

ACKNOWLEDGEMENTS

Acknowledgements are given to the following persons who contribute to the review, development and public presentation of this Comprehensive Zoning Ordinance for the Village of Tijeras:

Village of Tijeras Mayor and Council

Jake Bruton, Mayor
Maxine Wilson, Mayor Pro-tem
Don Johnson, Councilor
Felix Garcia, Councilor
Yvette Garcia, Councilor

Village of Tijeras Zoning Commission

Danny Jaramillo, Chairman
Victor Gonzales, Commissioner
Alan Haskins, Commissioner
Loran Martinez, Commissioner
Jonathan Ortiz, Commissioner

Village of Tijeras Staff

Michael Wismer, Village Manager/Clerk
Hallie Brown, Deputy Clerk

**COMPREHENSIVE
ZONING ORDINANCE**

No. 190



Adopted August 10, 2020

VILLAGE OF TIJERAS
ZONING ORDINANCE # 190

WHEREAS, the Governing Body of the Village of Tijeras, New Mexico previously adopted Comprehensive Zoning Ordinance No. 155 and

WHEREAS, the Governing Body wished to repeal Comprehensive Zoning Ordinance No. 155

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TIJERAS AS FOLLOWS:

SECTION 1. If any section, subsection, sentence, clause, word, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance, the Village Council of Tijeras, New Mexico, hereby declares that it would have passed the Ordinance and each section, subsection, sentence, clause, word, or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

SECTION 2. Repeals Village of Tijeras Ordinance No. 155

Adopted by the Village of Tijeras Governing Council

on

August 10, 2020

By:



Mayor Jake Bruton

ATTEST:


Clerk/Manager Hallie Brown



OFFICIAL SEAL
Hallie Brown

NOTARY PUBLIC-State of New Mexico

My Commission Expires 8-3-2024



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Village of Tijeras Zoning Ordinance

I. GENERAL PROVISIONS

- A. *Title.* These regulations shall be known as the "COMPREHENSIVE ZONING ORDINANCE" of the Village of Tijeras, New Mexico, and shall be referred to herein as "this Ordinance."
- B. *Purpose.* This Ordinance is intended to help achieve the goals and objectives of the Comprehensive Master Plan and is viewed as a vital tool for accomplishing that Plan. Thus, the regulations and restrictions of this Ordinance are designed to avoid congestion in the streets and public ways; to secure safety from fire, flood, and other dangers; to promote the general welfare of the community; to preserve and conserve local water resources; to prevent the overcrowding of land; to facilitate adequate provisions for transportation, water, wastewater, schools, parks, and other community requirements; to conserve the value of property; and to encourage the most appropriate use of land throughout the Village of Tijeras. Development in the Village shall not destroy the rural residential character of the Village of Tijeras nor shall it adversely affect the community water system, sewer system, fire protection systems, and any other infrastructures adequate to serve the development.
- C. *Jurisdiction.* This Ordinance shall apply to all lands within the municipal boundary of the Village, including such lands as may be subsequently annexed to the Village. This Ordinance governs all real property located within the zoning jurisdiction of the Village. Boundaries delineating the zoning jurisdiction of the Village shall be as indicated on the Official Zone Map of the Village, maintained separately from this ordinance.
- D. *Interpretation.*
1. The provisions of this Ordinance are held to be minimum requirements to carry out the purpose of this Ordinance and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.
 2. *Nonconforming Uses.* Within the zones established by this Ordinance, or amendments that may be adopted, there may exist: lots; structures; and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to allow these nonconformities to continue until they are removed, but not to encourage their survival. These nonconforming lots, structures and uses will exist legally after the adoption of this ordinance.
 - a. *Expansion.* Nonconforming use shall not be enlarged, expanded, or extended. However, the addition of a lawful use to any portion of a nonconforming building, which existed prior to the enactment of this Ordinance, shall not be deemed an extension of such nonconforming use, subject to Council approval.
 - b. *Abandonment.* Whenever a nonconforming use has been discontinued or abandoned for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this Ordinance.

- c. **Nonconforming Lot Size.** Any lot of record existing prior to the effective date of this Ordinance that fails to meet the minimum area requirements may be developed or improved if setback and any other requirements of the lot are in conformance with the provisions of this Ordinance.

E. **Administration.**

1. **Administrative Official.** The Mayor shall appoint the Zoning Commission to administer the provisions of this Ordinance.
2. **Inspection.** The Village Manager/Clerk and Deputy Clerk have the authority to conduct inspection of buildings, structures and the use of land to determine compliance with this Ordinance. This provision does not grant right of entry without due process if necessary. The Village Manager/Clerk and Deputy Clerk shall have the authority to conduct on-site inspections and gather other relevant information, as may be requested by the Council or Commission for purposes of carrying out the requirements of this Ordinance.
3. **Information and Records.** The Village Manager/Clerk shall maintain an office to supply the public with information concerning this Ordinance and shall maintain the official Tijeras Zoning Map in an updated form. A "Zoning Action File" shall be maintained and shall contain records which include the following:
 - a. Conditional Use Permits.
 - b. Variances.
 - c. Applications for Amendments.
 - d. Zoning Appeals.
 - e. Building Permit Applications.
 - f. Zoning Violations.
4. **Records Review.** The Village Manager/Clerk shall review all active files for any given current year on an annual basis as needed. He/she will follow up on any open/pending items in the "Zoning Action File" with officials at Bernalillo County and/or residents directly. The Manager/Clerk will update the files with the appropriate documents, including records of communications with residents and officials, final inspection reports, Certificates of Occupancy, building permits, observations of zone violations, etc.
5. **Violations, Complaints and Notification.** The Village Manager/Clerk may institute any appropriate actions or proceedings whenever there is probable cause to believe there is a violation of this Ordinance. Any person aggrieved by an apparent violation of this Ordinance shall file a written complaint with the Village Manager/Clerk who shall immediately investigate such complaint to determine if a violation of this Ordinance is found to exist. Whenever the Village Manager/Clerk finds probable cause to believe a violation of this Ordinance exists, whether acting on independent initiative or in response to a complaint, the Village Manager/Clerk shall notify the person responsible for the alleged violation in writing. Such notification shall order the necessary correction to be made within forty-five (45) days following the date of notification. Any person who fails to comply with the notification order shall be subject to penalties as stated in this Ordinance.
6. **Severability.** The provisions of this Ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or

invalid.

7. *Repeal.* Ordinance No. 155 of the Village of Tijeras is hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. 155 if the violation is also a violation of the provisions of this Ordinance.

II. DEFINITIONS

- A. *Word Forms.* For the purpose of this Ordinance, certain words or phrases used herein shall be interpreted as follows: The word "person" includes an individual, association, partnership, limited liability company, corporation, or any other legal entity. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 1. **Accessory** means subordinate and incidental to a principal use or structure on the same lot.
 2. **Apartment** means one or more structures for rent or lease containing two or more dwelling units each.
 3. **Banners** means a temporary sign (not to exceed ninety (90) days) generally made of flexible vinyl and/or canvass like material.
 4. **Billboard** means a commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
 5. **Boarding, Rooming, Lodging House, or Bed and Breakfast** means a building other than a hotel or restaurant where lodging, with or without meals, is provided for compensation for one (1) or more persons, but not exceeding eight (8) persons.
 6. **Building** means any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals, or personal property.
 7. **Building Height** means the average of their vertical distances from the finished ground level at the center of all walls of a building to:
 - a. The deck line of a mansard roof;
 - b. The mean height level between the eaves and ridges of a gable, hip, or gambrel roof; or
 - c. The highest point of a flat roof or any roof style not described in this definition.
 8. **Business Registration** means a licensed permit approved and issued by the Village of Tijeras for each business operated within its Municipal boundaries.
 9. **Clinic** means an establishment occupied by one or more members of the medical, dental, or veterinary profession for the purpose of providing health services.

10. **Club** means any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and/or recreational uses, and further whose activities are not conducted for monetary gains; including but not limited to civic, fraternal, charitable, religious, social, and patriotic organizations.
11. **Commission** means the Zoning Commission of the Village of Tijeras, New Mexico.
12. **Condominium** means one or more structures containing two or more dwelling units each that are sold to and held under individual ownership by the occupants, and which may or may not include ownership of the land upon which the dwelling units are situated. This includes town houses, patio houses, and other similar forms of individual ownership.
13. **Contiguous** means touching or separated only by a public right-of-way.
14. **Council** means the Village Council of the Village of Tijeras, New Mexico.
15. **Dedicated Open Space** means any open space dedicated by the Village's Council by Ordinance.
16. **Developed Lot** means a lot containing a permitted permanent structure.
17. **Drainage** means discharge or flow of surface water by gravity.
18. **Dwelling, Single-Family** means a detached dwelling unit in a structure, including a mobile home or tiny home, designed for and occupied by one family only.
19. **Dwelling, Multi-Family** means a single structure containing two or more dwelling units including but not limited to condominiums and apartments.
20. **Family** means one or more persons occupying a single dwelling unit, provided that unless all are related by blood, marriage, or legal adoption, no such family shall contain over five (5) unrelated persons. This provision shall not apply to dwellings for persons who are disabled, as specified in the Americans with Disabilities Act.
21. **Fence or Wall** means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. Materials used in the construction of a fence or wall shall not pose health or safety hazards to the community and shall not be disruptive to the rural residential character of the Village or have an adverse effect on drainage.
22. **Floor Area** means the total horizontal area of the total number of floors of a building.
23. **Food Truck**, see "Mobile Food Unit."
24. **Frontage** means a distance measured along a public right-of-way line.

25. **Garage, Commercial** means a building other than a private garage, used for the care or repair of automotive equipment or automobiles, or where such vehicles are parked or stored for payment or sale within the structure.
26. **Garage, Private** means any accessory building or portion of a building used for the primary purpose of housing vehicles, which are owned and used by the occupants of the main building.
27. **Grade** means the average of the finished ground level at the center of all walls of a building.
28. **Home Business** means any occupation clearly incidental and secondary to the use of the premises for a dwelling.
29. **Improved Lot** means a lot that has had additions or upgrades that may add value to the property such as utilities. An improved lot is not necessarily a developed lot.
30. **Inoperable Vehicles** means any vehicle which, for a period of at least thirty (30) consecutive days, the engine, wheels, tires or other parts have been removed or on which the engine, wheels, tires, or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle that is not registered or does not display a current valid license plate and validating sticker shall be deemed inoperable. Inoperable vehicles shall include any parts of a vehicle located separately from a vehicle. A vehicle shall be deemed inoperable when it has one or more flat tires or has one or more missing windshield or window or has one or more windshield or window broken to the extent that visibility is limited to make driving such vehicle unsafe. An inoperable vehicle does not include any motor vehicle that is kept within a building when not in use, nor a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. An inoperable vehicle does not include a vehicle for which a temporary sticker has been issued.
31. **Land Split** means the division of any residential tract of land into two or more one-acre tracts (Residential Zone, R) by a family for the use of other family members and whose intent is not to circumvent the subdivision regulations of the Village. A land split must otherwise conform to the requirements of the Zoning Ordinance and any other applicable ordinances in the Village of Tijeras.
32. **Lighting Fixture, Outdoor** means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscaping lighting, billboards or street lighting (NMSA 74-12-3).
33. **Lighting Fixture, Shielded** means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted (NMSA 74-12-3).

34. **Lot** means a parcel or tract of land of sufficient size to meet the minimum requirements of this Ordinance, platted and recorded with the County Clerk in accordance with all laws and ordinances, legally described and containing sufficient frontage and legally approved access to public rights-of-way.
35. **Lot Area** means the aggregate lot area measured to property lines but excluding easements.
36. **Lot, Corner** means any lot located at the intersection of, and having frontage on two or more streets.
37. **Lot, Double Frontage** means any lot with frontage on two parallel or approximately parallel streets.
38. **Lot Line, Front** means the boundary line of a lot bordering on a road or public right-of-way.
39. **Lot Line, Rear** means the boundary line of a lot, which is opposite and most distant from the front lot line and does not connect to the front lot line.
40. **Lot Line, Side** means any lot boundary line which is not a front lot line or a rear lot line.
41. **Mayor** means the chief executive officer of municipalities having the Mayor-Council form of government.
42. **Residential Mobile Home** (also known as Manufactured Housing) means a transportable structure, at least eight (8) feet in width and thirty-two (32) feet in length, built to be towed on its own chassis, and designed to be used as a movable dwelling unit for connection to permanent utilities. A mobile home structure shall be certified as meeting the National Manufactured Housing Construction and Safety Standards of the U.S. Department of Housing and Urban Development. A mobile home shall be installed in accordance with the provisions of the N.M. Manufactured Housing Act. Mobile homes shall not be used for a commercial business.
43. **Mobile Food Unit** means any wagon, truck, pushcart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food or any food product for human consumption. A mobile food unit may be as complex as a full commercial kitchen on wheels or may be as simple as a pushcart.
44. **Mobile Home Park** means a parcel of land on which space is leased or rented for occupancy by two or more mobile homes, and which contains facilities for the use of mobile home occupants. Mobile Home Parks are not authorized in the Village of Tijeras.
45. **Modular or Prefabricated Home** means a factory-fabricated transportable building

designed to be used by itself or to be incorporated with similar units at a building site into a modular structure on a permanent foundation; the term applies to major assemblies designed to be permanently affixed to real property in conformance with the local building codes, and does not include prefabricated supplements such as panels, trusses, or plumbing trees which are to be incorporated into a structure at a building site.

46. **Nonconforming Uses, Lots or Structures** means any building, structure or portion thereof, or use of any building or land which does not conform to the regulations of this Ordinance, but which lawfully existed on the effective date of this Ordinance.
47. **Open Space** means an area created for the purpose of retaining and enhancing the rural character of the Village assuring that commercial development will compliment, not harm the natural beauty of the Village of Tijeras.
48. **Parking, Off-Street** means an area used for parking of motor vehicles as regulated by this Ordinance.
49. **Permissive Use** means any use authorized in a particular zone district established by this Ordinance.
50. **Premises** mean any lot or combination of contiguous lots held in single ownership, together with the development thereon.
51. **Public Right-of-Way** means a thoroughfare, which has been dedicated to the public by deed, or reserved by plat, or otherwise acquired by the Village, County, State, or Federal Government.
52. **Salvage Material** means any excess or reusable materials having a value to the owner.
53. **Seasonal Sales** means the seasonal selling, offering for sale, selling or delivering, bartering, exchanging, peddling or outside sales of any goods, wares, merchandise, property, either real or personal, tangible or intangible, services, Christmas trees or other vegetation or food items such as chili, pinon, fruits and vegetables, on any commercial property in the Village. Such sales may require Village of Tijeras business registration.
54. **Setback** means the minimum allowable distance between any building and the nearest lot line of the lot upon which it is located, consisting of open space, unoccupied by any structure except as otherwise provided in this Ordinance.
55. **Setback, Front Yard** means the minimum allowable distance between any building and the front lot line of the lot on which such building is located. No more than one front yard setback shall be designated on commercial lots or double frontage lots.
56. **Setback, Rear Yard** means the minimum allowable distance between any building and the rear lot line of the lot on which such building is located. On double frontage lots, the rear yard setback shall be designated on the opposite side of the lot from the designated front yard setback.

57. **Setback, Side Yard** means the minimum allowable distance between any building and a side lot line of the lot on which such building is located. On corner lots, a side yard setback shall be designated along the lot line bordering a road or street that is not designated as the front yard setback.
58. **Shopping Center** means an aggregation of retail service, or commercial businesses occupying a single site and including any number of businesses connected or clustered with common parking and vehicular access.
59. **Sign** means a device intended to direct or attract persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the sign regulations herein:
- a. Signs required by State or Federal law, or signs of an official governmental body.
 - b. Illustration of names of occupants and address or property numbers, when smaller than one square foot.
 - c. Private traffic signs, visitor signs, or warning signs bearing no advertising matter, and smaller than one square foot.
60. **Sign Face** means the area of the sign or signs, which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not including structural supports of the sign. For any two-sided sign, only one sign face shall be counted in computing the sign size.
61. **Structure** means anything constructed or erected with a permanent location on the ground or attached to something having a permanent location on the ground.
62. **Subcontractor** means any individual, company, or other entity that contracts with another individual, company, government or other entity (the contractor) to perform a service of any kind. The contractor shall be responsible for ensuring that all Village of Tijeras sales taxes are paid by the subcontractor for work done within the Village of Tijeras.
63. **Sub-divider** means any person proposing a subdivision, including the owner, equitable owner, or any authorized representative.
64. **Subdivision** means the division of any tract of land into two or more parts for the purpose, whether immediate or in the future, of sale, lease or development for profit.
65. **Temporary** means a time frame to be determined by the Commission/Council.
66. **Tenant** means an individual who rents space for commercial purposes from a business registered with the Village of Tijeras; e.g. beauty salons, art galleries, flea markets, etc. All such tenants must obtain a Village of Tijeras business registration.
67. **Tiny House** means a ground set dwelling that is 400 square feet (37 meters) or less in floor area excluding lofts.

68. **Travel Trailer or Recreational Vehicle (RV)** means a vehicle, 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.
69. **Undeveloped Lot** means a vacant lot or a lot containing unpermitted structures.
70. **Use** means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, rented or leased.
71. **Variance** means a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship. Financial gain or loss shall not be the determining factor in deciding a variance.
72. **Vendor** means an individual that sells a product or conducts seasonal sales (wood, landscaping materials, produce, etc.) on private property at the side of the road and is not a tenant to a business registered with the Village, thus a business license is not required. This includes Mobile Food Units.
73. **Zone** means any section of the Village of Tijeras in which requirements for the use of buildings and land is uniform, as prescribed by this Ordinance.

SECTION 5. REVIEW AND DECISION-MAKING BODIES

Summary of Ordinance Administration and Review Roles:

Review and Decision-Making Bodies and Responsibilities

Procedure	Section	Governing Body	Zoning Commission	Staff
Amendments	Section 40	R/D	R/REC	R/REP
Annexations	Section 9 H	R/D	R/REC	R/REP
Conditional Use Permit	Section 36	R/D	R/REC	R/REP
Development Reviews	Section 8	N/A	N/A	R/D
Zone Changes	Section 40	R/D	R/REC	R/REP
Variance	Section 25	R/D	R/REC	R/REP
Home Based Business Registration	Section 24	N/A	R/D	R/REP
Permissive Uses Win Zones	Section 20	N/A	R/D	R/REP
Signs and Banners	Section 26	N/A	R/D	R/REP
Notes: Staff = Manager/Clerk Deputy Clerk	“R” = Review “R/D” = Review and Decide “R/REC” = Review and Recommend “R/REP” = Review and Report			

III. PROVISIONS APPLICABLE TO ALL ZONES

- A. In order to carry out the provisions of this Ordinance, the Village of Tijeras is hereby divided into the following zones:
1. Residential Zone 1 (R1)
 2. Residential Zone 2 (R2)
 3. Commercial Business Zone 1 (CB-1)
 4. Large Commercial Zone (CB-2)
 5. Government/Institutional Zone (G/I)
 6. Special Use Zone (SU)
- B. *Zoning Map.* The boundaries of zones are shown on the Tijeras Zone Map, which is hereby adopted per the regulations set forth in this Ordinance. The Zoning Map shall be maintained

by the Village Manager/Clerk and shall be made available for public reference.

- C. *Access to Structures.* All structures shall be located on lots to provide safe and convenient access for servicing, fire protection and any required off-street parking or loading.
- D. *Water and Wastewater Facilities.* Regardless of any of the provisions of this Ordinance, all lots and all structures located thereon, shall be in compliance with the regulations established by the Village of Tijeras Water Ordinance No. 162 and Village of Tijeras Wastewater Ordinance No. 180, the Wellhead Protection Plan, and those of the New Mexico Environment Department of the New Mexico State Engineer's Office, and any other laws or regulations concerning water and wastewater facilities.
- E. *Refuse Disposal and Salvage Material Control.* All persons owning or occupying lands within the Village shall be responsible for the sanitary conditions of their premises. No person shall permit or cause the accumulation of refuse or solid waste or salvage materials, which may become hazardous to public health or safety or which obstructs traffic, drainage, or access to structures.
- F. *Professional Services.* The Commission and Council through discussion with the Mayor/Staff shall have the right to use and hire any professional services necessary to protect the interests of the Village of Tijeras. Issues that may require professional services include but are not limited to flood plains, cell towers and steep slopes. The property owner shall absorb the expenses of these services as approved by the Commission or Council.
- G. *Blasting.* Blasting will be done by a licensed contractor only. The Village of Tijeras must be notified a minimum of thirty (30) days prior to any blasting activities. All State and local laws will be addressed per standard Department of Transportation specifications.
 - 1. These sections identify pre-blasting and the requirements necessary as well as a pre-blast condition survey, vibration control and monitoring, air blast and noise control, and fly rock control. Other requirements needed before blasting include proof of insurance, a bond and a copy of the contractor's license.
- H. *Storage Tanks.* Any development requiring the use of underground storage tanks or any other facilities that may contaminate or pollute the water or air shall meet the minimum standards of all Federal and State environmental laws and regulations such underground storage tanks or other such facilities, including buildings shall not be located within 100 feet from the center of an arroyo, acequia, water well, or any other waterway.
- I. *Storage Tanks, Water.* No overhead water storage tanks shall be allowed in the R zone. See Village of Tijeras Water Ordinance.
- J. *Fire Sprinklers.* Fire suppression must be consistent with current International Fire Code regulations.
- K. *Mobile Food Units.* Mobile food units are not allowed in the public right of way, but they are allowed in all zones given the following provisions are met:
 - 1. The landowner must give written consent for the Mobile Food Unit to operate on their land;
 - 2. The Mobile Food Unit must provide the Village with copies of their permits;
 - 3. The Mobile Food Unit shall pay an annual fee to operate in the Village. Please contact the Village for fee schedule.
 - 4. The Mobile Food Unit shall not operate within seventy-five (75) feet of a brick-and-

mortar restaurant during the restaurant's hours of operation.

- L. *Towers*. All towers including telecommunication towers require a special use permit.
- M. *Overnight and Drive through Vendors*. No overnight vendors shall be allowed. If a property owner does not collect rental fees, then the Village will charge a business registration fee. No vendors shall be allowed in the highway rights-of-way and they must not obstruct traffic. Yard sales are not subject to these conditions.
- N. *Inoperable Vehicles*. Inoperable vehicles, vehicle bodies, parts, or salvage materials are not to be in view of adjoining properties, commercial areas or public roadways. Any such inoperable vehicles shall be removed, enclosed in a building or solid fence or other means that hide the inoperable vehicle from view. Any property owner upon whose property an inoperable vehicle is located and who fails to comply with the provisions of this section shall upon thirty (30) days written notice by the Village to remove, be deemed to have consented to entry and removal by the Village at the property owner's expense.
- O. *Development, Approval and Access to State Roadways*. All new developments and property subdivision within the Village of Tijeras shall be coordinated with the New Mexico Department of Transportation (NMDOT) District Three Office, prior to the approval of any action related to the change in property zoning/use.
- P. *Access Authorization*. Property owners must receive authorization for access from their properties to NM 333 (Old 66), NM 14 and NM 337 (Old South 14). Authorization shall be obtained from the NMDOT District Three. The owner shall obtain a signed driveway permit from the NMDOT before final approval of the development is granted. All properties that have direct access onto the state highway must have an approved driveway permit.
 - 1. Access from the state roadway shall be in compliance with the State's Access Management Manual. For single home residential properties, the owner may obtain access by filling out a driveway permit. Residents that have reasonable access from a side street may be denied access to the state road.
 - 2. Property owners will be required to meet with the District Traffic Engineer to determine requirements associated with the requested access. The District Traffic Engineer shall make the final determination regarding the need for a Traffic Study.

IV. ZONES

- A. *Residential Zone 1 (R)*. The intent of this zone is to provide for the development of single-family homes of mixed construction including conventional housing, modular or prefabricated dwelling units, tiny homes and mobile homes. Certain other uses specified in this section are allowed, provided they are compatible with the development of the neighborhood. Density shall not exceed one dwelling unit per minimum one-acre lot. This zone does not allow for the occupation of a travel trailer as a single-family home.
 - 1. *Mobile Home Installation*. Mobile homes shall meet R-1 Zone setback requirements. Mobile homes shall be limited to residential use only, unless otherwise provided in this Ordinance. Within thirty (30) days following occupancy, mobile homes shall be connected to adequate utilities, provided with skirting of a durable material, and stabilized and anchored in accordance with regulations promulgated by the Manufactured Housing Act of New Mexico. (et seq. NMSA 1978).
 - 2. *Permissive Uses*. Any of the following uses are permissible in this zone district:
 - a. Accessory buildings, structures, or uses customarily incidental to the uses allowed

- in this zone, not exceeding 100 square feet.
 - b. Home businesses. (See Section V, Home Business, for more information)
 - c. Public utility services, but not including a power generation plant.
 - d. Single-family dwelling unit including mobile homes and tiny homes, one per lot. Tiny homes must be ground set.
3. *Conditional Uses.* The following uses may be allowed in this zone district only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance.
- a. Boarding, rooming, or lodging house.
 - b. Churches and incidental facilities.
 - c. Family day care home as regulated by the New Mexico Department of Health.
 - d. Library, museum or art gallery.
 - e. Public and private schools.
 - f. Recreational facilities.
 - g. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
4. *Lot Size.* Minimum lot size for this zone shall be one acre.
5. *Setback Requirements.* Minimum setback requirements for this zone are as follows:

Front	Rear	Side
20 Feet	15 Feet	10 feet

6. See Section X, Subsection D for Plan Requirements.
- B. Residential Zone 2 (R-2). The intent of this zone is to provide for low-density housing development in areas remote from available public services or situated in rugged terrain. This zone allows single-family homes of mixed construction including conventional housing, modular or prefabricated dwelling units, and mobile homes. Certain other uses specified in this section are allowed, provided they are compatible with the development of the neighborhood. Density shall not exceed one dwelling unit per minimum two-acre lot. This zone does not allow for the occupation of a travel trailer as a single-family home.
1. *Mobile Home Installation.* Mobile homes shall meet R-1 Zone setback requirements. Mobile homes shall be limited to residential use only, unless otherwise provided in this Ordinance. Within thirty (30) days following occupancy, mobile homes shall be connected to adequate utilities, provided with skirting of a durable material, and stabilized and anchored in accordance with regulations promulgated by the Manufactured Housing Act of New Mexico. (et seq. NMSA 1978).
2. *Permissive Uses.* Any of the following are permissive uses in this zone.
- a. One single-family dwelling or unit or one mobile home per lot.
 - b. Accessory buildings, structures, or uses customarily incidental to the uses allowed in this zone, not exceeding 100 square feet.
 - c. Public utility services, but not including a power generation plant.
 - d. Home business.
3. *Conditional Uses.* The following uses may be allowed in this zone only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance:
- a. Public and private schools.
 - b. Churches and incidental facilities.

- c. Recreational facilities.
 - d. Family daycare home as regulated by the New Mexico Department of Health.
 - e. Temporary real estate offices, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission and Council have approved an extension of the application.
 - f. Boarding, rooming, or lodging house.
 - g. Non-commercial library, museum or art gallery.
4. *Setback Requirements.* Minimum setback requirements for this zone are as follows:

Front	Rear	Side
30 Feet	20 Feet	15 feet

- C. Commercial, Industrial, and Government/Institutional Zones. The following general provisions apply to all the following commercial and government/institutional zones.
- 1. All commercial, industrial, and government/institutional development shall preserve the natural landscape and open space shall be used to retain the rural character assuring that commercial development will compliment, not harm the natural beauty of Tijeras.
 - 2. Assure that compatibility of property uses shall be maintained in the general area.
 - 3. Preserve the integrity and character of the land on which the uses will be located, and the utility, character and value of property in all adjacent zones.
 - 4. Assure that these zoning areas will not become a detriment to the municipal water supply, traffic safety, or general welfare of the Village of Tijeras.
 - 5. Any Commercial, industrial, or Government/Institutional Zone site development proposal containing 10,000 square feet of floor space or more shall include a traffic impact analysis to be generated by the development and its effect on the surrounding street system. If access to State or Federal highways is planned NMDOT – District Three Office must approve that access.
- D. Commercial Development Zone 1 (CB-1). The intent of this zone is to provide for those commercial and business uses which serve the community on a day to day basis, including retail, financial, and business services, in such a manner as to harmonize with the rural residential nature of the community, minimizing lighting, visual and audible distractions to create an overall esthetically pleasing environment. Minimum lot size in this zone is one acre.
- 1. *Permissive Uses.* Any of the following uses are permissible in this zone district:
 - a. One single-family unit per lot.
 - b. Professional offices, e.g. insurance agencies, law offices, CPA firms/tax preparers.
 - c. Banking services.
 - 2. *Conditional Uses.* The following uses may be allowed in this zone only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance.
 - a. Home business
 - b. Public and private schools
 - c. Churches and incidental facilities.
 - d. Recreational facilities.
 - e. Small (less than 1000 square feet) eating and drinking establishments.
 - f. Small (less than 1000 square feet) urgent care facilities.
 - g. Family day care home as regulated the New Mexico Department of Health.

- h. Temporary real estate, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Council has approved an extension of the application.
 - i. Non-commercial library, museum, or art gallery.
 - j. Public utility service, not including a power generation plant and other public services, e.g. libraries.
 - k. Retail business establishments except for gas, fuel, pumping services and/or other potential hazardous/flammable materials.
 - l. Business services, e.g. nail and hair salons.
 - m. Seasonal sales.
 - n. Financial services.
3. *Development Plan Requirements.* All commercial development plans shall include a written description of the project and detailed architectural drawings depicting all structures to be constructed, storage and parking areas. The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation. In addition, the following requirements apply to all developments.
- a. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
 - b. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along any adjacent residential zoned lands. A solid six (6) foot fence and/or barrier shall be used to establish a visual screen.
 - c. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into or on any adjoining residential properties right of way.
 - d. The site and plan design should be in harmony with the small Village character of the area and should minimize visual distractions.
 - e. An approved site development plan may be voided for any of the following reasons:
 - f. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - g. A building permit was not obtained within one year following the date of the approval of the site development plan.
 - h. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
 - i. Said developments shall not destroy the rural residential character of the village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems and any other infrastructures must be adequate to serve the development.
 - j. Refer to Supplementary Regulations on page 35, item I.
- E. Large Commercial Zone (CB-2) The intent of this zone is to provide for those larger commercial, retail and business development uses which may potentially produce traffic of one hundred vehicles or more per day, which serve the community on a day to day basis, including retail, financial and personal services, in such a manner as to be in harmony with the rural, residential character of the community, minimizing lighting, visual and audible distractions to create an overall esthetically pleasing environment. Minimum lot sizes shall be determined by the Council upon recommendation of the Commission.
- 1. *Permissive Uses.* In order to safeguard the rural residential nature of the community, preserve limited natural resources, there shall be no permissive uses in this zone.

2. *Conditional Uses.* The following uses may be allowed in this zone only upon approval granted by the Council after Commission review and recommendation in accordance with this Ordinance.
 - a. Retail business establishments.
 - b. General and professional offices.
 - c. Business and personal services.
 - d. Banking and financial services.
 - e. Public and private schools.
 - f. Churches and incidental facilities.
 - g. Non-profit recreational facilities.
 - h. Temporary real estate, caretaker or storage structures and contractor yards incidental to specific construction project but not to exceed one year in duration unless the Council has approved an extension of the application.
 - i. Non-commercial library, museum or art gallery.
 - j. Lodging (hotels, motel bed and breakfast, or similar business) provided there is adequate community water and sewer systems to serve the development.
 - k. Eating and drinking establishments.
 - l. Urgent care facility, medical clinic, hospital and convalescent or nursing homes.
 - m. Clubs and places of assembly when conducted completely within enclosed buildings.
 - n. Gas/fuel pumping services which shall meet all State and Federal regulations and comply with the State Environmental Department.

3. *Large Commercial Plan Requirements.* All commercial development plans shall include a written description of the project and detailed architectural drawings depicting all structures to be constructed, storage and parking areas. The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation. In addition, the following requirements apply to all commercial developments.
 - a. The site shall be located with direct access to a State or Federal arterial highway. A minimum of two separate entrances and exits with direct access to a state or Federal highway shall be provide for circulation and emergency vehicle access. Access to the highway must be approved by NMDOT – District Three Offices (see page 20, Item 22).
 - b. All buildings must be placed at least 100 feet from any property lines of residential uses or residential zoned land unless physical characteristics such as topography warrant a lesser setback, which must be approved by Council.
 - c. At least ten percent of the required off street parking area shall be landscaped and maintained in a clean and healthy condition.
 - d. All outdoor storage and refuse collection areas shall be screened from public view to the greatest extent possible.
 - e. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along any adjacent residential zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
 - f. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect on or onto any adjoining residential properties or public right of way.
 - g. The site and plan design should be in harmony with the small Village character of

the area and should minimize visual distractions.

- h. Any site proposal for a development containing 10,000 square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its affect on the surrounding street system.
- i. An approved site development plan may be voided by the Governing Body for one or both of the following reasons:
- j. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
- k. A building permit has not been obtained within one year following the date of the approval of the site development plan.
- l. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
- m. A site development shall not exceed a total of 136,000 square feet of floor area.
- n. On any site development, the largest individual business or retail trade use shall not exceed 20,000 square feet of the 136,000 total square feet making up the site development. No additional exterior storage facilities will be allowed on site.
- o. Said developments shall not destroy the rural residential character of the Village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.
- p. Refer to Supplementary Regulations and Table on page 35, item I.

F. Industrial/Manufacturing/Service Zone (I/M-3). The intent of this zone is to provide for those commercial, industrial and manufacturing uses which serve the community on a day-to-day basis in such a manner as to harmonize with the rural residential nature of the community. Minimum lot size in this zone is 1 acre. In order to safeguard a limited future water supply, the following limits shall apply to water use in this zone: One acre properties are limited to no more than 6000 gallons per month, two acre properties are limited to no more than 12,000 gallons per month and five acre properties are limited to no more than 30,000 gallons per month . On properties larger than five acres uses that require in excess of 50,500 gallons per month shall not be permitted.

1. *Permissive Uses*. Any of the following uses are permissible in this zone district:
 - a. One single-family unit per lot.
 - b. Professional offices, e.g. insurance agencies, law offices, CPA firms/tax preparers
 - c. Banking Services
2. *Conditional Uses*. The following uses may be allowed in this zone only upon permit granted by the Council after Commission review and recommendation in accordance with this Ordinance.
 - a. Home businesses.
 - b. Public utility service, not including a power generation plant and other public services, e.g. libraries.
 - c. Retail business establishments except gas, fuel, pumping services and/or other potential hazardous/flammable materials.
 - d. Business services, e.g. nail and hair salons.
 - e. Seasonal sales
 - f. Financial Services.
 - g. Public and private schools.

- h. Churches and incidental facilities.
 - i. Non-profit recreational facilities.
 - j. Family day care home (five or more non-residents) as regulated by the New Mexico Department of Health.
 - k. Temporary real estate offices, caretaker or storage structures and contractor yards incidental to a specific construction project but not to exceed one year in duration unless the Commission has approved an extension of the application.
 - l. Mobile home used as temporary non-residential structure requiring a renewable one-year permit.
 - m. Non-commercial library, museum, or art gallery.
 - n. Clubs and places of assembly when conducted completely within enclosed buildings.
 - o. Motor vehicle services and commercial garages provided that:
 - i Any repair work shall be conducted entirely within an enclosed building.
 - ii A solid wall or fence at least six feet high is erected and maintained between the activity and a contiguous R-1 and R-2 zones.
 - iii Outdoor storage of not more than five automobiles awaiting repair shall be permitted.
 - p. Construction contractors, waste removal services, and building trades, including storage enclosed on all sides by a solid wall or fence at least six feet high.
 - q. Annual firewood sales provided:
 - i All outdoor storage is enclosed by a solid wall or fence at least six feet high.
 - ii Wood shall not be stacked higher than six feet.
 - iii Wood shall not be stored within 20 feet of any property line or within 20 feet of any building.
 - r. Motor vehicle sales (park and sell or similar business).
 - s. Motor vehicle washing services (including mobile service) must comply with all State and Federal regulations.
 - t. Boarding or selling of animals.
 - u. Storage Units.
3. *Development Plan Requirements.* All commercial development plans shall include a written description of the project and detailed architectural drawings depicting all structures to be constructed, storage and parking areas. The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation. In addition, the following requirements apply to all commercial developments.
- a. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
 - b. A minimum 10-foot wide landscaped area shall be contiguous to all property lines along any adjacent zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
 - c. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect into any adjoining residential properties or public right of way.

- d. The site and plan design should be in harmony with the small Village character of the area and should minimize visual distractions.
- e. Any site proposal for a development containing 10,000 square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its effect on the surrounding street system. If access to State or Federal highways is planned NMDOT - District Three Office must approve that access. (see page 20, item 22)
- f. An approved site development plan may be voided for either of the following reasons:
 - i Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - ii A State issued building permit has not been obtained within one year following the date of approval of the site development plan.
 - iii If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated.
- g. Said developments shall not destroy the rural residential character of the Village of Tijeras nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.
- h. Refer to Supplementary Regulations Item I, page 35.

G. Government/Institutional Zone (G). This zone is to be used for properties owned by the Village and used for Village purposes. Planning and development in these zones shall comply with all elements of the Commercial Business Zone 1 (CB). Development in this zone will follow the Special Use Zone approval process.

- 1. Lot size. Minimum lot size for this zone shall be one acre
- 2. Setback Requirements. Minimum setback requirements for this zone are as follows:

Front	Rear	Side
35 feet	20 feet	15 feet

- 3. See Section X, Subsection D, Number 8 for Additional Plan Requirements.

H. Special Use Zone (S-U). This zone district provides for developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason. The boundaries of this zone district shall be defined as needed on a case-by-case basis following the amendment procedures provided in this Ordinance. Special conditions may be imposed by the Council following recommendation by the Commission.

- 1. The Council may not grant a zone change for establishment of a Special Use zone district unless satisfactory provisions have been made:
 - a. To assure that compatibility of property uses shall be maintained in the general area and that the proposed use is not in conflict with the development policies and other elements of the Comprehensive Plan for the Village of Tijeras.
 - b. To preserve the integrity and character of the area in which the Special Use Zone district will be located, and the utility and value of property in the Special Use Zone district and in adjacent zone districts; and
 - c. To assure that the Special Use zone district will not become detrimental to the public health, safety, or general welfare of the Village of Tijeras.

2. Special Uses. A Special Use Zone may be authorized and established only for uses designated by the Council, including, but not limited to:
 - a. Apartments, condominiums, and other multi-family dwellings provided there are no more than two dwelling units per structure on lots of adequate size to comply with the regulations and standards of the New Mexico Environment Department.
 - b. Automobile dismantling yard, or general salvage operation, provided that:
 - i All activities are conducted within an enclosed building or within an area enclosed on all sides by a solid wall or fence at least six feet high.
 - ii Inoperative automobile bodies or salvage materials may not be stacked higher than the required surrounding wall.
 - iii The site for such operation shall not exceed five acres. Cemetery, mausoleum, or crematory, provided that the site shall contain at least two acres
 - c. Cell Towers (telecommunications)
 - d. Fuel storage wholesalers (gasoline, liquefied petroleum), provided that all storage tanks shall not be within 500 feet of any lot in residential use, arroyo, surface water or public access building, and provided that sufficient blast, explosion, or fire-confinement structures are installed in accordance with appropriate national standards.
 - e. Government facilities for general public use.
 - f. Hospital and convalescent or nursing homes.
 - g. Library, museum or art gallery (10,000 square feet or more).
 - h. Manufacturing, including warehousing and retailing and wholesaling operations, provided the following requirements are met:
 - i The entire operation shall be no larger than fifteen (15) acres.
 - ii Principal structures in this zone shall not be within 150 feet of any residential structures, except for resident watchman or caretaker facilities related to the principal use of the zone.
 - iii All buildings on a site shall not cover an aggregate area of more than 60 percent of such site.
 - i. Medical clinic or urgent care facilities (10,000 square feet or more)
 - j. Mining, processing, or stockpiling of rock, sand, gravel, clay, or similar materials; provided it complies with the following requirements for land rehabilitation:
 - i Backfilling shall be made with non-noxious and non-combustible materials.
 - ii Peaks and depressions of the land resulting from the operation shall be reduced to a surface, which is in substantial conformity to the surrounding topography, and measures are taken to minimize erosion.
 - k. Propane and/or natural gas sales.
 1. Public utility service, including a power generation plant.
 - m. Retail business establishments (10,000 square feet or more).
3. Removal of Zones. In the event that a use authorized as a Special Use zone district is permanently discontinued for thirty (30) days, the Special Use zone district shall be canceled and removed under the provisions for an amendment to this Ordinance. The lot shall be rezoned to the prevailing zone district as determined by the Council following recommendation by the Commission.
4. See Section X, Subsection D, Number 8 for Additional Plan Requirements.

V. HOME BUSINESS

- A. The Zoning Commission will approve a home business permit if the application meets the following requirements:
1. Exterior storage of materials and equipment required for the home business shall be permitted provided no nuisances result from the storage thereof.
 2. There shall be no change in the exterior appearance of the building or premises, or any visible evidence of a home occupation other than:
 - a. Activities normally associated with a permissive use of the residence; and
 - b. An appropriate sign as regulated by the signage regulations section of this Ordinance.
 3. No more than twenty-five (25) percent of the dwelling's floor areas shall be devoted to the home business.
 5. There shall be no sales of goods or services from the home which would generate greater traffic volume than would be created in a residential neighborhood.
 6. Any parking needs generated by the conduct of the home business shall be met using the parking supplied by the residence.
 7. No person or entity shall engage in a home business or occupation of any kind within the Village limits without a current business registration, issued by the Village Manager/Clerk.

VI. HEIGHT

- A. Height Regulations. No building shall exceed twenty-six (26) feet in height. Building height limitations shall not apply to chimneys, noncommercial antennas or flagpoles. All water tanks, windmills, commercial antennas, spires, and other objects exceeding twenty-six (26) feet above finished ground level shall require approval of a height variance. Telephone and electrical utility poles are exempt.

VII. SIGNS

- A. Residential Zone. Each lot shall not have more than one sign which shall not exceed ten square feet of sign face.
1. No signs in this zone shall be illuminated except home physical address numbers.
 2. Signs shall not exceed eight feet in height if free-standing and shall not extend above the highest point of a building when attached to that building.
 3. Temporary signs, such as political, yard sale, or sale/lease signs shall not exceed five square feet of sign face for each premise in this zone. These signs may be erected no earlier than sixty (60) days before an event and shall be removed within ten (10) days after the event.
 4. Village residents desiring to place temporary signs on Village streets to advertise an event shall contact the Village Manager/Clerk to request approval for such signs a minimum of five business days prior to the event. It is a violation of NMDOT regulations to place signs not approved by NMDOT within the right-of-way of state roads. Violators may be cited by NMDOT.
- B. Commercial, Special Use, and Government Zones. Signs must be located on private property and may advertise, identify, or direct to a use currently conducted on the same premises. All signs shall be reviewed and approved by the Commission prior to installation.

1. Directory or multiple business signs which advertise a variety of establishments at the entrance of a strip mall are encouraged.
 2. Private property entrance signs (including multiple business signs described above) shall not exceed sixteen (16) feet in height or a sign area of fifty (50) square feet (back to back) for each business. Entrance signs should be back to back with an opposite directional view for maximum effect.
 3. Identifying signs attached to the place of business shall not exceed twenty-four (24) square feet of sign area and shall not extend more than five (5) feet above the highest point of the building.
 4. No sign in any zone shall be permitted with flashing, blinking or intermittent lights and no sign shall interfere with traffic safety. Electronic signs are not permitted, unless deemed necessary for road safety.
 5. Temporary signs shall not exceed 10 square feet and may be erected no earlier than sixty (60) days before an event and shall be removed within ten (10) days after the event.
 6. No temporary signs shall be placed on Village property.
 7. No billboards shall be allowed.
- C. Banners. Banners shall be authorized for a for any business.
1. The banner shall not exceed forty (40) square feet.
 2. No business shall have more than one (1) banner (two (2) back-to-back is one banner).
 3. A seasonal/announcement banner is a temporary sign which can be changed throughout the year. A banner can be replaced with similar wording and identical size as previously approved by the Commission as the banner becomes ragged or faded.
 4. Commission will review and approve banners every three years.

VIII. LIGHTING

- A. Outdoor light fixtures in the Village of Tijeras shall comply with the following:
1. All outdoor lighting fixtures shall be shielded, except incandescent fixtures of two thousand, two hundred and fifty (2250) lumens or less and other sources of one thousand and fifty (1050) lumens or less.
 2. All outdoor lighting fixtures shall be shielded and focused downwards.
 3. Outdoor light fixtures shall be limited to fifteen (15) feet in height.
 4. Any outdoor lighting used for security, landscape or building illumination, or area illumination shall be additionally shielded in such a manner as to confine emitted light within the boundary of the property from which it originated.
 5. No outdoor recreational facility, whether private or public, shall be illuminated after 10:00 P.M. except to conclude any recreational or sporting event or other activity, which is in progress prior to 10:00 P.M. at a ballpark, arena or similar facility.
 6. Outdoor lighting fixtures which are necessary for worker safety are exempt from these provisions.
 7. Outdoor lighting fixtures not meeting these provisions shall be allowed if the fixture is extinguished by an automatic shutoff device between the hours of 10:00 P.M. and sunrise. This does not include streetlights.

IX. OFF-STREET PARKING

- A. Off Street Parking and Loading: There shall be provided on site, when any new building or structure is erected, off-street parking spaces as set forth in this section. Existing buildings

or structures need supply such parking only to the extent ground space is available, provided however, that existing parking areas shall also be required to conform with these provisions. Parking may be located on any portion of the parcel but shall clearly designate and provide for orderly parking so as not to obstruct public rights-of-way, or any parking or access areas or create any public hazards. On paved parking areas the spaces will be designated with painted markings and be clearly visible at all times. On dirt or gravel parking areas the spaces will be identified by physical partitions (cement bollards or wooden ties) physically anchored to the surface.

1. Required Parking Spaces. The minimum number of parking spaces to be provided shall be as follows:
 2. Clinics: five spaces per doctor.
 3. Clubs: one space per five members.
 4. Dwellings, single-family: two (2) spaces per unit.
 5. Dwellings, multi-family: one and a half (1.5) spaces per unit.
 6. Eating and drinking establishments: one space per one hundred (100) square feet of floor area.
 7. Hospitals, convalescent or nursing homes: one space per two beds.
 8. Hotels and motels: one space per unit and one space per two employees.
 9. Industrial, manufacturing, and wholesale establishments: one space per two employees on largest shift.
 10. Mobile home and travel trailer parks: one (1) space per unit.
 11. Offices, retail, and service establishments: one (1) space per three hundred (300) square feet of floor area.
 12. Places of public assembly: one space per four seats when fully occupied.
- B. Parking Design Standards.
1. All parking facilities must provide access to a public right-of-way and fire zones.
 2. All driveway entrances shall be at least 30 feet wide to facilitate vehicular turning into parking area.
 3. Each parking space shall consist of an area not less than nine (9) feet by twenty (20) feet and shall be clearly marked, spaced and laid out in an orderly fashion.
 4. On any non-residential premises, two (2) percent of the spaces, but not less than one (1) space, shall be set aside for the handicapped or physically disabled. In addition:
 - a. Spaces for the handicapped shall consist of an area not less than twelve (12) feet by twenty (20) feet.
 - b. Parking spaces for the handicapped shall be prominently marked for use by the international symbol for handicapped access.
 5. On any non-residential premises, fire lanes shall be designated per applicable fire codes.
 6. All parking area lay out shall be subject to Council approval after Commission review and recommendation.
- C. Off-Street Loading Requirements. Any structures built or substantially altered after the effective date of this Ordinance and which receive or distribute bulk materials by motor vehicle shall provide and maintain off-street loading space as approved by the Council after Commission review and recommendation. Minimum off-street loading space shall be at least fifty (50) feet long and twelve (12) feet wide and shall not be located on designated parking space or public right- of-ways.

X. PROCESS, PLANNING, AND REVIEW

- A. General. For purposes of this Ordinance, no building or structure shall be erected or building footprint altered upon any premises within the Village of Tijeras without being reviewed and approved by the Planning Commission or Village Council (see Section X, Subsection B, “Final Approvals” for relevant approval body).
- B. Final Approvals.
 - 1. The Zoning Commission will make the final decision (to approve, deny or approve with conditions) for the following uses:
 - a. Permitted use
 - b. Home business
 - c. Building or sign permit
 - 2. The Commission will review and make a recommendation to the Village Council for the uses listed below. The Council will then make the final decision (to approve, deny, approve with variance or approve with conditions) on the following uses:
 - a. Conditional Use
 - b. Variance
 - c. Zone Change, including Special Use
 - d. Zone text Amendment
 - e. Annexation
- C. Zone Change, Text Amendment and Annexation Process. The Council may amend any of the regulations, zones or zone boundaries established by this Ordinance.
 - 1. Application. Any request for an amendment to this Ordinance or to the Zone Map shall be submitted with filing fee to the Village Manager/Clerk on a prescribed application form obtainable at the Village Office. An application may be initiated by the Village acting on behalf of the community at large. The Village Manager/Clerk shall transmit the application and any supplementary information to the Commission for review at the next available meeting pursuant to State Statute notification requirements. The Commission shall prepare and transmit a recommendation in writing to the Council.
 - 2. Notification by Mail. Whenever a zone change is proposed, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners of land within one hundred fifty (150) feet of the area proposed to be changed by zoning regulation. If any notice by first class mail is returned undeliverable, the Village shall attempt to discover the owner’s most recent address and shall remit the notice by certified mail, return receipt requested.
 - 3. Planning and Zoning Commission Review. The property owner will be scheduled to attend a meeting of the Commission that will review the project. At the meeting the owner will present the project to the Commission.
 - 4. The Commission will recommend approval or denial to the Council or may table the case for a specified future date.
 - 5. Public Hearing. Upon receipt of the written recommendations of the Commission, the Council shall call for a public hearing in which to make its decision on an application for amendment to this Ordinance. Notification of time and place of the public hearing shall adhere to State Statute notification requirements. The Council shall conduct the public hearing, at which all interested parties and citizens shall have an opportunity to be heard.
 - 6. Decision. The Council shall make its decision on a request for an amendment to this Ordinance no later than forty-five (45) days following the date of the public hearing. A decision by the Council shall be made by a formal action to approve, to approve with

conditions, to deny, or to remand the application back to the Commission for additional review and recommendation prior to a final decision by the Council.

7. Mayoral Review. If the Council approves the project the Mayor will sign and stamp the plans.
8. Bernalillo County Review and Processing. Upon final approval by the Village Council, the authorized Village representative will prepare the approval documents. The owner will then contact Bernalillo County for the permits necessary to complete the project. When the project is complete the property owner shall deliver to the Village Manager/Clerk a copy of the building permits obtained from the County and copies of all Code Inspections that were conducted on the project, along with the Certificate of Occupancy if applicable to the project.
9. Upon approval of a Zone Map amendment by ordinance, the Zone Map will be updated accordingly.

D. Plan Requirements.

1. Applicants must legibly complete and submit their request to the Village Manager/Clerk on official forms, available at the Village offices. Applicants will provide six (6) printed copies of all relevant reference materials on paper no larger than 11x17 inches. The appropriate administrative review fee will be paid in full before the application will be reviewed.
2. Planning. Prior to contacting the Village about proposed changes to their property, including erecting a structure or altering the existing building footprint, private or commercial owners shall develop a site plan that accurately depicts the intended modification.
3. Construction. When any structure construction or structure placement is planned; the property owner shall provide a written description of the project and a drawing depicting the planned construction or structure placement. The drawing shall include, at a minimum, the property boundaries, the location of the construction or structure placement and the relationship of the project to all the setbacks.
4. Remodeling. If the planned project will remodel an existing structure and it changes the footprint, the owner shall provide a written description of the project. If the project includes a change to the structure's footprint a drawing will be included depicting the property boundaries, the new footprint, the setbacks relative to the new footprint and any change to the elevation of the structure.
5. Roadway Access. If access to State or Federal highways is planned, NMDOT District Three Office must approve that access.
6. Traffic Impact Analysis. Any site proposal for a development containing ten thousand (10,000) square feet of floor space or more shall include a traffic impact analysis of traffic to be generated by the development and its effect on the surrounding street system.
7. Additional Plan Requirements for CB, G/I and SU Zones.
 - a. The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation. In addition, the following requirements apply to all commercial developments.
 - b. The site shall be located with direct access to a State or Federal arterial highway. A minimum of two separate entrances and exits with direct access to a State or Federal highway shall be provided for circulation and emergency vehicle access. Access to said highway must be approved by NMDOT, District Three Office.

- c. At least ten percent of the required off street parking area shall be landscaped and maintained in a clean and healthy condition. All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
 - d. A minimum ten (10) -foot wide landscaped area shall be contiguous to all property lines along any adjacent residential zoned lands. A solid six (6) foot fence and/or barrier shall be used in order to establish a visual screen.
 - e. The exterior lighting of all buildings, structures, and surrounding grounds shall provide illumination for safety purposes, and shall be placed and screened to the extent possible such that it does not shine directly or reflect on or into any adjoining residential properties or public right of way.
- E. Variance. The Planning Commission may approve a variance from the strict application of area, height, dimension, distance, setback, off-street parking, and off-street loading requirements of this Ordinance in the case of exceptional physical conditions where the strict application of the requirements of this Ordinance would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building. The Commission may deny any request for a variance that is based on conditions which are the result of the actions of the applicant. Where appropriate, a variance may be granted, provided that:
- 1. The variance will not be contrary to the public interest;
 - 2. The variance will not adversely affect adjacent property owners or residents;
 - 3. The conditions are unique to the property; and
 - 4. The variance is authorized for lot controls, i.e. setbacks and not for use of the premises.
 - 5. In considering a request for approval of a variance, the Planning and Zoning Commission may impose any condition deemed to be in the best interests of the Village. The Commission shall consider the following:
 - a. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, all streets/roads and emergency access in case of fire, flood or catastrophe;
 - b. Off-street parking and loading areas where required, with particular attention to refuse and service areas;
 - c. All locations on site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations, and public health;
 - d. The economic, noise, glare, or odor effects of the proposed use on adjoining properties;
 - e. On-site drainage and storm water runoff;
 - f. General compatibility with adjacent properties and other properties in the vicinity;
 - g. Significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property;
 - h. The overall health and safety of the community, and
 - i. The goals and objectives of the comprehensive plan.
- F. Conditional Use. Conditional uses shall not be allowed except upon approval by the Village Council after review and recommendation of the Commission for issuing a permit and subject to any conditions which the Village Council may impose. All hearings for Conditional Uses shall comply with the Open Meetings Act.
- 1. Application. Any request for a conditional use permit shall be submitted with a filing fee to the Village Manager/Clerk on a prescribed application form obtainable at the Village Office.

2. Review process for conditional use. The Village Manager/Clerk shall transmit the completed application and any supplementary information to the Commission for review and recommendation. The Commission will transmit the recommendation to approve, deny or approve with conditions to the Council. The Commission may also table the case for a specified future date.
 3. Notification. All property owners within one hundred fifty (150) feet of the site shall be notified of the Commission and Council meetings at which the conditional use permit application will be reviewed. All pending applications without applicant activity will be void one year from the original Council approval meeting unless good cause is shown, therefore.
 4. Guidelines. The Council shall not approve any conditional use permit unless satisfactory provision has been made concerning the following, where applicable:
 - a. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to the refuse and service areas.
 - c. Water and wastewater facilities, with reference to soil limitations, locations, and public health.
 - d. The noise, glare, or odor effects of the conditional use on adjoining properties.
 5. Expiration. All Conditional Use Permits shall be issued for the period of time the Council determines to be consistent with the public interest and the criteria contained in this subsection, or as provided in this Ordinance, and shall be specified in writing at the time of issuance of the permit. At the expiration of any Conditional Use Permit, the Council must approve an application for renewal of the Conditional Use Permit after the review and recommendation of the Commission.
- G. Appeals. Any person aggrieved by a decision of the Commission or of the Council in carrying out the provisions of this Ordinance may appeal such decision to the Council (if decision reached by Commission) or District Court (if decision reached by Council). Such appeal must set forth specifically all claims of an error or an abuse of discretion, or where the decision was not supported by the evidence in the matter.
1. Application. Any appeal following a decision of the Commission or Council shall be made in writing on prescribed forms obtainable at the Village Office upon payment of the applicable filing fee and submitted to the Village Manager/Clerk. The Council shall not consider any appeal not submitted within fifteen (15) days after the decision, which is the subject of the appeal. The Village Manager/Clerk shall submit all papers involved in the proceedings to the Council within thirty (30) days after the receipt of the appeal application.
 2. Public Hearing.
 - a. The Council, following a Public Hearing, shall issue its decision on appeal. Notification of the time and place of the Public Hearing shall be consistent with the Open Meetings Act.
 - b. Stay of Proceedings. An appeal shall stay all proceedings in the action unless the Village Manager/Clerk certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of District Court.
 - c. Decision. A majority vote of the members of the Council is required to reverse,

change, or affirm a previous decision made by the Council.

d. District Court. Appeals of the Council will be made to the District Court.

H. Sunset Clause. An approved site development plan may be voided for either of the following reasons:

1. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
2. A building permit has not been obtained within one year following the date of approval of the site development plan.
3. If an approved site development plan becomes void, the Conditional Use Permit for the site shall be terminated, if applicable.

I. Annexation.

1. There are three methods of annexation permitted by New Mexico State Statute:
 - a. Arbitration. (Sections 3-7-5 through 3-7-10 NMSA 1978)
 - b. Boundary Commission. (Sections 3-7-11 through 3-7-16 NMSA 1978)
 - c. Petition. (Sections 3-7-17 NMSA 1978)
2. Any request for annexation into the Village shall be filed and processed concurrently with an application for zone map amendment as provided in this Ordinance and in a manner consistent with state statutes

XI. FEES, REGISTRATION, SUBCONTRACTORS, VENDORS, AND PENALTIES

- A. General. This section addresses the fees associated with administrative filings and business registrations. It addresses the responsibilities of business owners as they relate to use of subcontractors and vendors. Finally, the section outlines the penalties for violations of this Ordinance.
- B. Fees. Property owners subject to this Ordinance will be charged a fee by the Village for administrative review and approval of all projects. For a list of fees associated with administrative filings and business registrations, please contact the Village of Tijeras.
- C. Change by Resolution. All fees shall be subject to change by resolution of the Council.
- D. Subcontractors. Village business owners who rent space to subcontractors; i.e. beauty salons, art galleries, flea markets, etc., shall ensure all of their subcontractors pay Village gross receipts taxes. Owners shall provide the Village Manager/Clerk a list of all subcontractors and notify the Manager/Clerk when changes to the list are necessary. This requirement does not apply to businesses that contract with the Village of Tijeras and employ subcontractors. In such cases those businesses contracting with the Village shall ensure that subcontractors pay Village Gross Receipts Tax.
- E. Vendors. Individuals selling products or conducting seasonal sales (wood, landscaping materials, produce, etc.) on private property alongside State or Village roadways are classified as vendors. The owners of the property used by vendors shall be responsible for ensuring that gross receipts taxes are paid on all sales made by vendors on their property. Vending on public property or within roadway rights-of-way is prohibited.
- F. Penalties. Any person violating any of the provisions of this Ordinance shall be subject to a fine not exceeding \$500.00. Any violation continued for a period of sixty (60) days may result in legal action.
 1. Any resident or Business entity that fails to obtain required construction permits or fails to ensure that their sub-contractors or vendors pay gross receipts taxes shall be subject to a fine.

2. Any non-complying resident or Business entity shall be required to obtain all required Bernalillo County construction inspections.
3. The Village shall charge a fine of:
 - a. Up to \$150.00 first offense;
 - b. Up to \$250.00 second offense;
 - c. Up to \$500.00 third offense and revoke their Business Registratio

