanded, or extended;

(4) Not permit the nonconformities to be used as a grounds for adding other structures or uses prohibited elsewhere in the same district;

(5) Not permit the attachment of additional signs to the building or the placement of additional signs or display devices on the land outside the building or permit the addition of other uses if such additions are of a nature that would be prohibited generally in the district involved.

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction, or designated use of any building in which actual and lawful construction had begun prior to the effective date or adoption or amendment of this chapter and upon which construction has been diligently carried on.

(C) Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.

(D) If a nonconforming use is damaged or destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, then restoration must be for a permitted use.

(E) Each owner of a nonconforming use that was in existence before March 7, 1983, shall apply for a nonconforming use certificate. Application shall be made to the City Development Department. The City Development Department shall make final determination on all applications. A certified nonconforming use ceases to be valid only after abandonment (a period of 6 consecutive months; uses, a period of 12 consecutive months; structures) and cannot subsequently be reestablished by the property owner where such use is otherwise prohibited. Prior to the issuance of a nonconforming use certificate, the department shall confirm via submitted documentation that the nonconformity has been in continuous existence and shall subsequently affirm that the nonconformity continues to exist on an annual basis.

(Ord. 02-004, § 9-1-22)
§ 154.23 BUILDING PERMITS.

(A) No building may be undertaken in the city without a building permit as required by the City of Rio Rancho and/or the General Construction Industries Commission of the State of New Mexico and without an application having been made for an occupancy permit as required by § 154.24.

(B) All buildings or houses other than accessory buildings shall display identification numbers.

(1) The City Development Department shall record designated street numbers on the plan review application of new construction, and shall furnish building numbers of all buildings needed.

(2) Numbers shall be affixed on buildings the last day of the first month the building is occupied.

(a) Street numbers shall be as designated by the City Development Department.

(b) All numbers other than those designated shall be removed.

(3) The numbers shall be located on the right/left side of the street address entrance, clearly visible from the street.

(a) Each figure of a house or building number shall be a material which will withstand the natural elements.

(b) The figures shall not be less than three inches in height and of corresponding width.

(4) It shall be the responsibility of the building owner to maintain numbers of houses and/or buildings in good as well as legible condition or design.

(Ord. 02-004, § 9-1-23)

§ 154.24 OCCUPANCY PERMITS.

Subsequent to the effective date of this chapter, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the City Development Department. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this chapter. No building or premises shall be occupied until such a certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office the Municipal Clerk, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such a certificate of occupancy.

(Ord. 02-004, § 9-1-24)

§ 154.25 SPECIAL EVENT PERMIT.

(A) Incidental or infrequent uses/events such as but not limited to, circuses, fairs, carnivals, festivals, and outdoor sales, that are commonly associated with a business or club which include but is not limited to civic, fraternal, charitable,
religious, social and patriotic organizations may be allowed in all zones provided that:

(1) The applicant, prior to any formal scheduling of an event, shall submit in writing to the Department of City Development, for temporary zoning approval, documents that contain the following information:

(a) The date, hours of operation and location of the proposed event;

(b) Verification of property owner's permission to conduct the event if the event is to be held on property not under ownership of the applicant;

(c) A notarized statement by the applicant and/or property owner assuming responsibility for the security, safety, disposal of any refuse, debris, or litter, and traffic control at the location of the event, for the duration of the event.

(2) Temporary signage for special events shall be allowed, however, signage shall not exceed 40 square feet, shall not be erected sooner than one week before the event, and must be removed not later than three days after the event. Signage is limited to one per street frontage and must be on site.

(3) Special events shall be limited to two events per business/organization per every 12 calendar months.

(4) For fees, refer to the fee schedule on file in the City Clerk's office.

(Ord. 02-004, § 9-1-25)

§ 154.26 R-4: SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a moderate density of population in which the principal use is single-family dwelling units.

(B) Permissive uses. Same as those in the R-1 zone; design standards apply except that a private garage may be a one-car with a minimum dimension of 12 by 20.

(C) Conditional uses (requiring use permit). Same as those in R-1 zone.

(D) Area. Lots must have an area of not less than 4,000 square feet with a minimum width of 40 feet along the front yard setback line.

(E) Setbacks. Same as those in the R-2 zone.

(F) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(G) Height restrictions. Same as in the R-1 zone.

(H) Landscaping. Same as R-1.

(Ord. 02-004, § 9-1-26) (Am. Ord. 05-33; Am. Ord. 08-15)
§ 154.27 R-5: SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a moderately high density of population in which the principal use is single-family dwelling units.

(B) Permissive uses. Same as those in the R-1 zone except there are no multi-family dwellings; design standards apply except that a detached private garage may be a one-car as set forth in the R-1 zone.

(C) Conditional uses (requiring use permit). Same as those in the R-1 zone.

(D) Area. Lots must have an area of not less than 2,500 square feet and a minimum lot width of 35 feet along the front yard setback line.

(E) Setbacks. Same as those in the R-2 zone.

(F) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.

(G) Height restrictions. Same as in the R-1 zone.

(H) Landscaping. Same as R-1.

(Ord. 02-004, § 9-1-27; Am. Ord. 08-15)

§ 154.28 R-6: MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. This district permits a high density of population in which the principal use is multi-family dwelling units.

(B) Permissive uses. Same as those in the R-3 zone except that no single-family dwellings are permitted and multi-family dwellings are not limited to a maximum of six units per lot.

(C) Conditional uses (requiring use permit). Same as those in R-1 zone.

(D) Area.

(1) Lots must have an area of not less than 10,000 square feet with a minimum width of 70 feet along the front yard setback line.

(2) The maximum allowable density on a lot is 32 dwelling units per acre.

(3) Setbacks. Same as those in the R-3 zone.

(E) Off-street parking. Off-street parking spaces must be provided as set forth in § 154.20.
(1) The same restrictions as stipulated in the R-1 zoning district pertaining to parking of commercial vehicles apply.

(F) *Height restrictions.* Same as in the R-1 zone, except that building height is limited to 6 stories and 72 feet in height.

(G) *Landscaping.* Same as in the R-3 zone.

(Ord. 02-004, § 9-1-28)(Am. Ord. 07-50; Am. Ord. 08-15)

§ 154.29 OS: OPEN SPACE DISTRICT.

(A) *Purpose.* The purpose of this district is to satisfy the visual and psychological needs of the community for light and air, and permit beneficial recreational uses that minimize disruption of the land’s natural systems and are not detrimental to the natural characteristics of the land.

(B) *Permissive uses.*

(1) Natural areas designated for recreation, wildlife/habitat enhancement, natural and cultural resource preservation;

(2) Land undergoing restoration;

(3) Regional preserves;

(4) Lakes, waterways, flood water storage areas, and other public facilities for handling flood water, all designed in such a way as to be considered a visual and or physical amenity in the community;

(5) Structures and facilities incidental to the above uses, provided that such incidental buildings do not cover more than 5% of the ground area;

(6) Roads and public utilities.

(C) *Conditional uses.*

(1) Parks and plazas;

(2) Botanical gardens, arboretums and gardens open to the public.

(Ord. 02-004, § 9-1-29)

§ 154.30 PR: PARKS/RECREATION DISTRICT.

(A) *Purpose.* The purpose of this district is to satisfy the visual and psychological needs of the community for light and air, and permit beneficial recreational uses that alter the natural characteristics of the land.

(B) *Permissive uses.*
(1) Parks and plazas;

(2) Botanical gardens, arboretums and gardens open to the public;

(3) Roads and public utilities.

(C) Conditional uses.

(1) Golf courses;

(2) Cemeteries including columbariums, mausoleums, or crematories;

(3) Natural areas designated for recreation, wildlife/habitat enhancement, natural and cultural resource preservation;

(4) Land undergoing restoration;

(5) Regional preserves;

(6) Lakes, waterways, flood water storage areas, and other public facilities for handling flood water, all designed in such a way as to be considered a visual and or physical amenity in the community;

(7) Structures and facilities incidental to the above uses, provided that such incidental buildings do not cover more than 5% of the ground area.

(Ord. 02-004, § 9-1-30)

§ 154.31 MU-A: MIXED USE ACTIVITY CENTER DISTRICT—PURPOSE AND INTENT.

(A) Purpose. The Mixed Use Activity Center District permits new mixed-use developments consisting of integrated blends of land uses and networks of interconnected pedestrian-oriented streets and ways.

(B) Application for rezoning. Applications for rezoning to a Mixed Use Activity zone related to this classification need to illustrate compliance with the Design Criteria for Mixed Use Nodal Activity Centers as stated in the Vision 2020—Integrated Comprehensive Plan.

(C) Intent.

(1) Encourage a greater intensity of development in order to attract the people and commerce necessary to create a vibrant and diverse urban center.

(2) Encourage a blending of residential, civic, commercial and office uses that will trade horizontal distance for a vertical mixture of uses.

(3) Encourage a mixture of service and employment uses so that residents will have the opportunity to work as well as shop and play within walking distance from their houses.

(4) Encourage planning, design and detailing that reflects the needs of pedestrians, establishes multi-modal
circulation opportunities, and creates memorable civic spaces.

(Ord. 02-004, § 9-1-31)

§ 154.32 MU-A DISTRICT: CONSIDERATIONS FOR APPROVAL.

(A) Plans should reflect the intent of the design criteria as outlined in the Vision 2020–Integrated Comprehensive Plan.

(B) Plans should comply with the intent and requirements of the MU-A classification.

(C) The total area of the district must be a minimum of ten acres.

(D) Plans must include a diversity of housing opportunities within or in close proximity to the district.

(E) Plans must include prominently sited civic or community building and/or public spaces within the district.

(Ord. 02-004, § 9-1-31)

§ 154.33 MU-A DISTRICT: DEVELOPMENT REVIEW PROCESS.

(A) Property zoned MU-A requires the approval of a master plan and development guidelines for the district prior to development or re-development of the land. An applicant wishing to develop property zoned MU-A must submit a master plan and design and development guidelines for the mixed use development to the Director of City Development for a preliminary review.

(B) Following preliminary review by the Department of City Development, the application will be subject to the review and approval of the Planning and Zoning Commission.

(C) Upon approval, the master plan and accompanying documents will be used as the official guide for future development within the district.

(D) Site development within the district will require the submission of a site development permit application to the City Development Department for approval. The site development permit application will be evaluated based on compliance with the approved master plan and guidelines.

(Ord. 02-004, § 9-1-31)

§ 154.34 CHECK LIST FOR MU-A MASTER PLAN APPROVAL.

The Department of City Development will provide potential applicants with a checklist of required items. The checklist will include, but is not limited to, the following:

(A) Master plan application;

(B) Legal description of the property;
(C) Master plan—illustrating the following:

1. General information:
   (a) Scale:
       1. Ten to 20 acres: 1 inch = 50 feet;
       2. Between 20 acres and 100 acres: 1 inch = 100 feet.
   (b) Bar scale;
   (c) North arrow;
   (d) Scaled vicinity map;
   (e) Existing structures on site and on sites adjacent to the proposal that may impact, or may be impacted by the project;
   (f) Property lines;
   (g) Existing and proposed easements (identify each);

2. Proposed development:
   (a) Area of each proposed parcel;
   (b) Proposed uses within each proposed parcel;
   (c) Dimensions of all principal site elements;

3. Streets and circulation:
   (a) Identification and location of public and private streets and alleys with proper name, existing and proposed width dimensions;
   (b) Right-of-way width;
   (c) Sidewalk widths and locations, existing and proposed;
   (d) Bikeways and trails;
   (e) Bus facilities, including bays and shelters where required;
   (f) Provisions for non-auto transportation, including transit and bicycle-related improvements and pedestrian linkage;

4. Utilities:
(a) Fire hydrant locations, existing and proposed;

(b) Right-of-way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions;

(c) Distribution lines;

(d) Existing water, sewer, storm drainage facilities (public and/or private);

(e) Proposed water, sewer, and storm drainage facilities (public and/or private);

(5) Phasing and financing. Proposed phasing and financing of improvements and provision for interim facilities in the form of a development agreement or similar document.

(D) Design and development guidelines:

(1) Architecture;

(2) Site planning;

(3) Landscaping;

(4) Lighting;

(5) Signage;

(6) Resource conservation.

(Ord. 02-004, § 9-1-31)

§ 154.35 CHECK LIST FOR MU-A SITE DEVELOPMENT PLAN.

The Department of City Development will provide potential applicants with a checklist of required items. The checklist will include, but is not limited to, the following:

(A) Site development permit application;

(B) Legal description of the property;

(C) Site development plan—illustrating the following:

(1) General information.

(a) Scale:

1. Ten to 20 acres: 1 inch = 50 feet;

2. Between 20 acres and 100 acres: 1 inch = 100 feet.
(b) Bar scale;

(c) North arrow;

(d) Scaled vicinity map;

(e) Existing structures on site and on sites adjacent to the proposal that may impact, or may be impacted by the project;

(f) Property lines;

(g) Existing and proposed easements (identify each);

(2) Proposed development:

(a) Structural.

1. Location of existing and proposed structures on the property and on adjacent properties, including privacy and retaining walls (distinguish between proposed and existing structures);

2. Square footage of each structure;

3. Proposed use within each structure and their corresponding square footage;

4. Temporary structures, signs and other improvements;

5. Walls, fences, screening: height, length, color and materials. Show cross-sections for retaining walls;

6. Dimensions of all principal site elements;

7. Loading facilities;

8. Site lighting (height, type, intensity);

(b) Non-structural and parking:

1. Parking design with spaces numbered per aisle;

2. Locations;

3. Arrangements;

4. Dimensions and curve radii;

5. Turning spaces;

6. Drives;

7. Aisles;
8. Ingress;
9. Egress;
10. Number of spaces required;
11. Handicapped parking spaces required;
12. Bicycle racks, spaces required;
13. Elevation drawing of refuse container and enclosure if applicable;

(3) Street and circulation.
   (a) Identification and location of public and private streets and alleys with proper name, existing and proposed width dimensions;
   (b) Curve radii;
   (c) Right-of-way width;
   (d) Pavement width (flow line to flow line) including medians and median cuts;
   (e) Sidewalk widths and locations, existing and proposed;
   (f) Location of traffic signs and signals related to the functioning of the proposal;
   (g) Bus facilities, including bays and shelters where required;
   (h) Curb size and type;
   (i) Provisions for non-auto transportation, including transit and bicycle-related improvements and pedestrian linkages.

(4) Utilities.
   (a) Fire hydrant locations, existing and proposed;
   (b) Distribution lines;
   (c) Right-of-way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions;
   (d) Existing water, sewer, storm drainage facilities (public and/or private);
   (e) Proposed water, sewer, storm drainage facilities (public and/or private).

(5) Phasing and financing.
(a) Proposed phasing and financing of improvements and provisions for interim facilities in the form of a development agreement or similar document;

(b) Distribution lines;

(c) Right-of-way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions;

(d) Existing water, sewer, storm drainage facilities (public and/or private);

(e) Proposed water, sewer, storm drainage facilities (public and/or private).

(6) Landscaping plan.

(a) General information.

1. Scale – must be the same as site plan;

2. Bar scale;

3. North arrow;

4. Property lines;

5. Existing and proposed easements;

6. Identify nature of ground cover materials:

   a. Impervious areas (pavements, sidewalks, slope pavings, curb and gutters, and the like);

   b. Pervious areas (planting beds, grass, ground cover vegetation, and the like);

   c. Ponding areas either for drainage or landscaping/recreational use.

7. Identify nature, location of plant materials (common and/or botanical names):

   a. Existing, indicating whether it is to be preserved or removed;

   b. Proposed, to be established for general landscaping;

   c. Proposed, to be established for screening/buffering.

8. Irrigation system;

9. Planting beds;

10. Turf area – provide square footage and percentage;

11. Responsibility for maintenance (statement);
12. Water conservation measures (statement);

13. Landscaped area requirement; square footage and percentage;

14. Landscaped area provided; square footage and percentage.

(E) Grading plan.

(1) General information.

(a) Scale—must be same scale as site plan;

(b) Bar scale;

(c) North arrow;

(d) Existing topography and structural improvements within at least 25 feet beyond property boundaries (more may be required);

(e) Property lines;

(f) Existing and proposed easements;

(g) Proposed contours and/or spot elevations;

(h) Retaining walls.

(2) Proposal.

(a) Grading submittals, ponding areas, erosion and sediment control facilities:

1. Conceptual grading and drainage plan;

2. Drainage plan (may be required for other submittals);

3. Drainage report (may be required for other submittals).

(b) Cross sections. Provide cross sections for all perimeter property lines at the point of the greatest grade changes. Where the grade change is greater than 4 feet, provide one additional cross section in each direction within no more than 100 feet of the reference point.

(c) Spot elevations. Provide spot elevations existing and proposed, within 20 feet of both sides of the property line, not to exceed intervals of 100 feet.

(d) Grade changes. Identify grade change on the site greater than two feet with shading or a single crosshatch. Identify grade changes greater than four feet with darker shading or a double crosshatch.

(F) Building and structure elevations.
(1) General information.
   (a) Scale;
   (b) Bar scale;
   (c) Facade orientation (elevation of all sides of the buildings);
   (d) Dimensions, to scale including the overall height and width, and dimensions of major facade elements;
   (e) Location, material and colors of windows, doors and framing;
   (f) Materials and colors of all building elements and structures.

(2) Signage.
   (a) Elevations;
   (b) Location;
   (c) Height and width;
   (d) Sign face area–dimensions and square footage;
   (e) Lighting;
   (f) Materials and colors for sign face and structural elements.

(3) Additional information including, but not limited to, the following items, may be submitted:
   (a) Renderings and perspective drawings;
   (b) Presentation models;
   (c) Elevations.

(G) Response to master plan and guidelines (statements).
   (1) Response to architectural design;
   (2) Response to landscape design;
   (3) Response to street design;
   (4) Response to resource conservation;
   (5) Response to environmental design.

(Ord. 02-004, § 9-1-31)
§ 154.36 MU-A: TYPES OF ACTIVITY CENTERS.

(A) Village center. A low-density, 10- to 20-acre neighborhood activity center with retail, office and commercial uses integrated with outdoor plazas and public spaces. The village center includes one- and two-story, non-residential buildings. Clusters of single-family homes are permitted at the perimeter of the district. Parking accommodations are made with on-street parking and landscaped, shared surface parking lots located behind buildings.

(B) Community center. A medium-density, 20- to 100-acre activity center with residential, retail, office, commercial and public uses integrated with outdoor plazas and public spaces. The community center includes buildings of one to four stories, and may include multi-family residential units in and around the center. Clusters of single-family homes are generally only permitted at the perimeter of the district. Parking accommodations are primarily made with landscaped, shared surface parking lots located behind buildings and parking structures with attractive street facades and/or ground floor commercial/retail.

(C) Regional center. A medium- to high-density, mixed use activity center of 100 acres or more with residential, retail, office, commercial and public uses designed at a pedestrian scale integrated with outdoor plazas and public spaces. The vertical scale of this center is more pronounced than the other centers to encourage a greater density and intensity of uses. The regional center includes buildings of up to ten-stories, and may include multi-family residential units inside of commercial and office buildings located in and around the center. Clusters of single-family homes are only permitted at the perimeter of the district. Parking accommodations are primarily made with parking structures, and underground parking facilities that have attractive street facades and/or ground floor commercial/retail. The limited use of shared surface parking lots is also permitted.

(D) Permissive and conditional uses.

<table>
<thead>
<tr>
<th></th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-family residences</td>
<td>x</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Single-family residences</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inns</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Boarding or rooming houses</td>
<td>x</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Club houses or buildings for</td>
<td>x</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>fraternal organizations and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-profit organizations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail sales of the following goods provided there is no outdoor storage or activity except parking:</td>
<td>x</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arts and crafts objects, supplies, plus their incidental creation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Retail sales of the following goods provided there is no outdoor storage or activity except parking: (Cont'd)</td>
<td>x</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Category</td>
<td>X</td>
<td>O</td>
<td>O</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Books, magazines, newspapers, and stationary</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Cosmetics, notions, hobbies supplies</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Drugs, medical supplies</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Flowers and plants</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Food and drink for consumption on-premise or off, but not drive-in restaurants</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Restaurants with a drive-in facility for take-out orders</td>
<td>x</td>
<td>x</td>
<td>o</td>
</tr>
<tr>
<td>Jewelry</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber, beauty</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>At home day care, day-care centers, and nursery schools</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Dry-cleaning station (no processing), self-service laundry</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Instruction in music, dance, arts, or crafts</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Interior decorating</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Photography</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Repair shops, except automobiles</td>
<td>x</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Automobile repair shops</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Undertaking establishments</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Neighborhood gasoline stations</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Stalls or merchandise stands for outdoor sale of goods at street front</td>
<td>x</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business and professional offices consistent in use and scale with the purpose, goals and objectives of this mixed-use district</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Research and development offices excluding those that could be a nuisance or hazard to the surrounding neighborhood</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Medical complexes, professional offices associated with medical complexes</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Veterinarians with overnight kenneling facilities for medical purposes only (no boarding kennels)</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Civic, religious, and municipal uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries, public parks and village squares</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Churches</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Schools</td>
<td>Village Center</td>
<td>Community Center</td>
<td>Regional Center</td>
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<tr>
<td>---------</td>
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<td>----------------</td>
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<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public utilities, provided they are located underground</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking structures</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

(E) Conditional uses.

<table>
<thead>
<tr>
<th>Temporary structures and enclosures used in construction of a building and used for storage of equipment and material. Such structures must be removed after the specific construction project is competed and not to remain on the premises for more than one month after completion.</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage, limited to self-storage units and storage of vehicles which are behind a wall and not visible from the surrounding neighborhood</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

(F) Area.

<table>
<thead>
<tr>
<th>The area ranges for the Mixed-Use Activity Centers</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-20 acs</td>
<td>20-100 acs</td>
<td>+100 acs</td>
<td></td>
</tr>
</tbody>
</table>

(G) Intensification.

<table>
<thead>
<tr>
<th>Floor area ratios (F.A.R.) for site development</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>.25 to .30 FAR</td>
<td>.30 to .50 FAR</td>
<td>.50+ FAR</td>
<td></td>
</tr>
</tbody>
</table>

(H) Height restrictions.

<table>
<thead>
<tr>
<th>Building height shall be measured as the vertical distance from the highest finished grade relative the street frontage, up to the eaves or highest level of a flat roof</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 ft. max</td>
<td>48 ft. max</td>
<td>85 ft. max</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The height of the parapet walls may vary depending on the need to screen mechanical equipment</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>o</td>
<td>o</td>
<td>o</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building height to ridge may vary depending on the roof pitch</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>o</td>
<td>o</td>
<td>o</td>
<td></td>
</tr>
</tbody>
</table>
(I) Maximum building footprint.

<table>
<thead>
<tr>
<th>Buildings with large footprints (20,000 SF to 50,000 SF)</th>
<th>Village Center</th>
<th>Community Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,000 SF</td>
<td>15,000 SF</td>
<td>50,000 SF</td>
</tr>
<tr>
<td></td>
<td>x</td>
<td>x</td>
<td>0</td>
</tr>
</tbody>
</table>

(J) Setback. Fifteen-foot minimum front setback; ten-foot minimum rear setback. Side setback only required where a commercial parcel is adjacent to a property with residential zoning, in which case rear and side setbacks adjacent to the residential property shall be equal to those in the residential zone. Parking will be permitted in side and rear yard setbacks, but no accessory buildings will be permitted in those areas.

<table>
<thead>
<tr>
<th>Parking Standards for Automobile and Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td>Single-family residential</td>
</tr>
<tr>
<td>Multi-family residential – 1 bedroom</td>
</tr>
<tr>
<td>Multi-family residential – &gt;1 bedroom</td>
</tr>
<tr>
<td>Commercial – retail &lt; 50,000 SF</td>
</tr>
<tr>
<td>Commercial – retail &gt; 50,000 SF</td>
</tr>
<tr>
<td>Commercial – convenience</td>
</tr>
<tr>
<td>Commercial – office</td>
</tr>
</tbody>
</table>

(Ord. 02-004, § 9-1-31)

§ 154.37 MU-A: TYPES OF ACTIVITY CENTERS.

(A) Refer to table in § 154.36, “Parking Standards for Automobile and Bicycle Parking.”

(B) The majority of off-street parking shall be provided behind buildings or in parking structures, with the number of spaces as set forth in § 154.20.

(C) Application request for a reduction in the number of required off-street parking spaces as the result of shared parking, on-street the Department of City Development will consider parking availability, and proximity to transit during the site plan review.

(D) The requirements of § 154.20(G) do not apply in the MU zone.

(Ord. 02-004, § 9-1-31)
§ 154.38 MU-A: LANDSCAPING.

Appropriate landscaping shall provide visual relief of the district and safe, comfortable and attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal process. Landscaping requirements for buffering shall be as established in § 154.40. Other landscaping shall be as required to conform to the intent of the Vision 2020-Integrated Comprehensive Plan.

(Ord. 02-004, § 9-1-31)

§ 154.39 MU-A: LIGHTING.

Lighting shall be installed and operated in accordance with all applicable electrical/lighting regulations. Lighting shall be placed so as to reflect the light away from adjacent residential districts.

(Ord. 02-004, § 9-1-31)

§ 154.40 MU-A: BUFFER ZONE.

(A) Buffering is not required in the MU-A District.

(B) Buffering may be implemented at the perimeter of the mixed-use district, but only when there is a non-residential use inside the district, adjacent to a residential use outside the district.

(C) Buffer wall. A buffer wall may be a maximum of six feet in height and shall be constructed of masonry, wood, sealed adobe, brick or other solid material.

(1) Where mixed-use property abuts residential property, the wall shall abut the property line;

(2) Where the mixed-use district is adjacent to a residential district and separated by a public thoroughfare, the wall shall be located ten feet inside the property line on the nonresidential property. The nonresidential structure may be used in lieu of a wall if it is solid (non-openings), and if it connects to the remainder of the buffer wall to form a continuous buffer for the nonresidential site.

(D) Buffer landscaping.

(1) Landscaped buffer areas shall be a minimum of ten feet in width measured perpendicular to the buffer wall.

(2) The landscaped buffer areas shall include a minimum of one buffer tree per 25 feet, or an approved equivalent screening density. Minimum tree sizes at the time of planting shall be 3-inch caliper, 30-inch boxed variety or 30-gallon container, or at least 10 feet in height.

(3) Where nonresidential property abuts residential property, the landscaped buffer shall be located inside the buffer wall.

(4) Where the nonresidential district is adjacent to the residential district and is separated by a public
thoroughfare, the landscape buffer shall be located outside the wall. In cases where the building is acting as a partial wall buffer, the landscape buffer may be more than ten feet in width to allow for the appropriate building setbacks.

(5) Parking will be permitted in side and rear yard setbacks, but no accessory buildings will be permitted in that area.

(Ord. 02-004, § 9-1-31)

§ 154.41 CBD: CENTRAL BUSINESS DISTRICT.

(A) Intent; purpose.

(1) It is the intent of this section to create a Central Business District (CBD) to provide a mixed land use environment consisting of concentrated retail, commercial, government, recreational and entertainment, residential and office uses that are intended to serve as a destination and service the needs of the regional trade area. The CBD is intended to be used to establish the City of Rio Rancho's first downtown.

(2) The downtown is modeled as a "lifestyle center" providing a "main street" environment with open-air shopping, planned and developed as a unit and intended to serve consumer demands for the citizens of the city, as well as the region, with the primary offering consisting of a mix of specialty retailers, restaurants, entertainment and theater facilities and civic uses (i.e., City Hall).

(3) The CBD shall utilize the City Centre Master Plan and accompanying regulating design standards to provide guidance pertaining to the landscaping, architecture, parking, pedestrian, multi-modal transportation, and specific design features of the downtown area of the city. It is the purpose of this section to:

(a) Encourage a greater intensity of development in order to attract the people and commerce necessary to create a vibrant and diverse urban center.

(b) Encourage primary retail oriented land uses in combination with civic recreational and entertainment uses. Ancillary uses would include service, residential, office and mixed uses.

(c) Promote the vertical mixture of uses rather than horizontal segregation of uses. The vertical scale of this center is more pronounced to encourage a greater density and intensity of uses. The regional center includes multi-storied buildings and maximizes floor-to-area ratios.

(d) Encourage a mixed-use density creating walkable, multi-level, live-work-play neighborhoods intended to stimulate and engage pedestrian-level detail such that the CBD user experiences the core of exciting urban living.

(e) Encourage planning, design and detailing that reflects the needs of pedestrians, establishes multi-modal circulation opportunities, and creates memorable civic spaces.

(f) To encourage uses such as theaters and restaurants, which provide "life" to the CBD. These types of businesses help attract people to the area and can provide more efficient use of shared parking facilities.

(g) To create small blocks within which commercial uses can be sited as groupings of shops attractive to on-street parking and pedestrian use.

(h) Parking accommodations are primarily made with on-street, diagonal and parallel parking, parking
structures, and underground parking facilities that have attractive street facades and/or ground floor commercial/retail.

(i) Retail buildings shall orient their entrances together along a sidewalk network in an open-air setting, complemented by landscaping, street furniture and urban furnishing amenities.

(j) Pedestrian amenities such as gathering places for sitting/eating outdoors shall be encouraged.

(B) Land use.

(1) Permitted uses. The following uses and structures are permitted in the CBD.

<table>
<thead>
<tr>
<th>Amusement and places of entertainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antique shops</td>
</tr>
<tr>
<td>Apparel and accessory stores</td>
</tr>
<tr>
<td>Artist studios, shops and galleries</td>
</tr>
<tr>
<td>Automobile supply accessory stores</td>
</tr>
<tr>
<td>Auditorium</td>
</tr>
<tr>
<td>Bakery and pasty shops (retail only)</td>
</tr>
<tr>
<td>Banks and other financial institutions</td>
</tr>
<tr>
<td>Bicycle shops (sales and repair)</td>
</tr>
<tr>
<td>Books and stationery stores</td>
</tr>
<tr>
<td>Cigar and tobacco stores</td>
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<tr>
<td>Clothing retail stores</td>
</tr>
<tr>
<td>Commercial recreation uses</td>
</tr>
<tr>
<td>Delicatessens, cafes and catering establishments</td>
</tr>
<tr>
<td>Department stores</td>
</tr>
<tr>
<td>Dry goods and notion shops</td>
</tr>
<tr>
<td>Fire stations, police stations and other public buildings</td>
</tr>
<tr>
<td>Florist (without greenhouses) or gift shops</td>
</tr>
<tr>
<td>Furniture and home furnishing shops and stores</td>
</tr>
<tr>
<td>Grocery stores</td>
</tr>
<tr>
<td>Hardware stores</td>
</tr>
<tr>
<td>Hotels - full service</td>
</tr>
<tr>
<td>Household appliance stores</td>
</tr>
<tr>
<td>Interior decorator shops</td>
</tr>
<tr>
<td>Jewelry stores</td>
</tr>
</tbody>
</table>
Leather goods and luggage stores
Libraries and museums
Mail order catalogue stores
Medical facilities
Music and music instrument stores and studios
Newspaper offices
Newsstands
Offices and office buildings
Office and computer supply stores
Personal services - beauty and barber shops, fitness centers, laundry/dry cleaning, tailor and dressmaking, shoe repair, tanning and manicure salons
Photographic studios
Parking lots and garages (public and private)
Radio and television studios
Restaurants, coffee and tea rooms, patio/al fresco dining facilities
Shoe stores
Above ground level residential uses
Sporting goods stores
Taverns
Theaters
Toy and hobby shops
Travel bureaus
Utility company offices
Other uses compatible with the intent and purpose of this chapter, uses similar in character and operation to the permitted uses described above and uses complementary and an enhancement to the permitted uses

(2) Uses requiring administrative review and permitting.

(a) Farmers' market;

(b) Street performers;

(c) Sidewalk and street sales (right-of-way vending and mobile vending). Any person intending to sell or purchase, offer to sell or purchase, or display for sale or purchase, any food, fruit, goods, wares, merchandise, personal
services or any other article of any kind or description upon any public or private street, alley, sidewalk or other right-of-way shall apply for a permit through the Department of Development Services. Sidewalk and street sales conditions:

1. The proposed sale or display will not obstruct or interfere with the free, safe and orderly movement of vehicular and pedestrian traffic, and will not hinder or impede access required for emergency vehicles or buses.

2. For sales or displays occurring during any hours of darkness, the applicant shall provide, or conduct activities within, sufficient illumination so as to prevent any safety hazard to persons and property.

3. The location of sidewalk café fixtures and operation of the sidewalk café shall provide for and maintain on the sidewalk running parallel to the curb a four-foot wide minimum clear zone for pedestrian and wheelchair movement.

3 Conditional uses. The following uses and structures may be permitted only after they have been reviewed and approved by the Planning and Zoning Board:

(a) Drive-thru facilities.

(b) Vehicle sales.

4 Conditional use process. Application shall be submitted to the Department of Development Services for Planning and Zoning Board consideration. At that time the Planning and Zoning Board may grant or deny the permit, or grant the permit with such conditions and limitations as the Planning and Zoning Board may determine to be in the best interests of the public and the neighborhood.

5 Prohibited uses. Prohibited land uses include those that may negatively impact the health, safety and welfare of the citizens of the community. Prohibited land uses include limited service hotels/motels, outdoor storage, warehouse-type stores, general building supply stores, adult businesses as defined under Chapter 111, other than by licensed massage therapists under New Mexico Therapy Practice Act, NMSA §§ 61-12C-1 et seq., and those uses which are or will become an annoyance, nuisance or hazard to the surrounding area or to the general public.

C Design guidelines.

1 The CBD design guidelines provide special guidance for the development review process to include, but not be limited to landscaping, architecture, color palette, external parking, pedestrian and traffic circulation, signs and all specific design features in the downtown area of the city. The guidelines are included within the City Centre Master Plan as the "regulating design standards."

2 Development review process. CBD zoning shall require the approval of a site development plan prior to development of the land. An applicant wishing to develop property zoned CBD must submit a site development plan application to the Director of Development Services for review and approval.

3 The design, siting, site coverage, yards, height of buildings, external finish, architectural appearance, landscaping and any accessory buildings or structures shall be to the satisfaction of the Director of Development Services. The Director, or his designee, shall, in determining such matters, pay due regard to the existing uses and prospective uses of land in the vicinity and the regulations governing CBD zoning district to include adopted plans so that the proposed use of land or buildings will not prejudice the orderly development of the areas and is consistent in all respects with the general purpose of the CBD.

4 Site development plan checklist. The Department of Development Services will provide applicants with a
checklist of required items. The checklist will include, but is not limited to, the following:

(a) General and structural information;

(b) Non-structural and parking information;

(c) Utility information;

(d) Phasing and financing information; and

(e) Landscape plan information.

(D) Streetscape. Street appearances represent the most and prevalent public space within the CBD. The quality and design of streetscapes is important to define the CBD as an attractive, pedestrian-scaled destination. Specific streetscape design criteria are further defined within the City Centre Master Plan.

(E) Signage. The CBD may be enhanced as a unique destination by the use of signage. Signage shall conform with Chapter 156 and further supplemented with specific signage criteria as defined within the City Centre Master Plan.

(F) Public spaces. The CBD may be further enhanced as a unique and attractive downtown center by the use of public art and landscaping. Specific public space design criteria are further defined within the City Centre Master Plan.

(G) Environmental sustainability. Development of the CBD shall consider environmental impacts associated with a built urban environment, i.e., outdoor lighting and the Night Sky Protection Act, erosion control, use of drought tolerant landscape materials and green building sustainability measures.

(H) Findings. The following are findings for approval of an amendment to this chapter to establish a CBD district as a new zoning district:

(1) The State of New Mexico has granted the city the power, authority, jurisdiction and duty to enforce and carry out the provisions of law relating to zoning pursuant to NMSA § 3-21-1, as amended, for the purpose of promoting the city's health, safety and welfare; and

(2) In accordance with NMSA § 3-21-1, as amended, the city has the authority to amend this chapter to create new zoning districts and to divide the city's jurisdiction into districts as is necessary to carry out the purposes of NMSA §§ 3-21-1 through 3-21-14; and

(3) Pursuant to NMSA § 3-21-6, as amended, public hearing notice requirements have been met.

(I) Amendment to the Comprehensive Plan. Adoption of this chapter shall constitute approval of an amendment to the Vision 2020-Integrated Comprehensive Plan Preferred Growth Scenario Map.

(Ord. 05-38)

§ 154.42 OVERLAY ZONES.

(A) Purpose. The use of overlay zones in certain areas of the city is a planning and zoning tool that may be used to buffer one zone from another; impose additional design standards or access control measures; require additional setbacks to protect future right-of-way acquisition; modify certain standards which may cause undue hardship; or address specific
problems in a particular area of the city.

(B) **Priority.** Overlay zones shall apply to areas where they are mapped in addition to the provisions of another zone. Where the provisions of an overlay zone are more or less restrictive than another section of this chapter, the provisions of the overlay zone shall prevail.

(C) **Procedure.** The overlay zone shall be mapped through the regular zone map amendment procedures and the existence of an overlay zone shall be denoted on the official zone map by the notation "OZ," or a similar descriptive notation, in conjunction with the notation for the underlying zone district.

(D) **Corridor Overlay Zone.** The Corridor Overlay Zone (COZ) establishes additional design guidelines and access management standards pursuant to an adopted plan.

1. **Land use.**

   (a) **Permissive uses.** Permissive uses within the area covered by the Corridor Overlay Zone shall be those permissive uses allowed by the underlying zone district designation for the property, except as modified herein.

   (b) **Conditional uses.** Conditional uses within the area covered by the Corridor Overlay Zone shall be those conditional uses allowed by the underlying zone district designation for the property, except as modified herein.

2. **Access standards.**

   (a) Property located within the Corridor Overlay Zone shall comply with any Access Management Plan that has been adopted for the properties within the Corridor Overlay Zone.

   (b) Access shall be shared between adjacent lots in the manner shown on the adopted Access Management Plan. When access to a property is not yet available using an access point identified in the adopted Access Management Plan, temporary alternate access may be permitted by the Director of the Development Services Department, or his designee, but only until such time that access becomes available from an access point identified in the adopted Access Management Plan.

   (c) Before a building permit is issued, or before any zone map amendment is approved, for a property located within the Corridor Overlay Zone, the applicant shall demonstrate how future development of the property will comply with the adopted Access Management Plan standards by:

   1. Replatting multiple narrow lots into a single piece of property;
   2. Providing reciprocal agreements between adjoining property owners for cross access easements; and/or
   3. Providing shared access driveways at locations designated by the adopted Access Management Plan.

3. **Design standards.**

   (a) Commercial development in the Corridor Overlay Zone shall occur per the following standards:

   1. **Landscaping**

      a. Gross total lot area: 10% of the gross total lot area shall be landscaped per Zoning Ordinance.
b. Frontage: 25% of total landscaping shall be located along the frontage of the lot (one-half of the required 25% may be located in street right-of-way, if approved by Department of Public Works).

c. Parking lot landscaping: One tree shall be provided per each ten spaces.

d. Plant size: Minimum of three-inch caliper or 30 inches boxed and 12-foot high trees; five-gallon shrubs.

e. Live plants: 75% of the total landscaped area shall consist of live plants, including ground cover (based on size at maturity).

f. Drought tolerant plant list: Plants shall be from the drought tolerant plant list in an approved plan for the area, unless such plan is superseded by the adoption of landscaping standards in this title.

2. Buffer zone.

a. Buffer yard: A ten-foot wide landscaped buffer yard shall be provided where a nonresidential property abuts property in a residential zone, except when the adjacent residentially-zoned property has been designated for future nonresidential use in an adopted land use plan.

b. The buffer yard shall be planted with evergreens that meet the plant size standards herein every 25 feet.

c. The buffer yard shall have an opaque wall at least six feet high where a nonresidential property abuts residential property.

d. Screening: outdoor storage and dumpsters shall be screened from view with an opaque wall both horizontally and vertically. Mechanical equipment shall be screened from view to the maximum extent possible.

3. Street trees. Street trees that meet the plant size standards herein shall be planted so that there is one shade tree for every 33 lineal feet of street frontage located behind the sidewalk.

(4) Sign standards. In addition to the standards contained within Chapter 156 of this Code, commercial signs in the Corridor Overlay Zone shall meet the following standards:

a. Freestanding signs: Freestanding signs shall be limited to monument signs with a maximum of two signs per development; three signs if located at a street intersection, spaced at least 75 feet apart.

b. Size: Seven feet in height, eight feet in width and 24 inches in depth.

c. Wall signs: One sign facing each street; sign area shall not exceed 12% of the building face upon which it is placed.

(5) Materials/architecture.

a. No metal buildings (except for metal roofs), wood siding, or prefabricated panels shall be permitted, unless treated not to look like such materials.

b. For commercial buildings, the use of architectural elements of Southwestern architecture (Pueblo-Spanish Revival, Territorial, Northern New Mexico, etc.) is highly recommended, such as: stucco, stone, brick, and tile materials,
color and texture, shade features, such as portales, overhangs, and recesses, outdoor spaces and courtyards, and solar orientation.

(6) **Fences/walls.**

(a) Walls located along street frontages shall be serpentine or broken up by trees and shrubs, indented, or offset, at intervals of not less than 10 feet and shall be constructed with the materials specified herein.

(b) Screen walls for mechanical, storage, dumpsters, and buffer yards shall be constructed of the following materials:

1. Textured, ribbed or concrete stucco over concrete masonry unit (CMU);
2. Interlock block or split block; or
3. Adobe, brick or colored masonry.
4. No untreated grey CMU.

(7) **Parking.**

(a) Off-street parking shall be provided as required by § 154.20 for the planned use of the property.

1. Commercial setback reduction bonus: By complying with any one of the parking standards below, the front setback requirement in commercial districts may be reduced by 10 feet:
   a. Place parking behind building or on side;
   b. Break parking up into smaller areas – 30 spaces or less; or
   c. Connect parking areas to street sidewalk and building entrances with walkways.

(b) Landscaping should be placed in the front setback area.

(c) Parking lots located in the front yard shall be screened from the street by a wall or vegetative material not less than three feet in height and not more than four feet in height.

(8) **Outdoor lighting.**

(a) Low level, hooded or shielded lights are required.

(b) All outdoor lighting shall be directed away from adjacent residential property.

(c) Maximum light pole height for parking lot lighting shall be 25 feet.

(d) All lighting shall meet the Night Skies Protection Act and any other locally-enacted lighting standards.

(Ord. 07-69)