I. Call To Order

II. Conflict Of Interest

III. Approval Of Minutes
   Documents:
   08-16-23 REALIZE TAC MINUTES.PDF

IV. Discussion Items
   IV.I. Chapter 3. Zoning Regulations
   Documents:
   LCO DEVELOPMENT CODE (2023.06.28) - ZONING DRAFT FOR TAC REVIEW_CPB.PDF

V. Next Meeting

VI. Public Comments

VII. Adjournment

Posted 9/11/2023
Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc Committee Meeting held Wednesday, August 16, 2023, at 3:00 p.m.

MEMBERS PRESENT:
- Daniel G. Buck (departed approximately 3:30)
- Paul Dulin
- Arturo Duran
- David G. Lynch
- John Moscato
- George Pearson
- Paul Pompeo
- Luis Rios

MEMBERS ABSENT:
- Christopher Brown
- Dan Carter
- Scott Kaiser
- Ken Odenheim
- Dawn Sanchez
- Sharon Thomas

STAFF PRESENT:
- Sara Gonzales, Senior Planner, Community Development
- David Sedillo, Director of Public Works
- Tony Trevino, Deputy Directory Public Works
- Larry Nichols, Director, Community Development
- Srijana Basnyat
- Rocio Nasir, Utilities Engineer

I. CALL TO ORDER:

George Pearson was selected to chair the meeting and he called the meeting to order.

II. CONFLICT OF INTEREST:

There was none.

III. DISCUSSION ITEMS:

1. Chapter 3. Zoning Regulations
Sara Gonzales began the discussion. The relevant maps and graphs were displayed. It was suggested to add wording to reference or support Elevate in the title of this section. In Section B.6, it says "regulate or restrict." There was a question if both words were needed. In Section B.8 the word "inappropriate" is ambiguous, as "inappropriate" is subjective. The words "ensure ... sensitive to natural areas" were also considered unclear. The very nature of development means that natural areas are disturbed. It was suggested to add "as applicable" at the end of that statement. It was also suggested to more clearly define "natural areas." Section B.11 is the purpose statement and seems to suggest deficiencies in existing developments and prohibit using similar designs as what was used in the past. It was suggested to strike that section. Staff mentioned that developers can point out sections of the Code that their development meets. A suggestion was made to add "encourage" to this section. Staff suggested to make the purpose statement read "New development shall meet the intent, design, quality, and character of Elevate Las Cruces." Concern was raised that in the future the City's comprehensive plan may change names, so the statement was suggested to be "New development shall meet the intent, design, quality, and character of the City's Comprehensive Plan, Elevate Las Cruces, as amended." In Section B.13 it says "ensure development proposals are sensitive to the character of existing neighborhoods." There is concern that this might allow people who object to development in general to delay or stop developments from going in. Staff plans to use the Comprehensive Plan to determine what is sensitive and what is not, for example not putting a recycling plant next to a residential area. A suggestion was made to define what "character" means. There was discussion that different housing types may not be accepted by the public as fitting into the same character as the neighborhood, for example homeowners may object to a multifamily housing unit going into the middle of a single-family housing neighborhood. A suggestion was made to broaden the purpose statement to include more reference to the sustainability and ecological aspects of Elevate.

There was discussion about how the Code applies to NMSU properties. On page 2, a suggestion was made to change the wording to "Community Development Director or Designee" and that is defined at the beginning of the document in the General Provisions section.

There is a chart on page 3. There were questions about the wording of various boxes and how many exit boxes there are. Board Members found the chart awkward and had questions about what is "public benefit." The public benefits are defined in a different section of the Code with examples. There should be a link to that section. A suggestion was also made to define what qualifies as "innovative development." Sketch plans are now required by the Subdivision Code. The site plan for construction is required to be turned in before the plat. These requirements will be revised as construction plans are not part of zoning.
In Zoning Districts, staff is still working on the overlay districts and how to work them into Code. The order in which they will be presented should be revised. Residential zoning designation will continue to be mostly housing. Neighborhood zoning designation will include small commercial components. Mixed use designation will include both large and small commercial components. Some questions were raised about the terminologies in reference to land use and character. Definitions are included on page 98 and land use tables are also included in the document. There are currently nine categories of development and it was suggested to reduce it to six. The extra three categories only apply to special circumstances such as the overlay areas. There are four fixed town centers but the neighborhood centers are not geographically fixed and there can be a higher number of those. The zoning map is still with the consultants but staff will send it out to Board Members as soon as possible. It is necessary to refer to the land use table when trying to understand the district definitions. Holding may have been eliminated. New annexes are zoned already now and must be reviewed by the City's Land Use Attorney. Staff will check and see if Holding is going to be permanently removed. Section A.3 refers to "uncertainty exists concerning the boundaries."

QUORUM IS LOST. FURTHER DISCUSSION WAS WORK SESSION ONLY.

Discussion is now considered a work session and anything decided here can be ratified at the next meeting when there is a quorum.

Staff does not know what "uncertainties of boundaries" means. A suggestion was made to indicate use of Chevron deference, which means that any ambiguity will be seen in the best light for the applicant and not for the government. The three categories of discrepancies in the Code are fairly standard, but it was suggested that the Land Use Attorney look over them anyway.

There is confusion that the Code is using use-based nomenclature for form-based applications. A request was made to clarify terminology and include examples and aerial photos. There are concerns regarding the neighborhood characters being backed up against each other, with low density and high density next to each other. This seems like it will cause many complaints. Staff made a distinction between density and intensity of use and indicated that the intensities will be kept separate, even if the densities are merged. Diversity of use and walkability are still the main goals of this Code. Lot sizes were discussed and exceptions are listed at the bottom of the section. Some of the infill properties have odd-sized lots and the Code provides an infill process to make development easier. It was also suggested that overlays could help with these infill properties. There is a time limit of one year for most properties that if the property is destroyed the owner can rebuild to what it was. In the South Mesquite area, the limit is two years.
There will be hyperlinks in all the sections to help the user navigate to reference resources and other things. There were questions about the setback diagrams starting on page 98. There is a table on page 99 that explains setbacks and build-to lines. Suburban and urban character lots should definitely be different. The Code also provides for accessory dwelling units on lots. There was discussion that a minimum width requirement can prevent people from buying a house due to the larger lots being more expensive. Suggested setback is seven feet each side, 15 feet in the rear, and 20 in the front. The new Code has requirements for a percentage of the impervious coverage as setbacks. With the prohibition of on-lot ponding on small lots, people have simply paved their entire lots and many people are also using astroturf in their yards as well. The new standards may change that. The drainage is designed into the subdivision infrastructure. Board Members are interested to know how to set up the impervious surface and setbacks.

Some of the captions that show up for the graphics are very odd. The defaults in Adobe Acrobat may need to be reset.

In the mixed use section, zero-lot-line development needed clarification. Town centers and overlays have different requirements. Developers can propose their own neighborhood centers wherever they want but there is no indication of whether zero-lot-line development will be allowed. All of the heights for commercial buildings have been increased. Now three-story buildings will be allowed. LI means Light Industrial and HI means Heavy Industrial. The 10% requirement for landscaping seems a bit low. Staff will double check to see if the required parking lot trees are included in that 10% or in addition to it. Ponding and drainage can be incorporated into the landscape design if desired.

Next meeting will start looking at page 104 with the traditional zoning districts. Sara Gonzales will find the answers to the clarification questions asked today and bring them to the next meeting. She asked everyone to send her questions and comments. She will print them and bring them to the next meeting.

IV. NEXT MEETING:

September 6, 2023

VI. ADJOURNMENT

_____________________________________
Chairperson
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Chapter 3. Zoning Regulations

Sec. 3-1. General Provisions
Sec. 3-2. Zoning Districts
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards
Sec. 3-4. Zoning Procedures
Sec. 3-1. General Provisions

A. Title

This chapter shall be known and shall be cited as the “Zoning Regulations” of the City of Las Cruces, New Mexico.

B. Purpose

The purpose of these Zoning Regulations is to:

1. Ensure that all development is in accordance with this Code and the Comprehensive Plan
2. Promote health, safety, and general welfare of the community;
3. Encourage innovations in land development and redevelopment;
4. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
5. Encourage mixed land uses to decrease the length of trips for work and/or shopping, encourage the consolidation of trips, and encourage bicycle, pedestrian, and transit modes of travel;
6. Regulate or restrict the erection, construction, alteration, repair or use of buildings, structures or land;
7. Control and abate the unlawful use of structures, buildings, or land;
8. Avoid the inappropriate development of land, ensure that development proposals are sensitive to natural areas and features, provide adequate protection from and reduce the effects of natural hazards;
9. Minimize adverse environmental impacts of development;
10. Reduce nuisances, such as noise, glare, and odor;
11. Improve the design, quality, and character of new development;
12. Encourage development of vacant properties within established areas;
13. Ensure that development proposals are sensitive to the character of existing neighborhoods; and
14. Conserve the value of buildings and land.

C. Applicability

1. This Code is created and adopted pursuant to the authority set forth in sections 3-19, 3-20 and 3-21 New Mexico State Statutes Annotated (NMSA), 1978 Compilation, as amended, and Section 3-21A NMSA 1987, as amended, and shall be applicable to all property within the City.
2. State property, Doña Ana County property, the Las Cruces Public School District School Board property, federal property and property owned or controlled by any other governmental entity being utilized for public purposes shall be exempt from these regulations only when specific exemption is provided elsewhere by state or federal statute or court order. Such exemption shall not apply to local, state or federal property that is not being used for public purposes. Governmental and private entities shall comply with the requirements of section 3-19-11 NMSA.
3. The City shall comply with section 3-19-11 NMSA and the requirements of this Code.

D. Interpretation and Conflict

1. Minimum Requirements

The provisions of this Code shall be considered the minimum requirements or standards to meet the purpose and intent expressed in B. Purpose above.

2. Local Conflict

Where the provisions of any local ordinance or regulation impose greater restrictions than those of this Code, generally the provisions of such document shall prevail. When two or more provisions of this Code are in conflict, generally the
most restrictive provision shall apply. In either case, the Community Development Director shall have the authority, on a case-by-case basis, to determine which conflicting provisions of this Code and/or other local requirements shall be imposed.

3. Federal and State Conflict

Any provisions of U.S. or New Mexico State Law which impose a greater duty, standard, or requirement than those contained herein shall supersede the provisions of this Code.

4. Interpretation of Meaning

a) The Community Development Director shall interpret the meaning of the provisions of this Code. Appeals may be filed in accordance with Sec. 1-3.F. Appeals.

b) For interpretations of zoning map boundaries, see Sec. 3-2.A.3. Interpretation and Extension of District Boundaries.

5. Severability

If any article, section, paragraph, sentence, phrase, or part hereof is declared unconstitutional or invalid by a court of competent jurisdiction, all remaining portions shall not be affected.
E. Zoning Process Overview

START HERE

Attend Pre-Application Meeting(s) (Sec. 1-3.B)

Does the property have the correct zoning district designation?

YES

Do the district’s standards accommodate the proposed development?

YES

NO

Zoning Map Amendments (Rezoning) (Sec. 3-4.A)
P&Z/Council approval required

NO

Do the desired deviations meet the criteria for a relief mechanism?

YES

NO

Zoning Relief Mechanisms

Administrative Modifications (Sec. 1-3.E)
Director or DRC approval for selected deviations

Zoning Variance (Sec. 3-4.F)
P&Z approval for deviations based on a unique hardship

Does the proposal not meet the code requirements but is for an innovative development that provides benefits to the community?

YES

Planned Unit Development (Sec. 3-4.D)
Step 1: Sketch Plan
Step 2: Concept Plan
Step 3: Platting (if needed)
Step 4: Site Plan(s)

Building Permit and Certificate of Occupancy may be issued (Sec. 3-4.C)
Sec. 3-2. Zoning Districts

A. Establishment of Zoning Districts, Map, and Boundaries

1. Designation of Official Districts

   The following shall be the official zoning districts:

   a) Character-Based Zoning Districts
      i) Residential District
      ii) Neighborhood District
      iii) Mixed Use District

   b) Traditional Zoning Districts
      i) CR, Commercial/Retail District
      ii) LI, Light Industrial District
      iii) HI, Heavy Industrial District
      iv) OS, Open Space District

   c) Overlay Zoning Districts
      i) TCO, Town Center Overlay
      ii) MXCO, Mixed Use Corridor Overlay
      iii) AOD, Las Cruces International Airport Operations Overlay Zone District

   d) Special Zoning Districts
      i) SMO, South Mesquite Overlay District: See E. SMO, South Mesquite Overlay District for applicable standards and procedures.
      ii) DDC, Downtown Development Code: See F. DDC, Downtown Development Code for applicable standards and procedures.
      iv) Planned Unit Developments (PUDs): See Sec. 3-4.D. Planned Unit Developments (PUDs) for applicable standards and procedures.

2. Zoning Map

   For the purpose of this Code, the City shall be divided into zoning districts and these shall be shown on the official Zoning Map. If a dispute arises regarding the location of a zoning district boundary, the ordinance creating or changing a zoning district boundary shall be the governing document (see item 3 below).

   Interpretation and Extension of District Boundaries

   Where uncertainty exists concerning boundaries of any zoning district shown on the Zoning Map, the ordinance creating or changing a zoning district boundary shall be the governing document. The following rules shall apply if there is still uncertainty after reviewing the creating ordinance:

   a) Boundaries shall be construed as the centerline of existing, future or vacated streets, highways, railroads, alleys, drainage or irrigation canals, other public rights-of-way or un-zoned rights-of-way. The boundary extension of any zoning district shall be a projection of the property line and/or zoning district boundary line to the centerline of any applicable right-of-way centerline regardless of the angle of intersection.

   b) Where property has been subdivided into blocks and lots, the boundaries shall be construed to be the lot line.

   c) Where property is not otherwise designated, divided, or subdivided, the boundary line shall be determined by the scaled distance shown on the Zoning Map.
B. Character-Based Zoning Districts

1. Generally
   a) This section establishes zoning districts based on predominant use types: Residential, Neighborhood, and Mixed-Use. Each zoning district includes different permitted uses, as shown in Figure 3-2-1.
   b) This section also establishes character areas based on the Comprehensive Plan: Rural, Suburban, and Urban. Each character area includes standards relating to site design, building form, and development character.
   c) Each district includes a use designation (e.g., “Residential”) and character area (e.g., “Rural”) that is derived from the Elevate Las Cruces Comprehensive Plan’s Future Development Map’s Place Types. This approach creates a menu of regulatory tools that both allows flexibility and promotes context-sensitive development.

Figure 3-2-1. Character-Based Zoning Districts

<table>
<thead>
<tr>
<th>Character Areas</th>
<th>RESIDENTIAL</th>
<th>NEIGHBORHOOD</th>
<th>MIXED USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RURAL</td>
<td>Residential-Rural</td>
<td>Neighborhood-Rural</td>
<td>Mixed Use-Rural</td>
</tr>
<tr>
<td>SUBURBAN</td>
<td>Residential-Suburban</td>
<td>Neighborhood-Suburban</td>
<td>Mixed Use-Suburban</td>
</tr>
<tr>
<td>URBAN</td>
<td>Residential-Urban</td>
<td>Neighborhood-Urban</td>
<td>Mixed Use-Urban</td>
</tr>
</tbody>
</table>
2. Character Areas

a) Rural Character Area

The Rural Character Area describes land that is sparsely developed with significant areas of open space, and including lands used for ranching, agriculture, or resource extraction. Rural places include very low-density residential development that offers residents relative seclusion from a more developed setting supported by public infrastructure. Substantial investment in public infrastructure to service more intense development patterns is not expected.

Figure 3-2-2. Rural Character Areas

Figure 3-2-3. Rural Character Area Standards

<table>
<thead>
<tr>
<th>Streetscape</th>
<th>See Sec. 5-2.C. Street Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Cross-Section</td>
<td></td>
</tr>
<tr>
<td>Streetlights</td>
<td>See Sec. 5-2.I. Streetlighting</td>
</tr>
<tr>
<td>Sidewalks &amp; Trails</td>
<td>See Sec. 5-2.J. Sidewalks and Multi-Use Paths</td>
</tr>
<tr>
<td>Street Trees</td>
<td>See Sec. 5-7.D. Required Landscaping</td>
</tr>
<tr>
<td>Connectivity</td>
<td>See Sec. 5-2.E.5. Block Length</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site Design</th>
<th>See Sec. 5-8. Screening and Fencing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Treatment</td>
<td></td>
</tr>
<tr>
<td>Transition Treatment</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

b) Suburban Character Area

The Suburban Character Area describes areas of contemporary development where land uses are dispersed among distinct residential neighborhoods, retail centers, office parks, and industrial uses. While development intensities may vary, suburban places favor segmented land uses with transitions between development types over the blending of differing uses in a single site. This character area may also support developments of urban development patterns. These areas balance the needs of drivers, pedestrians, bicyclists, and other multi-modal users.

<table>
<thead>
<tr>
<th>Residential-Suburban</th>
<th>Neighborhood-Suburban</th>
<th>Mixed Use-Suburban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streetscape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Cross-Section</td>
<td>See Sec. 5-2.C. Street Design Criteria</td>
<td></td>
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<tr>
<td>Connectivity</td>
<td>See Sec. 5-2.E.S. Block Length</td>
<td></td>
</tr>
<tr>
<td>Site Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Treatment</td>
<td>See Sec. 5-2.K.S. Parking Layout</td>
<td></td>
</tr>
<tr>
<td>Transition Treatment</td>
<td>See Sec. 5-8. Screening and Fencing</td>
<td></td>
</tr>
</tbody>
</table>

Character Area-Specific Standard: No more than 50 percent of off-street parking may be located between the front façade and the public right-of-way.
c) Urban Character Area

The Urban Character Area describes areas including traditional downtowns and medium- to high-density center-city neighborhoods. Urban places blend a wide variety of land uses within individual districts, development sites, and buildings to promote compact development and walkable environments. These areas prioritize pedestrians, bicyclists, and other multi-modal users.

<table>
<thead>
<tr>
<th>Streetscape</th>
<th>Site Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Cross-Section</td>
<td>See Sec. 5-2.C. Street Design Criteria</td>
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<td>Street Trees</td>
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<td>Connectivity</td>
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<td>Transition Treatment</td>
<td>See Sec. 5-8. Screening and Fencing</td>
</tr>
</tbody>
</table>

Character Area-Specific Standard: No off-street parking may be located between the front façade and the public right-of-way.
3. Districts
   
a) Residential District

   The Residential District supports areas primarily used for housing, offering housing options that vary in intensity and density based on the character of the area. These options include low-density detached homes, mid-density options like cottage courts and townhomes, and high-density apartment and condominium developments. While nonresidential development is limited, the district offers a mix of public and semi-public uses such as parks, schools, and places of worship to provide basic amenities and services to the community.
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Residential-Rural</th>
<th>Residential-Suburban</th>
<th>Residential-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT AND DENSITY STANDARDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density (Max.) Excludes accessory dwellings</td>
<td>2 DUA</td>
<td>24 DUA</td>
</tr>
<tr>
<td>Lot Area (Min.)</td>
<td>20,000 sq.ft.</td>
<td>5,000 sq.ft.</td>
</tr>
<tr>
<td>Lot Width (Min.)</td>
<td>100’</td>
<td>50’</td>
</tr>
<tr>
<td>Lot Depth (Min.)</td>
<td>100’</td>
<td>70’</td>
</tr>
<tr>
<td>Impervious Coverage (Max.)</td>
<td>20%</td>
<td>50%</td>
</tr>
</tbody>
</table>

**BUILD-TO ZONE AND SETBACKS** *at least 75% of façade must be located in the Front Build-To Zone (between the min. and max. setbacks)

<table>
<thead>
<tr>
<th>Residential-Rural</th>
<th>Residential-Suburban</th>
<th>Residential-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front (Min./Max)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterials*</td>
<td>25’ / None</td>
<td>25’ / None</td>
</tr>
<tr>
<td>Non-Arterials*</td>
<td>25’ / None</td>
<td>20’ / None</td>
</tr>
<tr>
<td><strong>Side Setback (Min.)</strong></td>
<td>15’</td>
<td>5’</td>
</tr>
<tr>
<td><strong>Rear Setback (Min.)</strong></td>
<td>25’</td>
<td>20’</td>
</tr>
</tbody>
</table>

**ACCESSORY STRUCTURES** See Figure 3-3-3. Accessory Structure Requirements

<table>
<thead>
<tr>
<th>Residential-Rural</th>
<th>Residential-Suburban</th>
<th>Residential-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIMARY BUILDING DESIGN</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Definition</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Ground Floor Height (Min.)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Height (Max.)</td>
<td>35’</td>
<td>35’</td>
</tr>
<tr>
<td>Maximum % of a Single Use in the Development by Gross Floor Area (if more than two acres)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Transparency (Min., at least 60% transparency)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Entrance and Frontage</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Rear Access</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

b) Neighborhood District

The Neighborhood District includes a harmonious mix of well-integrated and compatible land uses that seamlessly blend together. Conveniently located neighborhood services support a vibrant living experience, with both vertical and horizontal mixed use development. This district is designed to enable people to live, work, and play in a cohesive environment.
### Chapter 3. Zoning Regulations

#### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Neighborhood-Rural</th>
<th>Neighborhood-Suburban</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT AND DENSITY STANDARDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density (Max.) Excludes accessory dwellings</td>
<td>8 DUA</td>
<td>30 DUA</td>
</tr>
<tr>
<td>Lot Area (Min.)</td>
<td>10,000 sq.ft.</td>
<td>5,000 sq.ft.</td>
</tr>
<tr>
<td>Lot Width (Min.)</td>
<td>50’</td>
<td>50’</td>
</tr>
<tr>
<td>Lot Depth (Min.)</td>
<td>100’</td>
<td>70’</td>
</tr>
<tr>
<td>Impervious Coverage (Max.)</td>
<td>30%</td>
<td>50%</td>
</tr>
</tbody>
</table>

#### BUILD-TO ZONE AND SETBACKS *at least 75% of façade must be located in the Build-To Zone (between the min. and max. setbacks)*

<table>
<thead>
<tr>
<th></th>
<th>Neighborhood-Rural</th>
<th>Neighborhood-Suburban</th>
<th>Neighborhood-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Min./Max)</td>
<td>25’ / None</td>
<td>25’ / None</td>
<td>15’ / 30’</td>
</tr>
<tr>
<td>Arterials*</td>
<td>15’ / None</td>
<td>10’ / None</td>
<td>5’ / 20’</td>
</tr>
<tr>
<td>Non-Arterials*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Setback (Min.)</td>
<td>15’</td>
<td>15’</td>
<td>5’</td>
</tr>
<tr>
<td>Rear Setback (Min.)</td>
<td>25’</td>
<td>20’</td>
<td>10’</td>
</tr>
</tbody>
</table>

#### PRIMARY BUILDING DESIGN

<table>
<thead>
<tr>
<th></th>
<th>Neighborhood-Rural</th>
<th>Neighborhood-Suburban</th>
<th>Neighborhood-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Definition</td>
<td>N/A</td>
<td>N/A</td>
<td>Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels</td>
</tr>
<tr>
<td>Ground Floor Height (Min.)</td>
<td>N/A</td>
<td>N/A</td>
<td>12’ min. for buildings with 1-2 stories; 16’ min for buildings with 3+ stories</td>
</tr>
<tr>
<td>Building Height (Max.)</td>
<td>35’</td>
<td>35’</td>
<td>65’</td>
</tr>
<tr>
<td>Maximum % of a Single Use in the Development by Gross Floor Area (if more than two acres)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Transparency (Min., at least 60% transparency)</td>
<td>N/A</td>
<td>N/A</td>
<td>Ground floor front façade(s): 50% min. All other facades/floors: 20% min.</td>
</tr>
<tr>
<td>Entrance and Frontage</td>
<td>N/A</td>
<td>N/A</td>
<td>The primary entrance shall front a public street with a walkway connecting to a front sidewalk, and architectural elements shall indicate a clear entry point.</td>
</tr>
<tr>
<td>Rear Access</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

c) Mixed Use District
The Mixed Use District is a transitional zone between residential and nonresidential areas that promotes interconnectivity and walkability within the district while ensuring compatibility with adjacent districts. Development intensity may vary throughout the site; the lowest intensities (e.g., larger lot size, increased setback, reduced height, residential uses) should be placed adjacent to a Residential District or Neighborhood District to ensure compatibility. Retail, commercial, and office uses are appropriate in this district when appropriately buffered from nearby residential uses, ensuring that they complement and do not negatively impact the residential character of the adjacent districts. Intensive uses such as heavy commercial, industrial, and outdoor storage are not appropriate in this district.
## Chapter 3. Zoning Regulations

### 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>LOT AND DENSITY STANDARDS</th>
<th>Mixed Use-Rural</th>
<th>Mixed Use-Suburban</th>
<th>Mixed Use-Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density (Max.) Excludes accessory dwellings</td>
<td>8 DUA</td>
<td>30 DUA</td>
<td>40 DUA</td>
</tr>
<tr>
<td>Lot Area (Min.)</td>
<td>10,000 sq.ft.</td>
<td>5,000 sq.ft.</td>
<td>3,500 sq.ft.</td>
</tr>
<tr>
<td>Lot Width (Min.)</td>
<td>50’</td>
<td>50’</td>
<td>40</td>
</tr>
<tr>
<td>Lot Depth (Min.)</td>
<td>100’</td>
<td>70’</td>
<td>50’</td>
</tr>
<tr>
<td>Impervious Coverage (Max.)</td>
<td>30%</td>
<td>50%</td>
<td>90%</td>
</tr>
</tbody>
</table>

### BUILD-TO ZONE AND SETBACKS

*at least 75% of façade must be located in the Build-To Zone (between the min. and max. setbacks)

<table>
<thead>
<tr>
<th>D</th>
<th>Front (Min./Max)</th>
<th>Arterials*</th>
<th>Non-Arterials*</th>
<th>Arterials*</th>
<th>Non-Arterials*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25’ / None</td>
<td>25’ / None</td>
<td>15’ / 30’</td>
<td>10’ / None</td>
<td>0’ / 20’</td>
</tr>
</tbody>
</table>

| E | Side Setback (Min.) | 15’ | 10’ | 7’ |
| F | Rear Setback (Min.) | 25’ | 20’ | 10’ |

Accessory Structures See [Figure 3-3-3. Accessory Structure Requirements](#)

### PRIMARY BUILDING DESIGN

<table>
<thead>
<tr>
<th>Architectural Definition</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor Height (Min.)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Building Height (Max.)</td>
<td>35’</td>
<td>45’</td>
</tr>
<tr>
<td>Maximum % of a Single Use in the Development by Gross Floor Area (if more than two acres)</td>
<td>80%</td>
<td>80%</td>
</tr>
<tr>
<td>Transparency (Min., at least 60% transparency)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Entrance and Frontage</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Rear Access</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

C. Traditional Zoning Districts

1. CR, Commercial/Retail District

The CR, Commercial/Retail District provides a wide range of commercial uses at various scales to serve residents and attract regional customers. This district specifically:
   a) Accommodates commercial, retail, office, and related nonresidential uses.
   b) Provides a system of convenient pedestrian and bicycle facilities to ensure connectivity between parking, adjacent streets, and all on-site facilities.
   c) Utilizes landscape areas of water-wise plantings along site frontages, within parking areas, and adjacent to public gathering areas to create aesthetically appealing commercial development.
   d) Mitigates intensive commercial development impacts through green infrastructure design including xeriscaping and bioretention features.
   e) Promotes commercial development that manages vehicular access through consolidated curb cuts, cross-access easements, and driveway throat length.
   f) Provides uniform architectural styles and design features to foster holistic, visually appealing commercial development.
   g) Includes design standards for nonresidential buildings that fit the character of the surrounding community.

2. LI, Light Industrial District

The LI, Light Industrial District provides for light industrial uses within a business/industrial park setting. Development intensity is low with a focus on high quality design and amenities. This district encourages uses that accommodate light industrial activities with secondary limited retail and service uses. This district specifically:
   a) Encourages industrial development in areas not directly adjacent to neighborhoods.
   b) Promotes industrial development to take direct access from freeways or major arterial thoroughfares.
   c) Locates allowed land uses away from sensitive environmental areas.

3. HI, Heavy Industrial District

The HI, Heavy Industrial District provides for the development of intensive industrial uses that generate significant development impacts. This district does not support secondary retail and commercial uses. This district specifically:
   a) Locates industrial development away from neighborhoods and commercial developments.
   b) Requires industrial development to take direct access from freeways or major arterial thoroughfares.
   c) Locates allowed land uses away from sensitive environmental areas.

4. OS, Open Space District

   a) The OS, Open Space District is intended to preserve, protect, and enhance areas set aside for parks, recreation, and open space. This district specifically:
      i) Allow both public and private lands to serve as areas providing both active and passive recreational opportunities in either a developed (modified) or natural setting.
      ii) Protect, preserve and/or restore natural resources and open spaces such as areas of undisturbed native vegetation, arroyos and major land features when development within these areas would be detrimental to the health, safety and general welfare of City residents.
      iii) Establish buffer areas that are aimed at mitigating issues involving potentially incompatible land uses.

   b) Application of the OS, Open Space District to private land requires the express written consent of the property owner(s).
### Figure 3-2.6. Traditional Zoning District Development Standards

<table>
<thead>
<tr>
<th></th>
<th>CR</th>
<th>LI</th>
<th>HI</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT STANDARDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area (Min.)</td>
<td>5,000 sq.ft.</td>
<td>5,000 sq.ft.</td>
<td>15,000 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Width (Min.)</td>
<td>60’</td>
<td>60’</td>
<td>60’</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Depth (Min.)</td>
<td>70’</td>
<td>70’</td>
<td>70’</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Coverage (Max.)</td>
<td>75%</td>
<td>80%</td>
<td>85%</td>
<td>10%</td>
</tr>
<tr>
<td>Landscaped Area (Min.)</td>
<td>15%</td>
<td>10%</td>
<td>10%</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>PRIMARY BUILDING SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (Min.)</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
<td>N/A</td>
</tr>
<tr>
<td>Side (Min.)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>N/A</td>
</tr>
<tr>
<td>Rear (Min.)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>N/A</td>
</tr>
<tr>
<td>Rear – Alley (Min.)</td>
<td>15’</td>
<td>0’</td>
<td>0’</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>BUILDING STANDARDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (Max.)</td>
<td>60’</td>
<td>60’</td>
<td>60’</td>
<td>35’</td>
</tr>
</tbody>
</table>
D. Overlay Zoning Districts

1. Purpose and Districts

As overlay districts, these standards apply in addition to the base zoning district’s standards. In the event of a conflict, the standards within this section shall control. The following is a list of the overlay zoning districts described in this subsection:

a) TCO, Town Center Overlay
b) MXCO, Mixed Use Corridor Overlay
c) AOD, Las Cruces International Airport Operations Overlay Zone District

2. TCO, Town Center Overlay

The TCO is intended to implement the Comprehensive Plan’s Town Center Place Type Overlay. Town Centers include a mix of residential and nonresidential land uses that collectively create a vibrant and walkable activity center. Town Centers support institutional, cultural, employment, shopping, and entertainment uses while also providing high-density residential living options to create an energized environment to live, work, and play. Typical land uses include single- and multi-family residential, commercial services, and professional offices.

3. MXCO, Mixed Use Corridor Overlay

The MXCO is intended to implement the Comprehensive Plan’s Mixed Use Corridor Place Type Overlay. Mixed Use Corridors support a mix of residential and nonresidential land uses along roadway or trail corridors. The place type mimics the built environment of a central business district or other mixed-use activity center by combining residential and nonresidential land uses within buildings on shared parcels but arranges such uses in a linear manner along established thoroughfares. Typical land uses include single- and multi-family residential, commercial services, and professional offices.

Both overlay districts would be mapped in accordance with Elevate. Consider how specific boundaries are defined.

As an overlay, uses are determined by the underlying district. Consider the overlays on CR, which doesn’t allow residential; should overlays only be on character districts?

Consider whether these districts should be required to help enforce Elevate, or as an optional alternative to the base district to increase flexibility.

Figure 3-2-7. Development and Urban Design Standards for the TCO and MXCO Districts

<table>
<thead>
<tr>
<th></th>
<th>Town Center Overlay</th>
<th>Mixed Use Corridor Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DENSITY STANDARDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Density Range (Min./Max.)</td>
<td>75% / 150% of the base district DUA</td>
<td>75% / 150% of the base district DUA</td>
</tr>
<tr>
<td><strong>BUILDING DESIGN STANDARDS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Build-to-Zone and Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (Min./Max.)</td>
<td>0’ / 5’</td>
<td>0’ / 5’</td>
</tr>
<tr>
<td>Side (Min./Max.)</td>
<td>0’ / 5’</td>
<td>0’ / 5’</td>
</tr>
<tr>
<td>Rear (Min./Max.)</td>
<td>As established by the base district</td>
<td>As established by the base district</td>
</tr>
<tr>
<td>Building Height (Min.)</td>
<td>2 stories</td>
<td>N/A</td>
</tr>
<tr>
<td>Height Articulation</td>
<td>5’ min. offset for every 100’ of façade length</td>
<td>5’ min. offset for every 100’ of façade length</td>
</tr>
<tr>
<td>Façade Articulation</td>
<td>Changes in building elements (e.g., materials, offsets) shall delineate between adjacent buildings and storefronts</td>
<td>Changes in building elements (e.g., materials, offsets) shall delineate between adjacent buildings and storefronts</td>
</tr>
<tr>
<td>Entryway Design</td>
<td>Buildings shall provide a recessed and/or covered primary entrance</td>
<td>Buildings shall provide a recessed and/or covered primary entrance</td>
</tr>
</tbody>
</table>
## Chapter 3. Zoning Regulations

### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Town Center Overlay</th>
<th>Mixed Use Corridor Overlay</th>
</tr>
</thead>
</table>
| **Transparency** (Min., at least 60% transparency) | Ground floor front façade(s): 50% min.  
All other facades/floors: 20% min.  
Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent or opaque glass is prohibited. | Ground floor front façade(s): 50% min.  
All other facades/floors: 20% min.  
Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent or opaque glass is prohibited. |
| **Architectural Elements** | Must include at least two of the following:  
- Adobe style finish  
- Vigas  
- Latias  
- Upper level balcony(s)  
- Wood lentils  
- Recessed or attached portales  
- Other elements from the New Mexico Historic Building Inventory Manual as approved by the Community Development Director | Must include at least two of the following:  
- Adobe style finish  
- Vigas  
- Latias  
- Upper level balcony(s)  
- Wood lentils  
- Recessed or attached portales  
- Other elements from the New Mexico Historic Building Inventory Manual as approved by the Community Development Director |

### SITE DESIGN STANDARDS

<table>
<thead>
<tr>
<th></th>
<th>Town Center Overlay</th>
<th>Mixed Use Corridor Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Gross Floor Area of a Single Occupant on the Ground Floor of a Building</strong></td>
<td>15,000 sq.ft.</td>
<td>10,000 sq.ft.</td>
</tr>
<tr>
<td><strong>Maximum % of a Single Use in the Development by Gross Floor Area (if more than two acres)</strong></td>
<td>80%</td>
<td>70%</td>
</tr>
<tr>
<td><strong>Public Space</strong></td>
<td>At least 5% of each development shall be a designated outdoor gathering space, such as an outdoor patio space, plaza, park or courtyard. The space must be centralized to the development, publicly accessible, and include shaded seating areas.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>No off-street parking may be located between the front façade and the public right-of-way. See parking reduction provisions in Sec. 5-2.K.4.c) Off-Street Parking Alternatives and Reductions.</td>
<td>No off-street parking may be located between the front façade and the public right-of-way. See parking reduction provisions in Sec. 5-2.K.4.c) Off-Street Parking Alternatives and Reductions.</td>
</tr>
<tr>
<td><strong>Entrance and Frontage</strong></td>
<td>The primary entrance shall front a public street with a walkway connecting to a front sidewalk, and architectural elements shall indicate a clear entry point.</td>
<td>The primary entrance shall front a public street with a walkway connecting to a front sidewalk, and architectural elements shall indicate a clear entry point.</td>
</tr>
<tr>
<td><strong>Pedestrian Environment</strong></td>
<td>Pedestrian areas adjacent to the buildings shall incorporate features to promote a walkable environment such as seats, benches, shade trees, awnings and arcades. Where awnings are used, they should be metal or an equivalent durable material.</td>
<td>Pedestrian areas adjacent to the buildings shall incorporate features to promote a walkable environment such as seats, benches, shade trees, awnings and arcades. Where awnings are used, they should be metal or an equivalent durable material.</td>
</tr>
<tr>
<td><strong>Signs</strong></td>
<td>See Figure 5-10-5. Permitted Sign Locations and Standards in Sec. 5-10. Signs</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

4. AOD, Las Cruces International Airport Operations Overlay Zone District
   a) **Purpose.** The purpose of the Las Cruces International Airport Operations district is to protect the operations of the Las Cruces International Airport ("Airport") from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. Since the boundaries associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.
   
   b) **Delineation of airport operations overlay zoning district boundary.** The boundaries of this district are shown in Figure 3-2-8. Las Cruces International Airport Overlay District (AOD).
   
   c) **Restrictions.** No residential uses shall be allowed within AOD unless the following requirements are met. These requirements are necessary to mitigate the encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airport.
      
      i) No use may be made of land, water, or electrical power within any zone (includes approach, horizontal, conical, and transitional zones) in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
      
      ii) No structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone to a height in excess of applicable height limits established by that zone (includes approach, horizontal, conical, and transitional zones).

---

**Figure 3-2-8. Las Cruces International Airport Overlay District (AOD)**

[Map image of the Las Cruces International Airport Overlay District (AOD)]
iii) Effective on the date of this overlay approval, all land subdivisions within the area of disclosure shall require disclosure of the land’s proximity to the airport by any person or entity subdividing land within this area. Disclosure of this information shall be required on the final subdivision plat to be recorded with the Office of the Dona Ana County Clerk.

d) Development Process. Development within the area of disclosure shall be subject to review and approval by the Airport Manager and shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended. The Airport Manager shall distribute the approved plans to the appropriate entity for permitting.
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

E. SMO, South Mesquite Overlay District

1. Purpose

The South Mesquite Overlay District is designed to positively address issues unique to Las Cruces' Original Townsite and surrounding area. This area is addressed in the 2005 adopted Mesquite Neighborhood Plan and the 2007 adopted Mesquite Historic District Neighborhood Design Plan. Specific provisions in this Ordinance deal with issues such as compatible design, parking, setbacks, and land use/zoning designations that are better suited to this older part of the city characterized by smaller lots with multiple dwellings and scarce off-street parking resources. Additionally, neighborhood design guidelines and standards have been created that will help enhance and preserve the unique character of Las Cruces' first neighborhood.

2. Delineation of Overlay District Boundaries

The South Mesquite Overlay (SMO) District shall include all properties located within the boundaries shown on Figure 3-2-9.

Figure 3-2-9. South Mesquite Overlay Boundaries
Figure 3-2-10. Boundary of the Mesquite Street—Original Townsite State & Federal Historic Districts
3. Development Standards

There shall be no development or alteration of the lands, uses, or structures within the SMO except as provided for by this Section, other sections of the Zoning Regulations, and other City Codes and Ordinances where applicable. Development requirements are established for the entire SMO, as follows (unless indicated in other sections of this Overlay):

Figure 3-2-11. SMO Development Standards

<table>
<thead>
<tr>
<th>Lot Area/Size</th>
<th>3,500 square feet minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width/Frontage</td>
<td>50’ minimum</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>50’ minimum</td>
</tr>
<tr>
<td>Front Setback</td>
<td>Within the range of existing setbacks and compatible with the surrounding area*</td>
</tr>
<tr>
<td>Side Setback</td>
<td>5’ minimum**</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>5’ minimum**</td>
</tr>
<tr>
<td>Garage Setback</td>
<td>20’ minimum</td>
</tr>
<tr>
<td>Building Height</td>
<td>14’ in the Original Townsite and 25’ elsewhere.***</td>
</tr>
<tr>
<td>Townhouses</td>
<td>Zero lot lines are permitted for townhouse development provided the structure meets the attachment requirements of Sec. 3-3.C.2. Single-Family, Duplex, and Townhome Residential Development.</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>There shall be no limit to the number or square footage of accessory structures</td>
</tr>
<tr>
<td>Residential Density</td>
<td>Lot size, setbacks, parking requirements and building heights shall determine residential density per property.</td>
</tr>
</tbody>
</table>

* Surrounding area generally mean all primary structures on the same side of the block. If there aren’t at least two primary structures on the same side of the block, both sides of the block shall be used. The Applicant shall work with Community Development Department staff to determine a front setback distance with staff having the final determination.

** Overhangs are not permitted within required setbacks. Canales and viga ends are not deemed overhangs for the purpose of this limitation.

*** Any requests for building heights greater than those stated above require an application for a height exception be reviewed and approved by the SMDRB; applications shall meet the design criteria noted in Sec. 3-2.E.10. Design Guidelines.

The regulations of this Overlay District shall supersede any regulations of the Zoning Regulations. However, when the regulations of this SMO do not address a particular design or development standard or regulation, the applicable City, State, or Federal regulation shall apply. Administrative Modifications (Sec. 1-3.E) may be granted within the SMO; however, such requests shall be approved by the SMDRB for recommendation to the decision-maker.
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

Diagram 1 Setbacks

Diagram 2 Maximum Height

FNI to recreate graphics
4. Landscape Requirements

   Landscaping shall follow standards set forth in Sec. 5-7. Landscaping with the following modifications:

   a) Applicability

   Landscaping standards apply to all new development in the SMO with the exception of single family dwellings and duplexes, unless noted elsewhere in this section.

   b) A variety of landscaping materials shall be employed to create visual interest and to complement other plantings in the neighborhood. Care should be taken when planting too close to adobe structures which can be damaged by plant watering. Plant materials, including shade trees, shall be native and/or drought tolerant, as these are best suited to the Chihuahua Desert. This is not to say that the landscape plan needs to adhere to Xeriscaping. On the contrary, plants should be chosen that will survive and thrive in the local climate. Appropriate species include, but are not limited to, the following:

   c) All new development, except single-family dwellings and duplexes, and adaptive reuse of properties (such as a change of use) shall be required to plant trees within parking lots for shade and visual relief (see subsection 5 below).

   d) Landscaping gravel, decorative stone or other organic landscaping materials may be used for landscaping, provided such materials blend visually with other landscaping material and planting style standards and meet the City’s wind erosion control ordinance).

   e) Landscaping for Parking Lots: All new construction, except single family dwellings and duplexes and adaptive reuse of properties, shall require landscaped parking areas. Landscaping in parking areas shall follow Sec. 5-7. Landscaping, Sec. 5-7.D.5. Parking Lot Landscaping, with the following modifications:

   i) Trees in parking lots shall be located in an island or planter in which the tree trunks shall be protected from motor vehicles. Islands shall be a minimum of six feet wide, have a minimum area of thirty-six (36) square feet and a raised border of at least four (4) inches in height.

   ii) One tree shall be planted for every five (5) parking spaces within parking lots as they pertain to the uses listed for each area.

   f) The HPC shall have the authority to modify or waive landscaping requirements of Sec. 5-7. Landscaping or this Section if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses its design standards.
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

5. Permitted Uses

There shall be no land uses within this Overlay District except as identified in Figure 3-2-13. SMO Permitted Use Chart.

Zoning districts are as follows:

a) R-1a: Single-family Low Density Residential District
b) R-2: Medium Density Residential District
c) R-3: High Density Residential District
d) R-4: High Density Residential and Limited Office District
e) O-1: Neighborhood Office District
f) O-2: Professional Office with Limited Retail Service
g) C-1: Neighborhood Commercial District
h) C-2: General Commercial District
i) C-3: High Density Commercial. C-3 zoning and land uses are not permitted in the Overlay District with the exception of those uses which existed at the time of SMO adoption, Ordinance 2200, May 24, 2005. Uses that were pre-existing at the time of adoption and are no longer permitted by right shall be considered non-conforming and shall follow the provisions of NON-CONFORMING USES, STRUCTURES, AND PROPERTY below and Sec. 38.70-76.
j) PUD: Planned Unit Developments are allowed as part of a specific rezoning.

Figure 3-2-13. SMO Permitted Use Chart

Legend:
A= Allowed-by-right;
C=Conditional Use with the conditions noted; and
S= Special Use Permit with public hearing required.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling units</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.</td>
</tr>
<tr>
<td>Apartments</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Assisted Living, Retirement home</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Detached single-family dwelling</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Guest dwelling unit</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: see Sec. 3-3.B. Use Classifications and Use-Based Standards, #21 Accessory Dwelling</td>
</tr>
<tr>
<td>Duplex</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.</td>
</tr>
<tr>
<td>Triplex</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
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<td>A</td>
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<td></td>
</tr>
<tr>
<td>Quadplex</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Home for the Elderly</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Home for the Disabled</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C: 10 or fewer persons allowed</td>
</tr>
<tr>
<td>Hostel</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C: 10 or fewer persons allowed</td>
</tr>
<tr>
<td>Halfway house</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>See Sec. 3-3.B. Use Classifications and Use-Based Standards, #20 Sober Living Home</td>
</tr>
<tr>
<td>Fraternity/sorority house</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Limited to 10 persons per establishment;</td>
</tr>
</tbody>
</table>
### Chapter 3. Zoning Regulations

#### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary/homeless shelter</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>All manufactured homes must meet the design standards of the SMO and skirting and exterior wall materials shall be consistent with the architecture of adjacent structures. Residential densities in R-4 and commercial zones are limited to a maximum of 40 DU/acre.</td>
</tr>
<tr>
<td>Townhouse [one room attached to the neighboring single-family dwelling]</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Patio home [100% built to side property line]</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: see Sec. 3-3.C.2. Single-Family, Duplex, and Townhome Residential Development.</td>
</tr>
<tr>
<td>Accessory uses and structures</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Bed &amp; Breakfast Establishment</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Number of guest rooms is limited to 8.</td>
</tr>
<tr>
<td>Greenhouse, private (non-commercial)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Community Gardens (neighborhood based)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Home occupations</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #30 Home Occupation</td>
</tr>
<tr>
<td>Kennel/cattery, private residential</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Permitted in accordance with Chapter 7 of the LCMC; noise from barking dogs and odors from this activity shall not be discerned off the premises.</td>
</tr>
<tr>
<td>Recreational court, tennis, etc., private</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>Must mitigate off-site noise and light glare.</td>
</tr>
<tr>
<td>Storage of RVs and motor vehicle appurtenances</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Maximum one parcel located within any open area between the front setback and the rear setback and shall otherwise meet the standards of Sec. 5-2.K.7.b) Parking and Storage of Large Motor Vehicles.</td>
</tr>
<tr>
<td>Swimming pool, private</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: A swimming pool shall be at least 5 feet from property lines; also see Sec. 5-8.D.10. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures.</td>
</tr>
<tr>
<td>Temporary uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #36 Seasonal/Temporary Sales or Use</td>
</tr>
<tr>
<td>Produce stands</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Allowed per State law; may be accessory to community gardens.</td>
</tr>
<tr>
<td>Veterinary facility</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C: Noise from barking dogs shall not be discerned off the premises.</td>
</tr>
<tr>
<td>Cemetery/columbarium</td>
<td>S</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C/S: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #49 Cemetery or Columbarium</td>
</tr>
<tr>
<td>Family child care home (up to 6 children)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>See Sec. 3-3.B. Use Classifications and Use-Based Standards, #43 Child Care Home (≤6).</td>
</tr>
<tr>
<td>Group child care home (7 to 12 children)</td>
<td>S</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>S: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #43 Child Care Home (7–12).</td>
</tr>
</tbody>
</table>
### Land Use

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care center or preschool</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S: See Sec. 3-3.B. Use Classification and Use-Based Standards, #42 Child Care Center.</td>
</tr>
<tr>
<td>Community buildings/uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C: Shall be located on a major local or higher classification road.</td>
</tr>
<tr>
<td>Convention center/exhibition hall</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C: Must be accessed from an arterial road (Lohman, Amador); size is limited to 5,000 GFA.</td>
</tr>
<tr>
<td>Library/museum</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious institutions</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Shall be located on a major local or higher classification road; all sites shall have a minimum 1 acre; structures or parking located within 25 feet of a residential use shall provide an opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of a residential use.</td>
</tr>
<tr>
<td>School, college, trade school, private or public</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S: On a case-by-case basis, application shall address safe access, off-street parking demand, screening and landscaping, noise and other relevant impacts of the development on adjacent residential uses. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.</td>
</tr>
<tr>
<td>Arcade, game room</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batting cage, indoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
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<tr>
<td>Billiard, Pool Hall</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Bowling alley</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miniature golf course</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health/exercise club/gymnasium/sports instruction</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C: Noise from this activity shall not be discerned off-premises.</td>
</tr>
<tr>
<td>Park</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Limited to neighborhood park or private park. See Sec. 3-3.B. Use Classification and Use-Based Standards, #58 Public Park. Public parks shall also comply with Chapter 20 of the LCMC.</td>
</tr>
<tr>
<td>Mini-race tracks e.g. go carts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td>C: Hours of operation limited to between 10 AM and 10 PM.</td>
</tr>
<tr>
<td>Recreation courts, public</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S: Must mitigate off-site noise and light glare.</td>
</tr>
<tr>
<td>Skating rink, indoor</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming pool, commercial or public; indoor only</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Botanical garden</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal or business service office uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>C: In R districts, non-residential uses are permitted only on the ground floor; no more than 35% of the GFA</td>
</tr>
</tbody>
</table>
### Chapter 3. Zoning Regulations

Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art studio</td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td>C: Noise from activities shall not be discerned off the premises.</td>
</tr>
<tr>
<td>Barber/beauty/hair salon and related personal care services</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical/dental office; counselor/therapy services</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank, bonding and financial institution/facility; no drive-through</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>C: Each business establishment is limited to a sole practitioner and only one such business establishment per parcel.</td>
</tr>
<tr>
<td>Business office: consulting; credit reporting &amp; collection; desktop publishing, graphic design; institutional office, public or private; educational office; religious office; philanthropic office; mailing &amp; stenographic services; motion picture production; noncommercial research organization</td>
<td></td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Adult day care services/facility</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
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<tr>
<td>Funeral home; laboratory</td>
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<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmacy; no drive-through</td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C: Permitted only as accessory to a medical, dental or similar office use and strictly for the purpose of serving the patients of the medical office use.</td>
</tr>
<tr>
<td>Auto/truck parts store</td>
<td>A</td>
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<tr>
<td>Auto/truck repair &amp; service</td>
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<td></td>
<td>C: No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment is permitted. All outdoor storage of non-operable vehicles must be screened with opaque fencing.</td>
</tr>
<tr>
<td>Auto/truck self-service/automated or full service wash/wax/detailing</td>
<td>C</td>
<td></td>
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<td>C: Limited to a collector or higher classification road.</td>
</tr>
<tr>
<td>Bar/pub/tavern (no dancing)</td>
<td>A</td>
<td></td>
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<tr>
<td>Sale of building material</td>
<td>A</td>
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<tr>
<td>Café, cafeteria, coffee shop, restaurant, etc. No drive-thru</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
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<tr>
<td>Sale of carpet/window treatments</td>
<td>A</td>
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<tr>
<td>Cleaning &amp; maid services</td>
<td>A</td>
<td>A</td>
<td></td>
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<td></td>
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<tr>
<td>Clothing store</td>
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<tr>
<td>Convenience store (no gas sales)</td>
<td>C</td>
<td>C</td>
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<td></td>
<td></td>
<td>C: No drive-through facility.</td>
</tr>
<tr>
<td>Delicatessen, produce/meat market; No eating facilities</td>
<td>A</td>
<td>A</td>
<td></td>
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</tr>
<tr>
<td>Delicatessen, produce/meat market with eating facilities</td>
<td>C</td>
<td>C</td>
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<td></td>
<td></td>
<td>C: No drive-through facility.</td>
</tr>
<tr>
<td>Firewood sales</td>
<td>C</td>
<td></td>
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<td></td>
<td>C: If displayed outside a building, a semi-opaque screen around the perimeter of the use shall be provided; 20 cord maximum stored on site; see Sec. 3-3.B. Use Classifications and Use-Based Standards, #36 Seasonal/Temporary Sales or Use.</td>
</tr>
<tr>
<td>Furniture store</td>
<td>A</td>
<td></td>
<td></td>
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<tr>
<td>Sale of garden supplies</td>
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</tr>
</tbody>
</table>
## Chapter 3. Zoning Regulations

### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grocery store</td>
<td>A</td>
<td>A</td>
<td></td>
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<tr>
<td>Hardware store</td>
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<td></td>
<td></td>
<td>C</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td>C: No outside storage of supplies or materials.</td>
</tr>
<tr>
<td>Home furnishings</td>
<td></td>
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<td></td>
<td>A</td>
<td>A</td>
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<tr>
<td>Kennel/cattery, commercial or non-profit</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>C</td>
<td>C: Use allowed in accordance with Chapter 7 of the LCMC; noise from barking dogs shall not be discerned at the nearest dwelling unit.</td>
</tr>
<tr>
<td>Laundry/dry cleaning services</td>
<td></td>
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<td></td>
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<td></td>
<td>A</td>
<td>A</td>
<td></td>
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<tr>
<td>Newspaper distribution</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pawn shop</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum/propane sales</td>
<td></td>
<td></td>
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<td>C</td>
<td>C: Sale of portable propane tanks and similar gas only is allowed as an accessory use to a retail establishment; use of such equipment is allowed as an accessory use when meeting current Fire Code standards. Gas stations are not permitted.</td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
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<td>A</td>
<td></td>
<td></td>
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<tr>
<td>Private club or lodge</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #95 Private Club or Lodge. A private club or lodge shall be located on a major local or higher designated street. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.</td>
</tr>
<tr>
<td>Radio/TV station</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td>A</td>
<td></td>
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</tr>
<tr>
<td>Seasonal sales of fireworks, agricultural products (non-temporary), snowcone stand, etc.</td>
<td>C</td>
<td>C</td>
<td></td>
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<td></td>
<td></td>
<td>C</td>
<td>C: All structure locations shall meet setback requirements; if sited on property with other uses, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking areas. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.</td>
</tr>
<tr>
<td>Small item repair shop</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>A</td>
<td>A</td>
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</tr>
<tr>
<td>Specialty foods store (bakeries, candies, etc.)</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Specialty store (books, music, toys, sports equip, stationary, etc.)</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Telephone communication business (call center)</td>
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<td>A</td>
<td></td>
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</tr>
<tr>
<td>Temporary Use (non-seasonal)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #36 Seasonal/Temporary Sales or Use.</td>
</tr>
<tr>
<td>Theater (non-drive in)</td>
<td></td>
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<td>A</td>
<td></td>
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<tr>
<td>Tire sales/repair</td>
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<td></td>
<td></td>
<td></td>
<td>A</td>
<td></td>
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<tr>
<td>Upholstery shop</td>
<td>A</td>
<td>A</td>
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<td></td>
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<tr>
<td>Variety store</td>
<td>A</td>
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</tr>
</tbody>
</table>
## Chapter 3. Zoning Regulations

### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>O-1</th>
<th>O-2</th>
<th>C-1</th>
<th>C-2</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Video/DVD rental/sales (non-adult oriented)</td>
<td></td>
<td></td>
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<td></td>
<td>A</td>
<td>A</td>
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<tr>
<td>Cab stand</td>
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<td></td>
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<td></td>
<td>A</td>
</tr>
<tr>
<td>Distribution centers</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Parking facilities, commercial (garages &amp; parking lots)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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</tr>
<tr>
<td>Storage outside of buildings of materials, equipment and supplies not for sale</td>
<td></td>
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<td>C</td>
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<tr>
<td>Storage, warehousing accessory to office, retail trade, service or industry businesses</td>
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<td>C</td>
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</tr>
<tr>
<td>Storage/display of merchandise for sale (except manufactured buildings, manufactured homes, mobile homes &amp; operable cars, trucks, motorcycles and RVs)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Wholesale trade, any product</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Construction yard or buildings, temporary</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #26 Construction Building (Temporary) and 27 Construction Yard (Temporary): Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development Director or designee shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.</td>
</tr>
<tr>
<td>Contractor’s Yard</td>
<td></td>
<td></td>
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<td></td>
<td>C</td>
<td>C: All outdoor storage shall be enclosed with an opaque Type A screen</td>
</tr>
<tr>
<td>Cottage Industry with retail sales or service (manufacture or processing of goods such as beer or food products for sale on the premises)</td>
<td>C</td>
<td>C</td>
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<td>C</td>
<td>C: Allowed only when such use occurs within a totally enclosed building where the primary use (retail/service) is conducted. The processing of goods shall be clearly secondary to the primary use, shall be sold on site only, and shall not pose any significant adverse impact to adjacent properties due to noise, odor, dust, or vibration. A maximum of 49% of the total business floor area, not to exceed 3,000 square feet, may be used in the conduct of the cottage industry manufacturing or processing.</td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
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<td></td>
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<td>C</td>
<td>C: See Sec. 3-3.B. Use Classifications and Use-Based Standards, #100 Crematorium.</td>
</tr>
<tr>
<td>Antennas, towers, communication structures and other utility vertical structures</td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Sec. 5-11. Wireless Communication Facilities</td>
</tr>
<tr>
<td>Land Use</td>
<td>R-1a</td>
<td>R-2</td>
<td>R-3</td>
<td>R-4</td>
<td>O-1</td>
<td>O-2</td>
<td>C-1</td>
<td>C-2</td>
<td>Comments</td>
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<td>--------------------------------------------------------------------------</td>
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<tr>
<td>Facial mounted antennae (attached to the primary use)</td>
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<td>C: Facial mounts must be placed or erected to the primary use/structure in a manner which conceals, to the extent possible, the antenna or face mount. No more than ten (10) additional feet in height to the maximum building height shall be allowed as a result of application or erection of the antenna or face mount. Sec. 5-11. Wireless Communication Facilities.</td>
</tr>
<tr>
<td>Private/public utility (e.g. substations, water wells, transformers, regulators, lift stations, telecommunications site)</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>See Sec. 3-3.B. Use Classifications and Use-Based Standards, #59 Public Utilities (Major). A solid wall or fence shall surround the installation. Landscaping as per Sec. 3-2.E.4. Landscape Requirements shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.</td>
</tr>
<tr>
<td>Recycling collection centers (neighborhood scale only)</td>
<td></td>
<td></td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>Hours of operation may be limited to mitigate noise to adjacent residences; equipment rooms and outdoor storage of materials shall be screened with opaque fencing; trash shall be contained and properly disposed of; the DRB and Planning and Zoning Commission may impose conditions to insure that noise, fumes, odors and congestion is avoided.</td>
</tr>
<tr>
<td>Private &quot;Ham&quot; radio telecommunication antennae</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C: Antennae shall not exceed the building height limit.</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

6. Nonconforming Uses, Structures, and Property
   a) Many people refer to nonconforming uses as the "Grandfather Clause." If a use, structure, etc., was established legally under the previous code, it is considered a legal nonconforming use or nonconforming or non-complying structure. Except for the following, requirements stated in Sec. 3-4.G. Nonconformities shall apply.
   b) If a legal non-conforming use becomes and remains vacant, a two (2) year time limit shall be placed on reestablishing the non-conforming use at that location.

7. Parking Requirements
   The following exceptions to the parking requirements found in Sec. 3-3.A.1. Permitted Use Chart shall be used in the SMO:
   a) Buildings within the SMO constructed prior to 1955 shall not be required to provide off-street parking.
   b) Buildings within the SMO constructed after 1955 shall be required to provide off-street parking pursuant to the requirements of Sec. 3-3.A.1. Permitted Use Chart. These buildings and properties shall be eligible to use:
      i) The historic district parking exceptions found in Sec. 5-2.K.6. Off-Street Parking in the Historic Districts; and/or
      ii) Surface materials for parking areas for residential or non-residential developments may be pervious materials such as stone or brick pavers or compacted crushed stone (gravel). If gravel is used, single-family and duplex parking areas may use compacted crusher fine or "pea" gravel, but multi-family and non-residential development parking areas shall be limited to using a minimum one-inch diameter size, compacted gravel. Concrete parking pads are not permitted to be installed abutting adobe walls to avoid damage due to "wicking" (transfer of moisture trapped beneath the concrete to the adobe wall).
   c) Parking areas for new development of non-residential and multi-family uses, including garages and carports, are not permitted in the required front setback of the subject property.
   d) The HPC shall have the authority to modify or waive off-street requirements, with the concurrence of the City’s Traffic Engineer, if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses its design standards.

8. Signage
   All signage shall be of materials and design that are compatible with the architecture of the structure and the residential character of the neighborhood. Electronic moving/digital signs are not permitted in the SMO. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with Sec. 5-10. Signs with the following modifications:
   a) Freestanding Signs
      i) Ground signs are allowed and shall be no greater than five feet in height. Only one ground sign per commercial property shall be permitted. Ground signs must be set back at least five feet from any property line and must be at least five feet away from the wall of the building.
      ii) Ground signs shall be no greater than two square feet in overall size.
      iii) Ground signs may be illuminated and shall follow regulations stated in Sec. 5-10.I.3. Sign Lighting.
      iv) Temporary Ground Signs are permitted in accordance with Sec. 5-10.G.10.
      v) Pole signs are allowed only on Lohman and Amador Avenues and shall follow the standards of Sec. 5-10. Signs.
   b) Attached Signs
      Attached signs shall follow size and placement regulations for attached signage in Sec. 5-10. Signs.
   c) Portable A-Frame Signs
      An A-frame sign means a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is designed to be placed where pedestrians walk or gather and ADA accessibility is assured. The sign shall not be permanently anchored or secured and shall be removed at the end of the establishment’s business hours. Sign language is limited to advertising the business name, location, and goods or services provided.
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

i) All agents, employees or representatives displaying an A-frame sign on public property in the CBD shall comply with the following provisions:
   a. One A-frame sign per business may be displayed during regular business hours;
   b. A-frame signs shall be no greater than 6 square feet on one side, no more than 12 square feet total, and shall be no greater than 3 1/2 feet in height;
   c. An A-frame sign shall be installed and removed by the business or property owner;
   d. No A-frame sign shall be erected in such a manner so as to obstruct ADA access or vehicular traffic;
   e. A-frame signs shall only be displayed immediately in front of the business;
   f. No A-frame sign may be located on public property such as sidewalks or parkways;
   g. No business or property owner shall display any sign advertising another business or a business no longer open to the public;
   h. The business or property owner shall be responsible for any damage caused to public property by the sign;
   i. The business or property owner assumes all risks with setting up an A-frame sign and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the sign.

d) Inflatable Signs or Pennants
   Temporary inflatable pennants, streamers and other fluttering devices shall be permitted for a special event lasting up to 14 days per event and only four such events shall be allowed per parcel per calendar year.

e) Prohibited Signs
   The following signs are prohibited:
   i) Variable electronic message display boards, whether temporary or permanent.
   ii) Permanent banners.
   iii) Pennants, streamers, and other fluttering devices exceeding the time limits of temporary uses noted above.
   iv) Real estate, construction, contractor and "coming soon" signs over 12 square feet in area or over five feet tall.
   v) All other signs as prohibited in Sec. 5-10.D. Prohibited Signs.

f) Existing legally permitted signs shall be considered legally non-conforming and shall be regulated in accordance with Sec. 5-10.L. Nonconforming Signs.

9. Transfer of Duties to the Historic Preservation Commission (HPC)

To ensure quality property development and renovation and to protect the historic character of the neighborhood, the design review duties previously assigned to the South Mesquite Design Review Board shall be transferred to the Historic Preservation Commission in accordance with Sec. 2-2.B. Duties and Responsibilities of the Historic Preservation Commission, the HPC shall evaluate and determine the exterior design appropriateness of proposals for new construction, additions, exterior alterations, and rehabilitation of properties within the South Mesquite Overlay.

a) The Historic Preservation Commission is established in Sec. 2-2. Historic Preservation Commission.

b) Duties of the HPC relevant to the South Mesquite Overlay (SMO).
   i) The HPC shall review the following permit applications for properties lying within the SMO and shall have final authority on these permits relative to exterior design criteria for:
      a. Any new primary structure(s);
      b. Manufactured homes for compliance to SMO design standards, with limitations pursuant to State statute;
      c. Any new accessory structure in excess of 120 square feet;
      d. The conversion of an accessory structure to a primary structure such as a garage or shed to a casita;
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e. Additions to an existing primary structure that was constructed 50 years prior to the current building permit application, whether or not it is listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory. The Applicant shall provide evidence of the year built;

f. Additions to accessory structures in excess of 120 square feet (one time or cumulative);

g. Window or door replacement on street-facing facades;

h. Any alterations to the street facade of the primary structure or any alternations to an accessory structure over 120 square feet in size; and

i. Any alterations, replacement, or changes to the roof resulting in an alteration of the style of roof of a primary structure or accessory structure over 120 square feet in size.

ii) The HPC shall establish criteria for issuance of Certificates of Appropriateness (CoA) which shall reflect the purposes of the design guidelines, standards, and criteria of this Section. These criteria shall be attached to the permit application for Applicants to review prior to submittal.

iii) The HPC shall review and make recommendations to the Community Development Director for the following:

   a. Administrative Modifications (Sec. 1-3.E)

iv) The HPC shall review and make recommendations to the Planning and Zoning Commission for the following:

   a. Planned Unit Developments (PUDs) (Sec. 3-4.D)

   b. Zoning Variances (Sec. 3-4.F)

   c. Special Use Permits (SUPs) (Sec. 3-4.E)

   d. Zoning Map Amendments (Sec. 3-4.A)

v) Cases not listed above shall also go before the HPC if design issues related to the historic integrity of the neighborhood are involved or at the discretion of the Department Director.

vi) State- or nationally-funded projects requiring review by the State Historic Preservation Officer (SHPO) are exempt from review by the HPC. In New Mexico, "State-funded" includes funding by municipalities.

c) Decisions of the HPC

i) Members of the HPC shall state the factual basis and the findings of their vote. Findings shall be based on Design Standards found herein, information from staff reports and staff presentations, public comment, and one or more of the following:

   a. References to the Zoning Regulations or other applicable codes;

   b. Design Guidelines for the South Mesquite District;

   c. The Secretary of Interior Standards for Rehabilitation;

   d. The New Mexico Historic Cultural Properties Inventory Manual; and

   e. Projects other than those requiring approval by the HPC shall be reviewed for compliance with design standards by Community Development staff and are required to meet all other applicable City Codes.

ii) Decision of Approval

   If the HPC approves an application, it shall articulate the conditions (if any) to the approval and instruct staff to issue a Certificate of Appropriateness (i.e., action form). A copy of the Certificate shall be placed in the case file and a copy shall be provided to the Applicant and to the permitting and inspections sections.

iii) Decision of Denial

   If the HPC denies an application, the Notice of Decision shall identify the design standards or other requirements of this Sec. 3-2.E. SMO, South Mesquite Overlay District that the proposed work conflicts with and shall also explain the Applicant’s right to appeal the denial to City Council (as per Sec. 3-2.E.15. Appeals below). A copy of the Notice of Decision shall be placed in the case file and a copy shall be provided to the Applicant.
d) Issuance of Certificates of Occupancy or Completion

Staff having prepared the Certificate of Appropriateness (CoA) shall review the final completion of the project for consistency with CoA prior to the issuance of the Certificate of Occupancy or Completion for the project.

10. Design Guidelines

Specific design guidelines, standards, and criteria shall be used by staff and the HPC to determine the appropriateness of construction and rehabilitation projects, and to determine whether the request is consistent or inconsistent with existing development.

a) Applicable development must ultimately utilize architectural styles, methods, and materials that are visually compatible with the original structure, surrounding structures (especially where new construction is proposed), and the overall character of the historic district. This should not be interpreted as a requirement to mimic existing styles or construction materials, but as a means for these types of projects to result in a visually compatible transition between old and new structures within the general neighborhood and/or on a single parcel of land.

b) When evaluating proposals for new development, additions, or rehabilitation in the SMO, the structure’s contribution to the neighborhood comes into play. Most of the SMO historic structures are located within the Original Townsite. These historic structures deserve the most protection and, therefore, the design standards for these are stricter than for newer buildings. There are also many structures listed as contributing on the historic register outside of the Original Townsite; these, too, follow the same design standards as those in the Original Townsite.

c) In addition to the standards stated herein, staff and the HPC shall review projects based upon The Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings, and The New Mexico Historic Building Inventory Manual (1980). These resources are available for public review in the Community Development Department or on the City’s website.

d) Ordinary maintenance and repair of any exterior architectural feature in or on a contributing building may be undertaken without a Certificate of Appropriateness provided this work is in keeping with the architecture or character of the building and does not cause a loss of its historic integrity. If such work requires a permit, Community Development staff shall evaluate these permits for consistency with the Design Standards of this Section.

e) Criteria for Requesting and Granting Building Height Exceptions

Pursuant to Sec. 3-2.E.3. Development Standards, the building heights within the SMO are limited to 14 feet and one story. Through a variance procedure to the HPC, a property owner may request a variance from this maximum building height or number of stories limitation provided that the HPC finds that the proposed building satisfies the following criteria:

i) For new construction:
   a. The building is similar in height to another building or buildings within the same block;
   b. The second story is set back from the first story by a minimum of 15 feet;
   c. Second story windows facing the street shall be small or clerestory;
   d. Second story windows facing adjacent residential properties shall be frosted to insure neighbors’ privacy;
   and
   e. The design of the building shall satisfy the design standards and guidelines of the SMO.

ii) For additions:
   a. The addition is limited to 20 percent of the total footprint of the primary building;
   b. The addition must be setback or stepped back from the street-facing facade;
   c. For additions to buildings deemed Contributory to the Historic District, materials and colors of the addition shall distinguish the addition from the original structure;
   d. Second story windows facing the street shall be small or clerestory;
e. Second story windows facing adjacent residential properties shall be frosted to insure neighbors’ privacy; and

f. The design of the building shall satisfy the design standards and guidelines of the SMO.

g. The maximum building height allowed with a variance procedure shall be 25 feet. The maximum number of building stories allowed with a variance shall be two stories.

11. Design Standards

Additional components that must be given specific attention include the following criteria:

a) Design Standards for All Properties in the SMO:

i) New construction shall reflect a style consistent with those found in The New Mexico Historic Building Inventory Manual (1980) and shall be consistent with the styles of Design Guidelines or Manual established by the HPC for the SMO and with other historic structures found on the same street segment.

ii) New construction shall maintain a visual balance and rhythm of the walls, doors and windows along any given street segment.

iii) Manufactured homes shall meet design criteria for new construction to the greatest extent possible without altering the structural integrity of the home. This shall include the style and type of materials forming the exterior facade as well as the type and material of skirting that shall be is compatible in type and materials with adjacent and nearby historic structures.

iv) Additions and remodeling projects shall utilize materials that are consistent with the character and architecture of the existing structure. The same materials must be used on all sides of a structure.

v) Changes in materials on a single structure, such as stucco to wood siding or visa-verse, may be made if the different material is also in keeping with the architecture or character of the structure and does not diminish the historic integrity of the structure to any great extent. Changes in materials must also be consistent with other materials used in the neighborhood.

vi) Fences/walls shall be of a material that is compatible with the structure or compatible with other fences/walls in the neighborhood.

a. Chain link or square wire fencing is prohibited except if used in a small area within the interior of a lot, such as for a dog run or surrounding a private swimming pool, and cannot be viewed from a public street.

b. Existing chain link or square wire fencing may be temporarily removed if necessary, but the same fencing must be replaced exactly as it was.

c. An old chain link or square wire fence may not be replaced with new chain link or square wire fencing; if replaced, the new fence must come into compliance with this Section.

d. If a chain link or square wire fence is damaged through no fault of the property owner, the fence may be replaced exactly as it was.

e. The HPC has the authority to modify or waive the above wire fence restrictions on a case-by-case basis with a Certificate of Appropriateness.

vii) Construction fencing must be removed from site within three (3) days of issuance of a Certificate of Occupancy or a Certificate of Completion.

viii) Dumpsters for commercial or multi-family developments are required to be screened from any streetside facade.

ix) Second story elements and single-story structures built to the side or rear property lines shall incorporate window types (e.g. clerestory, frosted) and placement in such a way as to protect the privacy of adjacent neighbors.

x) Outdoor lighting shall meet the requirements of Sec. 5-9. Outdoor Lighting and light fixtures shall be consistent with the architectural character of the structure and neighborhood. Fluorescent tube lighting fixtures are prohibited.

b) Design Standards for Structures Listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory.
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i) Additions are not permitted to primary façades, it must be set back from the front façade.

ii) Additions and remodeling projects shall have architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure. Distinguishing characteristics could include, but are not limited to:

a. Setting back the addition from the original structure a distance to be determined by the proposed addition’s relation to the scale and form of the original structure;

b. Varying trim, finish texture, facade height, color, etc. to some slight degree;

c. Separating the addition from the original structure by a connector;

d. Varying the window or brick pattern from the original.

iii) If applicable, to the extent architecturally practicable, new additions should be attached to any existing noncontributing portion of the structure instead of attaching them to the contributing portion.

iv) The owner shall make every attempt to repair or restore historic windows. Historic windows that cannot be repaired or restored shall be duplicated in size, style, and material of the original to the greatest extent possible. No opening shall be widened or narrowed except as required to comply with building code standards, unless historic documentation supports its prior existence. Vinyl-clad or aluminum windows may be used if they resemble the original windows in size and style. Thermal double pane glass may be used.

v) Original doors shall be retained, and repaired or restored to the greatest extent possible. If existing doors are beyond repair, new ones shall match the original material and should also be similar in design. Flat surfaced and contemporary doors with small decorative windows shall be avoided. No door opening shall be widened or narrowed except as required to comply with Building Code standards, unless historic documentation supports its prior existence.

vi) Existing porches or portals shall not be enclosed, unless historic documentation supports its prior existence.

vii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence. An exception may be made to comply with Building Code standards for egress.

viii) No existing opening shall be enclosed unless historic documentation shows that the existing opening is not original to the structure.

ix) Existing roof styles and materials shall be maintained or replaced in kind. The addition of parapets, canales, or other roof features should only be considered if they are in keeping with the architectural style of the structure.

x) Specific colors of structure and trim shall not be criteria in evaluating the proposal.

12. Installation of Solar Panels or Other Alternative Energy Equipment

Enhancing the energy efficiency of a historic building is important. To that end, it is often possible to install features such as solar panels and photovoltaic cells provided they are installed in a sensitive manner. However, for some historic buildings, it may not be possible to incorporate solar panels and meet the Secretary of the Interior’s Standards for Rehabilitation. The following standards for installation of these systems shall apply:

a) Installation of panels must be reversible and not damage the historic integrity of the building and district.

b) Solar panels should be installed on rear slopes or other locations not highly visible from the public right of way whenever possible. Panels should be installed flat and not alter the slope of the roof.

c) Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right-of-way.

d) Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be treated to be as unobtrusive as possible.

e) Use of solar systems in windows or on walls, siding, awnings or shutters should be installed with limited visibility from the public right-of-way.

f) In circumstances where solar collectors are not placed on rooftops, they should only be positioned in limited or no-visibility locations in secondary areas of the property. Use vegetation or a compatible screen if necessary to further reduce the visual impact of these features on a historic property.
13. Submittal and Review Process

The following submittal and review procedures are established to protect persons and property in the South Mesquite Overlay District. Applications shall be obtained from the Community Development Department, Building Permit Section.

a) Buildings/Structures

Prior to the filing of an application for development and/or signs, a pre-application conference to meet with Community Development Department Staff to review the proposal is required.

b) Following the pre-application meeting, the Applicant shall submit one copy of all application materials for the development to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall deem the application complete and shall begin its review process.

c) The minimum submittal requirements for development proposals shall include the following information that is relevant to the proposal:

i) A Development Application, with appropriate materials required for the SMO, as determined by Community Development staff at the pre-application meeting. The submittal shall include a scaled site plan that includes the following, as applicable:
   a. Property boundaries.
   b. Location of all structures.
   c. Age of structures.
   d. Setbacks of all structures, existing and proposed.
   e. Parking layout, if applicable.
   f. Ingress/egress access points.
   g. Areas proposed for landscaping.
   h. Surfacing material for impervious surfaces, if applicable.
   i. Storm water ponding areas.
   j. Dumpster location(s).
   k. Location of service and loading area(s).
   l. Freestanding and attached sign locations where applicable.
   m. North arrow.
   n. Any other information which conveys how the proposal will meet development requirements.

ii) A statement of objectives to be achieved by the development, inclusive of a description of the character and anticipated use of the proposed development.

iii) If the structure is listed as contributing on the State or National Mesquite Street—Original Townsite Historic District inventory, a description of the known history of the structure shall be included. Photos are encouraged to support the purpose of the application.

iv) Scaled elevations or renderings which are detailed enough so that a realistic picture is given of the proposed project to a close approximation of the finished project. It should be apparent from the submission that the design criteria herein have been met to the greatest extent possible. Color architectural/artistic renderings shall:
   a. Reflect all aspects/views of the exterior of the structure
   b. Demonstrate the use of building materials through the drawings or with a legend or an attached list.
   c. Detail the fenestrations, other building openings, rooflines, ornamentation, woodwork, and other features of the structure.
v) If required, the Applicants shall present their proposal to the HPC at a public hearing. At that time, a formal decision by the HPC regarding the proposed project will be made and a Certificate of Appropriateness or Letter of Denial will be issued by staff within five days. This record of the HPC shall be entered into the Case File for reference by building inspectors, plan examiners, and other relevant City staff. Public hearing procedures and notice requirements will follow that of the Planning and Zoning Commission found in Sec. 1-3.G. Notice for a Public Hearing.

vi) Those projects not required to be reviewed by the HPC shall be reviewed by Community Development staff using the same criteria and procedures found herein.

vii) A scaled landscaping plan shall include:

a. Location, size, and common name of all landscaping
b. A complete irrigation plan shall be included, clearly identifying how the landscape will be sustained.

viii) Community Development staff shall ensure that the Applicant satisfies any conditions of approval stated in the Certificate of Appropriateness (CoA); if the Applicant proposes any changes to the project involving architectural or structural elements, location, or materials that alters the CoA approval conditions, the Applicant shall submit revised plans for review by the HPC. If the Community Development staff, upon inspection prior to issuance of a Certificate of Occupancy or Completion, notices that the Applicant changed a design element that is inconsistent with the CoA, the Applicant shall submit a revised plan showing the changed element and the HPC shall review the change to see if it meets the SMO design guidelines, standards, and criteria. The HPC shall have the authority to recommend to the City's Building Official that the substituted element be removed and replaced with one that is approved by the HPC.

14. Demolition

To preserve the character of the State and National Mesquite Street-Original Townsite Historic Districts and surroundings, this ordinance creates a 60-day demolition permit application review process that will allow time for interested parties to explore alternatives to the demolition of historic structures.

a) Property owners intending to demolish any structure located within the SMO must adhere to the following 60-calendar day process. The Applicant may withdraw the permit application at any time with a written notice to the Director of the Community Development Department.

b) Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. During the 60-day review, Community Development Department staff will review the application for compliance with the Las Cruces Building Code (Chapter 30 of the LCMC).

c) A proposal for redevelopment of the property, with elevations, must accompany the permit application; this proposal shall describe a potential or proposed development proposal for the property, and whether it is proposed for the near or distant future.

d) Prior to the demolition of a structure designated as Contributing within the State or National Historic District, the Applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff:

i) Completion of the New Mexico Historic Cultural Properties Inventory (HCPI)-Form, available in the Community Development office and online.

ii) Photographing the property

iii) Take several photos (front, rear, sides, close-up views, details, setting, etc.) of the historic structure proposed for demolition (primary structure and/or each historic accessory structure, such as a garage, sheds, etc.) Buildings that are not listed on the historic register need not be included. For more information on documentation, please refer to the National Register Photo Policy Fact Sheet available in the Community Development Department and online.

iv) If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.
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e) Posting

At the beginning of the 60-day review process, the Community Development Department will prepare a public notice sign that is to be posted by the Applicant in a conspicuous place on the property. The Applicant is responsible for ensuring that it is in place for the entire 60-day period. The Department will publish a legal notice describing the proposed demolition and contact information for the Applicant. A fee shall be charged to the Applicant for the cost of the public notice.

f) At the beginning of the 60-day review process, the Community Development Department will inform the HPC, neighborhood associations, the New Mexico State Historic Preservation Office (SHPO), and other pertinent organizations or interested parties that a demolition permit has been applied for.

g) A demolition permit shall be issued upon the completion of the following items:

i) The completion of the 60-day period;

ii) Documentation of the structure as described above; and

iii) The application meets all City Code requirements and has been approved by the Community Development Department Staff. (Code compliance comments regarding the proposed demolition may be resolved within the 60-day time period).

h) Compliance with the procedure set out in this Section may be waived by the City Manager or designee if it is determined that immediate demolition of a historic structure is necessary to remove a hazard to the health, safety, and welfare of the public. In such a case, the Community Development Department shall immediately notify the HPC, neighborhood associations, SHPO, and other pertinent organizations and interested parties that demolition of the structure is imminent.

15. Appeals

In the South Mesquite Overlay District, any applications for development must be approved by the City in order for a use permit, building permit, or sign permit to be issued. If required by this Section, review and approval by the HPC must precede issuance of a permit.

a) A decision made by staff may be appealed by any aggrieved person to the HPC. Such appeal must be made in writing within 15 calendar days of the staff decision. The appeal will be presented to the HPC at their next regularly scheduled meeting.

b) Appeals for a decision made by the HPC, Planning & Zoning Commission, or City Council shall be in accordance with Sec. 1-3.F.1.c) Timing for Filing Appeal.

c) A request that is denied by the HPC and/or City Council shall not be resubmitted or reconsidered for a period of one year. However, after meeting with Community Development Department staff, a different request on the same property may be submitted no less than six months after such denial decision.
F. DDC, Downtown Development Code

1. Purpose

The purpose of this section and the zoning districts defined herein is to accommodate government facilities, retail, office, residential, and other similar uses in the Downtown area of the City with appropriate height, yard, and intensity standards to allow for a higher density and intensity of development. Further, the properties described within the Main Street (MS) zoning district are identified as a special area within the Downtown to encourage revitalization through incentives and clearly defined development standards. See Figure 3-2-14. Downtown Regulating Plan for the district boundaries, See 11. MS Architectural Standards for development standards that apply to the MS district only.

   a) The Downtown Development Code is designed to foster infill redevelopment in a mixed-use pattern as part of a vibrant, diverse, downtown.

   b) This Section is intended to promote traditional urban form and a lively mix of uses, allowing for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and shade trees, overlooked by upper story residences and offices. It also provides a setting for major activities that benefit the community such as markets, festivals, and entertainment.

   c) A range of open spaces should be distributed within adjacent neighborhoods and throughout downtown.

   d) Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

   e) The transect designations in 2. Zoning Districts below shall describe the general character of downtown.

2. Zoning Districts

Zoning districts are limited to the following transect designations:

   a) Downtown (DT): This district consists of higher intensity mixed-use buildings that accommodate retail, offices, institutional, and residences. The thoroughfares have wide sidewalks with street trees and buildings are set close to the sidewalks.

   b) Main Street (MS): This district is similar in use and character to DT, but the massing and proportions are in harmony with an urban core.

   c) General Urban (GU): This district includes a mix of uses, but is primarily in the form of medium-intensity mixed use structures. It may have a wide range of building types: residences, live-work units, commercial buildings, theaters, and mixed-use buildings. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.

3. Downtown Regulating Plan

   a) The regulating plan is the zoning map and principal tool for implementing the Downtown Master Plan, as amended. It identifies the transect district for the building site (See Figure 3-2-14. Downtown Regulating Plan) which regulates standards for each lot.

   b) New development in Downtown shall provide sidewalk improvements, civic spaces as needed, and contribute to a shared parking and access strategy to create a complementary pattern for growth and development. The rules below will enhance a compact, economically sustainable, mixed-use downtown that complements the adjacent neighborhoods and provides flexible opportunities for residential, employment, government, institutional, and commercial uses.

   c) Where present, alleys shall provide access to the rear of all lots. Alley dedication and construction within the rear setback is required as part of a redevelopment project if they do not exist. Alleys shall be constructed pursuant to 17. Streetscape and Sec. 5-2.E.7. Alleys and Lot Orientation.

4. Instructions

   a) Find the transect zone for your parcel in Figure 3-2-14. Downtown Regulating Plan.

   b) Site and building plans submitted under this Section shall include the following, in compliance with the standards described in this Section:

      i) Site Plan/Building Placement (See 6 below)

      ii) Building Specifications including floor plans (See 7 through 10 below)

      iii) MS Architectural Standards, if applicable (See 11 below)
iv) Fencing (See 12 below)
v) Signs (See 13 below)
vi) Use (See 14 below)
vii) Parking (See 15 below)
viii) Landscaping (See 16 below)
ix) Streetscape, if applicable (See 17 below)

c) Site and building plans submitted under this Section require review by respective City departments for appropriate compliance with other applicable City codes and ordinances and final approval by the Community Development Department.

5. Existing Building and Property Alteration, Remodel, or Renovation

a) For the purpose of this section, alteration, remodel, or renovation shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in rooflines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically.

b) Minor modifications. For the purpose of this section, a minor modification shall be one that does not result in an alteration, remodel, or renovation as described in a) above. The minor modification of an existing building or property is permitted by-right if such changes result in greater conformance with the purposes and specifications of this Section. The minor modification must comply with the design standards and codes unless, through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development.

c) Existing buildings and properties that do not conform to the provision of this Section may continue in use as they are. However, they shall be brought into compliance with current codes and standards (to the extent possible, as determined by the Community Development Director) when:

i) The building remains vacant for a period of one continuous year or greater; or

ii) Alteration, remodel, or renovation causes one-time or cumulative amendments to 30 percent or greater of the gross square footage of building area; or

iii) A change in use occurs on the property which results in the alteration of the use orientation (e.g., service to retail), or density (e.g., eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

d) Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted.

e) The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to that existing, nor on-site stormwater retention/detention in addition to that existing, unless otherwise required by County or State code.

f) Normal maintenance activities as verified by the Building Official are exempt from this provision.

g) Should an applicant not agree with the interpretation by the Community Development Director, the interpretation may be appealed to the Planning & Zoning Commission.
Figure 3-2-14. Downtown Regulating Plan
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6. Building Placement
   a) Lot coverage by building shall not exceed that recorded in Figure 3-2-15, Figure 3-2-16, and Figure 3-2-17.
   b) Facades shall be built parallel to the principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout on Figure 3-2-15, Figure 3-2-16, and Figure 3-2-17.
   c) Setbacks for principal buildings and accessory buildings shall be as shown in Figure 3-2-15, Figure 3-2-16, and Figure 3-2-17. Setbacks may be adjusted by up to 10 percent by administrative waiver to accommodate specific site conditions. The Director shall make the following written findings:
      i) The waiver is consistent with the provisions of 2. Zoning Districts.
      ii) The waiver is consistent with the Downtown Master Plan.
      iii) The building placement will not materially endanger the public health or safety.
      iv) The location and character of the building placement, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
      v) The building placement will not adversely affect Downtown by altering its character.
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**Figure 3-2-15. Building Form Standards – GU**

<table>
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<tr>
<th><strong>BUILDING SETBACKS</strong></th>
<th><strong>BUILDING ENVELOPE</strong></th>
<th><strong>PARKING AND STORAGE SETBACKS</strong></th>
<th><strong>BUILDING FRONTAGE</strong></th>
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<tr>
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<td><strong>ACCESSORY BUILDING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Primary Frontage</td>
<td>15’ max.</td>
<td>e. From Rear Lot Line</td>
<td>m. Primary Frontage</td>
</tr>
<tr>
<td>b. Secondary Frontage</td>
<td>10’ max.</td>
<td>f. Secondary Frontage</td>
<td>n. Secondary Frontage</td>
</tr>
<tr>
<td>c. Side Lot Line</td>
<td>0’ or 5’ min.</td>
<td>g. Side Lot Line</td>
<td>o. Side Lot Line</td>
</tr>
<tr>
<td>d. Rear Lot Line</td>
<td>3’ min.</td>
<td>h. Rear Lot Line</td>
<td>p. Rear Lot Line</td>
</tr>
<tr>
<td><strong>BUILDING ENVELOPE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Building Height</td>
<td>2.5 stories max.</td>
<td>m. Primary Frontage</td>
<td></td>
</tr>
<tr>
<td>j. Accessory Building Height</td>
<td>2 stories max.</td>
<td>n. Secondary Frontage</td>
<td></td>
</tr>
<tr>
<td>k. Parking Height</td>
<td>n/a</td>
<td>o. Side Lot Line</td>
<td></td>
</tr>
<tr>
<td>l. Lot Coverage</td>
<td>70% max.</td>
<td>p. Rear Lot Line</td>
<td></td>
</tr>
<tr>
<td><strong>Permitted Frontages, see Figure 3-2-18 and Figure 3-2-19</strong></td>
<td>Yard</td>
<td>Yard</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Walled Yard</td>
<td>Porch</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Terrace</td>
<td>Stoop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No Yard</td>
<td>Shopfront</td>
<td></td>
</tr>
<tr>
<td>Frontage Buildout</td>
<td>60% min.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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Figure 3-2-16. Building Form Standards – DT

**BUILDING SETBACKS**

<table>
<thead>
<tr>
<th><strong>PRINCIPAL BUILDINGS</strong></th>
<th><strong>ACCESSORY BUILDING</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>a Primary Frontage</td>
<td>e From Rear Lot Line</td>
</tr>
<tr>
<td>b Secondary Frontage</td>
<td>f Secondary Frontage</td>
</tr>
<tr>
<td>c Side Lot Line</td>
<td>g Side Lot Line</td>
</tr>
<tr>
<td>d Rear Lot Line</td>
<td>h Rear Lot Line</td>
</tr>
<tr>
<td><strong>BUILDING ENVELOPE</strong></td>
<td><strong>PARKING AND STORAGE SETBACKS</strong></td>
</tr>
<tr>
<td>i Building Height</td>
<td>m Primary Frontage</td>
</tr>
<tr>
<td>j Accessory Building Height</td>
<td>n Secondary Frontage</td>
</tr>
<tr>
<td>k Parking Height</td>
<td>o Side Lot Line</td>
</tr>
<tr>
<td>l Lot Coverage</td>
<td>p Rear Lot Line</td>
</tr>
</tbody>
</table>

**BUILDING FRONTAGE**

Permitted Frontages, see Figure 3-2-18 and Figure 3-2-19

- Yard
- No Yard
- Terrace
- Forecourt

Frontage Buildout 70% min.
Figure 3-2-17. Building Form Standards – MS

<table>
<thead>
<tr>
<th>PRINCIPAL BUILDINGS</th>
<th>ACCESSORY BUILDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>a Primary Frontage</td>
<td>e From Rear Lot Line</td>
</tr>
<tr>
<td>b Secondary Frontage</td>
<td>f Secondary Frontage</td>
</tr>
<tr>
<td>c Side Lot Line</td>
<td>g Side Lot Line</td>
</tr>
<tr>
<td>d Rear Lot Line</td>
<td>h Rear Lot Line</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUILDING ENVELOPE</th>
<th>PARKING AND STORAGE SETBACKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>i Building Height</td>
<td>m Primary Frontage</td>
</tr>
<tr>
<td>Main Street Stepback</td>
<td>20’ + principal building setback</td>
</tr>
<tr>
<td>j Accessory Building Height</td>
<td>n Secondary Frontage</td>
</tr>
<tr>
<td>k Parking Height</td>
<td>o Side Lot Line</td>
</tr>
<tr>
<td>l Lot Coverage</td>
<td>p Rear Lot Line</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building FRONTAGE</th>
<th>Configuration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Frontages, see Figure 3-2-18 and Figure 3-2-19</td>
<td>Yard</td>
</tr>
<tr>
<td></td>
<td>No Yard</td>
</tr>
<tr>
<td></td>
<td>Terrace</td>
</tr>
<tr>
<td></td>
<td>Configuration</td>
</tr>
<tr>
<td></td>
<td>Common Entry</td>
</tr>
<tr>
<td></td>
<td>Shopfront</td>
</tr>
<tr>
<td></td>
<td>Gallery</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Frontage Buildout</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100% min.</td>
</tr>
</tbody>
</table>
7. Building Specifications: Height
   a) Building height is regulated by Figure 3-2-15, Figure 3-2-16, and Figure 3-2-17, measured as follows:
      i) Building height is measured in above ground stories.
      ii) Stories are measured from finished floor to finished ceiling.
      iii) Stories above the ground floor are limited to 14 feet after which height they are counted as two stories.
      iv) For residential uses, a ground floor story of 16 feet or less is counted as one story. Ground floors exceeding 16 feet in height are counted as two stories.
      v) For non-residential and mixed-uses a ground floor story shall be no less than 10 feet in height. A ground floor story of 25 feet or less is counted as one story. Ground floors exceeding 25 feet in height are counted as two stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional floor.
      vi) Height limits do not apply to unfinished attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
      vii) Building stepbacks shall be required in MS pursuant to Figure 3-2-15 item i.

8. Building Specifications: Frontage Requirements
   a) Lot lines abutting a right-of-way are designated as a primary frontage or secondary frontage as follows:
      i) For lots abutting a right-of-way along a single lot line, the lot line abutting the right-of-way is designated the primary frontage.
      ii) For lots abutting a right-of-way along multiple lot lines, the lot line relating to the address of the principal building is designated the primary frontage. All remaining lot lines are designed secondary frontages.
      iii) Main Street is considered the primary frontage for all lots abutting the right-of-way.
   b) Regulations pertaining to primary frontages and secondary frontages, collectively frontage requirements, apply to the area of the lot within the front setback and secondary front setback including the following:
      i) Building facades;
      ii) Structures that project from the facade such as porches, terraces, stoops, awnings, canopies, and galleries;
      iii) Landscape elements and ground surfaces between the building facade and the lot line.
   c) Where building facades do not occupy the entire frontage length, a streetscreen is required as follows:
      i) Streetscreens must be between 4 and 8 feet in height.
      ii) Openings in the streetscreen for vehicular access may be no wider than 26 feet.
      iii) Streetscreens shall provide no less than 70% opacity.
   d) Frontages are regulated by frontage type according to Figure 3-2-18, Figure 3-2-19, and as follows:
      i) Landscaping, fencing, and general surface treatment are regulated according to frontage yard type pursuant to Figure 3-2-18.
      ii) Encroachments and configurations are regulated according to frontage configuration type pursuant to Figure 3-2-19.
      iii) Frontage types are a combination of frontage yard type and frontage configuration type.
      iv) Where frontage yard types permit multiple frontage configuration types, one or more frontage configuration type may be selected for each facade.
   e) Frontage types must be designated at all building frontages and must comply with the standards for that type.
   f) A shopfront frontage is required for all ground floor retail uses.
   g) Building entries must be provided along frontages as follows:
      i) The principal entrance must be located at the primary frontage.
ii) All habitable spaces within a building must be accessible from frontages.

iii) Building entries must be provided at primary frontages at a minimum of one entry for every 50 feet of frontage.

iv) Building entries must be provided at secondary frontages at a minimum of one entry for every 150 feet of frontage.

h) Loading docks and service areas up to a combined width of 30 feet may be incorporated into secondary frontages no more than 50 feet from the rear lot line.
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Figure 3-2-18. Frontage Types – Yard

<table>
<thead>
<tr>
<th>FRONTAGE TYPE REQUIREMENTS</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YARD A – WALLED</strong></td>
<td>PRIVATE</td>
<td>PUBLIC</td>
</tr>
<tr>
<td>District</td>
<td>GU</td>
<td>PRIVATE</td>
</tr>
<tr>
<td>Setback Depth</td>
<td>0’ min, 1.5’ max.</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Porch, Stoop</td>
<td></td>
</tr>
<tr>
<td>Landscape and Fencing</td>
<td>(a) The front setback must be landscaped.</td>
<td></td>
</tr>
<tr>
<td>Requirements</td>
<td>(b) Walls are required within 18” of frontage lines.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) 1 understory tree, or 10 shrubs, is required for every 500 sf of landscaped area, or fraction thereof.</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Requirements**

- (a) Retaining walls are permitted for landscape level changes.
- (b) Paving is limited to permitted walkways and driveways.
- (c) 1 walkway per frontage providing access to the primary entrance is permitted up to 48” in width.
- (d) This yard type must be combined with either a porch or stoop frontage.

<table>
<thead>
<tr>
<th>FRONTAGE TYPE REQUIREMENTS</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YARD B – TERRACE</strong></td>
<td>GU, DT, MS</td>
<td>PRIVATE</td>
</tr>
<tr>
<td>District</td>
<td>GU, DT, MS</td>
<td>PRIVATE</td>
</tr>
<tr>
<td>Setback Depth</td>
<td>12’ max.</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Common Entry, Shopfront, Gallery</td>
<td></td>
</tr>
<tr>
<td>Landscape and Fencing</td>
<td>(a) The front setback must be landscaped and may be paved in DT and MS.</td>
<td></td>
</tr>
<tr>
<td>Requirements</td>
<td>(b) Fencing is permitted at or behind the building setback line.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) In GU, fencing is permitted at frontage lines.</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Requirements**

- (a) The frontage setback must be raised between 12” and 36”.
- (b) Terraces may be no less than 8’ in depth.
- (c) Retaining walls are permitted for level changes.
- (d) If in MS, the Terrace must be embedded within to maintain the zero setback.
- (e) This yard type must be combined with a Shopfront or Common Entry frontage or a combination of both.
### Chapter 3. Zoning Regulations

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<table>
<thead>
<tr>
<th>FRONTAGE TYPE REQUIREMENTS</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YARD C – NO-YARD</strong></td>
<td><strong>PRIVATE</strong></td>
<td><strong>PUBLIC</strong></td>
</tr>
<tr>
<td>District</td>
<td>GU, DT, MS</td>
<td></td>
</tr>
<tr>
<td>Setback Depth</td>
<td>8’ max.</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Common Entry, Shopfront, Gallery</td>
<td></td>
</tr>
<tr>
<td>Landscape and Fencing</td>
<td>(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted.</td>
<td></td>
</tr>
<tr>
<td>Additional Requirements</td>
<td>(a) The frontage setback must match sidewalk grade. (b) The frontage setbacks may be used for outdoor seating and merchandise sales and display. The frontage setback may not be used for storage.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FRONTAGE TYPE REQUIREMENTS</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YARD D – FORECOURT</strong></td>
<td><strong>PRIVATE</strong></td>
<td><strong>PUBLIC</strong></td>
</tr>
<tr>
<td>District</td>
<td>DT</td>
<td></td>
</tr>
<tr>
<td>Setback Depth</td>
<td>8’ max., excluding Forecourt</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Shopfront, Common Entry, Gallery</td>
<td></td>
</tr>
<tr>
<td>Landscape and Fencing</td>
<td>(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted. (c) Forecourts may be paved or landscaped.</td>
<td></td>
</tr>
<tr>
<td>Additional Requirements</td>
<td>(a) A Forecourt shall be located at the primary entrance, and shall be no greater than 600 sf in area. (b) The Forecourt must be bound by facades on a minimum of 2 sides. (c) Facades at the Forecourt may exceed maximum frontage setback. (d) The frontage setback must be configured according to Yard C – No-Yard.</td>
<td></td>
</tr>
</tbody>
</table>
### Frontage Configuration Requirements

**Configuration A – Porch**

<table>
<thead>
<tr>
<th>District</th>
<th>GU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry Grade</td>
<td>36” max.</td>
</tr>
<tr>
<td>Combinations</td>
<td>n/a</td>
</tr>
<tr>
<td>Setback and Encroachment</td>
<td>(a) Porches and related structure may encroach into frontage setbacks up to 100% of their depth in GU.</td>
</tr>
</tbody>
</table>

**Additional Requirements**
(a) A Porch may only occur at the primary entrance.
(b) Porches may be no less than 6’ in depth.

**Configuration B – Stoop**

<table>
<thead>
<tr>
<th>District</th>
<th>GU, DT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry Grade</td>
<td>36” max.</td>
</tr>
<tr>
<td>Combinations</td>
<td>Common Entry</td>
</tr>
</tbody>
</table>
| Setback and Encroachment | (a) Stoops and related structure may encroach into frontage setbacks up to 100%.
(b) Stoops may be recessed into building facades. |

**Additional Requirements**
(a) A Stoop is required at the primary entrance.
(b) Stoops may be masonry, stone, stucco, or concrete.
(c) Wood is prohibited for Stoop railings.
(d) Stoop landings may be covered.
### FRONTAGE CONFIGURATION REQUIREMENTS

<table>
<thead>
<tr>
<th>CONFIGURATION C – COMMON ENTRY</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>DT, MS</td>
<td></td>
</tr>
<tr>
<td>Entry Grade</td>
<td>20” max.</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Shopfront, Stoop</td>
<td></td>
</tr>
</tbody>
</table>
| Setback and Encroachment      | (a) Canopies and awnings may encroach into frontage setbacks up to 100% of their depth.  
(b) Canopies and awnings may encroach into the public pedestrian way up to 10’. | |

**Additional Requirements**  
(a) A Stoop combination is permitted in DT.  
(b) Canopies are permitted at the primary entrance.  
(c) Awnings are permitted along facades.

---

<table>
<thead>
<tr>
<th>CONFIGURATION D – GALLERY</th>
<th>SECTION</th>
<th>PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>DT, MS</td>
<td></td>
</tr>
<tr>
<td>Entry Grade</td>
<td>Sidewalk grade</td>
<td></td>
</tr>
<tr>
<td>Combinations</td>
<td>Shopfront, Common Entry</td>
<td></td>
</tr>
</tbody>
</table>
| Setback and Encroachment   | (a) Galleries may encroach into frontage setbacks up to 100% of their depth.  
(b) Galleries may encroach into the public pedestrian way to up 10’.  
(c) Awnings are not permitted in combination with Galleries. | |

**Additional Requirements**  
(a) Galleries may be no less than 8’ in depth.  
(b) Galleries must have a minimum clearance of 10’.  
(c) Galleries must be supported by columns.  
(d) Galleries must be covered by roofing, green roofing, upper terraces, trellises, solar collectors, or fabric.
### Frontage Configuration Requirements

<table>
<thead>
<tr>
<th>Section</th>
<th>Configuration E – Shopfront</th>
<th>Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>District</strong></td>
<td>DT, MS</td>
<td></td>
</tr>
<tr>
<td><strong>Entry Grade</strong></td>
<td>Sidewalk grade</td>
<td></td>
</tr>
<tr>
<td><strong>Combinations</strong></td>
<td>Shopfront, Common Entry</td>
<td></td>
</tr>
</tbody>
</table>
| **Setback and Encroachment** | (a) Display windows may encroach into frontage setbacks up to 5’ in depth.  
(b) Awnings may encroach into frontage setbacks up to 100% of their depth.  
(c) Awnings may encroach into the public pedestrian way to up to 10’.  |
| **Additional Requirements** | (a) Entries may be recessed from the façade up to 5’ in depth.  
(b) Tenant spaces must provide Shopfronts along no less than 70% of tenant space frontage.  
(c) Tenant spaces with frontage on both primary and secondary frontages must provide Shopfronts along no less than 30% of the secondary frontage.  |
   a) Encroachments into frontages are permitted as follows:
      i) Encroachments in frontage setback are prohibited except where specifically permitted in this Section, Figure 3-2-18, and Figure 3-2-19.
      ii) Roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to 2 feet but not beyond the lot line, and may not obscure views from windows to the street or from the street into windows.
      iii) Shading devices may encroach into frontage setbacks as follows:
      iv) In GU, shading devices attached to facades may encroach up to 6 feet, but not beyond the lot line.
      v) In DT and MS, shading devices may encroach into the front setback up to the lot line, and into the right-of-way up to 10 feet or within 2 feet of the curb.
      vi) Balconies may encroach into the frontage setback a maximum of 3 feet, but not beyond the lot line.
      vii) Bay and bow windows may encroach into the frontage setbacks up to 3 feet, but not beyond the lot line.
   b) Encroachments into pedestrian passages are permitted as follows:
      i) A minimum of 14 feet in height must be maintained along the entire length of pedestrian passage.
      ii) Buildings and structures may encroach over pedestrian passages.
      iii) An unobstructed pedestrian path must be maintained a minimum of 5 feet in width and 8 feet in height. The pedestrian path is required to be continuous however it is not required to follow a straight line.
      iv) Signage, bay and bow windows, balconies, lighting fixtures, and display windows may encroach into pedestrian passages.
      v) Outdoor seating, outdoor dining, and other non-permanent fixtures may encroach into pedestrian passages.

   a) Facade glazing at building frontages must meet the minimum area requirements, calculated by glass area for each facade separately, as specified in Figure 3-2-20. Minimum Facade Glazing.
   b) Ground floor glass shall have a Visible Transmittance (VT) of 0.6 or higher to meet the requirements herein.
   c) Mirrored and reflective glass is prohibited.
   d) Shopfront frontages must meet the following glazing requirements:
      i) Shopfronts must provide clear glazed areas for visibility into tenant spaces for no less than 60 percent of the shopfront area.
         a. Facade area is calculated as the height from finished floor to finished ceiling times the width of the tenant space.
      ii) Shopfront glazing requirements are calculated separately for each tenant space.
   e) Signs and posters shall cover no more than 30 percent of the total glazing area.

11. MS Architectural Standards
   This sub-section supersedes the zoning district standards for any subject addressed in the MS zoning district.
   a) Building Width:
      i) New buildings facing Main Street shall not exceed the average building width on their block except as follows:
         a. Buildings may be a maximum of 150 feet wide if the facade is designed to simulate the average width of buildings on the block.
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ii) Facade Standards:
    a. Glazing at the second story shall not exceed 30% of the second story building facade wall area.
    b. Mechanical equipment shall be screened from the street view.

iii) Sidewalk Coverings:
    a. When awnings, canopies or galleries are used, they shall be designed and installed in compliance with building codes.
    b. Sidewalk coverings shall not obscure architectural details of designated historic building facades.

iv) Signs:
    a. Signs shall not obscure other building elements such as windows, cornices or architectural details.
    b. Individual business signs in a single storefront shall relate to each other in design, size, and placement on the building and lettering style.
    c. Externally illuminated signs shall contain light within the sign frame and shall not spill light over to other portions of the building.

12. Fencing
   a) Hedges in frontage fences shall be evergreen.
   b) Wood frontage fences shall be painted or stained.
   c) Lot line fences shall be between 60 and 72 inches in height.
   d) Frontage fences shall not exceed 48 inches in height nor violate the clear sight triangle.
   e) Frontage fences may occur at the lot line, or up to 18 inches behind the lot line to permit landscaping.
   f) When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.
   g) The supporting members and posts shall be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences is considered equal treatment.
   h) Chain link, barbed wire, razor wire, and electrically charged fences are not permitted.

13. Signs
The general intent of regulating signs that are visible from the public frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context in which they are located (See Figure 3-2-21). Signage provides legible information for pedestrians as well as drivers.

Except with respect to the additional provisions in this section, Sec. 5-10. Signs shall be applicable and govern pursuant to the administration, processes and provisions for all signage within the City Limits of the City of Las Cruces. However, only the signage types permitted in this subsection and Figure 3-2-21 hereof shall be permitted in the Downtown.

a) Prohibited Signs
   i) Moving, flashing, or animated signs including but not limited to searchlights, streamers and spinners;
   ii) Inflatable signs, such as but not limited to balloons, gas inflated signs or similar inflated signs;
   iii) Portable signs, except for sidewalk signs as allowed in Figure 3-2-21;
   iv) Flags, other than those specifically allowed in Sec. 5-10. Signs;
   v) Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

b) Permitted Signs and Sign Restrictions.
   i) Permitted sign types are limited by Transect district and the following restrictions according to Figure 3-2-21.
      **General Sign Restrictions:**
      a. The number of signs per sign type;
b. The area of signs;

c. Height of sign copy.

ii) Additional sign restrictions apply per sign type according to Figure 3-2-22. Specific Sign Regulations.

iii) A permit is required for the installation or modification of all signs as specified in Figure 3-2-22 as Permit.

a. Signs projecting into rights-of-way require a permit.

b. Signs not requiring a permit must meet all of the requirements of this section.

c. Any freestanding sign over 20 feet in height above grade or any sign extending above the public right-of-way shall require the seal of a professional engineer, indicating that the sign meets all best engineering practices and standards.

iv) Signs may be installed and maintained for the period of time specified according to Figure 3-2-21 as Period.

a. All signs must be removed within 14 days of the termination of the permitted period. Signs permitted for a permanent period are not regulated by this subsection.

b. Where the period of a sign is limited to during business hours, the sign must be removed during all hours the establishment is not in operation.

(c) Any moveable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

(v) All signs must provide the following clearance except where specified otherwise:

a. 8 feet at pedestrian ways;

b. 13.5 feet at vehicular ways.

vi) Illuminated signs are permitted as follows:

a. Signs may be illuminated by a light source external to the sign;

b. Internally illuminated signs are permitted at shopfront frontages.

vii) Changeable copy is permitted for display cases, suspended, kiosk, ground, and sidewalk signs, and at community and regional parks. Change of copy does not require a permit.
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Figure 3-2-21. General Sign Restrictions

<table>
<thead>
<tr>
<th>SIGN TYPE</th>
<th>MS</th>
<th>DT</th>
<th>PERMIT</th>
<th>PERIOD</th>
<th>NUMBER</th>
<th>MAX. SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning</td>
<td>•</td>
<td>•</td>
<td>S</td>
<td>O</td>
<td>1 sloping plane, plus 1 valence per awning</td>
<td>75% of sloping plane; 75% area of awning valence</td>
</tr>
<tr>
<td>Banner</td>
<td>•</td>
<td>n/a</td>
<td>O</td>
<td></td>
<td>1 per frontage</td>
<td>48 sf.</td>
</tr>
<tr>
<td>Canopy</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td></td>
<td>1 per canopy</td>
<td>2 sf per linear foot of shopfront</td>
</tr>
<tr>
<td>Corner</td>
<td>•</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td>1 per building</td>
<td>24 in. wide</td>
</tr>
<tr>
<td>Display Case</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td></td>
<td>1 per business</td>
<td>6 sf.</td>
</tr>
<tr>
<td>Ground</td>
<td>S</td>
<td>P</td>
<td></td>
<td></td>
<td>1 per frontage</td>
<td>36 sf.</td>
</tr>
<tr>
<td>Kiosk</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td></td>
<td>n/a</td>
<td>24 sf.</td>
</tr>
<tr>
<td>Marquee</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td></td>
<td>1 per entry</td>
<td>n/a</td>
</tr>
<tr>
<td>Projecting</td>
<td>•</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td>1 per tenant</td>
<td>6 sf.</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>•</td>
<td>•</td>
<td>n/a</td>
<td>B</td>
<td>1 per tenant</td>
<td>8 sf.</td>
</tr>
<tr>
<td>Suspended</td>
<td>•</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td>1 per entry</td>
<td>6 sf.</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>•</td>
<td>S</td>
<td>O</td>
<td></td>
<td>1 per frontage</td>
<td>3 sf. per 1 linear ft. up to 90% of the width of tenant space</td>
</tr>
<tr>
<td>Wall Mural Sign</td>
<td>•</td>
<td>S</td>
<td>P</td>
<td></td>
<td>1 per frontage</td>
<td>3 sf. per 1 linear ft. up to 90% of the width of tenant space</td>
</tr>
<tr>
<td>Window</td>
<td>•</td>
<td>•</td>
<td>S</td>
<td>O</td>
<td>1 per window</td>
<td>25% of glazed area</td>
</tr>
<tr>
<td>Window: Neon</td>
<td>•</td>
<td>n/a</td>
<td>O</td>
<td></td>
<td>n/a</td>
<td>25% of glazed area</td>
</tr>
</tbody>
</table>

n/a Not required

P Permanent
O Period of occupation
B During business hours
S Standards

Note: Check back follow upcoming amendments
Figure 3-2-22. Specific Sign Regulations

**Awning Sign**

A. Signage area must have a 1” border.
B. Signage area may not exceed 75% of each portion of the sign area, which shall be calculated individually.

**Canopy Sign**

A. Canopy signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare. Conduit, raceways, and wiring may not be exposed to view from the sidewalk.

**Corner Sign**
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

A. Corner signs must provide 10’ of clearance.
B. Corner signs may extend up to 6’ above the parapets.
C. Corner signs may only be located at the corner of a building located on a corner (i.e., with both primary and secondary frontages).

---

Ground Sign

A. Ground signs must not exceed 6’ in height or width with a signable area of 12 sf max.
B. One ground sign per frontage is permitted and may be double-sided.
C. Ground signs must be constructed of durable materials.
Marquee Sign

A. Marquee signs must provide 8’ of clearance.
B. Marquee signs project to within 2’ of the curb.
C. Marquee signs may be combined with a Canopy sign or a Projecting sign.

Projecting Sign

A. Projecting signs may encroach into the right-of-way up to 3’.
B. Projecting signs must provide 8’ of clearance.
C. Projecting signs may be double-sided.
Chapter 3. Zoning Regulations
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Sidewalk Sign
A. Sign height may not exceed 42”.
B. Sign width may not exceed 26” inches.

Wall Sign
A. Sign height may not exceed 36”.
B. Sign width may be 90% of storefront width.
C. Wall signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare.
Wall Mural Sign
A. Signable area is 1,000 sf max.
B. Sign width is 50’ max.
C. Sign height is 60’ max.
D. Only text or graphics painted directly on the wall or a graphic mural are permitted.

Window Sign
A. Signage area is 25% max. of shopfront window.
B. Copy height is 12” max.
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Sec. 3-2. Zoning Districts

14. Uses
   a) Lot and building use is allowed according to Figure 3-2-23. Downtown Development Code Allowed Uses by use category and subcategory.
   b) Multiple uses within a single lot or building are permitted in all districts.
   c) Accessory uses are permitted as follows:
      i) Accessory dwellings in GU are limited to housing related to the principal dwelling, rental housing and home office uses, not exceeding 600 square feet per story.
      ii) Home occupations are permitted in accordance with the provisions of 30. Home Occupation.
   d) Manufacturing uses, other than cottage industries, are not permitted Downtown.
   e) Conditional Uses are permitted pursuant to noted conditions.

Figure 3-2-23. Downtown Development Code Allowed Uses

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>GU</th>
<th>DT</th>
<th>MS</th>
<th>CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single or Two-family Dwelling</td>
<td>A</td>
<td>NP</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Family Child Care Home (1-6 occupants)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>See 43. Child Care Home (≤6)</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Multi-family Dwelling</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Group Home (up to 16 occupants)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>See 16. Community Residence (Licensed for Persons with Disabilities)</td>
</tr>
<tr>
<td>LODGING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodging in Accessory Dwelling Unit</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast (up to 6 rooms)</td>
<td>A</td>
<td>NP</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Inn (up to 12 rooms)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>OFFICE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Office</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Live-work Unit</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Building area available for office use is limited to the first story.</td>
</tr>
<tr>
<td>Outpatient Clinic</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
</tbody>
</table>
### Chapter 3. Zoning Regulations

Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>GU</th>
<th>DT</th>
<th>MS</th>
<th>CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratory</td>
<td>NP</td>
<td>C</td>
<td>C</td>
<td>Medical, dental, or similar uses. Permitted only when entirely contained within an office building and used strictly for the purpose of serving the occupants of the office complex. There shall be no advertising signs or other visible displays indicating the use from the exterior of the building.</td>
</tr>
<tr>
<td>RETAIL</td>
<td></td>
<td></td>
<td></td>
<td>Building area available for retail use is limited to the first story.</td>
</tr>
<tr>
<td>Open Market Space</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Push Cart</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Kiosk</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Gasoline Sales</td>
<td>C</td>
<td>C</td>
<td>NP</td>
<td>Permitted only when vehicle repair activities are not associate with the use.</td>
</tr>
<tr>
<td>Restaurant or Other Dining Establishment</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Seating shall not exceed 40.</td>
</tr>
<tr>
<td>Outdoor Cooking</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Outdoor Dining</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Tavern or Bar</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Seating shall not exceed 40.</td>
</tr>
<tr>
<td>Nightclub</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>INSTITUTIONAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live Theater or Movie Theater</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Broadcasting Studios</td>
<td>NP</td>
<td>A</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Gallery</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Building area available for gallery use is limited to the first story.</td>
</tr>
<tr>
<td>Museum</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Building area available for museum use is limited to the first story.</td>
</tr>
<tr>
<td>Libraries</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Legislative and Court Chambers</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Conference Center</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Terminal Waiting Areas</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>NP</td>
<td>A</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Participatory Assembly</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Nursing Home with Medical Care</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>Must be located on a collector or higher designated roadway.</td>
</tr>
</tbody>
</table>
### Chapter 3. Zoning Regulations

#### Sec. 3-2. Zoning Districts

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>GU</th>
<th>DT</th>
<th>MS</th>
<th>CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classroom for Participatory Assembly Uses</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Child Classrooms &amp; Daycare</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Accessory Daycare (fewer than 6 children)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>School, K-12</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>School, college or university</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>School, commercial, trade or technical</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td>Located on a minor arterial or higher designated roadway.</td>
</tr>
</tbody>
</table>

#### Agricultural

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>GU</th>
<th>DT</th>
<th>MS</th>
<th>CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal (Pet) Care Facility</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Animal (Pet) Day Care Facility</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Chickens</td>
<td>C</td>
<td>NP</td>
<td>NP</td>
<td>Roosters are not permitted.</td>
</tr>
<tr>
<td>Garden Supply or Greenhouse</td>
<td>A</td>
<td>NP</td>
<td>NP</td>
<td></td>
</tr>
</tbody>
</table>

(A) Approved by Right (C) Conditional (NP) Not Permitted
15. Parking

a) Off-street Parking Location and Access.

i) Off-street parking shall be provided in accordance with achieving the Downtown Master Plan goals and policies and supporting the development proposal.

ii) Additional off-street parking is not required in the downtown transects. Unless otherwise specified, off-street parking design shall comply with Sec. 5-2. Roads, Rights-of-Way, and Parking as well as any state and federal regulations.

iii) When provided, parking may not be located within 30 feet of the primary frontage line and 20 feet of secondary frontage lines.

iv) Parking areas shall have well-delineated pedestrian access routes to the most direct entrance of the building they serve.

v) Parking may be fulfilled in the following locations:
   a. Parking spaces provided within the lot.
   b. Parking spaces provided along a parking lane (on-street) corresponding to lot frontages.
   c. Parking spaces leased from a private or public parking facility within 500 feet of the lot.
   d. Parking spaces managed by an established parking district.

b) Parking lots and structures visible from frontages require one of the following screening methods or a combination of methods:

i) Liner Buildings, optional at parking lots and required at parking structures. The ground floor frontages of parking structures shall be screened with Liner Buildings with the exception of ingress and egress points.

ii) A masonry wall no less than 4 feet in height.

iii) An evergreen hedge, or other landscape element to screen the view of parking, no less than 4 feet in height.

c) Driveways providing access to off-street parking are limited to 24 feet (2-way) in width in DT or MS and 10 feet (1-way) in width in GU.

d) Vehicular access to off-street parking is restricted as follows:

i) Lots with rear alley access must provide vehicular access from a rear alley.

ii) One curb-cut is permitted for each secondary frontage. Curb cuts shall comply with Sec. 5-2. Roads, Rights-of-Way, and Parking.

iii) Where secondary frontages are not available, one curb-cut is permitted at the primary frontage for lots with a minimum width of 80 feet.

e) Pedestrian access to off-street parking must be provided from frontages, according to the following:

i) A minimum of one ADA-compliant walkway must be provided between each lot frontage and off-street parking areas.

ii) Pedestrian access walkways must be a minimum of 6 feet in width in DT.

f) Shared Vehicular Parking Options.

i) The number of spaces provided may be reduced according to Figure 3-2-24. Shared Parking, completed as follows:
   a. For each use, enter the minimum required spaces as specified in Figure 3-2-24, into the first column.
   b. For each time of day, multiply the required spaces per use by the occupancy rate, and enter the sum of the resulting column in the bottom row.
   c. The resulting reduced minimum required parking spaces is the highest value entered in the bottom row.
Chapter 3. Zoning Regulations
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Figure 3-2-24. Shared Parking

<table>
<thead>
<tr>
<th>USES</th>
<th>REQ#</th>
<th>M—F 8AM—6PM</th>
<th>M—F 6PM—12AM</th>
<th>M—F 12AM—8AM</th>
<th>SAT &amp; SUN 8AM—6PM</th>
<th>SAT &amp; SUN 6PM—12AM</th>
<th>SAT &amp; SUN 12AM—8AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60%</td>
<td>100%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>90%</td>
<td>80%</td>
<td>5%</td>
<td>100%</td>
<td>70%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Theater</td>
<td>40%</td>
<td>80%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Entertainment</td>
<td>40%</td>
<td>100%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Conference</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Civic</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Civic Religious</td>
<td>20%</td>
<td>20%</td>
<td>5%</td>
<td>100%</td>
<td>50%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

16. Landscaping

a) The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.

b) Landscape quantities shall be determined by Sec. 5-7. Landscaping.

c) Proposed trees and understory trees shall be centered horizontally and minimally:

   i) Three (3) feet from walkways, curbing and other impervious pavements;

   ii) Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;

   iii) Six (6) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;

   iv) Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.

d) Ground vegetation with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited within two (2) feet of the sidewalk or street.

e) Bare and exposed ground shall be covered with live plant materials and/or mulch, including gravel mulch.

f) Artificial plants or artificial turf are prohibited.

g) Specific to DT and MS.

   i) Landscape islands in interior parking lots shall only occur at the end of drive aisles. Islands should be the minimum size for healthy growth for the specific species of tree.

   ii) Porous paving materials and other green infrastructure methods may be used in order to increase storm water infiltration on site.
h) Any tree species and cultivar applicable for planting in the Downtown Las Cruces microclimate may be considered for planting within Downtown public squares, plazas, and private parcels, with the exception of those identified in Figure 3-2-25. Prohibited Plants.

17. Streetscape

The primary use of thoroughfares is to provide access to private lots and public civic spaces. In accordance with the intent of this Section, streetscape improvements shall be designed to support several modes of transportation: public transportation, motor vehicles, and non-motorized vehicles such as bicycles and pedestrians.

a) Alley easements include one (1) bi-directional vehicular lane, within a total width alley of not less than 20 feet. The entire right-of-way should be paved and remain with clear access.

b) At the time of, and within, new or infill development trees shall be planted at an average spacing of no less than 40 feet on center within the front setback of the parcel being developed unless the front setback is less than 8 feet pursuant to Figure 3-2-26. Public Frontage Type.

c) Streetscape improvements may be made pursuant to Figure 3-2-26.

i) At commercial frontages the spacing of trees may be irregular to avoid visually obscuring shopfronts.

ii) At gallery frontages, public planting is not required and public lighting may be provided within the gallery.

iii) Tree spacing may be adjusted up to 20 percent by administrative waiver to accommodate specific site conditions.

Figure 3-2-25. Prohibited Plants

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennisetum setaceum</td>
<td>Crimson fountaingrass</td>
</tr>
<tr>
<td>Tamarix spp.</td>
<td>Saltcedar</td>
</tr>
<tr>
<td>x Chitalpa</td>
<td>Chitalpa</td>
</tr>
<tr>
<td>Elaeagnus angustifolia</td>
<td>Russian olive</td>
</tr>
<tr>
<td>Brassica tournefortii</td>
<td>Sahara mustard</td>
</tr>
<tr>
<td>Peganum harmala</td>
<td>African rue</td>
</tr>
<tr>
<td>Arundo donax</td>
<td>Giant cane</td>
</tr>
<tr>
<td>Saccharum ravennae</td>
<td>Ravennagrass</td>
</tr>
<tr>
<td>Ulmus pumila</td>
<td>Siberian elm</td>
</tr>
<tr>
<td>Ailanthus altissima</td>
<td>Tree of heaven</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-2. Zoning Districts

Figure 3-2-26. Public Frontage Type

<table>
<thead>
<tr>
<th>PUBLIC FRONTAGE TYPE</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly: The principal variance are the type and dimension of curbs, walkways, planters, and landscape.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total width</td>
<td>10-20’</td>
<td>16-20’</td>
</tr>
<tr>
<td>Curbing: The detailing of the edge of the vehicular way, incorporating drainage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type cuts</td>
<td>Raised Curb Ramp at 1:12 slope</td>
<td>Raised Curb Ramp at 1:12 slope</td>
</tr>
<tr>
<td>Walkway: The portion of the thoroughfare dedicated exclusively to pedestrian activity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type Width</td>
<td>Sidewalk 10-15’</td>
<td>Sidewalk 12-16’</td>
</tr>
<tr>
<td>Planter: The portion of the thoroughfare accommodating street trees and other landscape.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrangement Planter Type</td>
<td>Opportunistic Continuous</td>
<td>Opportunistic Tree well</td>
</tr>
<tr>
<td>Planter Width</td>
<td>5’</td>
<td>4’x9’</td>
</tr>
</tbody>
</table>
18. Sidewalk Displays on Public Property.

a) *Sidewalk display* means the outdoor display of merchandise for sale to the public during regular business hours by any person, persons or organization when such merchandise is displayed on a portion of, or entirely on a public sidewalk or public place not designed for vehicular traffic.

i) All agents, employees or representatives conducting a sidewalk display on Main Street between the roundabout and Bowman in downtown Las Cruces, shall comply with the following provisions:

a. All sidewalk displays shall only be conducted during regular business hours;

b. All displays shall be installed and removed by the business or property owner daily;

c. No booths, tables or display merchandise shall obstruct ADA access, vehicular traffic, business entrances, or designated fire access points;

d. Sidewalk displays shall be limited to 100 square feet in total size;

e. Sidewalk displays shall only be conducted immediately in front of the permanent business located immediately adjacent to Main Street;

f. No person shall leave merchandise, booths, tables or cases on the site of the display after the conclusion of regular business hours.

g. No person shall display merchandise of a type that is not originally sold by the permanent business located immediately adjacent to Main Street.

h. Sidewalk displays shall not include vending machines, food or beverage, outdoor lighting, or provide entertainment.

i. All debris and trash created by the sidewalk displays shall be immediately cleaned from the public property.

j. No sidewalk displays shall be allowed after the entity with which it is associated is not open to the public.

k. No permanent structure may be affixed to the sidewalk or any building. The business or property owner shall be responsible for any damage caused to the sidewalk or public property by the display;

l. The business or property owner assumes all risks with setting up a sidewalk display and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the displays.
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

A. Permitted Uses

1. Permitted Use Chart
   a) The Permitted Use Chart is contained in the tables on the following pages.
   b) Land and buildings in each of the zoning districts may be used for any of the specified uses in the Permitted Use Chart. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

2. Use-Based Standards

   Use-Based Standards apply to uses as indicated in Figure 3-3-1. Permitted Use Chart. The associated standards are located in B. Use Classifications and Use-Based Standards.

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>●</td>
<td>Use is permitted in district indicated</td>
</tr>
<tr>
<td>○</td>
<td>Use is permitted in district upon approval of a Special Use Permit (SUP)</td>
</tr>
<tr>
<td></td>
<td>Use is prohibited in district indicated</td>
</tr>
<tr>
<td>*</td>
<td>Use-based standards apply; see B. Use Classifications and Use-Based Standards</td>
</tr>
</tbody>
</table>

3. Classification of New and Unlisted Uses
   a) It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:
   b) The new or unlisted use will be referred to the Community Development Director who will make a determination as to the appropriate classification of the new or unlisted use based on findings of fact in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material and vibration likely to be generated and the general requirements for public utilities.
   c) The Community Development Director shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such uses shall be permitted.
   d) In such cases that any party may be aggrieved by the decision of the Community Development Director, the matter may be appealed in accordance with Sec. 1-3.F. Appeals.

4. Multiple Principal Uses within a Single Site

   When multiple principal uses are included on a single site, each individual use must be allowed on that site. For example, if a Retail Store includes a Restaurant, both uses must be allowed; or if a Funeral Home includes a Crematorium, both uses must be allowed.
   a) Exception: Customarily incidental uses are included in the primary use. For example, if a Hospital includes a gift shop, a Retail Store use is not required; or if a Warehouse or Distribution Center includes an office area, a Professional Office use is not required.
### Figure 3-3-1. Permitted Use Chart

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplex, Triplex, or Quadplex*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Live/Work*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : Dwelling Unit + Parking Required for Business</td>
<td>N/A</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Manufactured Home Park (MHP)*</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Mixed-Use*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3 : 1,000 sq.ft.</td>
<td>1 : 2 Dwelling Units</td>
</tr>
<tr>
<td>Mobile Home*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-Family Dwelling (13+ units)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5 : Dwelling Unit</td>
<td>1 : 4 Dwelling Units</td>
</tr>
<tr>
<td>Multi-Family Dwelling (5-12 units)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5 : Dwelling Unit</td>
<td>1 : 4 Dwelling Units</td>
</tr>
<tr>
<td>Single-Family Hacienda</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Single-Family Home</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Single-Family Patio Home*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td>Townhouse*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 : Dwelling Unit</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Congregate Living</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding House or Hostel</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5 : Bedroom</td>
<td>1 : 4 Bedrooms</td>
</tr>
<tr>
<td>Fraternity or Sorority House</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5 : Bedroom</td>
<td>1 : 2 Bedrooms</td>
</tr>
<tr>
<td><strong>Residential Care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5 : Bed</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Community Residence (Licensed for Persons with Disabilities)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5 : Bed</td>
<td>N/A</td>
</tr>
<tr>
<td>Community Residence (Other)</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 525 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Independent Senior Living</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 4 Beds + 1 : 2 Employees + 1 : 2 Doctors</td>
<td>1 : 80 Beds</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Parking ratios added based on existing standards. Discuss 1) whether we want minimum parking, 2) whether it should be reduced (keeping in mind built-in reductions), and 3) whether 125% is the right maximum.
## Chapter 3. Zoning Regulations

### Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sober Living Home</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5 : Bed</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td><strong>Accessory or Temporary Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Structures*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Carport*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carport for RV Storage*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete Batch Plant (Temporary)</td>
<td></td>
<td></td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Building (Temporary)</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Yard (Temporary)</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
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</tr>
<tr>
<td>Drive-Thru*</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel Pumps</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
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</tr>
<tr>
<td>Home Occupation*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Outdoor Display (Permanent)</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Display (Temporary)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Outdoor Storage*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pools and Recreational Courts</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 150 sq.ft. of pool surface area</td>
<td>1 : 1,250 sq.ft. of pool surface area</td>
</tr>
<tr>
<td>Real Estate Office (Temporary)*</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 600 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Seasonal/Temporary Sales or Use*</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 200 sq. ft. of GFA</td>
<td>1 : 2,000 sq.ft.</td>
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<tr>
<td>Shipping Container Structure*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
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</tr>
<tr>
<td>Short-Term Rental*</td>
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<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar Energy System (Accessory)*</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walk-Up Window*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Energy System (Accessory)*</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
## Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public and Institutional Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Child Care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Center*</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:400 sq.ft.</td>
<td>1:7,000 sq.ft.</td>
</tr>
<tr>
<td>Child Care Home (≤6)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:400 sq.ft.</td>
<td>1:7,000 sq.ft.</td>
</tr>
<tr>
<td>Group Child Care Home (7-12)*</td>
<td>●</td>
<td>●</td>
<td>○</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:400 sq.ft.</td>
<td>1:7,000 sq.ft.</td>
</tr>
<tr>
<td><strong>Schools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School (K-8)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>2:Classroom</td>
<td>6:Classroom</td>
</tr>
<tr>
<td>School (9-12)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:Employee + 1:5 Seats in primary assembly hall</td>
<td>4:Classroom</td>
</tr>
<tr>
<td>School (College or University)*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:2 Employees + 1:5 Students</td>
<td>1:20 Employees + 1:4 Students</td>
</tr>
<tr>
<td>School (Commercial, Trade, or Technical)</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1:2 Employees + 1:4 Students</td>
<td>1:20 Employees + 1:10 Students</td>
</tr>
<tr>
<td><strong>Public/Semi-Public</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Cemetery or Columbarium*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>1:5 Seats in assembly area</td>
<td>1:2,000 sq.ft.</td>
</tr>
<tr>
<td>City Facility or Building</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Community Building or Banquet Center</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:1,200 sq.ft.</td>
<td>1:5,000 sq.ft.</td>
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<tr>
<td>Community Garden</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Convention Center or Exhibition Hall</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1:5 Maximum occupancy</td>
<td>1:75 Maximum occupancy</td>
</tr>
<tr>
<td>Correctional Facility</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>2:1,000 sq.ft.</td>
<td>N/A</td>
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<tr>
<td>Landfill</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>0.5:1,000 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Library or Museum</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:600 sq.ft.</td>
<td>1:1,000 sq.ft.</td>
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<tr>
<td>Place of Worship</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1:5 Seats in primary assembly room</td>
<td>1:40 Seats in primary assembly room</td>
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<td>Public Park*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>Based on facilities provided</td>
<td>Based on facilities provided</td>
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<tr>
<td>Public Utilities (Major)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>N/A</td>
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## Chapter 3. Zoning Regulations

### Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>Uses</th>
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<th>Bicycle Parking</th>
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<tbody>
<tr>
<td>Public Utilities (Minor)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
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<td>N/A</td>
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<tr>
<td>Recycling Drop-Off Point</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
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<td>N/A</td>
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<td>Waste or Recycling Processing Facility</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.5 : 1,000 sq.ft.</td>
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### Retail, Service, and Office Uses

#### Professional Office

<table>
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<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
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<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
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</thead>
<tbody>
<tr>
<td>Bank or Financial Institution</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 8,000 sq.ft.</td>
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<tr>
<td>Payday Loans, Check Cashing, or Bail Bonds*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
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<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
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<td>Professional Office (Local)</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 8,000 sq.ft.</td>
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<tr>
<td>Professional Office (Regional)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 8,000 sq.ft.</td>
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#### Medical

<table>
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<tr>
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<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Room*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>3 : Bed</td>
<td>0.5 : Bed</td>
</tr>
<tr>
<td>Hospital*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>3 : 1,000 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Medical Clinic or Office</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.; 1.5 : Workstation; 8 : Doctor</td>
<td>1 : 8,000 sq.ft.; 1 : 10 Workstations; 1 : 2 Doctors</td>
</tr>
<tr>
<td>Medical or Research Laboratory</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Urgent Care</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : 400 sq.ft.</td>
<td>1 : 10,000 sq.ft.</td>
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</table>

#### Lodging

<table>
<thead>
<tr>
<th>Lodging</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>0.5 : Bedroom</td>
<td>N/A</td>
</tr>
<tr>
<td>Campground*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : Camp site</td>
<td>N/A</td>
</tr>
<tr>
<td>Hotel</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>0.75 : Room + 1 : 800 sq.ft.of other uses</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Motel</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>0.75 : room + 1 : 800 sq.ft.of other uses</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Recreational Vehicle Park*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>1 : RV space + 1 : 2 Employees</td>
<td>N/A</td>
</tr>
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# Chapter 3. Zoning Regulations

## Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

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<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
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<tbody>
<tr>
<td><strong>Recreational and Entertainment Uses</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>30 : 9 Holes</td>
<td>1 : 9 Holes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Entertainment</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>4 : 1,000 sq.ft.</td>
<td>N/A</td>
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<tr>
<td>Outdoor Entertainment*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>4 : 1,000 sq.ft.</td>
<td>N/A</td>
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<tr>
<td><strong>Retail Shops and Services</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Business*</td>
<td></td>
<td></td>
<td>○</td>
<td>○</td>
<td></td>
<td>1 : 350 sq.ft.</td>
<td>1 : 6,000 sq.ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art Studio or Instruction</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 8,000 sq.ft.</td>
<td></td>
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<tr>
<td>Flea Market</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td>Parking area equal to 25% of area used for flea market</td>
<td>1 : 20 Auto spaces</td>
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</tr>
<tr>
<td>Grocery (Local)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>1 : 350 sq.ft.</td>
<td>1 : 6,000 sq.ft.</td>
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</tr>
<tr>
<td>Grocery (Regional)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>1 : 350 sq.ft.</td>
<td>1 : 6,000 sq.ft.</td>
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<tr>
<td>Liquor or Package Store*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>1 : 400 sq.ft.</td>
<td>1 : 800 sq.ft.</td>
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<tr>
<td><strong>Neighborhood Center</strong></td>
<td>○</td>
<td>○</td>
<td>○</td>
<td></td>
<td></td>
<td>See Use-Based Standards Based on individual uses</td>
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</tr>
<tr>
<td>Pawn Shop*</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 400 sq.ft.</td>
<td>1 : 3,000 sq.ft.</td>
<td></td>
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<tr>
<td>Personal Services</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 8,000 sq.ft.</td>
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<td></td>
</tr>
<tr>
<td>Retail Store (Local)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 400 sq.ft.</td>
<td>1 : 3,000 sq.ft.</td>
<td></td>
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</tr>
<tr>
<td>Retail Store (Regional)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 4,000 sq.ft.</td>
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</tr>
<tr>
<td>Retail Store (Sundry)</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 400 sq.ft.</td>
<td>1 : 3,000 sq.ft.</td>
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<tr>
<td>Shopping Center</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 450 sq.ft.</td>
<td>1 : 4,000 sq.ft.</td>
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<tr>
<td><strong>Food and Beverage</strong></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Bar*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 200 sq.ft.</td>
<td>1 : 3,000 sq.ft.</td>
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<td>●</td>
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<td>2 : 1,000 sq.ft.</td>
<td>N/A</td>
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<td></td>
</tr>
<tr>
<td>Private Club or Lodge</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
<td>1 : 200 sq.ft.</td>
<td>1 : 2,000 sq.ft.</td>
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<td>Restaurant</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 5 seats; Outdoor seating only 1 : 100 sq.ft.</td>
<td>1 : 1,000 sq.ft.; Outdoor seating only 1 : 2,000 sq.ft.</td>
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<td>Tap Room or Tasting Room*</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 200 sq.ft.</td>
<td>1 : 3,000 sq.ft.</td>
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</table>
## Chapter 3. Zoning Regulations

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<th>Bicycle Parking</th>
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<td><strong>Commercial</strong></td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Catering or Commercial Off-Site Kitchen</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
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</tr>
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<td>Contractors Yard or Building Material Sales*</td>
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<td></td>
<td></td>
<td></td>
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<td>1 : 1,000 sq.ft.</td>
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<td>Crematorium</td>
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</tr>
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<td>Dispatch Service</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 800 sq.ft.</td>
</tr>
<tr>
<td>Dry Cleaning Plant</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 1,000 sq.ft.</td>
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<tr>
<td>Equipment Rental, Sales, or Repairs</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 400 sq.ft.</td>
</tr>
<tr>
<td>Film Staging or Production Studios</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>1 : 500 sq.ft.</td>
</tr>
<tr>
<td>Funeral Home</td>
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<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
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<td></td>
<td></td>
<td>1 : 5 seats</td>
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<td>Industrial Printing or Distribution</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 1,000 sq.ft.</td>
</tr>
<tr>
<td>Manufactured Housing or Building Sales</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
</tr>
<tr>
<td>Petroleum or Propane Sales</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 400 sq.ft.</td>
</tr>
<tr>
<td>Plant Nursery</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 1,000 sq.ft.</td>
</tr>
<tr>
<td>Postal or Printing Services</td>
<td>○</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 1,000 sq. ft. of GFA</td>
</tr>
<tr>
<td>Repair Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 500 sq. ft. of GFA</td>
</tr>
<tr>
<td>Self-Storage Warehouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>None if units have direct vehicular access if not, 1 : 4,000 sq.ft.</td>
</tr>
<tr>
<td>Wireless Communication Facilities*</td>
<td>○</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 450 sq.ft.</td>
</tr>
<tr>
<td><strong>Automotive and Transportation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Repair and Services (Major)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 500 sq.ft.</td>
</tr>
<tr>
<td>Auto Repair and Services (Minor)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 : 500 sq.ft.</td>
</tr>
</tbody>
</table>
# Chapter 3. Zoning Regulations

Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>Uses</th>
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<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car or Motorcycle Sales or Rental</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 500 sq.ft.</td>
<td>1 : 6,000 sq.ft.</td>
</tr>
<tr>
<td>Car Wash</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>2 : Service lane</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Commercial Parking Lot or Garage*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>N/A</td>
<td>1 : 20 Auto spaces</td>
</tr>
<tr>
<td>Passenger Transportation Terminal*</td>
<td>●</td>
<td>●</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 300 sq.ft.</td>
<td>1 : 500 sq.ft.</td>
</tr>
<tr>
<td>Salvage or Wrecking Yard</td>
<td>○</td>
<td>●</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Semi-Truck Wash</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>2 : Service lane</td>
<td>N/A</td>
</tr>
<tr>
<td>Truck, Trailer, Boat, and RV Sales or Rental</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 350 sq.ft. + parking for each available rental</td>
<td>1 : 6,000 sq.ft.</td>
</tr>
</tbody>
</table>

## Light Industrial

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
<th>Mixed Use District</th>
<th>CR, Commercial/Retail District</th>
<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Processing (Slaughterhouse)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Animal Processing (Taxidermy)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Artisan Manufacturing*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Hazardous Chemical Manufacturing</td>
<td>●</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Manufacturing or Fabricating</td>
<td>●</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
<tr>
<td>Warehouse or Distribution Center</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
</tbody>
</table>

## Heavy Industrial

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
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<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-Ground Storage Tanks for Hazardous Materials*</td>
<td>●</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : Installation</td>
<td>N/A</td>
</tr>
<tr>
<td>Energy Production or Refinement</td>
<td>●</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>1 : 1,000 sq.ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Extraction of Raw Materials*</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>2 : 3 Employees on maximum shift</td>
<td>1 : 20 Employees on maximum shift</td>
</tr>
</tbody>
</table>

## Animals and Agriculture

<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential District</th>
<th>Neighborhood District</th>
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<th>LI, Light Industrial District</th>
<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Raising (Commercial Feed Lots)</td>
<td>●</td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Animal Raising (Personal)</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Animal Services (Indoor Only)*</td>
<td>○</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## Chapter 3. Zoning Regulations

### Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

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<th>HI, Heavy Industrial District</th>
<th>OS, Open Space District</th>
<th>Vehicle Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Services (With Outdoor Pens)</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Commercial Crop Farming</td>
<td>○</td>
<td>●</td>
<td>○</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Indoor Agriculture</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Stables or Training</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Wind or Solar Farm</td>
<td>○</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### B. Use Classifications and Use-Based Standards

#### Residential Uses

<table>
<thead>
<tr>
<th>Household Living</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Duplex, Triplex, or Quadplex</strong></td>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>A building or buildings designed for two, three, or four independent but attached dwelling units. Units may be on one lot or situated on individual lots.</td>
<td><strong>STANDARDS</strong></td>
</tr>
<tr>
<td>For units on separate lots, no interior side yard is required in accordance with Sec. 3-3.C. Additional Building Design and Dimensional Standards.</td>
<td></td>
</tr>
</tbody>
</table>

| **2. Live/Work** | **CLASSIFICATION** |
| A single building developed with a nonresidential use including, but not limited to, office and retail uses, where the proprietor of the nonresidential use resides in an attached dwelling unit above or adjacent to the establishment. | **STANDARDS** |
| The nonresidential use must be permitted within the district. |
| No portion of the “live/work” areas may be separately leased or sold. |
| The “work” area shall be accessible from the main street frontage. |

| **3. Manufactured Home** | **CLASSIFICATION** |
| A manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit’s construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations | **STANDARDS** |
| In accordance with NMSA 3-21A-3, Manufactured Homes are permitted in any district that a site-built home is permitted, subject to the same requirements (e.g., parking, landscaping, lot dimensions). Manufactured Homes located in a Manufactured Home Park are subject to the requirements outlined in #4 Manufactured Home Park (MHP) below. |

| **4. Manufactured Home Park (MHP)** | **CLASSIFICATION** |
| A privately owned tract of land, at least five acres in size, used for the continuous accommodation of 12 or more occupied Manufactured Homes and operated for the pecuniary benefit of the owner of the parcel of land, the owner’s agents, lessees, or assigns. | **STANDARDS** |
| 1. Each Manufactured Home (MH) to be located in a MHP shall require a manufactured home installation permit (MHIP). The owner of an MH unit shall receive a MHIP prior to locating the MH unit in the MHP. All site-built structures (e.g., carport) are required to have a building permit. | |
| 2. Permitted uses in an MHP. | |
| a. Manufactured Homes or site-built homes with complete hookup to utilities. | |
| b. Accessory structures, swimming pools, home occupations, and recreation areas and buildings. | |
| c. Home for the disabled. | |
| d. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barbershops, may be permitted in MHPs, subject to the following restrictions: | |
| i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park; | |
| ii) Shall be discontinued if the Manufactured Home Park is discontinued. | |
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iii) Shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park only; and

iv) Shall present no visible evidence of their commercial character outside the park.

3. Individual Manufactured Home Spaces (MHS) within an MHP shall have a minimum area of 3,500 square feet, with a minimum width or depth dimension of 35 feet.

4. No structure within an MHP shall not exceed 35 feet in height.

5. Setbacks and spacing (minimum including awnings, canopies, decks and any other structures attached to, adjacent to or touching a manufactured home):
   a. Dwelling unit front setback: 10’.
   b. Dwelling unit side setback: 5’.
   c. Dwelling unit rear setback: 10’.
   d. MHP boundary to any dwelling unit within the MHP: 10’, except adjacent to public right-of-way.
   e. MHP boundary to any dwelling unit within the MHP: 25’ adjacent to public right-of-way.
   f. Dwelling unit to any building including accessory structure: 10’.

6. Development Standards
   a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to Landscaping, Sidewalks, Signs, Streetlighting, and Off-Street Parking. All federal, state, and local accessibility requirements shall be met.
   b. Screening. All MHPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the MHP or each phase of the MHP. Each MHS shall have a wall and/or fence defining the MHS.
   c. Utilities. Utility placement shall be approved by the Utilities Department Director.
   d. Streets.
      i) All MHPs shall have direct motor vehicle access from a collector or higher designated roadway. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.
      ii) No internal street intersections shall be less than 125 feet from MHP entrances/exits or other internal street intersections. Each intersection, internal and external, shall be designed as close to 90 degrees as possible.
      iii) All streets within a MHP shall meet following minimum widths:

<table>
<thead>
<tr>
<th>Parking Permitted*</th>
<th>Local, one way (Serving fewer than 20 MHS)</th>
<th>Local, two way (Serving 20 to 50 MHS)</th>
<th>Collector (Serving more than 50 MHS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>14’</td>
<td>18’</td>
<td>20’</td>
</tr>
<tr>
<td>One side</td>
<td>18’</td>
<td>27’</td>
<td>29’</td>
</tr>
<tr>
<td>Both sides</td>
<td>27’</td>
<td>36’</td>
<td>38’</td>
</tr>
</tbody>
</table>

* Parallel parking lanes are to be striped at nine feet in width.

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting mobile home spaces with each other and with MHP facilities.

f. Drainage. All MHS and streets shall be designed to ensure proper drainage. A complete drainage plan including elevations and drainage calculations shall be approved by the Community Development Director. No on-lot retention ponds are to be incorporated within the drainage plan for MHPs.

g. Refuse. The management of a MHP shall provide adequate refuse collection facilities. These collection facilities shall be constructed and maintained in accordance with all municipal health regulations, shall be properly screened, and shall be designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

h. Vehicle Storage Areas. MHP may have a storage yard for recreational and other vehicles. Such storage yards shall have a minimum of 60 square feet of storage area per MHS in the development and shall be located so as not to detract from surrounding properties. All recreational and other vehicles shall be parked in the storage yard while not in use.
i. Personal Storage Options. Each mobile home space may have a personal storage unit provided by the MHP owner or tenant. If provided by the MHP owner, such storage shall be at least six feet in height with a storage capacity of at least 300 cubic feet. Each storage unit shall be anchored permanently to the ground. The storage unit may be located on the mobile home space lot line. As an option to storage units being located on individual mobile home spaces by the MHP owner, storage units may be grouped into a mini-storage building arrangement. At least 300 cubic feet of storage space per MHS shall be provided.

5. Mixed-Use

CLASSIFICATION
A building developed with two or more different uses including, but not limited to, residential, office, retail, public, or entertainment uses connected above or adjacent to each other. Uses within the development are permitted in accordance with those allowed in the Mixed Use District.

STANDARDS
1. Uses
   a. At least 75% of the first story of the structure shall be used for nonresidential use. The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.
   b. Drive-thru features for the transaction of business are prohibited.

2. Amenities and Open Space
   If 13 or more units are provided, the amenities and open space requirements in C.3. Multi-Family and Mixed-Use Development shall also apply.

6. Mobile Home

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

STANDARDS
Mobile Homes may be allowed in certain cases (e.g., replacing an existing Mobile Home with a safer Mobile Home). See Sec. 3-4.G. Nonconformities.

7. Multi-Family Dwelling (13+ units)

CLASSIFICATION
A residential building designed for occupancy by tenants living independently of one another, excluding a hotel or motel, with the number of units exceeding 13.

STANDARDS

8. Multi-Family Dwelling (5-12 units)

CLASSIFICATION
A residential building designed for occupancy by tenants living independently of one another, excluding a hotel or motel, with the number of units ranging from 5-12.

STANDARDS
A courtyard, plaza, community garden, or other common greenspace is required (400 sq.ft. minimum).

9. Single-Family Hacienda

CLASSIFICATION
Multiple detached dwelling units located on a single property primarily occupied by a family unit.

10. Single-Family Home

CLASSIFICATION
A detached dwelling unit designed and used exclusively for the residence by one family household or one group of lessees.
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11. **Single-Family Patio Home**
   
   **CLASSIFICATION**
   
   A detached single-family dwelling unit shifted to immediately align with one side yard property line, allowing for an increased side yard on the opposing side. Also referred to as "zero-lot-line home."

   **STANDARDS**
   
   See side yard setback requirements in Sec. 3-3.C. Additional Building Design and Dimensional Standards.

12. **Townhouse**
   
   **CLASSIFICATION**
   
   A group of five (5) or more attached single-family units, each of which is on an individually platted lot, that share at least one common wall with another unit.

   **STANDARDS**
   
   No interior side yard is required and lot width/area is modified in accordance with Sec. 3-3.C. Additional Building Design and Dimensional Standards. No setback from the building face is required for townhome garages.

### Congregate Living

13. **Boarding House or Hostel**
   
   **CLASSIFICATION**
   
   A dwelling with more than two rooms that are intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, where for compensation and by pre-arrangement for more than two weeks, food and lodging are provided.

   **STANDARDS**
   
   No boarding house/hostel shall locate within 1,500 feet of another boarding house/hostel, measured as the shortest, direct line from property to property.

14. **Fraternity or Sorority House**
   
   **CLASSIFICATION**
   
   A dwelling with sleeping rooms or a dormitory used for occupancy by individuals in a recognized organization, and in which kitchen facilities are for the common use of all occupants.

### Residential Care

15. **Assisted Living**
   
   **CLASSIFICATION**
   
   A facility providing residence, supervision and daily assistance for individuals with common dining and recreational areas designed for the needs of the elderly or disabled. Services in these establishments include personal services such as assistance with dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities and administration of medication by a person licensed or otherwise authorized in this state to administer the medication.

16. **Community Residence (Licensed for Persons with Disabilities)**
   
   **CLASSIFICATION**
   
   A State-licensed residence for persons who are physically disabled, developmentally disabled, psychiatrically disabled, or mentally ill. Per NMSA 3-21-1C, "All state-licensed or state-operated community residences for persons with a mental or developmental disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings."

17. **Community Residence (Other)**
   
   **CLASSIFICATION**
   
   A community residence not elsewhere classified.

18. **Independent Senior Living**
   
   **CLASSIFICATION**
   
   An establishment providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.
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19. Nursing Home

CLASSIFICATION
A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. Also referred to as Long-Term Care Facility or Skilled Nursing Facility.

20. Sober Living Home

CLASSIFICATION
A State-licensed residential facility located in a structure or dwelling or any living unit thereof designed, used, or intended to be used as human habitation, the principal use or goal of which is to serve as a place for persons seeking rehabilitation, recovery, or counseling from alcohol or drug addiction in a family setting, as part of a group rehabilitation or recovery program. Also called a “halfway house”.

Accessory or Temporary Uses

21. Accessory Dwelling

CLASSIFICATION
A self-contained living quarter, including an independent kitchen facility, that is attached or detached to a single-family home located on the same lot.

STANDARDS
1. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.
2. No more than one (1) family unit shall occupy an Accessory Dwelling Unit at a time.
3. Accessory Dwelling Units must meet the setbacks established for the principal dwelling.
4. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling’s living space.
5. Accessory Dwelling Units may be rented or occupied by a guest.
6. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.
7. Accessory Dwelling Units shall have an assigned address.

22. Accessory Structures

CLASSIFICATION
A subordinate structure, the use of which is incidental to and customarily found in connection with the principal dwelling on the same property.

STANDARDS
1. The dimensional regulations in Figure 3-3-3. Accessory Structure Requirements shall apply to all Accessory Structures, with the exception of Accessory Structures associated with agricultural, farm, or equestrian uses on residential lots.

Figure 3-3-3. Accessory Structure Requirements

<table>
<thead>
<tr>
<th>Standard</th>
<th>Residential Lots (Lots zoned/used as residential)</th>
<th>Nonresidential Lots (Lots zoned/used as nonresidential)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lots up to 10,000 sq.ft</td>
<td>Lots 10,000 sq.ft up to 19,999 sq.ft</td>
</tr>
<tr>
<td>Maximum Floor Area of All Accessory Structures Combined</td>
<td>400 sq.ft</td>
<td>1,000 sq.ft</td>
</tr>
<tr>
<td>Maximum Height of Accessory Structures</td>
<td>16’</td>
<td>16’</td>
</tr>
<tr>
<td>Maximum Number of Accessory Structures</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Maximum Building Area Coverage</td>
<td>Main Buildings and Accessory Structures shall not exceed the allowable coverage percentage of the zoning district in which they are located.</td>
<td></td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>Behind Façade of the Main Building</td>
<td></td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>5’</td>
<td>5’</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

2. An Accessory Structure shall not be utilized for human habitation except in the case of an Accessory Dwelling.

3. No Accessory Structures may be permitted on a property without an associated primary use, except in the case of property used for agricultural, farm, or equestrian uses.

4. Accessory Structures are prohibited within easements.

5. No permit is required for Accessory Structures less than 120 square feet in floor area and less than 13 feet in height.

6. Accessory Structures 120 square feet or larger shall be finished on the exterior with similar construction materials and similar coloring as the principal dwelling. Metal building material may be used, provided the accessory structure is of a same or compatible architectural style and colors as the principal dwelling.

6. Accessory Structures containing livestock (i.e., chickens, hogs, horses, etc.) shall be located at least 15 feet from any existing dwelling on a neighboring property.

23. Carport
CLASSIFICATION
An accessory structure that is open on a minimum of two sides and designed or used to shelter vehicles (excluding RVs).

STANDARDS
Carports may extend beyond the front building façade but must be set back at least five feet from the front property line.

24. Carport for RV Storage
CLASSIFICATION
An accessory structure that is open on a minimum of two sides and designed or used to shelter recreational vehicles (RVs).

STANDARDS
Carports for RV storage must be set back at least 20 feet from the average building face.

25. Concrete Batch Plant (Temporary)
CLASSIFICATION
A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

26. Construction Building (Temporary)
CLASSIFICATION
A temporary building or structure used by a land developer to facilitate on-site operations and coordination of active construction.

STANDARDS
Such building(s), facilities, or other arrangement approved by the Community Development Director shall be removed upon completion of construction. Construction buildings or any other facilities shall be maintained in a neat and orderly fashion.

27. Construction Yard (Temporary)
CLASSIFICATION
A temporary outdoor storage facility used by a land developer or homebuilder to house materials and equipment for active on-site construction, including all necessary fencing, lighting, and surveillance measures.

STANDARDS
Such yard shall be removed upon completion of construction. Construction yards or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five feet in height.

28. Drive-Thru
CLASSIFICATION
A window or similar access point added to a business (including a restaurant, bank or financial institution, pharmacy, etc.) in which patrons receive service while remaining in their vehicles.

STANDARDS
See Sec. 5-2.K.9. Loading and Stacking for applicable requirements.
29. Fuel Pumps
CLASSIFICATION
Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels primarily to passenger vehicles. Typically an accessory use to a Retail Store or Grocery use.

STANDARDS
See Sec. 5-2.K.9. Loading and Stacking for applicable requirements.

30. Home Occupation
CLASSIFICATION
An occupation carried on in the home by a member of the household, without the use of a sign to advertise the occupation, without structural alterations to the building or any of its rooms, that does not involve open storage, and that does not create a nuisance to abutting residential property such as emission of odor, increased traffic or generation of light and smoke.

STANDARDS
1. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home Occupation. No sign, advertisement or display may be used to indicate the presence of a Home Occupation in the structure.
2. The Home Occupation shall be clearly incidental and subordinate to the home’s use for residential purposes. Not more than 20 percent of the square footage of the dwelling area shall be used in the conduct of the Home Occupation(s).
3. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, x-rays, or electrical disturbances to radio or television instruments.
4. Delivery of materials to and from the premises shall not involve the use of vehicles over two ton capacity, except parcel post, United Parcel Service or similar delivery trucks.
5. No traffic shall be generated by a Home Occupation in greater volume than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.
6. No Outside Storage is permitted in conjunction with a Home Occupation.

31. Outdoor Display (Permanent)
CLASSIFICATION
The permanent display of merchandise offered for sale external to a retail building which can be viewed and/or accessed by the customer for purchase.

32. Outdoor Display (Temporary)
CLASSIFICATION
The temporary display of merchandise offered for sale external to a retail building in conjunction with seasonal or short-term events, which can be viewed and/or accessed by the customer for purchase. Display is considered "temporary" when brought inside nightly (e.g., sidewalk sale).

STANDARDS
These types of sales and displays shall be permitted for no more than 21 calendar days at a single location one time in a calendar year.

33. Outdoor Storage
CLASSIFICATION
The keeping of materials, equipment, supplies, and merchandise external to a retail building that are not for sale and are not intended to be viewed by customers for purchase.

STANDARDS
See Sec. 5-8. Screening and Fencing for applicable screening requirements.

34. Pools and Recreational Courts
CLASSIFICATION
An area for active play and recreation that includes but is not limited to, open space, sports courts, play equipment, trails, restrooms, indoor or outdoor pools, and maintenance structures. The use may be either publicly or privately maintained.

35. Real Estate Office (Temporary)
CLASSIFICATION
A model home or temporary structure used by a home builder to facilitate on-site sales and display within a subdivision where there are new homes available for purchase already built or to be built on lots located therein.
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STANDARDS

A Real Estate Office (Temporary) is allowed in conjunction with a developing subdivision for a period of up to three years or when 85 percent of lots are sold, whichever occurs first. The Community Development Director may approve extensions up to two years. For model homes, a temporary Certificate of Occupancy will be issued until the above period ends, at which time a permanent Certificate of Occupancy is required.

36. Seasonal/Temporary Sales or Use

CLASSIFICATION

A business, sale, display, or event which is conducted for a limited time or on a cyclical annual or monthly basis. Uses may be conducted in tents, temporary or permanent buildings, vehicles, outside, or combination thereof.

STANDARDS

1. A temporary use permit from the City is required. The application submittal shall include the applicant’s contact information, a description of the temporary use, a Site Plan (see Sec. 3-4.B. Site Plans), the date(s) of operation, and the property owners’ written consent.

2. The temporary use may occupy up to 25 percent of the parking area if there are 20 spaces or less; 15 percent between 21 and 50 spaces; or 10 percent if there are more than 50 spaces. The temporary use shall not obstruct disabled accessible parking spaces. There still be adequate room for traffic circulation around the temporary use.

3. All uses proposed to be located in City parks shall comply with Chapter 20 Parks and Recreation of the Municipal Code.

4. Additional Restrictions:
   a. Christmas Trees: Sales shall not occur before November 15 or after December 31.
   b. Fireworks: Sales shall not occur before June 20 or after July 6. Sale of fireworks is also permitted three calendar days preceding and including New Year’s Day, Chinese New Year and Cinco de Mayo of each year.
   c. Other Temporary Stands: These uses are permitted for no more than three months for the sale of seasonal merchandise and for no more than 30 calendar days for nonseasonal merchandise.
   d. Carnival or amusement park: Permitted for no more than 14 calendar days at a single location one time in a calendar year (not including the time required to set up and take down the structures associated with the use). Additional time requires a Special Use Permit.
   e. Yard, garage or rummage sales, fund raising or celebration activities for nonprofit organization: These types of uses shall be conducted for no more than four calendar days, three times at one location in a calendar year. No permits are required for these uses when conducted from an individual’s dwelling or an institution. If conducted from a business or other property not used mainly for residential or institutional purposes, all requirements for temporary uses must be met.

37. Shipping Container Structure

CLASSIFICATION

A large metal container originally designed for cargo transport and other intermodal freight containers that are reused for residential, retail, or other non-transportation purposes.

STANDARDS

Metal shipping containers are not allowed to be used as accessory structures in Character-Based Zoning Districts, except in the case when the primary structure/dwelling is constructed using shipping containers.

Said shipping containers used for storage purposes are permitted within the CR, Commercial/Retail District, LI, Light Industrial District, and HI, Heavy Industrial District provided they comply with requirements of C. Additional Building Design and Dimensional Standards.

Shipping containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property or within a centralized location within a construction area. Said container(s) shall be removed upon completion of the project and/or issuance of a certificate of occupancy or completion.

Shipping containers, PODS or similar “you pack” type moving containers are allowed within the front yard (driveway only) of residential uses for the purposes of packing/unpacking in preparation of or after a move to or from the subject property. Use of such containers shall be limited to 21 days (three weeks) after which the unit shall be removed from the property.

38. Short-Term Rental

CLASSIFICATION

A dwelling or portion thereof used as a transient or vacation rental for compensation for periods of less than 30 days.

STANDARDS

1. The Applicant must obtain a Short-Term Residential Rental permit from the City and provide proof of ownership of the residence.
2. The Applicant must demonstrate to the satisfaction of the Community Development Director that the unit and property do not have any outstanding issues related to taxes or building, electrical, plumbing, fire, health, housing, police, planning, noise, or code enforcement provisions.

3. The Applicant must submit a report to the Community Development Department each January that indicates the following:
   a. The number of nights the unit was rented as a Short-Term Residential Rental in the previous year;
   b. Proof of payment of Hotel Occupancy Tax is submitted to the City
   c. Proof of current property insurance.
   d. If the Applicant has failed to meet one of these requirements, the City shall provide 10 calendar days of notice to comply.

4. The City retains the right to suspend or remove a property from the registry. Once a property has been removed from the registry, the property shall not be added to the registry for at least one year.

5. Suspension or removal shall be at the discretion of the Community Development Director for reasons including, but not limited to, the following:
   a. The applicant has given false or misleading information during the application process;
   b. There has been a violation of any of the terms, conditions, or restrictions of this subsection;
   c. The applicant has failed to pay the Hotel Occupancy Tax in the timely manner; or
   d. The location has received three complaints from the neighboring property owners for excessive noise or traffic within a 24-month period.

6. Continued operation of a Short-Term Residential Rental following suspension or removal from the registry shall be considered a violation of this Development Code.

CONSIDER WHETHER TO REGULATE STRs:

PROS: ESTABLISHES A REGISTRY THAT SOMEONE CAN BE REMOVED FROM FOR POOR OPERATION; CAN POTENTIALLY LIMIT TO OWNER-ON-SITE RENTALS WHICH WOULD HELP WITH AFFORDABILITY CONCERNS (WILL NEED LEGAL OPINION)

CONS: EFFORT TO MAINTAIN REGISTRY; MAY BE REGULATORY OVERKILL.

ALSO NEED REVIEW FROM VISIT LC AND BR PERMITS (LODGERS’ TAX)

39. Solar Energy System (Accessory)

CLASSIFICATION

A device accessory to a primary structure or use that relies upon the sun’s rays as an energy source and is capable of collecting, distributing, and storing the sun’s radiant energy.

STANDARDS

Solar energy system devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard, and must meet the following applicable requirements.

1. Ground-Mounted Solar Energy Systems
   a. Ground-mounted solar energy systems must meet applicable setbacks for the zoning district and shall be located in the rear yard.
   b. The solar panels and supporting framework cannot extend more than six feet above the existing grade.
   c. The surface area shall not exceed half the building footprint of the principal structure.

2. Roof-Mounted Solar Energy Systems
   a. Roof-mounted systems shall be mounted as flush as possible to the roof and not more than 12 inches above the existing roof surface.
   b. Roof-mounted systems must also be in compliance with the maximum building height for the applicable zoning district.
   c. Roof-mounted systems that are visible from the nearest edge of the street frontage Right-of-Way shall not have a highest finished pitch more than five percent steeper than the roof pitch on which the system is mounted, and shall be no higher than 16 inches above the roof.
40. **Walk-Up Window**

**CLASSIFICATION**
A window for service to patrons not in a vehicle (i.e., pedestrians or cyclists), typically in conjunction with a restaurant or other retail use.

**STANDARDS**
A walk-up window must face a sidewalk or other safe queuing area for pedestrians. A walk-up window queuing area shall not be located in a drive aisle.

41. **Wind Energy System (Accessory)**

**CLASSIFICATION**
A device accessory to a primary structure or use that relies upon wind as an energy source and is capable of collecting, distributing, and storing wind energy.

**STANDARDS**

1. **General Standards**
   a. Wind Energy Systems are permitted only in the rear yard.
   b. The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.
   c. Wind Energy Systems shall not be illuminated, nor may they bear any signs or advertising.
   d. Wind Energy Systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.
   e. All wiring serving Wind Energy Systems must be underground.
   f. Noise produced by Wind Energy Systems may not exceed 55 dBA measured at the property line.
   h. Wind Energy Systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.
   i. A finish (paint/surface) must be provided for the Wind Energy System that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
   j. The diameter of the area swept by the rotors may not exceed 12 feet.

2. **Freestanding Systems – Additional Standards**
   a. Wind Energy Systems may be mounted on a tower detached from other structures on the lot.
   b. The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system’s structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.
   c. Freestanding systems measured from the top blade may not exceed 45 feet in height.
   d. Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet.
   e. A maximum of one freestanding Wind Energy System shall be allowed per lot.

3. **Roof-Mounted Systems – Additional Standards**
   a. Wind Energy Systems may be mounted on the roof of a structure as an appurtenance.
   b. Roof-mounted systems measured from the top blade may not be more than five feet over the maximum allowed height for the structure.
   c. A maximum of one roof-mounted Wind Energy System shall be allowed per lot.
   d. Before any roof-mounted system is mounted, the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Engineer prior to the mounting of the system.
### Public and Institutional Uses

#### Child Care

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
</table>
| **42.** | **Child Care Center**  
**CLASSIFICATION**  
A facility licensed by the State that provides care, services, and supervision for less than twenty-four (24) hours a day to children, and is located in a nonresidential setting. (N.M. Code R. § 8.16.2.7(I)) |
| **43.** | **Child Care Home (≤6)**  
**CLASSIFICATION**  
A private dwelling licensed by the State that provides care, services and supervision for a period of less than 24 hours of any day for no more than six (6) children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(AA))  
**STANDARDS**  
Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #30), except maximum number of patrons. |
| **44.** | **Group Child Care Home (7-12)**  
**CLASSIFICATION**  
A private residence licensed by the State which provides care, services, and supervision for at least seven but not more than 12 children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(CC))  
**STANDARDS**  
Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #30), except maximum number of patrons. |

#### Schools

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
</table>
| **45.** | **School (K-8)**  
**CLASSIFICATION**  
A public or private institution approved by the State for the teaching of children between the grades of kindergarten and 8th grade, often referred to as primary, secondary, elementary, and/or middle school.  
**STANDARDS**  
All sites shall have a minimum of one acre. See **Sec. 5-2.K.9. Loading and Stacking** for applicable requirements. |
| **46.** | **School (9-12)**  
**CLASSIFICATION**  
A public or private institution approved by the State for the teaching of children between the grades of 9th and 12th grade, often referred to as secondary and/or high school.  
**STANDARDS**  
This use shall be located on a collector or higher designated roadway. All sites shall have a minimum of one acre. See **Sec. 5-2.K.9. Loading and Stacking** for applicable requirements. |
| **47.** | **School (College or University)**  
**CLASSIFICATION**  
An institution recognized by the State, other than a technical or trade school, that provides full-time or part-time secondary education beyond grades 9-12, and awards associate, baccalaureate or higher degrees of education.  
**STANDARDS**  
This use shall be located on a minor arterial or higher designated roadway. All sites shall have a minimum of one acre. |
| **48.** | **School (Commercial, Trade, or Technical)**  
**CLASSIFICATION**  
An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills. |
### Public/Semi-Public

<table>
<thead>
<tr>
<th>49. Cemetery or Columbarium</th>
<th><strong>CLASSIFICATION</strong></th>
<th>A site, building, or structure used for the burial of the human dead, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such site, building, or structure.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STANDARDS</strong></td>
<td></td>
<td>Any cemetery site shall contain at least five acres and shall be located on a major local or higher designated roadway. A columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.</td>
</tr>
</tbody>
</table>

| 50. City Facility or Building | **CLASSIFICATION** | A building or structure owned by the municipality and used for the administration and operation of a City Department. |

| 51. Community Building or Banquet Center | **CLASSIFICATION** | A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency. |

| 52. Community Garden | **CLASSIFICATION** | A facility operated by a public or semi-public entity for the cultivation of fruits, flowers, vegetables, or other plants for consumption or enjoyment by more than one person or family. |

| 53. Convention Center or Exhibition Hall | **CLASSIFICATION** | A building or complex of buildings that are designed for the gathering of individuals and display of topic-specific goods, services, or information. |

| 54. Correctional Facility | **CLASSIFICATION** | Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. |

| 55. Landfill | **CLASSIFICATION** | A lot or part thereof used for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, or nontoxic waste material by abandonment, dumping, burial, burning, or other means. |

| 56. Library or Museum | **CLASSIFICATION** | A building or public facility serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge. Uses may include the sale of goods and novelties, and the ability to check out materials including books, videos, and other literature. |

| 57. Place of Worship | **CLASSIFICATION** | A building, structure, or site used for nonprofit purposes by a recognized and legally established group primarily for religious worship and related religious services, including an area for assembly, housing of clergy, and related incidental activities. |
### Chapter 3. Zoning Regulations

#### Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>Section</th>
<th>Classification</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>58.</td>
<td>Public Park</td>
<td>A facility for the collection of materials for recycling, excluding vehicles or vehicle parts.</td>
</tr>
<tr>
<td>59.</td>
<td>Public Utilities (Major)</td>
<td>A building, complex of buildings, or facility owned by public or private entity used for the supply and distribution of utilities to the public including water, sanitary sewer, storm drainage, electricity, and gas services.</td>
</tr>
<tr>
<td>60.</td>
<td>Public Utilities (Minor)</td>
<td>The installation, alteration, or maintenance by a service provider or government agency of above or below ground utility structures, including gas, electrical, steam or water transmission lines, or their distribution systems, including all necessary poles, wires, mains, drains, sewers, pipes, conduits, hydrants and other similar equipment associated, but not including buildings. Such use is reasonably necessary for the provision of adequate service by such entity for the public.</td>
</tr>
<tr>
<td>61.</td>
<td>Recycling Drop-Off Point</td>
<td>A facility for the collection of materials for recycling, excluding vehicles or vehicle parts.</td>
</tr>
<tr>
<td>62.</td>
<td>Waste or Recycling Processing Facility</td>
<td>A building or structure used for the collection and processing of waste material, both recyclable or non-recyclable, including the preparation of materials for efficient shipment, compacting, flattening, grinding, crushing, or similar process.</td>
</tr>
</tbody>
</table>
Chapter 3. Zoning Regulations
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

Retail, Service, and Office Uses

Professional Office

63. Bank or Financial Institution
CLASSIFICATION
An establishment for the deposit, custody, loan, exchange or issue of money, the extension of credit, and facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses, car title loan businesses and bail bonds. A drive-thru may be permitted only as an accessory use (see #28 Drive-Thru).

64. Payday Loans, Check Cashing, or Bail Bonds
CLASSIFICATION
An establishment engaged in providing short-term loans, payouts of checks, or lump sums of money exclusive of a bank or financial institution.

STANDARDS
These uses shall not be located within one-half (1/2) mile of another existing Payday Loans, Check Cashing, or Bail Bonds measured from property line to property line.

65. Professional Office (Local)
CLASSIFICATION
An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure less than or equal to 20,000 square feet in area.

66. Professional Office (Regional)
CLASSIFICATION
An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure greater than 20,000 square feet in area.

Medical

67. Emergency Room
CLASSIFICATION
A standalone facility that provides immediate or emergent medical treatment as part of a hospital setting. Patients are treated on a walk-in basis and via emergency transport.

STANDARDS
No Emergency Room shall be located within 1,000 feet of a residential zoning district unless noise attenuation methods are implemented to achieve noise levels no greater than if the Emergency Room were located 1,000 feet from any such property in an unprotected state.

This use shall be located on a collector or higher designated roadway.

68. Hospital
CLASSIFICATION
An institution used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health, and that is licensed by the State. Includes customarily incidental uses, such as a gift stop or cafeteria.

STANDARDS
No Hospital shall be located within 1,000 feet of a residential zoning district unless noise attenuation methods are implemented to achieve noise levels no greater than if the Hospital were located 1,000 feet from any such property in an unprotected state.

This use shall be located on a minor arterial or higher designated roadway.

69. Medical Clinic or Office
CLASSIFICATION
An institution for the examination and treatment of out-patients by an individual or group of doctors, including dentists, or other licensed members of a human health care profession.
### 70. Medical or Research Laboratory

**CLASSIFICATION**

An establishment engaged in research concerning biology, microbiology, biochemistry, other life sciences, and general healthcare such as agricultural research, food research, pharmaceutical research, oceanographers, biotechnical research, and other related life science and healthcare research.

### 71. Urgent Care

**CLASSIFICATION**

A stand-alone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

### Lodging

#### 72. Bed and Breakfast

**CLASSIFICATION**

A commercial establishment within a detached dwelling unit containing dining and bathroom facilities with sleeping rooms for short-term guest lodging. The owner/operator shall live in the dwelling, in another dwelling on the property, or on property adjacent to the establishment.

**STANDARDS**

In the Rural zoning districts, the number of rooms is limited to eight; in all other districts, the number of rooms is limited to 15. Overall design of buildings and/or site design shall be consistent with the residential neighborhood, architecturally compatible with existing buildings or be architecturally compatible with building types normally found in the zoning district in which it is located.

#### 73. Campground

**CLASSIFICATION**

A lot or parcel used for transient occupancy by lodging in tents, camp trailers, travel trailers, motor homes, or similar movable and temporary sleeping quarters, excluding mobile homes.

**STANDARDS**

**CONSIDER DESIRED STANDARDS – MAX STAY, DRIVING SURFACE, ATTENDANT ON DUTY, RESTROOMS, TRASH, MAX CAMPERS PER ACRE?**

#### 74. Hotel

**CLASSIFICATION**

A commercial establishment providing sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and linens, and telephone and desk service, in which rooms are accessed by a hallway internal to the building.

#### 75. Motel

**CLASSIFICATION**

A commercial establishment providing sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and linens, and telephone and desk service, in which rooms are accessed externally via an exposed hallway, balcony, parking lot or sidewalk.

#### 76. Recreational Vehicle Park

**CLASSIFICATION**

A lot or parcel used for the accommodation of recreational vehicles for recreational use or transient lodging, including associated uses such as laundry, restroom, and shower facilities.

**STANDARDS**

1. Recreational vehicle (RVs) when used for temporary or permanent living purposes shall be located solely in a recreational vehicle park (RVP) except as approved by the Community Development Director as follows:
   a. Arrangements for temporary construction yards,
   b. One RV temporarily located on a single-family lot, or
   c. Other temporary arrangement (e.g., emergency shelter).

   **CONSIDER WHETHER ABOVE PROVISIONS NEED A “TEMPORARY” MAXIMUM TIME, PARKING LOCATION, UTILITY CONNECTIONS, OR WHETHER CDD CAN DETERMINE THE APPROPRIATE STANDARDS BY CASE.**

2. Permitted uses in an RVP.
   a. Recreational vehicle parking.
Chapter 3. Zoning Regulations
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

b. One manufactured or site-built home for the RVP caretaker.
c. Accessory structures, swimming pools, home occupations, and recreation areas and buildings.
d. There shall be a community building or buildings that provide for the recreational and service needs of occupants of the RVP. It may include management offices, dumping stations, restrooms, showers, laundry/dry cleaning facilities and other uses and structures customarily incidental to operation of an RVP. The area of the community building or buildings may not be calculated as part of the required recreational area.

e. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barber shops, may be permitted in RVP subject to the following restrictions:
i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park;
ii) Shall be discontinued if the RVP is discontinued.
iii) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park only; and
iv) Shall present no visible evidence of their commercial character outside the park.

2. The minimum RVP size is two acres and each RV space shall be a minimum of 1,200 square feet not including sidewalks or streets. The density of spaces in any RVP shall not exceed 20 spaces per acre.

3. No structure within an RVP shall exceed 35 feet in height.

4. Development Standards

a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to Landscaping, Sidewalks, Signs, Streetlighting, and Off-Street Parking. All federal, state, and local accessibility requirements shall be met.

b. Screening. All RVPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the RVP or each phase of the RVP. Each RV space shall have a wall and/or fence defining the RVS.

c. Utilities. Utility placement shall be approved by the Utilities Department Director. Water, sewer, electricity, telephone, and other necessary utilities shall be available at the RVP. A means for emptying sewage holding tanks shall be provided and approved by City and the State Environment Department.

d. Streets.
i) RVPs shall have direct motor vehicle access to or be located on a collector or higher designated roadway. No entrance to or exit from an RVP shall be permitted through a residential zoning district.

ii) Private access ways and individual space arrangements shall be designed to accommodate the frequent movement of recreational vehicles.

There shall be at least three parking spaces designated in the RVP for each two RV spaces. Parking may be provided in common parking areas, on individual RV spaces, and/or on RVP streets. All parking (including RV spaces) must be paved to meet City standards.

iv) All streets within an RVP shall meet following minimum widths:

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting RV spaces with each other and with RVP facilities.

f. Recreation. There shall be an active, usable recreational area(s) for tenants, comprising at least five percent of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.

g. Refuse. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened from view and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

Figure 3-3-4. Required Pavement Width by Roadway Type

<table>
<thead>
<tr>
<th>Parking Permitted*</th>
<th>Local, one way (Serving fewer than 20 RVs)</th>
<th>Local, two way (Serving 20 to 50 RVs)</th>
<th>Collector (Serving more than 50 RVs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>14’</td>
<td>18’</td>
<td>20’</td>
</tr>
<tr>
<td>One side</td>
<td>18’</td>
<td>27’</td>
<td>29’</td>
</tr>
<tr>
<td>Both sides</td>
<td>27’</td>
<td>36’</td>
<td>38’</td>
</tr>
</tbody>
</table>

* Parallel parking lanes are to be striped at nine feet in width.
Recreational and Entertainment

77. Golf Course
   CLASSIFICATION
   A public or private amusement enterprise including nine or more holes of golfing, excluding mini-golf courses and driving ranges.

   STANDARDS
   There shall be screening and buffering on property lines abutting residential areas and no structures shall be within 50 feet of a residential property line. The parking areas for these uses shall have access to a collector or higher designated roadway.

78. Indoor Entertainment
   CLASSIFICATION
   An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool hall, firing range/archery range, skating rink, racquetball/handball club, batting cages, indoor tennis courts/club, indoor swimming pool, video game arcade, and indoor trampoline park.

79. Outdoor Entertainment
   CLASSIFICATION
   An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors including, but not limited to, golf driving range, miniature golf course, temporary or permanent amusement park, archery range, batting cages, automobile racetrack, go-cart tracks, swimming pool, sport arena/complex or track, zoo, and botanical garden.

   STANDARDS
   Parking and structures shall be located a minimum of 300 feet from any residential zoning district boundary. Swimming pools must meet requirements outlined in Chapter 30 Building Code and in Sec. 5-8. Screening and Fencing.

Retail Shops and Services

80. Adult Business
   CLASSIFICATION
   A sexually oriented business, including, but not limited to, an adult arcade; adult book or video store; adult cabaret; adult dancing establishment; adult novelty store; and adult theater.

   STANDARDS
   1. Such uses shall be located at a minimum of 1,000 feet from a property line of a:
      a. School;
      b. Church;
      c. Nursery/day care;
      d. Public park or recreational facility.
   2. These uses shall be permitted provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and
   3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. Such signs shall be 36" × 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows: WARNING: ADULT BOOKSTORE/VIDEO STORE THE BUSINESS WITHIN IS SEXUALLY ORIENTED or WARNING: ADULT AMUSEMENT ESTABLISHMENT THE BUSINESS WITHIN IS SEXUALLY ORIENTED.
   4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

81. Art Studio or Instruction
   CLASSIFICATION
   An establishment that engages in the creation of artistic effects, or the instruction, for a fee, of artistic skills and lessons including, but not limited to, painting, floral design, dance, photography, glass blowing, illustration, and woodworking.
Chapter 3. Zoning Regulations
Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

82. Flea Market
CLASSIFICATION
An open-air market in which spaces are rented or leased for the purpose of selling second-hand articles and home crafts.

83. Grocery (Local)
CLASSIFICATION
A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is 30,000 square feet or less.

84. Grocery (Regional)
CLASSIFICATION
A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 30,000 square feet.

85. Liquor or Package Store
CLASSIFICATION
A retail establishment primarily selling liquor, beer, wine, and/or other alcoholic beverages for off-site consumption.

STANDARDS
Alcohol sales for off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

86. Neighborhood Center
CLASSIFICATION
Neighborhood Centers include a mix of residential and nonresidential land uses that provide nodes of community activity for surrounding residential neighborhoods. These walkable activity centers provide local employment, shopping, and entertainment opportunities and provide for a diverse mix of residential living options. Neighborhood Centers are located at key neighborhood intersections and provide a transition between single-family residential neighborhoods and areas of higher development intensity. Uses within the development are permitted in accordance with those allowed in the Mixed Use District.

STANDARDS
Neighborhood Centers are allowed only at an intersection of two Collector or larger roadways, or as a transition between a varying development intensities (e.g., between a Residential District and a CR, Commercial/Retail District).

Neighborhood Centers shall receive the following development bonuses:

1. 10% max. DUA increase
2. 0’ min. front and side yard setbacks
3. 15’ max. height increase
4. 50% reduction in minimum parking requirements based on individual uses

Neighborhood Centers shall meet the following design standards:

1. Maximum building footprint: 10,000 sq.ft.
2. Neighborhood Centers shall utilize building and site design features consistent with the surrounding neighborhood.
3. The primary entrance shall front a public street with a walkaway connecting to a front sidewalk, and architectural elements shall indicate a clear entry point.
4. Buildings shall provide a recessed and/or covered primary entrance.
5. No off-street parking may be located between the front façade and the public right-of-way.
6. Minimum transparency requirements: Retail, office, and mixed-use buildings: Ground floor 35% / Upper floors 20%; Other buildings: 20% all floors.
7. The least intensive, most compatible uses shall be located adjacent to residential areas.
8. Signage shall meet the requirements established for a Town Center Overlay (see Sec. 5-10. Signs).
87. Pawn Shop
CLASSIFICATION
An establishment that engages in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property, or the purchase or sale of personal property.

STANDARDS
A Pawn Shop shall not be located within one mile of another Pawn Shop, measured by the nearest property lines.

88. Personal Services
CLASSIFICATION
An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Uses include but are not limited to, beauty and barber shops, laundry and dry cleaning establishments, permanent cosmetics, and accessory retail sales of products related to the provided services.

89. Retail Store (Local)
CLASSIFICATION
A commercial establishment no greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, clothing, and cannabis dispensaries.

STANDARDS
Cannabis dispensary: Cannabis dispensaries shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall be located 300 feet from a school or daycare, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within 300 feet of another cannabis retailer. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law.

90. Retail Store (Regional)
CLASSIFICATION
A commercial establishment greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, clothing, and cannabis dispensaries.

STANDARDS
Cannabis dispensary: Cannabis dispensaries shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall be located 300 feet from a school or daycare, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within 300 feet of another cannabis retailer. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law.

91. Retail Store (Sundry)
CLASSIFICATION
A commercial establishment that engages in the sale of various miscellaneous items that are usually of small value and insignificant enough to be mentioned individually including, but not limited to dry goods, toiletries, household supplies, and perishable and nonperishable foods.

STANDARDS
A Retail Store (Sundry) shall not be located within 5,000 feet of another Retail Store (Sundry) measured by the nearest property lines.

A minimum of 10 percent of the floor area of the Retail Store (Sundry) must be dedicated to fresh produce, meat and dairy products and designated as such within the Certificate of Occupancy.

CLC CHECKING HOW THIS WOULD AFFECT EXISTING SUNDRY STORES

92. Shopping Center
CLASSIFICATION
A group of two or more buildings or structures used for commercial entities which are planned, constructed, developed, owned or managed independently or as a total entity and share access, parking, drainage, or landscaping.
### Food and Beverage

#### 93. Bar

**CLASSIFICATION**
An establishment that is primarily engaged in the sale of alcoholic beverages to be consumed on the premises including, but not limited to, taverns, night clubs, private clubs, and similar facilities.

**STANDARDS**
Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

#### 94. Food Truck Park

**CLASSIFICATION**
A lot or parcel used for the temporary parking of vehicle mounted food service establishments designed to be readily movable, in which food and beverages are sold for on- or off-site consumption.

**STANDARDS**
1. Food truck parks are subject to all regulations and required certifications from the New Mexico Health Department.
2. Hours of operation shall be limited to 8 a.m. to 9 p.m.;
3. Signage for the park is allowed in accordance with Sec. 5-10. Signs. Within the park, signs are allowed on the vehicle itself and each truck is permitted one Sidewalk Sign;
4. A drive-through is not permitted in conjunction with the food truck park;
5. Food truck vendors shall not operate in required parking spaces, driveways, or fire lanes; and
6. A waste receptacle is required for every food truck vending unit and waste shall be removed daily.

#### 95. Private Club or Lodge

**CLASSIFICATION**
An organization operated solely for recreational, fraternal, social, patriotic, political, benevolent or athletic purposes, but not for pecuniary gain, and that only sells alcoholic beverages incidental to its operation.

#### 96. Restaurant

**CLASSIFICATION**
An establishment that prepares and sells food and beverages for immediate or off-site consumption, in which customers order at a counter or in similar fashion prior to sitting within the building or on the premises.

#### 97. Tap Room or Tasting Room

**CLASSIFICATION**
An establishment associated with a local brewery, winery, or distillery operating under an approved Small Brewer’s License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower’s License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller’s License as governed by Section 60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for consumption on-site.

Any production of alcohol as regulated by State law under one of these licenses is considered Artisan Manufacturing (see #125).

Such use may or may not include food sales.

**STANDARDS**
Alcohol sales for on- or off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

### Commercial, Auto, and Industrial Uses

#### 98. Catering or Commercial Off-Site Kitchen

**CLASSIFICATION**
An establishment engaged in cooking, preparing, and delivering food or beverages for off-site consumption.
### 99. Contractors Yard or Building Material Sales
**CLASSIFICATION**
An establishment or structure used for the repair, maintenance, or storage of a contractor’s vehicles and equipment, or sales of materials used in construction including, but not limited to, lumber, hardwood, stone, or brick.

**STANDARDS**
Tanks shall be permitted only when meeting Fire Code requirements as adopted by the City, when receiving approval from the Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau.

### 100. Crematorium
**CLASSIFICATION**
A place used for the preparation and incineration of the human or animal deceased.

### 101. Dispatch Service
**CLASSIFICATION**
A business engaged in providing off-site services, where the business’ primary offices, vehicles, and equipment are located on-site with little to no walk-in traffic. Services include, but are not limited to, cleaning and maid, plumbing, pest control, and locksmithing.

### 102. Dry Cleaning Plant
**CLASSIFICATION**
An establishment used for the cleaning of clothing, linen, and other textiles through a process involving the use of solvents.

### 103. Equipment Rental, Sales, or Repairs
**CLASSIFICATION**
An establishment engaged in the repair, rental, and leasing of heavy construction equipment for off-site use.

### 104. Film Staging or Production Studios
**CLASSIFICATION**
An establishment engaged in the staging and/or recording of live, video, or audio productions including, but not limited to, music, commercials, motion pictures, and theatre performances.

### 105. Funeral Home
**CLASSIFICATION**
An establishment used for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies and services connected with.

### 106. Industrial Printing or Distribution
**CLASSIFICATION**
An establishment engaged in the manufacturing and distribution of media to the public including, but not limited to, newspapers, books, and/or similar media.

### 107. Manufactured Housing or Building Sales
**CLASSIFICATION**
A building, structure, or lot used for the marketing, sales, and distribution of Manufactured Homes.

### 108. Petroleum or Propane Sales
**CLASSIFICATION**
A building or structure used for the sale of petroleum and propane fuel as either an ancillary or primary use.

### 109. Plant Nursery
**CLASSIFICATION**
A facility for the growing, display, or sale of plant stock, seeds or other horticulture items, including the raising of plants outdoors or in greenhouses for sale either as food or for use in landscaping.

### 110. Postal or Printing Services
**CLASSIFICATION**
An establishment engaged in the retail sale of stationery products, and services related to packaging, mail, and printing media for walk-in consumers.
### Chapter 3. Zoning Regulations

Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>111. Repair Shop</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>An establishment engaged in the repair and service of small products including, but not limited to, watches, clocks, jewelry, small appliances and electronics, instruments, and cameras.</td>
</tr>
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<table>
<thead>
<tr>
<th>112. Self-Storage Warehouse</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>A structure or building with enclosed storage space, divided into separate compartments, that is provided for use by individuals or businesses in exchange for payment or rent.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>113. Wireless Communication Facilities</th>
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<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>Includes antenna, towers, communication structures, and other similar vertical structures.</td>
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</tbody>
</table>

#### Standards

See Sec. 5-11. Wireless Communication Facilities.

<table>
<thead>
<tr>
<th>Automotive and Transportation</th>
</tr>
</thead>
</table>

#### 114. Auto Repair and Services (Major)

**CLASSIFICATION**

An establishment engaged in the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers including, but not limited to, body work, framework, welding, overall painting, and tire replacement and disposal.

#### 115. Auto Repair and Services (Minor)

**CLASSIFICATION**

An establishment engaged in minor repairs of engines, motor vehicles, or trailers that does not require the removal of the engine head or pan, engine, transmission, or differential of a vehicle, including, but not limited to, minor repair or maintenance, oil changing, and minor interior upholstery work.

<table>
<thead>
<tr>
<th>116. Car or Motorcycle Sales or Rental</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>An establishment engaged in the sale, lease, or rental of new or used automobiles such as cars, motorcycles, and light-duty trucks, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>117. Car Wash</th>
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<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>An establishment engaged in the washing, waxing or cleaning of a standard passenger automobile, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle for a fee.</td>
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<table>
<thead>
<tr>
<th>118. Commercial Parking Lot or Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>A lot or structure used for the parking of passenger vehicles with or without an assessed fee.</td>
</tr>
</tbody>
</table>

#### Standards

Parking lots must be within 500 feet of any office, commercial, or industrial use or zoning district. The parking area shall be suitably landscaped, paved and drained, lighted, and maintained free of debris.

<table>
<thead>
<tr>
<th>119. Passenger Transportation Terminal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
</tr>
<tr>
<td>A building or complex of buildings, parking garages or lots, and associated structures which provide access, activities, and facilities of for the use, support, and convenience of the public traveling by, but not limited to, airplane or helicopter, bus, cab, and rail.</td>
</tr>
</tbody>
</table>

#### Standards

Helistop/Heliport: Use shall be in accordance with federal Airspace Protection Regulations, including 14 CFR, Part 77.

Airports:

1. Land uses at the Las Cruces International Airport (LCIA) property will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are
determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

2. Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

3. All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

120. Salvage or Wrecking Yard
CLASSIFICATION
A lot or portion thereof used for the dismantling, wrecking, storage, sale, or dumping of junk motor vehicles or trailers for their parts.

121. Semi-Truck Wash
CLASSIFICATION
An establishment engaged in the washing, waxing or cleaning of a light-duty truck or semi-truck, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle for a fee.

122. Truck, Trailer, Boat, and RV Sales or Rental
CLASSIFICATION
An establishment engaged in the sale, lease, or rental of new or used semi-trucks, trailers, boats, or RVs, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.

123. Animal Processing (Slaughterhouse)
CLASSIFICATION
A facility engaged in the slaughtering and processing of animals and the refining of their byproducts for sale or distribution.

124. Animal Processing (Taxidermy)
CLASSIFICATION
An establishment engaged in the preparing, stuffing, and mounting of the skins of animals.

125. Artisan Manufacturing
CLASSIFICATION
Small-scale manufacturing and related processes or activities – including but not limited to application, assembling, compounding, design, fabrication, growing, making, packaging, processing, sculpting, teaching, treating of crafts or products, or welding – often by an artist, artisan, or craftsperson working with ceramic, clay, electronics, metal, paper, plastic, stone, textiles, wood, or similar materials either by hand or with minimal automation or technology, including but not limited to 3D printing. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers.

This use includes a licensed Cannabis Microbusiness as permitted and regulated by the State. Operations included within a Vertically Integrated Cannabis Establishment (VICE) must be individually allowed by the Use Chart (for example, such uses are likely to include Retail Store (Local); Tap Room or Tasting Room; Indoor Agriculture; and Artisan Manufacturing).

This use also includes the production of beer, wine, or spirits associated with an approved Small Brewer’s License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower’s License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller’s License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use. See #97 Tap Room or Tasting Room.

126. Hazardous Chemical Manufacturing
CLASSIFICATION
A facility engaged in the manufacturing and development of chemical products by conducting a chemical process on organic or inorganic raw material whereby hazardous or toxic waste or byproducts are created and disposed of.

127. Manufacturing or Fabricating
CLASSIFICATION
A facility, not elsewhere classified, engaged in the assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce limited smoke, noise, dust, glare, odors or vibration off-site.
### Chapter 3. Zoning Regulations

Sec. 3-3. Uses, Additional Dimensional Standards, and Building Design Standards

<table>
<thead>
<tr>
<th>128. Warehouse or Distribution Center</th>
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<tbody>
<tr>
<td><strong>CLASSIFICATION</strong></td>
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<tr>
<td>A building or structure used for the storage of goods or products for wholesale, distribution, or transfer to another location via freight, truck, or other similar transit method.</td>
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**Heavy Industrial**

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<thead>
<tr>
<th>129. Above-Ground Storage Tanks for Hazardous Materials</th>
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<tr>
<td><strong>CLASSIFICATION</strong></td>
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<td><strong>STANDARDS</strong></td>
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<th>130. Energy Production or Refinement</th>
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<td><strong>CLASSIFICATION</strong></td>
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<th>131. Extraction of Raw Materials</th>
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<td><strong>CLASSIFICATION</strong></td>
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<td><strong>STANDARDS</strong></td>
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**Animals and Agriculture**

<table>
<thead>
<tr>
<th>132. Animal Raising (Commercial Feed Lots)</th>
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<td><strong>CLASSIFICATION</strong></td>
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<tr>
<th>133. Animal Raising (Personal)</th>
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<td><strong>CLASSIFICATION</strong></td>
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<th>134. Animal Services (Indoor Only)</th>
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<td><strong>CLASSIFICATION</strong></td>
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<th>135. Animal Services (With Outdoor Pens)</th>
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<th>136. Commercial Crop Farming</th>
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<td><strong>CLASSIFICATION</strong></td>
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</table>
137. Indoor Agriculture

**CLASSIFICATION**

The commercial breeding, planting, nourishing, caring for, gathering, or processing of animals or plants, such as fruits, flowers, vegetables, cannabis, or other plants, completely within an enclosed building or structure.

138. Stables or Training

**CLASSIFICATION**

A lot or portion thereof used for the commercial boarding and training of livestock, such as horses, mules, ponies, and donkeys, for hire by the public.

139. Wind or Solar Farm

**CLASSIFICATION**

A lot or parcel housing all necessary equipment, such as wind turbines and solar panels, to harness and convert solar and wind energies into electricity for sale or distribution.
C. Additional Building Design and Dimensional Standards

1. All Development
   a) Administrative Modifications for Dimensional Requirements

      The Community Development Director may adjust the setback, build-to line, and/or lot coverage requirements by up to 15 percent if the Director determines that such adjustment is needed to address a site-specific constraint.

   b) Structures, Items, or Building Projections in Required Setbacks

      i) No structure, item, or building projection, whether a building permit is required or not, shall be permitted within the required setbacks except flag poles, walls and fences, or decorative structures such as a bird bath.

      ii) A maximum encroachment of six inches into the required side yard setback shall be permitted for the following items:

          a. Security lighting;
          b. Decorative lighting fixtures;
          c. Security bars around windows and doors;
          d. Door hardware and required moulding around doors;
          e. Canales and downspouts when canales are capped at the end, open along the top and drainage is directed through the downspouts to appropriate on-lot pond locations in either the front or rear of the property.

      iii) The ordinary projection of, for example, porches, stoops, sills, scuppers, cornices, ornamental features, roof overhangs, fireplace chimneys, buttresses and wing walls shall not extend into the required setback area more than two feet.

   c) Minimum Distance Between Structures

      There shall be no less than ten feet between structures as measured from the wall of one structure to the wall of the other structure, including accessory structures, located on the same lot, tract, or parcel. However, the ordinary projection of features noted in b)ii) and b)iii) above may be within the ten feet.

   d) Right-of-Way/Easement Encroachments

      There shall be no permanent structures located on right-of-way or easements without written approval of the governing agency.

   e) Vertical Structures in All Zoning Districts, Not Including Communication Structures

      i) Height: The height of such structures shall be limited to ten feet above the maximum building height.

      ii) All such structures shall be placed within the primary buildable area and all such freestanding structures shall be set back one foot for each one foot in height from any residential use or building on any adjacent property. All structures attached to or mounted on building or other structure shall meet the setback and placement provisions for the building or other structure.

      iii) Increases in heights and/or reductions to minimum setbacks for noncommunication, vertical structures shall require the approval of a Zoning Variance by the Planning & Zoning Commission.

Moved here from the Wireless Communications section; revisit with finalized WC section.
f) Average Setbacks for Infill Areas

When at least 40 percent of the lots on the same block face are developed, new buildings or additions to existing buildings may use the required front yard setback, or may extend into the front yard setback up to the average distance established by the existing buildings that are within the required setback.

![Figure 3-3-5. Average Setbacks for Infill Development](image)

Example Equation:

\[ 11 + 15 = 26 + 2 = 13 \]

---

g) Additions with Nonconforming Setbacks

A building with nonconforming setbacks shall be permitted additions within the extension of existing building lines. Such additions may not be larger than 50 percent of the building.

![Figure 3-3-6. Nonconforming Setbacks and Additions](image)
h) Lot Requirements

i) All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines.
   a. Administrative Modification: The Community Development Director may determine that a variation will provide a better street and lot layout.

ii) Every lot shall have direct access and at least 24 feet of frontage along a public street or other approved public access easement.
   a. Exception: Lots located on the bulb of a cul-de-sac shall have at least 20 feet of frontage.

iii) As shown in Figure 3-3-8. Yard Requirements “B) Corner Lot”, both frontages of a corner lot shall be considered a front yard.

iv) Lots zoned for single-family development shall not front upon an Arterial Street or Collector Street.
   a. Administrative Modification: The Community Development Director may determine that such configuration is essential for a logical layout.

v) Through, reverse corner, and flag lots are prohibited.
   a. Administrative Modification: The Community Development Director may determine that a Through Lot or Reverse Corner Lot is essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, said lots shall provide the required front setback as indicated by Figure 3-3-8. Yard Requirements.
Figure 3-3-8. Yard Requirements

A) INTERIOR LOT
Interior lots require one (1) front yard, one (1) rear yard, and two (2) side yards.

B) CORNER LOT
Corner lots require two (2) front yards, one (1) rear yard, and one (1) side yard.
*Homeowner has option of location of rear and side yard.

C) DOUBLE FRONTAGE LOT
Double frontage lots require two (2) front yards, and two (2) side yards.

D) TRIPLE FRONTAGE LOT
Triple lots require three (3) front yards, and one (1) side yard.
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Figure 3-3-9. Yard Requirements for Odd Shaped Lots

A) ODD SHAPED LOTS
On odd shaped lots, the rear yard is determined by the rear line that is most parallel to the front. This pentagonal-shaped lot would require one (1) front yard, (1) rear yard, and three (3) side yards.

B) TRIANGULAR LOT
This triangular lot would require two (2) front yards, one (1) rear yard.

C) PIE SHAPED LOT
This pie shaped lot requires calculation of the rear yard at a line measured from the corner, a distance of the required rear yard, mid-point between the two side property lines.
2. Single-Family, Duplex, and Townhome Residential Development
   
a) Minimum Garage Setbacks
   
   Residential garages shall be set back at least five feet from the average plane of the front building façade.
   
i) Exceptions
   
a. Townhomes
   
   Townhome garages may be flush with the front building façade.
   
b. Side-Entry Garages
   
i. Side-entry garages (i.e., J-swing or side yard access) may be permitted to be flush with the front building façade if certain architectural criteria are met subject to the determination of the Community Development Director.
   
   ii. In order for a side-entry garage to be flush with the front building façade, the side of the garage facing the front yard must look like an integral part of the primary dwelling unit. This may be accomplished by utilizing architectural features that are identical and/or complementary to the primary dwelling unit. Architectural details may include, but are not limited to, windows, window projections, awnings, recesses, and projections.
   
c. Carports
   
i. Carports, where permitted in accordance with Figure 3-3-1. Permitted Use Chart, may extend beyond the front building façade. Carports must be set back at least five feet from the front property line.
   
   ii. Carports for RV storage, where permitted in accordance with Figure 3-3-1. Permitted Use Chart, must be set back at least 20 feet from the front building façade.
   
b) Dimensional Standards for Patio Homes, Townhomes, and Duplexes
   
   No side yard setback is required for one side of Patio Homes or the interior side(s) of Townhomes or Duplexes, subject to the following:
   
i) Lot widths for Patio Homes shall be reduced to 35 feet, with a minimum lot area as needed to meet the minimum lot depth. A zero-setback side shall not abut any other development or land use type.
   
   ii) Lot widths for Townhomes or Duplexes on separate lots shall be reduced to 25 feet, with a minimum lot area as needed to meet the minimum lot depth.
   
   iii) Exterior side yard setbacks must comply with the applicable zoning district requirements.
   
c) Cluster Development
   
i) The purpose of cluster development is to provide open space in residential developments by allowing reductions in minimum lot areas or increases in densities. This approach allows the preservation of natural features, decreases impervious cover, supports housing variety, and creates unique neighborhoods.
   
   ii) Cluster developments are allowed in any Rural Character Area.
   
   iii) The minimum size of a cluster development shall be five acres.
   
   iv) Only uses permitted in the district may be used in the development.
   
   v) A minimum of 30 percent of the land must be preserved as either natural or usable open space. This land must be in addition to any required park dedication. The preserved land must be accessible to all residents. The preserved area must be designated on the plat and remain open space indefinitely.
   
   vi) There is no minimum lot area, width, or depth, but a minimum 20-foot street frontage is required for every lot.
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vii) Method of Calculation
   a. Calculate the number of dwelling units permitted on the site based on the zoning district under typical development practices.
   b. If at least 30 percent of the site is conserved, then the number of dwelling units may be up to equal the number of units that would have been permitted with traditional development.
   c. If at least 40 percent of the site is conserved, then an increase of 10 percent in the number of units is permitted.

d) Residential Anti-Monotony Standards
   Adjacent single-family or duplex housing facade designs must differ from one another by at least four of the following design options (exception: residential units that are attached by at least one common wall will not be considered adjacent units for purposes herein stated).
   i) Surface material;
   ii) Color of house;
   iii) Reversed floor plans;
   iv) Roofing styles;
   v) Variation in building heights;
   vi) Ornamental fixtures (e.g., vigas, portales, latias);
   vii) Location and shape of windows and doors;
   viii) Variation in front yard patios, walls, garages, etc.;
   ix) Variation in front yard setbacks. A minimum five-foot variation must be used to qualify for this item. All setback requirements as determined by zoning district still apply in this instance.

Figure 3-3-11. Residential Anti-Monotony Examples

Development on a Block
- Varying front yard setbacks
- Location of doors
- Reversed floor plans
- Variation in front yard patios, walls, garages

Elevations
- Roofing styles
- Ornamental fixtures
- Color of house
- Varying building heights
3. Multi-Family and Mixed-Use Development

The following requirements apply to all new multi-family and mixed-use development with 13 or more units. These requirements are in addition to other requirements, such as those included in Sec. 5-5. Parks, Trails, and Open Space.

a) Amenities and open space must be provided in accordance with the following:
   
i) 13-49 units: One balcony, patio, or roof terrace for at least 20 percent of all units; one courtyard or community garden; and one amenity from the list below.
   
ii) 50-99 units: One balcony, patio, or roof terrace for at least 35 percent of all units; two courtyards and/or community gardens; and two amenities from the list below.
   
iii) 100-199 units: One balcony, patio, or roof terrace for at least 50 percent of all units; three courtyards and/or community gardens; and three amenities from the list below.
   
iv) 200+ units: One balcony, patio, or roof terrace for at least 65 percent of all units; four courtyards and/or community gardens; and four amenities from the list below.

b) Potential Amenities
   
i) Swimming pools (1,000 sq.ft. minimum) with a cooling deck;
   
ii) At least four grills with shaded seating areas;
   
iii) Shade structure covering at least 1,000 sq.ft. of recreation space;
   
iv) Bike storage area (1,000 sq.ft. minimum) and repair station;
   
v) Child play area (minimum 3,000 sq.ft. with play structure or other similar facility)
   
vi) Splash pad (1,000 sq.ft. minimum);
   
vii) Dog park (5,000 sq.ft. minimum) with a vinyl coated chain link fence at least 5 feet in height; grass, wood chips, or a combination of the two for groundcover; and at least one bag dispenser and waste bin along the perimeter for every 2,500 sq.ft. of park;
   
viii) Regulation size volleyball, basketball, tennis, or other similarly related playing court
   
ix) Golf putting green (1,000 sq.ft. minimum);
   
x) Fitness center/weight room (500 sq.ft. minimum);
   
xi) Business center (500 sq.ft. minimum); and/or
   
xii) Media room (500 sq.ft. minimum).

Consider amenities and appropriate requirement levels, particularly for smaller scale apartments.
Chapter 3. Zoning Regulations
Sec. 3-4. Zoning Procedures

Sec. 3-4. Zoning Procedures

A. Zoning Map Amendments

1. The Zoning Map may be amended (i.e., rezonings, boundary changes, or district changes) in accordance with NMSA 3-21-6, as amended.

2. Application Procedures
   a) Applications shall be submitted to the Community Development Department.
   b) Application submittal requirements for the include, but are not limited to, the following:
      i) Official zoning application that meets the following conditions:
         a. The application shall be signed by all property owners of record (including all trustees of an estate or all persons that have a specific "power of attorney" for the subject property as recorded in the Doña Ana County Clerk's Office). Persons who have an equitable interest in the subject property, but no legal title, shall not be deemed the "owners of record" of said property for purposes of this Code. The Community Development Director may reject any application if the ownership of the subject property is not clearly established.
         b. Any pending litigation or any Final Order entered by any Court of Law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.
         c. The application shall include a copy of notification letter to the noticed area and copy of minutes (summary or verbatim) from meeting pursuant to Sec. 1-3.H. Early Notification and Meeting Requirements.
         d. The application shall include a development statement that describes the intended use and characteristics of the proposed development.
         e. The applicant may opt to provide a Site Plan for consideration. Future deviations to an approved Site Plan require approval by the Planning & Zoning Commission.
      ii) Submittal fee,
      iii) Notarized affidavit,
      iv) Copy of property’s survey and legal description:
         An accurate and complete boundary survey shall be made of the land to be rezoned. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. The survey must indicate the area of the requested zoning district(s), including survey descriptions of the various district boundaries.
      v) Copy of site plan (if applicable),
      vi) A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, the Planning & Zoning Commission, or the City Council.
      vii) Description and justification of requested variances (if applicable),
      viii) Request and justification to waive submittal requirements (if applicable), and
      ix) For rezoning requests of areas 20 acres or larger, a Master Development Plan in accordance with Sec. 4-3.A. Master Development Plan shall be submitted in conjunction with the rezoning application.

The development statement, optional site plan, and master development plan submitted with a rezoning request are informational – not enforceable. Once the rezoning is approved, any use or development allowed by the district is allowed on that site (unless it’s done through a PUD).
3. Criteria for Review and Decisions
   a) In considering all requests, the decision-maker shall review the Comprehensive Plan, other applicable plans and codes, and case law and legal requirements and determine whether the request will:
      i) Impair an adequate supply of light and air to adjacent property or otherwise adversely impact adjoining properties.
      ii) Unreasonably increase the traffic on public streets.
      iii) Increase the danger of fire or endanger public safety.
      iv) Deter the orderly and phased growth and development of the community.
      v) Unreasonably impair established property values within the surrounding area.
      vi) In any other respect impair the public health, safety, or general welfare of the City.
      vii) Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change that is out of harmony with the Comprehensive Plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
      viii) Be in harmony with the purpose and intent of the Zoning Regulations, Development Standards, and other companion codes.
   b) The decision-maker shall consider present and future needs and promote the health, safety, morals, order, convenience, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.
   c) The decision-maker shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic setting, and protect and preserve the quality of the water, air, and other environmental, natural, historical and cultural resources for the City.
   d) Before taking any action is taken, if a finding is made that a proposed action is inconsistent with the Comprehensive Plan, the Planning & Zoning Commission shall recommend to the City Council either that the plan shall be amended in accordance with the proposal or that the original proposal shall be amended to be in conformity with the plan or that the proposal be rejected.
   e) Community Development Department Recommendation
      The Community Development Department shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission and City Council along with the Zoning Map Amendment. The report shall recommend that the amendment be approved, conditionally approved, disapproved, or postponed.

4. Public Hearing and Notice Required
   a) No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard.
   b) Notice shall be provided in accordance with Sec. 1-3.G. Notice for a Public Hearing.

5. Hearing and Recommendation - Planning & Zoning Commission
   a) Following a recommendation by the Community Development Director, the Planning & Zoning Commission shall hold a public hearing on the proposed amendment, then provide a report and recommendation to the City Council to approve or deny the proposed amendment.
   b) The recommendation may be made by a simple majority vote of the Planning & Zoning Commission.
Chapter 3. Zoning Regulations
Sec. 3-4. Zoning Procedures

6. Hearing and Final Action - City Council
   a) Following receipt of the report and recommendation from the Planning & Zoning Commission, the City Council shall hold a public hearing to approve or deny the proposed amendment.
   b) Zoning Map Amendments may be approved by a simple majority vote of the City Council.
      i) Exception: In accordance with NMSA 3-21-6.C., if the owners of 20 percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation or within 100 feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the City Council (as opposed to a majority of those in attendance with a quorum).
      ii) Special Use Permits shall not be considered a zoning district change.
      iii) A Zoning Variance may be approved as part of a zoning district change request.
      iv) The City Council is also authorized to remand the request back to the Planning & Zoning Commission for further study and consideration.

7. Recordation of Zoning Map Amendment
   When approved by the City Council and the 30-calendar day appeal period has expired, the zoning district change shall be recorded and shown on the Zoning Map.
B. Site Plans

1. Purpose

The purpose of the Site Plan is to facilitate the review of proposed improvements to property. Through Site Plan review, the City and other jurisdictional agencies can effectively apply the standards of this Code and other applicable development standards to multi-family, mixed-use, and nonresidential development.

This process is intended to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of open space, parking, screening, and lighting.

2. Applicable Regulations

All Site Plans must conform with applicable requirements and regulations found in the following documents:

a) This Development Code;

b) Fire Code;

c) Building Code; and


3. Site Plan Applicability

The following applications require Site Plan approval:

a) A request for approval to construct any building.
   i) Exception: A Site Plan is not required if a Building Permit is not required.

b) A request for approval of a Planned Unit Development district (see D. Planned Unit Developments (PUDs), unless otherwise exempted in this Development Code or in the ordinance adopting the Planned Unit Development district;

c) A request for a shared nonresidential facility within a residential subdivision, such as a clubhouse, amenity center, pool house, or gated entry maintained by a homeowners’ association;

d) A request for approval of a Special Use Permit (see E. Special Use Permits (SUPs)); or

e) Expansion or reconstruction of a building identified above, or an existing building that changes from a use not listed above to a use listed above.

4. Approval Process

a) Administrative Site Plan

   i) The Community Development Director is responsible for approving a Site Plan with no associated Planned Unit Development district or Special Use Permit if it meets all the requirements of the Development Code.

   ii) The Community Development Director may authorize review and approval of a Site Plan simultaneously with review and approval of a Building Permit, Landscape Plan, Lighting Plan, or other plans required by this Development Code.

Figure 3-4-3. Site Plan Types and Processes Summary

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<td>See Sec. 3-4.E.2</td>
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<td>Community Development Director review and decision</td>
<td>Community Development Director review and decision</td>
<td></td>
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</tbody>
</table>
ii) Community Development Director Action

The Community Development Director will inform the applicant of any deficiencies and provide instructions for the resubmittal of corrected plans in accordance with the City’s adopted Development Schedule.

b) Site Plan with Special Use Permit Request

A Site Plan submitted as part of an SUP request shall require a public hearing and decision by the Planning & Zoning Commission.

c) Site Plan with a Planned Unit Development

A Site Plan submitted as part of a PUD shall require a public hearing and recommendation by the Planning & Zoning Commission and a public hearing and decision by the City Council.

5. Use of Existing Building

a) If the Site Plan request involves use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

b) The decision-maker may conditionally approve of the Site Plan subject to compliance with the Building Official’s recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

6. Site Plan Effect of Approval

a) By approving a Site Plan, the City authorizes the applicant to apply for approval of a building permit and to receive approval of construction plans associated with the property for which the Site Plan was approved.

b) During the time the Site Plan remains valid, the City will not apply additional requirements concerning building placement, streets, drives, parking, landscaping, or screening.

7. Amendments to Administratively Approved Site Plans

The Community Development Director may approve changes requested by the applicant to a Site Plan that was originally approved administratively without requiring the applicant to submit a new Site Plan if the Director determines that the modified Site Plan substantially conforms to the previously applied Site Plan; otherwise, a new Site Plan submittal is required.

8. Dormant Site Plans and Site Plan Expiration

a) Other than Site Plans associated with an SUP, a Site Plan approval expires two years from the approval date unless an applicant or property owner demonstrates Progress Toward Completion or a new Site Plan is approved for the property.

b) If other plans, plats, permits or other activity qualifying as Progress Toward Completion are approved for a portion of the property for which a Site Plan has been approved, the Site Plan for the remaining portion will expire unless otherwise exempted from expiration.

c) If a Site Plan expires, all vesting claims shall also expire on the property, and the applicant must submit a new Site Plan subject to the regulations in place at the time.

9. Revocation of Site Plan Approval

The City may revoke approval of a Site Plan if the City determines that the applicant has not met the conditions of approval or if the Site Plan contains, or is based upon, incorrect information or if approval was obtained using fraud or deceit.

10. Additional Development, Site Modifications, or Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal and approval of a revised Site Plan.

11. Site Plan Submittal Requirements

The Site Plans shall be at a scale that adequately represents the information as determined by the Community Development Director. The plans shall be prepared electronically in PDF format. Plans shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

a) Title of Site Plan.
b) Total acreage of site.

c) Date of preparation, north arrow, written and graphic standard engineering scale.

d) Identification of site by lot, block, subdivision, if applicable.

e) A statement of ownership, signed by the property owner.

f) Name and address of property owner.

g) Name and address of applicant, if applicable.

h) Name and address of consulting firm or representative, if applicable.

i) Location and type of all land uses.

j) All site improvements with all setbacks indicated.

k) All easements of record.

l) Dimensions of all buildings.

m) Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way.

n) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.

o) Pedestrian and bicycle circulation system and its relation to surrounding circulation.

p) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

C. Building Permits and Certificates of Occupancy

1. No permit for the construction of a new building, fence, wall, sign, or any other structure that requires a building permit shall be issued until the lot is part of a plat of record, approved by the City and filed with the County. This requirement does not apply to additions or repairs.

2. No building hereafter erected or structurally altered shall be used, occupied, or changed in use or occupant until a Certificate of Occupancy has been issued by the Building Official, stating that the building or proposed use of the building/premise complies with the City’s adopted construction and safety codes and the provisions of this Development Code.
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D. Planned Unit Developments (PUDs)

   a) PUDs are intended to promote development that is consistent with the comprehensive plan and that otherwise cannot be accommodated by the Development using existing mechanisms (e.g., Administrative Modification or Zoning Variance). The PUD process is not intended as a method to avoid the Code’s standards. An applicant shall not be granted a deviation to the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities (e.g., school site) or other development features that implement the vision of the Comprehensive Plan.

   b) All contiguous property owned or legally controlled by the applicant shall be included within the PUD.

   c) A Planned Unit Development shall meet all standards established by this Development Code and the identified base zoning district unless specifically indicated otherwise within the PUD.

2. Review Procedures
   a) Authorization
      A Planned Unit Development (PUD) is a zoning district change and is not permitted by-right in any zoning district. The procedures and requirements in this section shall govern the development of a PUD.

   b) Process
      Each PUD shall require the following steps:
      i) Step 1: Pre-Application Meeting with a Sketch Plan;
      ii) Step 2: Concept Plan with zoning action;
      iii) Step 3: Platting, if required; and
      iv) Step 4: Site Plan(s)

   c) Step 1: Pre-Application Meeting
      Any proposed PUD shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The submittal of a Sketch Plan is required for the pre-application meeting for a PUD. See Sec. 1-3.B. Pre-Application Meeting for more information.

   d) Step 2: Concept Plan
      i) Concept Plan Purpose
         The Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Concept Plan forms the basis for approval of the PUD.

      ii) Concept Plan Application Submittal
         The Concept Plan and supplemental application material shall be submitted to the Community Development Department no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning
Chapter 3. Zoning Regulations

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The application is subject to a determination of completeness by City Staff (see Sec. 1-3.C.4. Complete Application for more information).

iii) Approval Criteria

The Concept Plan may be approved only if it includes the following findings:

a. The proposed construction and use of the PUD will not be detrimental to the health, safety or welfare of the community or adjacent neighborhood;

b. There is or will be adequate sewage capacity, roadway capacity, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued;

c. The PUD conforms to the intent, goals, objectives, policies, and standards of all City plans and codes (unless deviations are specifically noted);

d. The uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and

e. The proposed uses will not subject surrounding properties and pedestrians to hazardous traffic conditions.

iv) Community Development Department Recommendation

The Community Development Department shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the Concept Plan. The report shall recommend that the Concept Plan be approved, conditionally approved, disapproved, or postponed.

v) Concept Plan Public Hearings and Approval

The Planning & Zoning Commission and City Council shall act upon the Concept Plan application in accordance with A. Zoning Map Amendments. The applicant or applicant’s representative shall be present at the public hearings for the proposal to be considered. If the applicant or representative is not at the public hearings, the Concept Plan shall be postponed until the next regular meeting. The decision-makers may impose additional conditions as part of the terms of approval.

vi) PUD Shown on Zoning Map at Concept Plan Approval

If the Concept Plan is approved or conditionally approved by the City Council, the PUD shall be shown on the Official Zoning Map as PUD replacing the existing zoning districts.

vii) Concept Plan Effective Period

The approved Concept Plan shall be effective for a period of five years. If a Site Plan for all or part of the area has not been approved by the City Council by the expiration of the five-year period, the Concept Plan shall expire and a new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with A. Zoning Map Amendments is required.

a. Prior to the expiration date, the Community Development Director may approve a request for an extension of time of up to two years. After the first extension, the Planning & Zoning Commission shall consider any other time extension request. When at least one Site Plan has been approved, the Concept Plan shall remain effective until amended.

viii) Minor Revisions to an Approved Concept Plan

Any substantial change proposed that would affect the approved Concept Plan shall require re-submittal of the Concept Plan in its entirety. Minor changes are those changes that are not substantial and may be approved by the Community Development Director; however, the Director may determine that any proposed change should be heard at a public hearing before the Planning & Zoning Commission and City Council. Substantial changes to the Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

a. Any change that would increase the intensity of the land uses;

b. Fifteen percent cumulative increase in vehicular traffic to any roadway segment or intersection;

c. Fifteen percent cumulative increase or decrease in residential density;

d. Fifteen percent cumulative increase or decrease in nonresidential square footage;

e. Any change in private incentives and public benefits;
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f. Increase in size of property;
g. Any reduction in screening, screening buffers and setbacks at the PUD property line;
h. Fifteen percent cumulative increase in the buildable area for structures including signs; and
i. Fifteen percent cumulative reduction in open space.

ix) Concept Plan Submittal Requirements

A request for review of a Concept Plan shall include the following information:

a. Official Application and Development Statement, including the identification of the district upon which the PUD regulations are based unless otherwise stated in the PUD;
b. Submittal fee;
c. Waiver request and justification to delete submittal information, if applicable;
d. Descriptions of deviations to planning-related development standards and the public benefits to be provided;
e. Association by-laws (may be submitted with each Site Plan);
f. Concept Plan. The following information shall be provided on the Concept Plan and supporting maps and drawings:
   i. Name of Concept Plan.
   ii. Name, address and telephone number(s) of property owner(s), developer(s) and consultant(s) preparing the Concept Plan.
   iii. Detailed area map showing the surrounding area within one-half mile and the PUD in relationship to adjacent parcels, existing roadways, and natural or manmade features that may impact or be impacted by the PUD.
   iv. North arrow, date of preparation, and written and graphic standard engineering scale.
   v. Legal description.
   vi. Boundary lines of Concept Plan area with approximate length of lines and boundary lines of phases.
   vii. For each lot, parcel, or tract, list proposed land uses and acreage and show building envelope within which each structure will be located:
      (a) Maximum number of dwelling units and maximum density.
      (b) Maximum square footage of nonresidential uses.
   viii. Proposed screening, screening buffer yard, and setback distances along the PUD property line.
   ix. Existing land uses and zoning on adjacent lots, parcels, or tracts.
   x. Name of adjacent subdivisions (including the filing date, book and page numbers), property owners, and zoning. If not subdivided, name of property owner.
   xi. Twenty-foot contour intervals minimum or as appropriate.
   xii. Proposed alignment of roadways and how they relate to the Comprehensive Plan and the Active Transportation Plan and the impacts created on the area road network, neighborhood, and other land uses. Impact data shall include the anticipated traffic volume generated by the proposed development, identification of the affected road network, and the additional traffic volumes associated for each road. If required, provide a Traffic Impact Study, including a roadway improvement schedule, consistent with the requirements of Sec. 5-2.G. Traffic Impact Analysis and based on the latest recommendations from the Institute of Traffic Engineers.
   xiii. Thoroughfare System: Identification of adjacent roadways and other transportation lines by functional classification; proposed location, length, width of all roadways, bikeways, trails, walkways, and any other transportation lines. Identify existing and proposed classification of roadways as per City of Las Cruces Design Standards, the Comprehensive Plan, and the Active Transportation Plan.
   xiv. Proposed parks, trails, open spaces, and other amenities.
   xv. Proposed public improvements.
xvi. Location and sizes of existing and proposed utilities.
xvii. Significant natural features, such as arroyos and 100-year floodplains.
xviii. All easements.

xix. Tabular Information:

(a) Land uses of each parcel and phase (if applicable).
(b) Total acreage of the PUD and acreage for each land use for the development and by phase (if applicable).
(c) Number of dwelling units and density for the development and by phase (if applicable).
(d) Total square footage of nonresidential uses for the development and by phase (if applicable).
(e) Total acreage for open space, private and public facilities, and right-of-way for the development and by phase (if applicable).
(f) Maximum height of proposed structures for each parcel and phase (if applicable).

xx. Phasing plan. If developing in phases, a phasing plan shall identify the phase in which (or date by which) public facilities (e.g., trails, amenity centers, recreational facilities, other improvements) will be provided.

xxi. Approval block signifying the final approved Concept Plan to be signed by the Community Development Director upon approval by the City Council and resolution of all outstanding staff comments.

g. Other Impact Studies, if determined by the Planning & Zoning Commission as necessary to present clear and compelling evidence regarding development impacts, are to be submitted prior to City Council consideration:

i. Impacts on any public facilities outside the PUD area. Impact data shall include expected population generated by the proposed development, identification of public facilities (e.g., utilities, parks, that are anticipated for use by said population and level of capacity of said utilized public facilities).

ii. Impacts on air quality, specifically solid particulates known as PM10. Impact data shall include identification of proposed uses that generate air pollution substances into the environment and the projected impact.

iii. Impacts on views and noise to adjacent property. Impact data shall include identification of proposed uses that generate excessive noise, anticipated maximum height for proposed structures, identification of existing physical features that are viewed from the PUD and adjacent properties, and how these views will be altered by the PUD. Proposals to mitigate impacts shall be provided.

iv. Geological and Soils Hazards. Report on the Geologic and Soils Hazards in relation to slope conditions, drainage problems and suitability for septic system use, if applicable, as identified by the Soil Survey of Doña Ana County Area, New Mexico. This report shall also include either an aerial photograph or a map with existing contours at an appropriate interval to establish accurate ground contour of the PUD area.

e) Step 3: Platting

If platting is required, all plats and plans must be submitted and approved in accordance with Sec. 4-2. Subdivision Procedures.

f) Step 4: Site Plan

i. Site Plan Purpose

The purpose of a Site Plan is to identify the detailed site layout and features for a PUD development or phase of PUD development.

ii. Site Plan Application Submittal

Upon approval of the Concept Plan and completion of any required platting process, the applicant may submit a Site Plan in accordance with B. Site Plans for part or all of the land area covered by a Concept Plan for Planning & Zoning Commission and City Council consideration. Alternatively, an applicant may choose to submit a Site Plan along with the Concept Plan.
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iii) Review Procedures

A Site Plan submitted as part of a PUD shall require a public hearing and recommendation by the Planning & Zoning Commission and a public hearing and decision by the City Council.

iv) Approval Criteria

No findings are required except that the Site Plan conforms to the Concept Plan.

v) Site Plan Effective Period

A Site Plan shall be effective for two years from the date of approval. When at least one Building Permit has been approved, the Site Plan shall be effective until amended.
E. Special Use Permits (SUPs)


   a) A Special Use Permit is required to allow a use that is not permitted by right in a zoning district and requires review and approval by the Planning & Zoning Commission to determine impacts on the surrounding area. Uses eligible for Special Use Permit (SUP) approval are designated in Figure 3-3-1. Permitted Use Chart.

   b) Approval of a Special Use Permit is not a zoning district change.

2. Review Procedures

   The procedures for such approval are as follows:

   a) Pre-Application Meeting

      Any proposed Special Use Permit shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. The submittal of a Sketch Plan is required for the pre-application meeting for an SUP. See Sec. 1-3.B. Pre-Application Meeting for more information.

   b) Application Procedures

      i) An official application for a Special Use Permit shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:

         a. A letter of intent stating the following:

            i. A statement of the purpose and use of the property,

            ii. All property improvements to be made, and

            iii. A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

         b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.

         c. A Site Plan in accordance with B.11. Site Plan Submittal Requirements.

         d. Architectural renderings or artistic drawings. The drawings shall be provided electronically in PDF format. Drawings shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

            i. All new development illustrating all exterior building materials and colors.

            ii. All new development illustrating relationships to neighboring uses, including site lighting.

            iii. Sign location, materials, color, size, shape and lighting.

         e. A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, or the Planning & Zoning Commission.

         f. Copy of early notification letter to the defined noticed area and copy of minutes (summary or verbatim) from any required meeting.

      ii) Application materials that are illegible and/or otherwise of a low quality will not be accepted.

      iii) A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director may waive any submittal requirement. The Planning & Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but are not
limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing. The City Council may require additional information before acting on an appeal.

c) Community Development Department Recommendation

The Community Development Department shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the SUP. The report shall recommend that the SUP be approved, conditionally approved, disapproved, or postponed.

d) Public Hearing and Notice Procedure

A public hearing shall be held by the Planning & Zoning Commission for all Special Use Permits in accordance with the provisions of Sec. 1-3.G. Notice for a Public Hearing.

e) Review and Approval Procedures

The Planning & Zoning Commission may deny a Special Use Permit request or may grant final approval including the minimum conditions listed in Sec. 3-3.B. Use Classifications and Use-Based Standards. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan, to ensure compatibility with surrounding development, and to ensure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Any applicable development conditions in addition to those required by this Development Code shall be noted on the Certificate of Occupancy. Appeal of a Planning & Zoning Commission decision may be made in accordance with Sec. 1-3.F. Appeals.

f) Revisions to an Approved SUP

Any major revision proposed to the Special Use Permit and Site Plan shall require resubmittal of the Special Use Permit and Site Plan in their entirety. Minor revisions may be approved by the Community Development Director. Major revisions to the Special Use Permit and Site Plan shall include, but are not limited to:

i) Any change in land use,

ii) Fifteen percent cumulative increase in land use or building square footage,

iii) Fifteen percent cumulative increase in vehicular traffic on any roadway segment or intersection,

iv) Any increase or decrease in size of the Special Use Permit area,

v) Any reduction in screening, screening buffer yards and setbacks at the Special Use boundary line, and

vi) Fifteen percent cumulative increase in the buildable area for structures including signs.

g) Recording of the Special Use Permit

After approval, the Special Use Permit shall be issued by the Community Development Director and shall include all information, conditions, reference to site plans, and other provisions of the Special Use Permit. The Special Use Permit shall be filed in the City Clerk’s Office. The Special Use Permit shall not become effective until adequate evidence of filing in County records has been provided to the Community Development Director.

3. SUP Expiration

a) Unless otherwise specified by the Planning & Zoning Commission’s approval, an SUP will expire under the following scenarios:

i) If, after the SUP is granted, the applicant does not obtain a Building Permit or Certificate of Occupancy within 12 months of approval; or

ii) After six months of continuous disuse or vacancy of the building or property associated with the SUP.

b) The Community Development Director, in determining whether an SUP has expired, may require that the property owner or applicant submit documentation showing that the building or property associated with the SUP has been occupied within the six-month period in question. Requested evidence may be in the form of one or more utility bills showing water or electricity usage, photographs, invoices, or an affidavit.

c) If an applicant relies upon fraudulent or misleading information in obtaining a continuation of an SUP that would otherwise have expired due to disuse, the Community Development Director is authorized to revoke both the SUP and the Certificate of Occupancy from the business or property owner.

d) The applicant may request a one-time six-month extension from the decision of the Community Development Director.
F. Zoning Variances

   a) In accordance with NMSA 3-21-8 and this section, the Planning & Zoning Commission may authorize a Zoning Variance from this Chapter 3. Zoning Regulations as outlined herein.
   b) Zoning Variance may only be used to waive or modify dimensional requirements, such as setbacks, building heights, or lot coverage. Zoning Variance shall not modify permitted uses or use-based standards.
   c) The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance.
   d) The granting of a Zoning Variance does not establish precedence for future determinations.

2. Review Procedures
   The procedures for such approval are as follows:
   a) Any proposed Zoning Variance request shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. See Sec. 1-3.B. Pre-Application Meeting for more information.
   b) Applications shall be submitted to the Community Development Department. The application is subject to a determination of completeness by City Staff (see Sec. 1-3.C.4. Complete Application for more information).
   c) The Community Development Department shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the application. The report shall recommend that the application be approved, conditionally approved, disapproved, or postponed based on the criteria outlined below.
   d) A public hearing before the Planning & Zoning Commission is required. The Planning & Zoning Commission shall approve, conditionally approve, disapprove, or postpone the request.
   e) A Zoning Variance may be recommended by the Planning & Zoning Commission and granted by the City Council as part of a zoning map amendment.

3. Approval Criteria
   The Planning & Zoning Commission shall consider the following criteria:
   a) The proposed Zoning Variance is not contrary to the public interest;
   b) Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;
   c) That the spirit of the zoning regulations is observed and substantial justice done; and
   d) That the goals and policies of the Comprehensive Plan are implemented.
   e) Economic hardship or economic development considerations.
   f) No Zoning Variance may be granted that results in undue hardship upon another parcel of land.
   g) A Zoning Variance shall not be granted to relieve a self-created hardship.
   h) The relief granted shall be to the minimum degree required to alleviate such hardship.
   i) The Planning & Zoning Commission shall not grant a Zoning Variance unless it finds, based upon evidence, that each of the conditions and standards in this section have been met. The Planning & Zoning Commission may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance. Violation of any such condition, limitation or safeguard shall constitute a violation of the Development Code.
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G. Nonconformities

1. Purpose

The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City’s regulatory environment (i.e., legal nonconforming). The regulations herein are intended to reduce or eliminate these nonconformities over time.

2. Applicability

These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place.


a) Authority to Continue

Any nonconformity that legally existed on or before the Effective Date of this Development Code that becomes nonconforming upon the adoption of this Code or future amendments may be continued, subject to the regulations of this section.

b) Repairs and Maintenance

Nothing in this Development Code shall prohibit the routine operation and maintenance of legal nonconformities in such a manner as to not exacerbate any existing nonconformity.

c) Change in Ownership or Tenancy

Nonconforming status runs with the land and is not affected by changes in tenancy, ownership, or management.

d) Determination of Legal Nonconforming Status

The burden of proving that a nonconformity legally exists (as opposed to a zoning code violation) is the responsibility of the subject owner. The Community Development Director is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner. Resources for such evidence include but are not limited to recorded plats, aerial photography, or utility billing records.

e) Illegal Nonconformities

Any land use, lot, structure, and/or site feature that was established in violation of the regulations at the time is prohibited and shall be considered a violation of this Development Code. The provisions included in this section do not apply to illegal nonconformities.

f) Nonconformity Legalization

The Planning & Zoning Commission may use the Variance process to bring any nonconformity into compliance, subject to the requirements of F. Zoning Variances.

4. Nonconforming Lots

A nonconforming lot is a lot that does not meet the current lot size or dimensional requirements established in Sec. 3-2. Zoning Districts. Any platted lot is deemed a conforming lot. Any variations to the minimum setbacks may be modified through the Variance process (F. Zoning Variances).

5. Nonconforming Uses

a) A nonconforming use is a land use that is no longer not permitted in the zoning district in which it is located, or that does not meet the use-based standards outlined in Sec. 3-3.B. Use Classifications and Use-Based Standards.

b) If a nonconforming use is discontinued for a period of at least 12 months, the use shall not resume except in full conformance with the Development Code. For the purpose of this paragraph, to “discontinue” shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure or operation that is moved from the premises shall be considered to have been discontinued, regardless of intent.

i) Exceptions: Residential Dwellings

a. Residential dwellings with four or fewer units may be resumed for up to five years following discontinuance.
b. A mobile home or recreational vehicle (RV) used as a residence may be replaced if the unit is being replaced by a manufactured house, site-built house, or safer mobile home. If the replacement residence is a mobile home, for safety reasons, the replacement mobile home shall have accessible bedroom windows, the appropriate number of properly located and working smoke detectors, and an effective residential fire extinguisher. Furthermore, the replacement dwelling unit shall not be located on the property to create a nonconformity that did not previously exist.

c) A nonconforming use shall not be expanded, except that the Community Development Director may authorize the expansion of a nonconforming use within an existing structure.

6. Nonconforming Structures

a) A nonconforming structure is a building or other construction that does not meet the building height, setbacks, design, or other structural requirements.

b) A structure or portion thereof may be altered to decrease its nonconformity as determined by the Community Development Director.

c) A nonconforming structure may be expanded; however, the expansion must conform to the Development Code standards in place at that time and shall not result in increased or additional nonconformities.

d) Reconstruction of nonconforming structures or portions amounting to less than 50 percent of the existing square footage is permitted if the nonconformity is not enlarged in volume, area, or footprint.

e) Voluntary removal or destruction of a nonconforming structure or portion amounting to 50 percent or more of the existing square footage shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.

f) Involuntary damage to or destruction of a nonconforming structure (e.g., fire, winds, or other calamity) may be rebuilt, reconstructed, or restored on the same footprint of the original structure plus any addition or expansion that is allowed by and conforming to the applicable zoning district. Such reconstruction is permitted as long as it begins within 12 months of the loss and complies with all other applicable zoning, development, and building codes.

g) A nonconforming structure may be moved to another location on the lot, provided that the moving will make it nonconforming to an equal or a lesser extent. A nonconforming structure shall not be moved to an off-site location unless the nonconformity is eliminated through the relocation.

7. Nonconforming Site Features

a) A nonconforming site feature is an improvement to a site, such as landscaping, screening, or parking, that no longer meets the current requirements.

b) Each section within this Development Code includes applicability provisions to indicate when compliance is required, typically upon an expansion or change in use.