

VILLAGE OF TIJERAS

ORDINANCE NO. 240

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 26 OF THE
VILLAGE OF TIJERAS CODE OF ORDINANCES – ZONING**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TIJERAS,
NEW MEXICO AS FOLLOWS:**

SECTION 1. Chapter 26 of the Village of Tijeras Code of Ordinances is hereby repealed in its entirety and replaced with the provisions hereinbelow contained.

SECTION 2. This ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

COMPILING CLAUSE: This ordinance shall be incorporated in and compiled as part of the Code of Ordinances of the Village of Tijeras, as provided herein.

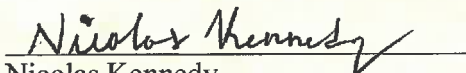
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Tijeras, New Mexico on the 4th day of December, 2023.

APPROVED:



Jake Bruton
Mayor

ATTEST:



Nicolas Kennedy
Village Clerk

CD26:1



Chapter 26

ZONING*

Article I. In General

- Sec. 26-1. Title.
- Sec. 26-2. Purpose.
- Sec. 26-3. Jurisdiction.
- Sec. 26-4. Interpretation.
- Sec. 26-5. Definitions.
- Sec. 26-6. Penalties.
- Secs. 26-7—26-32. Reserved.

Article II. Administration

Division 1. Generally

- Sec. 26-33. Administrative official.
- Sec. 26-34. Inspection.
- Sec. 26-35. Information and records.
- Sec. 26-36. Records review.
- Sec. 26-37. Violations, complaints and notification.
- Sec. 26-38. Subcontractors.

Secs. 26-39—26-66. Reserved.

Division 2. Process, Planning and Review

- Sec. 26-67. Review and approval for erecting building or altering building footprint.
- Sec. 26-68. Final approvals.
- Sec. 26-69. Bernalillo County Permitting
- Secs. 26-70—26-94. Reserved.

Division 3. Zone Change

- Sec. 26-95. Authority to amend.
- Sec. 26-96. Application.
- Sec. 26-97. Notification by mail.
- Sec. 26-98. Planning and zoning commission review.
- Sec. 26-99. Commission recommendation for approval or denial.
- Sec. 26-100. Public hearing.
- Sec. 26-101. Decision.
- Sec. 26-102. Mayoral review.

Sec. 26-103. Zone map updated.
Secs. 26-104—26-121. Reserved.

*State law reference—Zoning regulations, NMSA 1978, § 3-21-1 et seq.

Division 4. Plan Requirements

- Sec. 26-122. Application legibility; review fee.
- Sec. 26-123. Site plan required.
- Sec. 26-124. Construction.
- Sec. 26-125. Remodeling.
- Sec. 26-126. Roadway access.
- Sec. 26-127. Traffic impact analysis.
- Sec. 26-128. Additional plan requirements for CB-1, CB-2, G/I and SU Zones.
- Sec. 26-129. Sunset clause.
- Secs. 26-130—26-156. Reserved.

Division 5. Variance

- Sec. 26-157. Variance approval.
- Sec. 26-158. Variance denial.
- Sec. 26-159. Variance approval criteria.
- Sec. 26-160. Additional conditions.
- Secs. 26-161—26-186. Reserved.

Division 6. Conditional Use

- Sec. 26-187. Approval by the village council.
- Sec. 26-188. Application.
- Sec. 26-189. Review process for conditional use.
- Sec. 26-190. Guidelines.
- Sec. 26-191. Expiration.
- Secs. 26-192—26-220. Reserved.

Division 7. Appeals

- Sec. 26-221. Right to appeal.
- Sec. 26-222. Application.
- Sec. 26-223. Public hearing.
- Sec. 26-224. Stay of proceedings.
- Sec. 26-225. Decision.
- Sec. 26-226. Appeal to district court.
- Secs. 26-227—26-245. Reserved.

Division 8. Annexation

- Sec. 26-246. Annexation permitted.
- Sec. 26-247. Request for annexation.
- Secs. 26-248—26-272. Reserved.

Division 9. Fees and Charges

- Sec. 26-273. Fees.
- Sec. 26-274. Change by resolution.
- Secs. 26-275—26-298. Reserved.

Article III. Nonconformities

Division 1. Generally

Secs. 26-299—26-329. Reserved.

Division 2. Nonconforming Uses

Sec. 26-330. General scope and intent.

Sec. 26-331. Expansion.

Sec. 26-332. Abandonment.

Sec. 26-333. Nonconforming lot size.

Secs. 26-334—26-354. Reserved.

Article IV. Zones and Regulations

Division 1. Generally

Sec. 26-355. Provisions applicable to all zones.

Sec. 26-356. Zoning map.

Secs. 26-357—26-385. Reserved.

Division 2. Residential Zone 1 (R-1)

Sec. 26-386. Intent and purpose.

Sec. 26-387. Mobile home installation.

Sec. 26-388. Allowable uses.

Sec. 26-389. Lot size.

Sec. 26-390. Setback requirements.

Secs. 26-391—26-410. Reserved.

Division 3. Residential Zone 2 (R-2)

Sec. 26-411. Intent.

Sec. 26-412. Mobile home installation.

Sec. 26-413. Allowable uses.

Sec. 26-414. Lot size; setback requirements.

Secs. 26-415—26-443. Reserved.

Division 4. Commercial, Industrial, and Government/Institutional Zones

Sec. 26-444. Applicability.

Sec. 26-445. General preservation; compliance.

Sec. 26-446. Compatibility of property uses.

Sec. 26-447. Preservation of land character and integrity.

Sec. 26-448. Zoning areas not to become a detriment.

Sec. 26-449. Inclusion of traffic impact analysis.

Secs. 26-450—26-466. Reserved.

Division 5. Commercial Business Zone 1 (CB-1)

- Sec. 26-467. Intent.
- Sec. 26-468. Minimum lot size; setback requirements.
- Sec. 26-469. Allowable uses.

- Sec. 26-470. Development plan requirements.
- Secs. 26-471—26-495. Reserved.

Division 6. Large Commercial Zone 2 (CB-2)

- Sec. 26-496. Intent.
- Sec. 26-497. Minimum lot sizes; setback requirements.
- Sec. 26-498. Allowable uses.

- Sec. 26-499. Large commercial development plans and requirements.
- Secs. 26-500—26-523. Reserved.

Division 7. Industrial/Manufacturing/Service Zone 1 (I/M-3)

- Sec. 26-524. Intent.
- Sec. 26-525. Minimum lot size; setback requirements.
- Sec. 26-526. Water use limits.
- Sec. 26-527. Allowable uses.

- Sec. 26-528. Development plan requirements.
- Secs. 26-529—26-551. Reserved.

Division 8. Government/Institutional Zone (G/I)

- Sec. 26-552. Intent.
- Sec. 26-553. Compliance.

- Sec. 26-554. Lot size.
- Sec. 26-555. Setback requirements.
- Secs. 26-556—26-577. Reserved.

Division 9. Special Use Zone (S-U)

- Sec. 26-578. Intent.
- Sec. 26-579. Defined.
- Sec. 26-580. Special conditions.
- Sec. 26-581. Requirements for zone change.
- Sec. 26-582. Allowable uses.
- Sec. 26-583. Special use requirements.
- Sec. 26-584. Removal of zones.
- Sec. 26-585. Setback requirements.
- Secs. 26-584—26-614. Reserved.

Article V. Supplementary District Regulations

Division 1. Generally

- Sec. 26-615. Access to structures.

- Sec. 26-616. Water and wastewater facilities.
- Sec. 26-617. Refuse disposal and salvage material control.
- Sec. 26-618. Professional services.
- Sec. 26-619. Storage tanks.
- Sec. 26-620. Water storage tanks.
- Sec. 26-621. Fire sprinklers.
- Sec. 26-622. Seasonal vendors.

- Sec. 26-623. Overnight and drive through vendors.
- Sec. 26-624. Inoperable vehicles.
- Secs. 26-625—26-653. Reserved.

Division 2. Height

- Sec. 26-654. Height regulations of buildings and structures.
- Sec. 26-655. Height regulations of private solar systems.
- Secs. 26-656—26-681. Reserved.

Division 3. Signs

- Sec. 26-682. Residential zones.
- Sec. 26-683. Commercial, special use, and government zones.
- Sec. 26-684. Banners.
- Secs. 26-685—26-711. Reserved.

Division 4. Lighting

- Sec. 26-712. Fixture compliance.
- Secs. 26-713—26-737. Reserved.

Division 5. Roads and Roadways

- Sec. 26-738. Development, approval and access to state roadways.
- Sec. 26-739. Access authorization.
- Secs. 26-740—26-761. Reserved.

Division 6. Off-Street Parking and Loading

Subdivision I. In General

- Secs. 26-762—26-790. Reserved.

Subdivision II. Off-Street Parking

- Sec. 26-791. Requirements for new building or structure.
- Sec. 26-792. Ground space availability.
- Sec. 26-793. Designation of parking.
- Sec. 26-794. Paved parking areas; dirt or gravel parking areas.
- Sec. 26-795. Required parking spaces.
- Sec. 26-796. Parking design standards.
- Secs. 26-797—26-815. Reserved.

Subdivision III. Off-Street Loading Requirements

- Sec. 26-816. Provision and maintenance of loading space.
- Secs. 26-817—26-840. Reserved.

Division 7. Home Business

- Sec. 26-841. Permit requirement.
- Secs. 26-842—26-860. Reserved.

Division 8. Short-Term Rentals

- Sec. 26-861. General provisions.
- Sec. 26-862. Owner/operator provisions.
- Sec. 26-863. Renter provisions.
- Sec. 26-864. Violations.
- Secs. 26-865—26-880. Reserved

Division 9. Detached Accessory Dwelling Units

- Sec. 26-881. Requirements.
- Secs. 26-882—26-900. Reserved

Division 10. Multi-Family Dwelling Units

- Sec. 26-901. Requirements.
- Secs. 26-902—26-920. Reserved

Division 11. Cannabis

- Sec. 26-921. Requirements.
- Secs. 26-922—26-940. Reserved

Article VI. Allowable Uses

Division 1. Generally

- Sec. 26-941. Use of designations P, D, C in table of allowable uses.
- Sec. 26-942. Table of allowable uses.

ARTICLE I. IN GENERAL

Sec. 26-1. Title.

This chapter shall be known as the "Comprehensive Zoning Ordinance" of the village.
(Ord. No. 190, § I(A), 8-10-2020)

Sec. 26-2. Purpose.

This chapter 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 chapter 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. Development in the village shall not destroy the rural residential character of the village nor shall it adversely affect the community water system, sewer system, fire protection systems, and any other infrastructures adequate to serve the development.

(Ord. No. 190, § I(B), 8-10-2020)

Sec. 26-3. Jurisdiction.

This chapter shall apply to all lands within the municipal boundary of the village, including such lands as may be subsequently annexed to the village. This chapter 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 chapter.

(Ord. No. 190, § I(C), 8-10-2020)

Sec. 26-4. Interpretation.

The provisions of this chapter are held to be minimum requirements to carry out the purpose of this chapter and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any provisions of this chapter are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

(Ord. No. 190, § I(D), 8-10-2020)

Sec. 26-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory means subordinate and incidental to a principal use or structure on the same lot.

Apartment means one or more structures for rent or lease containing two or more dwelling units each.

Banners means a temporary sign (not to exceed ninety (90) days) generally made of flexible vinyl and/or canvass like material.

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.

Boardinghouse, roominghouse, lodginghouse, 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 or more persons but not exceeding eight persons.

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.

Building height means the average of their vertical distances from the finished ground level at the center of all walls of a building to:

- (1) The deck line of a mansard roof;
- (2) The mean height level between the eaves and ridges of a gable, hip, or gambrel roof; or
- (3) The highest point of a flat roof or any roof style not described in this definition.

Business registration means a licensed permit approved and issued by the village for businesses operating within its municipal boundaries.

Clinic means an establishment occupied by one or more members of the medical, dental, or veterinary profession for the purpose of providing health services.

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.

Conditional use means a use that is allowed once reviewed and approved by the planning and zoning commission and the village council, subject to the requirements of this chapter as well as any additional requirements imposed by the planning and zoning commission or the village council.

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. The term "condominium" includes town houses, patio houses, and other similar forms of individual ownership.

Contiguous means touching or separated only by a public right-of-way.

Dedicated open space means any open space dedicated by the village's council by ordinance.

Designated use means a use that is customary to a particular zone district and is allowed once reviewed and approved by the planning and zoning commission, subject to the requirements of this chapter as well as any additional requirements imposed by the planning and zoning commission.

Developed lot means a lot containing a permitted permanent structure.

Drainage means discharge or flow of surface water by gravity.

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.

Dwelling, multifamily, means a single structure containing two or more dwelling units, including, but not limited to, condominiums and apartments.

Dwelling, detached accessory means a dwelling unit that is accessory to a primary single-family or multi-family dwelling or a non-residential primary use.

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 unrelated persons. This provision shall not apply to dwellings for persons who are disabled, as specified in the Americans with Disabilities Act.

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.

Floor area means the total horizontal area of the total number of floors of a building.

Food truck. See *Mobile food unit*.

Frontage means a distance measured along a public right-of-way line.

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.

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.

Grade means the average of the finished ground level at the center of all walls of a building.

Home business means any occupation clearly incidental and secondary to the use of the premises for a dwelling.

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.

Inoperable vehicle means any vehicle which, for a period of at least 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. The term "inoperable vehicle" 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. The term "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. The term "inoperable vehicle" does not include a vehicle for which

a temporary sticker has been issued.

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 1978, § 74-12-3).

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 1978, § 74-12-3).

Lot means a parcel or tract of land of sufficient size to meet the minimum requirements of this chapter, 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.

Lot, corner, means any lot located at the intersection of and having frontage on two or more streets.

Lot, double frontage, means any lot with frontage on two parallel or approximately parallel streets.

Lot area means the aggregate lot area measured to property lines but excluding easements.

Lot line, front, means the boundary line of a lot bordering on a road or public right-of-way.

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.

Lot line, side, means any lot boundary line which is not a front lot line or a rear lot line.

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.

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.

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 "modular or prefabricated home" 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.

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 chapter but which lawfully existed on the effective date of the ordinance from which this chapter is derived.

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.

Parking, off-street means an area used for parking of motor vehicles as regulated by this chapter.

Permissive use means a use that is allowed by right in a particular zone district and may be reviewed and approved by the clerk or their designee, without public review.

Planning and zoning commission means the planning and zoning commission of the village.

Premises means any lot or combination of contiguous lots held in single ownership, together with the development thereon.

Private solar system, commercial means a privately-owned solar installation that provides electrical power for the commercial structure(s) on the lot on which the system is located.

Private solar system, residential means a privately-owned solar installation that provides electrical power for the residential structure(s) on the lot on which the system is located.

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.

Residential mobile home or manufactured housing means a transportable structure, at least eight feet in width and 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.

Salvage material means any excess or reusable materials having a value to the owner.

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 chile, piñon, fruits and vegetables, on any commercial property in the village. Such sales may require village business registration.

Seasonal vendor means an individual that sells a product or conducts intermittent sales (such as, but not limited to, of 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. The term "seasonal vendor" includes mobile food units.

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 chapter.

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.

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.

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.

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.

Short-term rental means a dwelling unit or portion of space contained within a dwelling unit that is rented by a vendor to a vendee for periods of time that do not exceed thirty (30) consecutive days and which is not a vendee's primary residence.

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:

- (1) Signs required by state or federal law, or signs of an official governmental body.
- (2) Illustration of names of occupants and address or property numbers, when smaller than one square foot.
- (3) Private traffic signs, visitor signs, or warning signs bearing no advertising matter, and smaller than one square foot.

Sign face means the area of the sign, 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.

Structure means anything constructed or erected with a permanent location on the ground or attached to something having a permanent location on the ground.

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 sales taxes are paid by the subcontractor for work done within the village.

Subdivider means any person proposing a subdivision, including the owner, equitable owner, or any authorized representative.

Subdivision.

- (1) The term "subdivision" means:
 - a. For the area of land within the corporate boundaries of the municipality, the division of land into two or more parts by platting or by metes and bounds description into tracts for the purposes set forth in this definition; and
 - b. For the area of land within the municipal extraterritorial subdivision and platting jurisdiction, the division of land into two or more parts by platting or by metes and bounds description into tracts of less than five acres in any one calendar year for the following purposes:
 1. Sale for building purposes;
 2. Laying out a municipality or any part thereof;
 3. Adding to a municipality;
 4. Laying out suburban lots; or
 5. Resubdivision.
- (2) The term "subdivision" includes the division of any lot or tract of land into two or more parts for the purpose whether immediate or in the future of sale, lease, or development. Subdivision

does not include the following:

- a. Any residual land retained by the subdivider after subdivision, but which has not been divided for subdivision purposes.
- b. The sale or lease of apartments, offices, stores or similar space within a building.
- c. Any division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land.
- d. Any division of land created by court order, except court orders involving land grant adjudications.
- e. The leasing of land for grazing or farming activities.

Temporary means a time frame to be determined by the planning and zoning commission.

Tenant means an individual who rents space for commercial purposes from a business registered with the village (e.g., beauty salons, art galleries, flea markets, etc.). All such tenants must obtain a village business registration.

Tiny house means a ground set dwelling that is 400 square feet (37 square meters) or less in floor area excluding lofts.

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.

Undeveloped lot means a vacant lot or a lot containing unpermitted structures.

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.

Variance means a relaxation of the terms of this chapter 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 chapter would result in unnecessary hardship. Financial gain or loss shall not be the determining factor in deciding a variance.

Vendor means an individual, company or entity that offers something for sale.

Vendee means an individual, company or entity to whom something is sold.

Zone means any section of the village in which requirements for the use of buildings and land is uniform, as prescribed by this chapter.

(Ord. No. 190, § II, 8-10-2020)

Sec. 26-6. Penalties.

Any person violating any of the provisions of this chapter 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 subcontractors or vendors pay gross receipts taxes shall be subject to a fine.
- (2) Any noncomplying resident or business entity shall be required to obtain all required county construction inspections.
- (3) The village shall charge a fine of:

- a. Up to \$150.00 for the first offense;
 - b. Up to \$250.00 for the second offense;
 - c. Up to \$500.00 for the third offense and revoke their business registration, if applicable.
- (Ord. No. 190, § XI(F), 8-10-2020)

Secs. 26-7—26-32. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 26-33. Administrative official.

The mayor shall appoint the planning and zoning commission members to administer the provisions of this chapter.

(Ord. No. 190, § I(E(1)), 8-10-2020)

Sec. 26-34. 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 chapter. 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 village council or planning and zoning commission for purposes of carrying out the requirements of this chapter.

(Ord. No. 190, § I(E(2)), 8-10-2020)

Sec. 26-35. Information and records.

The village manager/clerk shall maintain an office to supply the public with information concerning this chapter and shall maintain the official village zoning map in an updated form. A zoning action file shall be maintained and shall contain records which include the following:

- (1) Conditional use permits.
- (2) Variances.
- (3) Applications for amendments.
- (4) Zoning appeals.
- (5) Zoning violations.

(Ord. No. 190, § I(E(3)), 8-10-2020)

Sec. 26-36. 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 the 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.

(Ord. No. 190, § I(E(4)), 8-10-2020)

Sec. 26-37. 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 chapter. Any person aggrieved by an apparent violation of this chapter shall file a written complaint with the village manager/clerk who shall immediately investigate such complaint to determine if a violation of this chapter is found to exist. Whenever the village manager/clerk finds probable cause to believe a violation of this chapter 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 chapter.
(Ord. No. 190, § I(E(5)), 8-10-2020)

Sec. 26-38. 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 and employ subcontractors. In such cases, those businesses contracting with the village shall ensure that subcontractors pay village gross receipts tax.
(Ord. No. 190, § XI(D), 8-10-2020)

Secs. 26-39—26-66. Reserved.

DIVISION 2. PROCESS, PLANNING AND REVIEW

Sec. 26-67. Review and approval for erecting building or altering building footprint.

For purposes of this chapter, no building or structure shall be erected or building footprint altered upon any premises within the village without being reviewed and approved by the clerk, planning and zoning commission or village council, as applicable.
(Ord. No. 190, § X(A), 8-10-2020)

Sec. 26-68. Final approvals.

(a) The clerk or their designee will make the final decision (to approve, deny or approve with conditions) for the following uses:

- (1) Permissive use.
- (2) Business registration for home businesses.
- (3) Business registration for seasonal vendors and mobile food units vending within village limits on fewer than four occasions per calendar year.
- (4) Sign or banner permit.

(b) The planning and zoning commission will make the final decision (to approve, deny or approve with conditions) for the following uses:

- (1) Designated use.
- (2) Business registration.

(c) The planning and zoning commission will review and make a recommendation to the village council for the uses listed below. The village council will then make the final decision (to approve, deny, approve with variance or approve with conditions) on the following uses:

- (1) Conditional use.
 - (2) Variance.
 - (3) Zone change, including special use.
 - (4) Zone text amendment.
 - (5) Annexation.
- (Ord. No. 190, § X(A), 8-10-2020)

Sec. 26-69. Bernalillo County Permitting

Upon approval of an application by the village, the property owner shall contact Bernalillo County Planning and Development Services for issuance of any permits necessary to complete the project. Upon completion of the project, the property owner shall deliver to the village copies of any and all Bernalillo County-issued documents pertaining to the project, including but not limited to permits, inspections, and certificates of occupancy.

Secs. 26-70—26-94. Reserved.

DIVISION 3. ZONE CHANGE

Sec. 26-95. Authority to amend.

The village council may amend any of the regulations, zones or zone boundaries established by this chapter.

(Ord. No. 190, § X(C(intro. ¶)), 8-10-2020)

Sec. 26-96. Application.

Any request for an amendment to this chapter or to the zone map shall be submitted with a 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 planning and zoning commission for review at the next available meeting pursuant to state statute notification requirements. The planning and zoning commission shall prepare and transmit a recommendation in writing to the village council.

(Ord. No. 190, § X(C(1)), 8-10-2020)

Sec. 26-97. 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 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.

(Ord. No. 190, § X(C(2)), 8-10-2020)

Sec. 26-98. Planning and zoning commission review.

The property owner will be scheduled to attend a meeting of the planning and zoning commission that will review the project. At the meeting, the owner will present the project to the planning and zoning commission.

(Ord. No. 190, § X(C(3)), 8-10-2020)

Sec. 26-99. Commission recommendation for approval or denial.

The planning and zoning commission will recommend approval or denial to the council or may table the case for a specified future date.

(Ord. No. 190, § X(C(4)), 8-10-2020)

Sec. 26-100. Public hearing.

Upon receipt of the written recommendations of the planning and zoning commission, the village council shall call for a public hearing in which to make its decision on an application for amendment to this chapter or to the zone map. Notification of time and place of the public hearing shall adhere to the provisions of the Open Meetings Act. The village council shall conduct the public hearing, at which all interested parties and citizens shall have an opportunity to be heard.

(Ord. No. 190, § X(C(5)), 8-10-2020)

Sec. 26-101. Decision.

The council shall make its decision on a request for an amendment to this chapter no later than 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.

(Ord. No. 190, § X(C(6)), 8-10-2020)

Sec. 26-102. Mayoral review.

If the village council approves the project, the mayor will sign and stamp the plans.

(Ord. No. 190, § X(C(7)), 8-10-2020)

Sec. 26-103. Zone map updated.

Upon approval of a zone map amendment by ordinance, the zone map will be updated accordingly.

(Ord. No. 190, § X(C(9)), 8-10-2020)

Secs. 26-104—26-121. Reserved.

DIVISION 4. PLAN REQUIREMENTS

Sec. 26-122. Application legibility; review fee.

Applicants must legibly complete and submit their request to the village manager/clerk on official forms, available at the village offices. The appropriate administrative review fee will be paid in full before the application will be reviewed.

(Ord. No. 190, § X(D(1)), 8-10-2020)

Sec. 26-123. Site plan required.

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.

(Ord. No. 190, § X(D(2)), 8-10-2020)

Sec. 26-124. 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.

(Ord. No. 190, § X(D(3)), 8-10-2020)

Sec. 26-125. 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.

(Ord. No. 190, § X(D(4)), 8-10-2020)

Sec. 26-126. Roadway access.

If access to state or federal highways is planned, NMDOT District Three Office must approve that access.

(Ord. No. 190, § X(D(5)), 8-10-2020)

Sec. 26-127. Traffic impact analysis.

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.

(Ord. No. 190, § X(D(6)), 8-10-2020)

Sec. 26-128. Additional plan requirements for CB-1, CB-2, 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.

(b) Sites requiring direct access to a state or federal highway must have said access approved by NMDOT District Three.

(c) At least ten (10) 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 five (5) foot wide landscaped area is required on property lines adjoining other properties zoned CB-1, CB-2, G/I, and S/U. A solid six (6)foot fence is required on property lines adjoining residential properties 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.

(Ord. No. 190, § X(D(7)), 8-10-2020)

Sec. 26-129. 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.

(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.

(Ord. No. 190, § X(H), 8-10-2020)

Secs. 26-130—26-156. Reserved.

DIVISION 5. VARIANCE

Sec. 26-157. Variance approval.

The village council may, upon review and recommendation by the planning and zoning commission, approve a variance from the strict application of area, height, dimension, distance, setback, off-street parking, and off-street loading requirements of this chapter in the case of exceptional physical conditions where the strict application of the requirements of this chapter would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.

(Ord. No. 190, § X(E(intro. ¶)), 8-10-2020)

Sec. 26-158. Variance denial.

The village council may, upon review and recommendation by the planning and zoning commission, deny any request for a variance that is based on conditions which are the result of the actions of the applicant.

(Ord. No. 190, § X(E(intro. ¶)), 8-10-2020)

Sec. 26-159. Variance approval criteria.

(a) 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).

(b) In considering a request for approval of a variance, the village council may impose any condition deemed to be in the best interests of the village.

(Ord. No. 190, § X(E(1)—(5)), 8-10-2020)

Sec. 26-160. Additional conditions.

The village council shall consider the following:

- (1) 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;
- (2) Off-street parking and loading areas where required, with particular attention to refuse and service areas;
- (3) All locations on site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations, and public health;
- (4) The economic, noise, glare, or odor effects of the proposed use on adjoining properties;
- (5) On-site drainage and stormwater runoff;
- (6) General compatibility with adjacent properties and other properties in the vicinity;
- (7) Significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property;
- (8) The overall health and safety of the community; and
- (9) The goals and objectives of the comprehensive plan.

(Ord. No. 190, § X(E(5)(a)—(i)), 8-10-2020)

Secs. 26-161—26-186. Reserved.

DIVISION 6. CONDITIONAL USE

Sec. 26-187. Approval by the village council.

Conditional uses shall not be allowed except upon approval by the village council after review and recommendation of the planning and zoning 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.

(Ord. No. 190, § X(F(intro. ¶)), 8-10-2020)

Sec. 26-188. 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.
(Ord. No. 190, § X(F(1)), 8-10-2020)

Sec. 26-189. 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.
(Ord. No. 190, § X(F(2)), 8-10-2020)

Sec. 26-190. Guidelines.

The village council shall not approve any conditional use permit unless satisfactory provision has been made concerning the following, where applicable:

- (1) 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.
- (2) Off-street parking and loading areas where required, with particular attention to the refuse and service areas.
- (3) Water and wastewater facilities, with reference to soil limitations, locations, and public health.
- (4) The noise, glare, or odor effects of the conditional use on adjoining properties.

(Ord. No. 190, § X(F(4)), 8-10-2020)

Sec. 26-191. Expiration.

All conditional use permits shall be issued for the period of time the village council determines to be consistent with the public interest and the criteria contained in this subsection, or as provided in this chapter, and shall be specified in writing at the time of issuance of the permit. At the expiration of any conditional use permit, the village council must approve an application for renewal of the conditional use permit after the review and recommendation of the planning and zoning commission.
(Ord. No. 190, § X(F(5)), 8-10-2020)

Secs. 26-192—26-220. Reserved.

DIVISION 7. APPEALS

Sec. 26-221. Right to appeal.

Any person aggrieved by a decision of the clerk or their designee, of the planning and zoning commission, or of the village council in carrying out the provisions of this chapter may appeal such decision to the planning and zoning commission (if decision reached by clerk or their designee), village council (if decision reached by planning and zoning commission), or district court (if decision reached by village 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.
(Ord. No. 190, § X(G(intro. ¶)), 8-10-2020)

Sec. 26-222. Application.

Any appeal following a decision of the planning and zoning 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 thirty (30) 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 30 days after the receipt of the appeal application.

(Ord. No. 190, § X(G(1)), 8-10-2020)

Sec. 26-223. Public hearing.

The village 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.

(Ord. No. 190, § X(G(2)(a)), 8-10-2020)

Sec. 26-224. 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.

(Ord. No. 190, § X(G(2)(b)), 8-10-2020)

Sec. 26-225. Decision.

A majority vote of the members of the village council is required to reverse, change, or affirm a previous decision made by the village council or a decision of the planning and zoning commission.

(Ord. No. 190, § X(G(2)(c)), 8-10-2020)

Sec. 26-226. Appeal to district court.

Appeals of the council will be made to the district court.

(Ord. No. 190, § X(G(2)(d)), 8-10-2020)

Secs. 26-227—26-245. Reserved.

DIVISION 8. ANNEXATION*

Sec. 26-246. Annexation permitted.

Annexation to the village is governed in accordance with the provisions of state law.

(Ord. No. 190, § X(I(1)(a)—(c)), 8-10-2020)

State law reference—Similar provisions, NMSA 1978, § 3-7-1(A).

Sec. 26-247. Request for annexation.

Any request for annexation into the village shall be filed and processed concurrently with an application for zone map amendment as provided in this chapter and in a manner consistent with state statutes.

(Ord. No. 190, § X(I(2)), 8-10-2020)

Secs. 26-248—26-272. Reserved.

DIVISION 9. FEES AND CHARGES

Sec. 26-273. Fees.

Property owners subject to this chapter 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.

(Ord. No. 190, § XI(B), 8-10-2020)

*State law reference—Annexation, NMSA 1978, § 3-7-1 et seq.

Sec. 26-274. Change by resolution.

All fees shall be subject to change by resolution of the village council.

(Ord. No. 190, § XI(C), 8-10-2020)

Secs. 26-275—26-298. Reserved.

ARTICLE III. NONCONFORMITIES

DIVISION 1. GENERALLY

Secs. 26-299—26-329. Reserved.

DIVISION 2. NONCONFORMING USES

Sec. 26-330. General scope and intent.

Within the zones established by this chapter, or amendments that may be adopted, there may exist lots, structures, and uses of land and structures which were lawful before the ordinance from which this chapter is derived was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter 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 the ordinance from which this chapter is derived.

(Ord. No. 190, § I(D(2(intro. ¶))), 8-10-2020)

Sec. 26-331. Expansion.

Nonconforming uses shall not be enlarged, expanded, or extended. However, minor repairs to and routine maintenance of nonconforming uses are permitted. The addition of a lawful use to any portion of a nonconforming building, which existed prior to the enactment of the ordinance from which this chapter is derived, shall not be deemed an extension of such nonconforming use, subject to council approval.

(Ord. No. 190, § I(D(2(a))), 8-10-2020)

Sec. 26-332. Abandonment.

Whenever a nonconforming use has been discontinued or abandoned for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this chapter.

(Ord. No. 190, § I(D(2(b))), 8-10-2020)

Sec. 26-333. Nonconforming lot size.

Any lot of record existing prior to the effective date of the ordinance from which this chapter is derived 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 chapter.

(Ord. No. 190, § I(D(2(c))), 8-10-2020)

Secs. 26-334—26-354. Reserved.

ARTICLE IV. ZONES AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 26-355. Provisions applicable to all zones.

In order to carry out the provisions of this chapter, the village is hereby divided into the following zones:

- (1) Residential Zone 1 (R-1).
- (2) Residential Zone 2 (R-2).
- (3) Commercial Business Zone 1 (CB-1).
- (4) Large Commercial Zone 2 (CB-2).
- (5) Industrial/Manufacturing/Service Zone 1 (I/M-3).
- (6) Government/Institutional Zone (G/I).
- (7) Special Use Zone (S-U).

(Ord. No. 190, § III(A), 8-10-2020)

Sec. 26-356. Zoning map.

The boundaries of zones are shown on the village zone map, which is hereby adopted per the regulations set forth in this chapter. The zoning map shall be maintained by the village manager/clerk and shall be made available for public reference.

(Ord. No. 190, § III(B), 8-10-2020)

Secs. 26-357—26-385. Reserved.

DIVISION 2. RESIDENTIAL ZONE 1 (R-1)

Sec. 26-386. Intent and purpose.

The intent of this Residential Zone 1 (R-1) 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.

(Ord. No. 190, § IV(A(intro. ¶)), 8-10-2020)

Sec. 26-387. Mobile home installation.

Mobile homes shall meet Residential Zone 1 (R-1) setback requirements. Mobile homes shall be limited to residential use only, unless otherwise provided in this chapter. Within 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 the state.

(Ord. No. 190, § IV(A(1)), 8-10-2020)

Sec. 26-388. Allowable uses.

For a list of uses allowable in Residential Zone 1 (R-1), refer to Article VI. Allowable Uses.

Sec. 26-389. Lot size.

The minimum lot size for this Residential Zone 1 (R-1) shall be one acre.

(Ord. No. 190, § IV(A(4)), 8-10-2020)

Sec. 26-390. Setback requirements.

The minimum setback requirements for this Residential Zone 1 (R-1) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
20 feet	15 feet	10 feet

(Ord. No. 190, § IV(A(5)), 8-10-2020)

Secs. 26-391—26-410. Reserved.

DIVISION 3. RESIDENTIAL ZONE 2 (R-2)

Sec. 26-411. Intent.

The intent of this Residential Zone 2 (R-2) 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 division are allowed, provided that 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.

(Ord. No. 190, § IV(B(intro. ¶)), 8-10-2020)

Sec. 26-412. Mobile home installation.

Mobile homes shall meet Residential Zone 1 (R-1) setback requirements. Mobile homes shall be limited to residential use only, unless otherwise provided in this chapter. Within 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 the state.

(Ord. No. 190, § IV(B(1)), 8-10-2020)

Sec. 26-413. Allowable uses.

For a list of uses allowable in Residential Zone 2 (R-2), refer to Article VI. Allowable Uses.

Sec. 26-414. Lot size; setback requirements.

(a) The minimum lot size for this Residential Zone 2 (R-2) shall be two acres.

(b) The minimum setback requirements for this Residential Zone 2 (R-2) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
30 feet	20 feet	15 feet

(Ord. No. 190, § IV(B(4)), 8-10-2020)

Secs. 26-415—26-443. Reserved.

DIVISION 4. COMMERCIAL, INDUSTRIAL, AND GOVERNMENT/INSTITUTIONAL ZONES

Sec. 26-444. Applicability.

The provisions in this division apply to all commercial, industrial and government/institutional zones.

(Ord. No. 190, § IV(C(intro. ¶)), 8-10-2020)

Sec. 26-445. General preservation; compliance.

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 the village.

(Ord. No. 190, § IV(C(1)), 8-10-2020)

Sec. 26-446. Compatibility of property uses.

All commercial, industrial, and government/institutional development shall assure that compatibility of property uses shall be maintained in the general area.

(Ord. No. 190, § IV(C(2)), 8-10-2020)

Sec. 26-447. Preservation of land character and integrity.

All commercial, industrial, and government/institutional development shall 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.

(Ord. No. 190, § IV(C(3)), 8-10-2020)

Sec. 26-448. Zoning areas not to become a detriment.

All commercial, industrial, and government/institutional development shall assure that these zoning areas will not become a detriment to the municipal water supply, traffic safety, or general welfare of the village.

(Ord. No. 190, § IV(C(4)), 8-10-2020)

Sec. 26-449. Inclusion of traffic impact analysis.

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.

(Ord. No. 190, § IV(C(5)), 8-10-2020)

Secs. 26-450—26-466. Reserved.

DIVISION 5. COMMERCIAL BUSINESS ZONE 1 (CB-1)

Sec. 26-467. Intent.

The intent of the Commercial Business Zone 1 (CB-1) is to provide for those commercial and business uses which serve the local populace, 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 aesthetically pleasing environment.

(Ord. No. 190, § IV(D(intro. ¶)), 8-10-2020)

Sec. 26-468. Minimum lot size; setback requirements.

(a) The minimum lot size in this Commercial Business Zone 1 (CB-1) is one acre.

(b) The minimum setback requirements for this Commercial Business Zone 1 (CB-1) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
20 feet	15 feet	10 feet

(Ord. No. 190, § IV(D(intro. ¶)), 8-10-2020)

Sec. 26-469. Allowable uses.

For a list of uses allowable in Commercial Business Zone 1 (CB-1), refer to Article VI. Allowable Uses.

Sec. 26-470. 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:

- (1) All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
 - (2) A minimum five foot wide landscaped area is required on property lines adjoining other properties zoned CB-1, CB-2, G/I, and S/U. A solid six (6) foot fence or barrier is required on property lines adjoining residential properties in order to establish a visual screen.
 - (3) 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.
 - (4) The site and plan design should be in harmony with the small village character of the area and should minimize visual distractions.
 - (5) An approved site development plan may be voided for any of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A building permit was not obtained within one year following the date of the approval of the site development plan.
 - (6) If an approved site development plan becomes void, the conditional use permit for the site shall be terminated.
 - (7) Said developments shall not destroy the rural residential character of the village nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.
- (Ord. No. 190, § IV(D(3)), 8-10-2020)

Secs. 26-472—26-495. Reserved.

DIVISION 6. LARGE COMMERCIAL ZONE 2 (CB-2)

Sec. 26-496. Intent.

The intent of the Large Commercial Zone 2 (CB-2) is to provide for those larger commercial, retail and business development uses which require highway access and/or larger lot sizes not normally available in the CB-1 district, 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 aesthetically pleasing environment.

(Ord. No. 190, § IV(E(intro. ¶)), 8-10-2020)

Sec. 26-497. Minimum lot sizes; setback requirements.

(a) Minimum lot sizes shall be determined by the village council upon recommendation of the planning and zoning commission.

(b) The minimum setback requirements for this Large Commercial Zone (CB-2) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
30 feet	20 feet	15 feet

(Ord. No. 190, § IV(E(intro. ¶)), 8-10-2020)

Sec. 26-498. Allowable uses.

For a list of allowable uses in the Large Commercial Zone (CB-2), refer to Article VI. Allowable Uses.

Sec. 26-499. Large commercial development plans and requirements.

(a) 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.

(b) The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation.

(c) In addition, the following requirements shall apply to all commercial developments:

- (1) Sites requiring direct access to a state or federal highway must have said access approved by NMDOT District Three.
- (2) All buildings must be placed at least one hundred (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.
- (3) At least ten (10) percent of the required off street parking area shall be landscaped and maintained in a clean and healthy condition.
- (4) All outdoor storage and refuse collection areas shall be screened from public view to the greatest extent possible.
- (5) A minimum five (5) foot wide landscaped area is required on property lines adjoining other properties zoned CB-1, CB-2, G/I, and S/U. A solid six (6) foot fence or barrier is required on property lines adjoining residential properties in order to establish a visual screen.
- (6) 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.
- (7) The site and plan design should be in harmony with the small village character of the area and should minimize visual distractions.

- (8) 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.
 - (9) An approved site development plan may be voided by the village council for one or both of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A building permit has not been obtained within one year following the date of the approval of the site development plan.
 - (10) If an approved site development plan becomes void, the conditional use permit for the site shall be terminated.
 - (11) A site development shall not exceed a total of 136,000 square feet of floor area.
 - (12) 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.
 - (13) Said developments shall not destroy the rural residential character of the village nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.
- (Ord. No. 190, § IV(E(3)), 8-10-2020)

Secs. 26-501—26-523. Reserved.

DIVISION 7. INDUSTRIAL/MANUFACTURING/SERVICE ZONE 1 (I/M-3)

Sec. 26-524. Intent.

The intent of the Industrial/Manufacturing/Service Zone 1 (I/M-3) 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.

(Ord. No. 190, § IV(F(intro. ¶)), 8-10-2020)

Sec. 26-525. Minimum lot size; setback requirements.

The minimum lot size in this Industrial/Manufacturing/Service Zone 1 (I/M-3) is one acre.

The minimum setback requirements for this Industrial/Manufacturing/Service Zone 1 (I/M-3) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
30 feet	20 feet	15 feet

(Ord. No. 190, § IV(F(intro. ¶)), 8-10-2020)

Sec. 26-526. Water use limits.

In order to safeguard a limited future water supply, the following limits shall apply to water use in this

Industrial/Manufacturing/Service Zone 1 (I/M-3):

- (1) One-acre properties are limited to no more than 6,000 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.
- (2) On properties larger than five acres, uses that require in excess of 50,500 gallons per month shall not be permitted.

(Ord. No. 190, § IV(F(intro. ¶)), 8-10-2020)

Sec. 26-527. Allowable uses.

For a list of allowable uses in the Industrial/Manufacturing/Service Zone 1 (I/M-3), refer to Article VI. Allowable Uses.

Sec. 26-528. Development plan requirements.

(a) All Industrial/Manufacturing/Service Zone 1 (I/M-3) development plans shall include a written description of the project and detailed architectural drawings depicting all structures to be constructed, storage and parking areas.

(b) The development plan shall include an estimate of the anticipated water usage during construction and when the project is in operation.

(c) In addition, the following requirements apply to all Industrial/Manufacturing/Service Zone 1 (I/M-3) developments:

- (1) All outside storage and refuse collection areas shall be screened from public view to the greatest extent possible.
- (2) A minimum five (5) foot wide landscaped area is required on property lines adjoining other properties zoned CB-1, CB-2, G/I, and S/U. A solid six (6) foot fence or barrier is required on property lines adjoining residential properties in order to establish a visual screen.
- (3) 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.
- (4) The site and plan design should be in harmony with the small village character of the area and should minimize visual distractions.
- (5) 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.
- (6) An approved site development plan may be voided for any of the following reasons:
 - a. Either the developer or other evidence indicates that significant changes have been made to the approved plan; or
 - b. A state-issued building permit has not been obtained within one year following the date of approval of the site development plan.
- (7) If an approved site development plan becomes void, the conditional use permit for the site shall be terminated.

(8) Said developments shall not destroy the rural residential character of the village nor shall they affect the community water system, sewer system, fire protection systems, and any other infrastructures must be adequate to serve the development.

(9) Refer to supplementary regulations.
(Ord. No. 190, § IV(F(3)), 8-10-2020)

Secs. 26-529—26-551. Reserved.

DIVISION 8. GOVERNMENT/INSTITUTIONAL ZONE (G/I)

Sec. 26-552. Intent.

This Government/Institutional Zone (G/I) is to be used for properties owned by the village and used for village purposes.

(Ord. No. 190, § IV(G(intro. ¶)), 8-10-2020)

Sec. 26-553. Compliance.

Planning and development in the Government/Institutional Zone (G/I) shall comply with all elements of the Commercial Business Zone 1 (CB-1).

(Ord. No. 190, § IV(G(intro. ¶)), 8-10-2020)

Sec. 26-554. Lot size.

The minimum lot size for Government/Institutional Zone (G/I) shall be one acre.

(Ord. No. 190, § IV(G(1)), 8-10-2020)

Sec. 26-555. Setback requirements.

The minimum setback requirements for Government/Institutional Zone (G/I) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
30 feet	20 feet	15 feet

(Ord. No. 190, § IV(G(2)), 8-10-2020)

Secs. 26-556—26-577. Reserved.

DIVISION 9. SPECIAL USE ZONE (S-U)

Sec. 26-578. Intent.

This Special Use Zone (S-U) provides for developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason.

(Ord. No. 190, § IV(H(intro. ¶)), 8-10-2020)

Sec. 26-579. Defined.

The boundaries of this Special Use Zone (S-U) shall be defined as needed on a case-by-case basis following the amendment procedures provided in this chapter.
(Ord. No. 190, § IV(H(intro. ¶)), 8-10-2020)

Sec. 26-580. Special conditions.

Special conditions for the Special Use Zone (S-U) may be imposed by the village council following recommendation by the planning and zoning commission.
(Ord. No. 190, § IV(H(intro. ¶)), 8-10-2020)

Sec. 26-581. Requirements for zone change.

The village council may not grant a zone change for establishment of a Special Use Zone (S-U) unless satisfactory provisions have been made:

- (1) To ensure 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.
- (2) To preserve the integrity and character of the area in which the Special Use Zone (S-U) will be located, and the utility and value of property in the Special Use Zone (S-U) and in adjacent zone districts; and
- (3) To ensure that the Special Use Zone (S-U) will not become detrimental to the public health, safety, or general welfare of the village.

(Ord. No. 190, § IV(H(1)), 8-10-2020)

Sec. 26-582. Allowable uses..

For a list of allowable uses in the Special Use Zone (S-U), refer to Article VI. Allowable Uses.

Sec. 26-583. Special use requirements.

- (1) For Special Use Zones authorized and established for the purpose of developing an automobile dismantling yard or general salvage operation, the following conditions apply:
 - a. 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 (6) feet high.
 - b. Inoperative automobile bodies or salvage materials may not be stacked higher than the required surrounding wall.
 - c. The site for such operation shall not exceed five (5) acres.
- (2) For Special Use Zones authorized and established for the purpose of developing manufacturing, warehousing, retailing and/or wholesaling operations, the following conditions apply:
 - a. The entire operation shall be no larger than fifteen (15) acres.
 - b. 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.
- c. All buildings on a site shall not cover an aggregate of more than sixty (60) percent of such site.
- (3) For Special Use Zones authorized and established for the purpose of developing mining, processing, or stockpiling of rock, sand, gravel, clay or similar materials, the following conditions apply:
- a. Backfilling shall be made with non-noxious and non-combustible materials.
 - b. 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 to be taken to minimize erosion.

Sec. 26-584. Removal of zones.

In the event that a use authorized as a Special Use Zone (S-U) is discontinued for thirty (30) days, the Special Use Zone (S-U) shall be canceled and removed under the provisions for an amendment to change the zone map to reflect the removal of the Special Use Zone. The lot shall be rezoned to the prevailing zone district as determined by the village council following recommendation by the planning and zoning commission.

(Ord. No. 190, § IV(H(3)), 8-10-2020)

Sec. 26-585. Setback requirements.

The minimum setback requirements for this Special Use Zone (S-U) are as follows:

<i>Front</i>	<i>Rear</i>	<i>Side</i>
30 feet	20 feet	15 feet

Secs. 26-586—26-614. Reserved.

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 26-615. 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.

(Ord. No. 190, § III(C), 8-10-2020)

Sec. 26-616. Water and wastewater facilities.

Regardless of any of the provisions of this chapter, all lots and all structures located thereon shall be in compliance with the regulations established by articles III and IV of chapter 24, the Wellhead Protection Plan, and those of the state environment department of the state engineer's office, and any other laws or regulations concerning water and wastewater facilities.

(Ord. No. 190, § III(D), 8-10-2020)

Sec. 26-617. 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.

(Ord. No. 190, § III(E), 8-10-2020)

Sec. 26-618. Professional services.

The planning and zoning commission and village 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. Issues that may require professional services include but are not limited to floodplains, cell towers and steep slopes. The property owner shall absorb the expenses of these services as approved by the planning and zoning commission or village council.

(Ord. No. 190, § III(F), 8-10-2020)

Sec. 26-619. 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 as 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.

(Ord. No. 190, § III(H), 8-10-2020)

Sec. 26-620. Water storage tanks.

No overhead water storage tanks shall be allowed in the Residential Zone 1 (R-1) and Residential Zone 2 (R-2). See the Village of Tijeras Water Ordinance (chapter 24, article III).

(Ord. No. 190, § III(I), 8-10-2020)

Sec. 26-621. Fire sprinklers.

Fire suppression must be consistent with current International Fire Code regulations. (Ord. No. 190, § III(J), 8-10-2020)

Sec. 26-622. Seasonal vendors.

Seasonal vendors may not operate in the public right-of-way, but may operate on private property in all zones, given the following provisions are met:

- (1) The landowner must give written consent for the seasonal vendor to operate on their land.
- (2) The seasonal vendor must provide the village with copies of its permits.
- (3) Seasonal vendors that conduct sales in the village on more than four (4) occasions in a calendar year must obtain a business registration. For the purposes of this section, a seasonal vendor operating on two (2) consecutive days (e.g., over a weekend) is considered one (1) occasion.
- (4) Seasonal vendors engaged in the sale of food or drink shall not operate within seventy five

(75) feet of a brick-and-mortar restaurant during the restaurant's hours of operation.
(Ord. No. 190, § III(K), 8-10-2020)

Sec. 26-623. 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.

(Ord. No. 190, § III(M), 8-10-2020)

Sec. 26-624. 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 division shall, upon 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.

(Ord. No. 190, § III(N), 8-10-2020)

Secs. 26-625—26-653. Reserved.

DIVISION 2. HEIGHT

Sec. 26-654. Height regulations of buildings and structures.

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.

(Ord. No. 190, § VI(A), 8-10-2020)

Sec. 26-655. Height regulations of private solar systems.

Private solar systems, whether installed on the ground or mounted on the roof of a structure, may not exceed five (5) feet in height, measured from the base of the system to its highest point. Any private solar system exceeding five (5) feet in height shall require approval of a height variance.

(Ord. No. 240, § X, 11-27-2023)

Secs. 26-656—26-681. Reserved.

DIVISION 3. SIGNS

Sec. 26-682. Residential zones.

(a) In the Residential Zone 1 (R-1) and Residential Zone 2 (R-2), each lot shall not have more than one sign which shall not exceed ten square feet of sign face.

(b) No signs in the Residential Zone 1 (R-1) and Residential Zone 2 (R-2) shall be illuminated except home physical address numbers.

(c) Signs shall not exceed eight (8) feet in height if freestanding and shall not extend above the highest point of a building when attached to that building.

(d) Temporary signs, such as political, yard sale, or sale/lease signs shall not exceed five (5) square feet of sign face for each premises in this zone. These signs may be erected no earlier than sixty (60) days before an event and shall be removed within ten days after the event.

(Ord. No. 190, § VII(A), 8-10-2020)

Sec. 26-683. Commercial, special use, and government zones.

(a) In the Commercial Business Zone 1 (CB-1), Large Commercial Zone 2 (CB-2), Government/Institutional Zone (G/I), and Special Use Zone (S-U), signs must be located on private property and may advertise, identify, or direct to a use currently conducted on the same premises.

(b) All signs shall be reviewed and approved by the planning and zoning commission prior to installation(c) Directory or multiple business signs which advertise a variety of establishments at the entrance of a strip mall are encouraged.

(1) 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.

(2) 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.

(3) 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.

(4) Temporary signs shall not exceed ten (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.

(5) No temporary signs shall be placed on village property.

(6) No billboards shall be allowed.

(Ord. No. 190, § VII(B), 8-10-2020)

Sec. 26-684. Banners.

(a) Banners shall be authorized for any business.

(b) The banner shall not exceed forty (40) square feet.

(c) No business shall have more than one banner (two back-to-back is one banner).

(d) 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.

(e) The planning and zoning commission will review and approve banners every three years.

(Ord. No. 190, § VII(C), 8-10-2020)

Secs. 26-685—26-711. Reserved.

DIVISION 4. LIGHTING

Sec. 26-712. Fixture compliance.

Outdoor light fixtures in the village shall comply with the following:

- (1) All outdoor lighting fixtures shall be shielded, except incandescent fixtures of 2,250 lumens or less and other sources of 1,050 lumens or less.
- (2) All outdoor lighting fixtures shall be shielded and focused downward.
- (3) Outdoor light fixtures shall be limited to twenty (20) 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.

(Ord. No. 190, § VIII(A), 8-10-2020)

Secs. 26-713—26-737. Reserved.

DIVISION 5. ROADS AND ROADWAYS

Sec. 26-738. Development, approval and access to state roadways.

All new developments and property subdivisions within the village requiring direct access to a state or federal highway shall be coordinated with the NMDOT District Three, prior to the approval of any action related to the change in property zoning/use.

(Ord. No. 190, § III(O), 8-10-2020)

Sec. 26-739. Access authorization.

(a) 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 access 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.

(b) 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.

(c) Property owners will be required to communicate 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.

(Ord. No. 190, § III(P), 8-10-2020)

Secs. 26-740—26-761. Reserved.

DIVISION 6. OFF-STREET PARKING AND LOADING

Subdivision I. In General

Secs. 26-762—26-790. Reserved.

Subdivision II. Off-Street Parking

Sec. 26-791. Requirements for new building or structure.

There shall be provided on site, when any new building or structure is erected, off-street parking spaces as set forth in this subdivision.

(Ord. No. 190, § IX(A(intro. ¶)), 8-10-2020)

Sec. 26-792. Ground space availability.

Existing buildings or structures need to 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.

(Ord. No. 190, § IX(A(intro. ¶)), 8-10-2020)

Sec. 26-793. Designation of parking.

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.

(Ord. No. 190, § IX(A(intro. ¶)), 8-10-2020)

Sec. 26-794. Paved parking areas; dirt or gravel parking areas.

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.

(Ord. No. 190, § IX(A(intro. ¶)), 8-10-2020)

Sec. 26-795. Required parking spaces.

The minimum number of parking spaces to be provided shall be as follows:

- (1) Clinics: five spaces per doctor.
- (2) Clubs: one space per five members.
- (3) Dwellings, single-family: two spaces per unit.

- (4) Dwellings, multifamily: 1.5 spaces per unit.
 - (5) Eating and drinking establishments: one space per 100 square feet of floor area.
 - (6) Hospitals, convalescent or nursing homes: one space per two beds.
 - (7) Hotels and motels: one space per unit and one space per two employees.
 - (8) Industrial, manufacturing, and wholesale establishments: one space per two employees on largest shift.
 - (9) Mobile home and travel trailer parks: one space per unit.
 - (10) Offices, retail, and service establishments: one space per 300 square feet of floor area.
 - (11) Places of public assembly: one space per four seats when fully occupied.
- (Ord. No. 190, § IX(A(1)—(12)), 8-10-2020)

Sec. 26-796. Parking design standards.

- (a) All parking facilities must provide access to a public right-of-way and fire zones.
- (b) All driveway entrances shall be sufficiently wide enough to facilitate vehicles turning into the parking area.

© On any nonresidential premises, two percent of the spaces, but not less than one space, shall be set aside for the handicapped or physically disabled. In addition, parking spaces for the handicapped shall be prominently marked for use by the international symbol for handicapped access.

- (d) On any nonresidential premises, fire lanes shall be designated per applicable fire codes.
- (e) All parking area lay out shall be subject to council approval after commission review and recommendation.

(Ord. No. 190, § IX(B), 8-10-2020)

Secs. 26-797—26-815. Reserved.

Subdivision III. Off-Street Loading Requirements

Sec. 26-816. Provision and maintenance of loading space.

Any structures built or substantially altered after the effective date of the ordinance from which this chapter is derived 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 50 feet long and 12 feet wide and shall not be located on designated parking space or public rights-of-way. (Ord. No. 190, § IX(C), 8-10-2020)

Secs. 26-817—26-840. Reserved.

DIVISION 7. HOME BUSINESS

Sec. 26-841. Permit requirement.

The clerk or their designee may 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 that 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 chapter.
- (3) No more than twenty five (25) percent of the dwelling's floor areas shall be devoted to the home business.
- (4) 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.
- (5) Any parking needs generated by the conduct of the home business shall be met using the parking supplied by the residence.
- (6) 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.

(Ord. No. 190, § V, 8-10-2020)

Secs. 26-842—26.860. Reserved.

DIVISION 8. SHORT-TERM RENTALS

Sec. 26-861. General provisions.

Unless otherwise stated, the following general provisions apply to short-term rental units:

- (1) The maximum number of active short-term rental permits allowed in the village at any given time shall be limited to thirty (30).
- (2) No dwelling unit shall be rented for more than two hundred twenty-five (225) cumulative days in one (1) calendar year as a short-term rental.
- (3) Two (2) directly adjoining short-term rentals may not operate concurrently on a residential street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, as well as adjoining units in a multi-family dwelling.
- (4) Off-street parking shall be provided per Sec. 26-795.
- (5) Short-term rental units shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or in any other event or activity that is not residential in nature.

Nothing contained within this chapter shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations contained within this section. Such covenants and deed restrictions shall not be enforced by the village but remain the responsibility of property owners to ensure compliance within the applicable neighborhood.

(Ord. No. 240, § X, 11-27-2023)

Sec. 26-862. Owner/operator provisions.

The following provisions shall apply to any owner and/or operator of a property used for a short-term rental:

- (1) The owner/operator shall obtain a short-term rental permit and business registration for their property prior to listing as a short-term rental.
 - (2) The owner/operator shall pay all applicable local, state and federal taxes, including lodgers' tax, gross receipts tax and income taxes.
 - (3) Should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Sec. 26-6.
 - (4) The owner/operator shall make available to the village for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this chapter.
 - (5) The owner shall maintain adequate short-term rental insurance coverage for the short-term rental unit.
 - (6) The owner/operator shall make the following information clearly visible and legible within the short-term rental unit, on or adjacent to the interior of the front door, or within the informational material provided to renters:
 - a. A copy of the short-term rental permit.
 - b. A copy of the business registration.
 - c. The name of the owner of the unit, or local contact person, managing agency, agent or property manager as appropriate and a telephone number at which that party can be reached on a twenty-four hour per day, seven day per week basis.
 - d. A notification that it is the renter's responsibility to comply with the laws of the state of New Mexico and the ordinances of the village.
 - (7) Except in accordance with Sec. 26-682, the owner/operator is prohibited from posting any exterior signage advertising the availability of the property.
 - (8) Upon the transfer of ownership of a short-term rental unit, the short-term rental permit and business registration shall terminate. If the new owner wishes to use the property as a short-term rental unit, a new application shall be submitted to the village.
- (Ord. No. 240, § X, 11-27-2023)

Sec. 26-863. Renter provisions.

- (1) Renters shall park only in designated areas supplied on the short-term rental property.
 - (2) Noise or other disturbance outside the short-term rental unit shall be limited between the hours of 10:00 p.m. and 6:00 a.m. so as to minimize the impact to nearby residences.
 - (3) All renters shall be informed in writing by the owner/operator of the short-term rental that they shall comply with the ordinances of the village.
- (Ord. No. 240, § X, 11-27-2023)

Sec. 26-864. Permits.

Each short-term rental unit operating within the village requires a valid short-term rental permit and the owner must pay the associated fee in an amount on file in the village offices. If a single property owner owns and operates more than one property as a short-term rental, a separate permit is required for each short-term rental unit. Each short-term rental permit must be renewed annually on or before June 1. Any owner or operator of a short-term rental unit who fails to renew their short-term rental permit by 5:00 p.m. on June 1 shall be subject to a late fee of \$50.00. Permits not renewed by June 30 shall expire.

An application for a short-term rental permit shall include the following:

- (1) A completed application form, to include the name and telephone number of an individual who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the short-term rental unit.
 - (2) A statement signed by the owner/operator of the short-term rental unit stating that the short-term rental unit shall be operated in compliance with this and all other applicable sections of the village code.
 - (3) A copy of the certificate of occupancy.
 - (4) Proof of all required permits and/or inspections, as well as proof of adequate insurance coverage for the short-term rental unit.
- (Ord. No 240, § X, 11-27-2023)

Sec. 26-865. Violations.

- (1) The village shall document all alleged violations of this division and provide the owner/operator of a short-term rental with a written notice of the violation by certified mail, return receipt requested.
 - (2) The owner/operator shall correct the violation within forty five (45) days or be subject to penalties as described in Sec. 26-6.
- (Ord. No. 240, § X, 11-27-2023)

Secs. 26-866—26-880. Reserved.

DIVISION 9. DETACHED ACCESSORY DWELLING UNITS

Sec. 26-881. Requirements.

The village council may approve an application to construct a detached accessory dwelling unit, commonly known as a “casita,” given the following conditions are met:

- (1) The detached accessory dwelling unit may not exceed a total footprint of 1,000 sq. ft. and the heated square footage of the detached accessory dwelling unit may not exceed 750 sq. ft.
- (2) The highest point of the detached accessory dwelling unit must be lower than that of the primary dwelling. Additionally, the distance between the nearest two (2) points of the detached accessory dwelling unit and the primary dwelling must be at least twenty (20) feet.
- (3) A detached accessory dwelling unit located in a particular zone is subject to the minimum setback requirements of that zone district.

Secs. 26-882—26-900. Reserved.

DIVISION 10. MULTI-FAMILY DWELLING UNITS

Sec. 26-901. Requirements.

The following provisions shall apply to all multi-family dwelling units in the village:

- (1) Density for multi-family dwelling units shall not exceed eight (8) units per one (1) acre.
- (2) The design and construction of septic tanks for multi-family dwelling units shall comply with the design and construction standards set forth in the wastewater ordinances adopted by the New Mexico Environmental Improvement Board or incorporated in those ordinances by reference.

(Ord. No. 240, § X, 11-27-2023)

Secs. 26-902—26-920. Reserved.

DIVISION 11. CANNABIS

Sec. 26-921. Requirements.

The following provisions shall apply to the cultivation of cannabis plants and the operation of cannabis establishments or cannabis consumption areas in the village:

- (1) Private cultivation of cannabis plants shall be limited to cultivation of up to six (6) mature and six (6) immature cannabis plants for personal use in accordance with the provisions of the Cannabis Regulation Act (NMSA 1978, § 26-2C-1 et seq.).
- (2) Cannabis establishments and cannabis consumption areas shall comply with the regulations set forth in the Cannabis Regulation Act (NMSA 1978, § 26-2C-1 et seq.).
- (3) No cannabis establishment or cannabis consumption area shall be permitted within 300 feet of any school or daycare facility. For the purposes of this division, all measurements taken in order to determine the location of licensed premises in relation to schools or daycare facilities shall be the straight-line distance from the licensed premises to the property line of the school or daycare facility.

(Ord. No. 240, § X, 11-27-2023)

Secs. 26-922—26-940. Reserved.

ARTICLE VI. ALLOWABLE USES

DIVISION 1. GENERALLY

Sec. 26-941. Use of designations P, D, C in table of allowable uses.

As used in the table of allowable uses:

- (1) The letter “P” means permissive use.
- (2) The letter “D” means designated use.
- (3) The letter “C” means conditional use.

Sec. 26-942. Table of allowable uses.

Table of Allowable Uses							
Use	Zones						
	R-1	R-2	CB-1	CB-2	I/M-3	G/I	S-U
Residential Uses							
Single-family dwellings	D	D	D		D		
Multi-family dwellings		C	C	C			C

Accessory structures larger than 450 sq. ft. and/or with utilities	D	D	D	D	D	D	D
Accessory structures 450 sq. ft. or smaller without utilities	P	P	P	P	P	P	P
Detached accessory dwelling units (casitas)	C	C					
Home businesses	P	P	P		P		
Commercial Uses							
Animal boarding/sales establishments					C		
Annual firewood sales					C		
Art galleries	C	C	C	C	C		C
Banking services			D	C	D		
Boardinghouses	C	C					
Building trades					C		
Business services			C	C	C		
Cannabis establishments			C	C	C		
Child care facilities	C	C	C		C		
Clubs				C	C		
Contracting firms					C		
Convalescent/nursing homes							C
Financial services			C		C		
Food establishments				C			
Fuel storage wholesalers							C
Gas stations				C			
Lodging establishments				C			

Motor vehicle sales					C		
Motor vehicle services					C		
Motor vehicle washing services					C		
Professional offices			D	C	D		
Propane/natural gas sales							C
Retail establishments			C	C			
Retail establishments (10,000 sq. ft. +)							C
Seasonal sales (Four occasions/year or fewer)	P	P	P	P	P	P	P
Seasonal sales (Greater than four occasions/year)	D	D	D	D	D	D	D
Short-term rentals	C	C	C	C			C
Small food establishments			C				
Small urgent care facilities			C				
Storage units					C		
Waste removal services					C		
Public, Civic, and Institutional Uses							
Cemeteries							C
Churches	C	C		C	C		
Government facilities						C	C
Hospitals				C			C
Libraries	C	C	C	C	C		C
Museums	C	C	C	C	C		C
Public and private schools	C	C	C	C	C		

Public utilities (incl. power generation)							C
Public utilities (not incl. power generation)	D	D	C		C		
Recreational facilities	C	C	C	C	C		
Industrial Uses							
Automobile dismantling yards, salvage operations							C
Manufacturing establishments							C
Mining operations							C
Telecommunications towers						C	C
Miscellaneous Uses							
Cannabis cultivation	D	D					
Mobile homes as temporary, nonresidential structures					C		
Signs, banners, etc.	P	P	P	P	P	P	P
Private solar systems (residential)	P	P	P	P	P	P	P
Private solar systems (commercial)	D	D	D	D	D	D	D
Temporary real estate, caretaker or storage structures and contractor yards	C	C	C	C	C		